

rules received on September 25, 1997; to the Committee on Commerce, Science, and Transportation.

EC-3044. A communication from the Performance Evaluation and Records Management, Federal Communication Commission, transmitting, pursuant to law, six rules received during the month of August, 1997; to the Committee on Commerce, Science, and Transportation.

EC-3045. A communication from the Performance Evaluation and Records Management, Federal Communication Commission, transmitting, pursuant to law, four rules received on September 8, 1997; to the Committee on Commerce, Science, and Transportation.

EC-3046. A communication from the Performance Evaluation and Records Management, Federal Communication Commission, transmitting, pursuant to law, two rules received on September 9, 1997; to the Committee on Commerce, Science, and Transportation.

EC-3047. A communication from the Performance Evaluation and Records Management, Federal Communication Commission, transmitting, pursuant to law, a rule received on September 12, 1997; to the Committee on Commerce, Science, and Transportation.

EC-3048. A communication from the Performance Evaluation and Records Management, Federal Communication Commission, transmitting, pursuant to law, a rule received on September 17, 1997; to the Committee on Commerce, Science, and Transportation.

EC-3049. A communication from the Performance Evaluation and Records Management, Federal Communication Commission, transmitting, pursuant to law, a rule received on September 19, 1997; to the Committee on Commerce, Science, and Transportation.

EC-3050. A communication from the Performance Evaluation and Records Management, Federal Communication Commission, transmitting, pursuant to law, a rule received on September 19, 1997; to the Committee on Commerce, Science, and Transportation.

EC-3051. A communication from the Performance Evaluation and Records Management, Federal Communication Commission, transmitting, pursuant to law, a rule received on September 23, 1997; to the Committee on Commerce, Science, and Transportation.

EC-3052. A communication from the Assistant Administrator for Ocean Services and Coastal Zone Management, Department of Commerce, transmitting, pursuant to law, two rules; to the Committee on Commerce, Science, and Transportation.

EC-3053. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, two rules; to the Committee on Commerce, Science, and Transportation.

EC-3054. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, five rules; to the Committee on Commerce, Science, and Transportation.

EC-3055. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, a rule received on August 28, 1997; to the Committee on Commerce, Science, and Transportation.

EC-3056. A communication from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting, pursuant to law, the report of the Pub-

lic Telecommunications Facilities Program grants for fiscal year 1997; to the Committee on Commerce, Science, and Transportation.

EC-3057. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, three rules; to the Committee on Commerce, Science, and Transportation.

EC-3058. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, eight rules; to the Committee on Commerce, Science, and Transportation.

EC-3059. A communication from the Chair of the Advisory Council on California (Indian Policy), transmitting, pursuant to law, the report entitled "The ACCIP Historical Overview Report: The Special Circumstances of California Indians"; to the Committee on Indian Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BROWNBACK:

S. 1233. A bill to terminate the taxes imposed by the Internal Revenue Code of 1986 other than Social Security and railroad retirement-related taxes; to the Committee on Finance.

By Mr. HOLLINGS:

S. 1234. A bill to improve transportation safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN:

S. 1235. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel registered as State of Oregon official number OR 766 YE; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN:

S. 1236. A bill to amend title 23, United States Code, to provide for a national program concerning motor vehicle pursuits by law enforcement officers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS:

S. 1234. A bill to improve transportation safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE HIGHWAY AND SURFACE TRANSPORTATION SAFETY ACT OF 1997

Mr. HOLLINGS. Mr. President, I rise to introduce the Highway and Surface Transportation Safety Act of 1997. This legislation is designed to reauthorize federal highway safety and surface transportation programs that are under the jurisdiction of the Commerce, Science, and Transportation Committee.

As the Members of this body know, the Commerce Committee has jurisdiction over Federal agencies that oversee highway safety and surface transportation policies. These agencies include the National Highway Traffic Safety Administration [NHTSA], which ad-

ministers automobile safety regulations and Federal safety grant programs, such as anti-drunk-driving and seatbelt use grants; the Research and Special Projects Administration [RSPA], which assists States in responding to hazardous materials spills; the Federal Highway Administration [FHWA], which administers the truck safety programs; and the Federal Railroad Administration [FRA], which regulates rail safety. Each of these agencies, as well as the policies under their authority, is vital to ensuring that Americans are provided with the safest and most efficient transportation, including safe automobiles, highways, and public transportation systems.

In addition to preserving the security of our roadways, the measures administered by these agencies are critical to the health of our Nation's economy. The availability of the goods we consume and that are essential to our everyday lives depend on efficiently functioning transportation systems.

The participation of the Federal Government in assuring that our automobiles and roadways are safe has been affirmed overwhelmingly by the American public. A recent Lou Harris poll shows that 91 percent of Americans believe the Federal Government has a role in assuring safe highways and 94 percent believe it is important to have motor vehicle safety standards.

Our transportation and highway safety policies deserve as much attention as campaign finance reform, the popular measure of today. Yes, we must clean up the election system, but we also must clean up our roadways. NHTSA reports that every year over 41,000 Americans are killed on our Nation's highways—that is an average of 114 lives every day. In just the past 5 years alone, over 160,000 Americans have lost their lives, and more than 12 million have suffered serious injuries due to traffic accidents and road hazards—at a cost over \$700 billion dollars.

Astoundingly, almost 25 percent of these traffic fatalities involve children. In 1995, over 9,000 kids were killed in auto accidents. Of course, no poll, and no economic gauge, can measure the value of losing a precious young life.

Studies, however, show that many of these accidents and fatalities are preventable. Most accidents are due to reckless behavior, such as drunk driving. According to NHTSA, alcohol-related accidents are responsible for over 40 percent of traffic fatalities. That means almost half of the tens of thousands of Americans that die every year because of traffic accidents can be saved if we can just prevent people from driving drunk. That is why I have supported measures in the past, and included provisions in this legislation, to encourage the enactment of stringent anti-drunk-driving laws.

In addition to deterring the reckless behavior of those that cause accidents, there are steps every vehicle occupant can take to enhance safety. All safety experts agree that the most simple,

and most effective, way to protect ourselves from accidental injuries is to buckle up—wear a seatbelt. During the early 1980's an active campaign was initiated by NHTSA and public safety groups to encourage the use of seatbelts. The campaign had many positive results—helping to increase seatbelt use from 11 percent in 1980 to a current use rate of 68 percent. But 68 percent is still not sufficient. To continue to save lives, we must boost the use rate, at the very least, to the 90 percent range. This is why I joined Senator MCCAIN earlier this year in sending letters to all State Governors encouraging the enactment of tougher seatbelt laws nationwide.

LEGISLATION

The legislation I am introducing is designed to address these important safety issues. The following is a summary of many of the major provisions:

Drunk driving—The bill reauthorizes NHTSA's safety grant programs, which include incentive grants to States to encourage the adoption of stringent drunk driving laws.

Seatbelt Grant Program—The bill establishes for the first time ever a formal Federal seatbelt grant program to encourage states to adopt primary seatbelt laws. Primary seatbelt laws permit police to stop persons solely for not wearing a seatbelt. The new grant program has been included in lieu of the administration's proposal which attempted to force States to adopt primary seatbelt laws by reducing their highway construction funds.

Required warnings—Vans to transport children—A provision has been included to require NHTSA to notify car dealers each year about Federal regulations that prohibit the sale of vans to schools for the transportation of students. This policy has been adopted to prevent the transport of children in less safe vehicles.

Hazardous materials transportation Reauthorization—The bill reauthorizes appropriations for assisting States in responding to hazardous materials spills.

Sanitary food transportation—The bill authorizes the transfer from the Department of Transportation to the Food and Drug Administration [FDA] the responsibility of ensuring that trucks and rail cars that transport the Nation's food supply are sanitary. This change is needed in order to take advantage of FDA's expertise in determining the cleanliness of these transports.

Rail and mass transportation anti-terrorism—The legislation increases the penalties for anyone convicted of a terrorist attack on railroads or mass transport systems and gives the Federal Bureau of Investigation [FBI] the lead role in investigating such incidents.

Rail and mass transportation safety—This legislation requires that DOT's Federal Transit Administration consult with the Federal Railroad Administration on relevant rail safety is-

ssues in making any grant or loan under its commuter railroad authority.

Boating safety—The bill extends funding for the Clean Vessel Act, and authorizes spending for State grants for recreational boating safety, vessel pump-outs, facilities for large recreational vessels, and sport fishing outreach and communications.

CONCLUSION

This legislation has been drafted from the framework of the administration's proposed highway safety bill. However, a number of changes have been made as a result of consultation with highway safety and consumer groups, such as the Advocates for Highway Safety and Public Citizens, as well as the National Association of Governors' Highway Safety Representatives, in an effort to craft the best safety bill possible. I look forward to working with Chairman MCCAIN and other committee members, in addition to the highway safety organizations, as we begin our work on the legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1234

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Highway and Surface Transportation Safety Act of 1977".

SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE; TABLE OF SECTIONS.

(a) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Amendment of title 49, United States Code; table of sections.

Sec. 3. Awards.

Title I—Highway Safety

Sec. 101. Highway safety programs.

Sec. 102. National driver register.

Sec. 103. Authorizations of appropriations.

Sec. 104. Global environmental and safety standards for vehicles.

Sec. 105. Amendments to chapter 323 (consumer information).

Sec. 106. Amendment to chapter 329 (automobile fuel economy).

Sec. 107. Amendments to chapter 331 (theft prevention).

Sec. 108. Dealer notification program for prohibited sale of nonqualifying vehicles for use as schoolbuses.

Title II—Hazardous Materials Transportation Reauthorization

Sec. 201. Short title.

Sec. 202. Findings and purposes; definitions.

Sec. 203. Handling criteria repeal.

Sec. 204. Hazmat employee training requirements.

Sec. 205. Registration.

Sec. 206. Highway transportation of hazardous materials.

Sec. 207. Shipping paper retention.

Sec. 208. Public sector training curriculum.

Sec. 209. Planning and training grants.

Sec. 210. Special permits and exclusions.

Sec. 211. Cooperative agreements.

Sec. 212. Enforcement.

Sec. 213. Penalties.

Sec. 214. Preemption.

Sec. 215. Judicial review.

Sec. 216. Hazardous material transportation reauthorization.

Sec. 217. Authorization of appropriations.

Title III—Sanitary Food Transportation

Sec. 301. Short title.

Sec. 302. Findings.

Sec. 303. Responsibilities of the Secretary of Health and Human Services.

Sec. 304. Department of Transportation requirements.

Sec. 305. Effective date.

Title IV—Rail and Mass Transportation Anti-terrorism

Sec. 401. Short title.

Sec. 402. Purpose.

Sec. 403. Amendments to the "wrecking trains" statute.

Sec. 404. Terrorist attacks against mass transportation.

Sec. 405. Investigative jurisdiction.

Title V—Rail and Mass Transportation Safety

Sec. 501. Safety considerations in grants or loans to commuter railroads.

Sec. 502. Railroad accident and incident reporting.

Sec. 503. Vehicle weight limitations—mass transportation buses.

Title VI—Motor Carrier Safety

Subtitle A—State Grants and Other Commercial Vehicle Programs

Sec. 601. Statement of purpose.

Sec. 602. Grants to States.

Sec. 603. Federal share.

Sec. 604. Availability of amounts.

Sec. 605. Information systems and strategic safety initiatives.

Sec. 606. Authorization of appropriations.

Sec. 607. Conforming amendments.

Subtitle B—Motor Carrier Safety Act of 1997

Sec. 651. Short title.

Sec. 652. Safety regulations.

Sec. 653. Commercial motor vehicle operators.

Sec. 654. Penalties.

Sec. 655. International registration plan and international fuel tax agreement.

Sec. 656. Study of adequacy of parking facilities.

Sec. 657. National minimum drinking age—technical corrections.

Title VII—Research

Subtitle A—Programs and Activities

Sec. 701. Transportation research and development.

Sec. 702. Bureau of Transportation Statistics.

Sec. 703. Research and technology program.

Sec. 704. National technology deployment initiatives.

Subtitle B—Intelligent Transportation Systems

Sec. 751. Short title and findings.

Sec. 752. Definitions; conforming amendment.

Sec. 753. Scope of program.

Sec. 754. General authorities and requirements.

Sec. 755. National ITS program plan, implementation, and report to Congress.

Sec. 756. Technical, training, planning, research and operational testing project assistance.

Sec. 757. Applications of technology.

Sec. 758. Funding.

Title VIII—Boating Safety

Sec. 801. Short title.

Sec. 802. Amendment of 1950 Act.

Sec. 803. Outreach and communications programs.

Sec. 804. Clean Vessel Act funding.

Sec. 805. Boating infrastructure.

SEC. 3. AWARDS.

(a) Section 326 is amended—

(1) by adding at the end thereof the following:

“(e) For the purpose of executing the powers and duties of the Department, and as a means to encourage safety improvements by making special or periodic awards, the Secretary may provide for the honorary recognition of individuals and organizations that significantly contribute to programs, missions, or operations, including state and local governments, transportation unions, and commercial and nonprofit organizations, and pay for plaques, medals, trophies, badges, and similar items to acknowledge the contribution, including reasonable expenses of ceremony and presentation, using any appropriations or other funds available to the Department and its agencies.”; and

(2) by inserting “and awards” after “Gifts” in the section caption.

(b) The analysis of sections for chapter 3 is amended by striking the item relating to section 326 and inserting the following:

“Gifts and awards.”

TITLE I—HIGHWAY SAFETY

SEC. 101. HIGHWAY SAFETY PROGRAMS.

(a) UNIFORM GUIDELINES.—Section 402(a) of title 23, United States Code, is amended by striking “section 4007” and inserting “section 4004”.

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

(1) by striking the period at the end of subparagraph (A) and subparagraph (B) of paragraph (1) and inserting a semicolon;

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

(3) by striking the period at the end of paragraph (1)(C) and inserting a semicolon and “and”; and

(5) by striking paragraphs (3) and (4) redesignating paragraph (5) as paragraph (3).

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

(1) by inserting “the apportionment to the Secretary of the Interior shall not be less than three fourths of 1 percent of the total apportionment and” after “except that” in the sixth sentence; and

(2) by striking the seventh sentence.

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

“(i) APPLICATION IN INDIAN COUNTRY.—

“(1) IN GENERAL.—For the purpose of application of this section in Indian country, the term ‘State’ and ‘Governor of a State’ include the Secretary of the Interior and the term ‘political subdivision of a State’ includes an Indian tribe. Notwithstanding the provisions of subparagraph (b)(1)(C) of this section, 95 percent of the funds apportioned to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions. The provisions of subparagraph (b)(1)(D) of this section shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary determines that application of such provisions would not be practicable.

“(2) INDIAN COUNTRY DEFINED.—For the purposes of this subsection, the term ‘Indian country’ means—

“(A) all land within the limits of any Indian reservation under the jurisdiction of the

United States, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

“(B) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof and whether within or without the limits of a State; and

“(C) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.”.

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

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

(f) SAFETY INCENTIVE GRANTS.—Section 402 of such title is amended by striking subsection (k) and inserting the following:

“(k)(1) SAFETY INCENTIVE GRANTS: GENERAL AUTHORITY.—The Secretary shall make a grant to a State that takes specific actions to advance highway safety under subsection (l), (m), (n), or (o) of this section. A State may qualify for more than one grant and shall receive a separate grant for each subsection for which it qualifies. Such grants may only be used by recipient States to implement and enforce, as appropriate, the programs for which the grants are awarded.

“(2) MAINTENANCE OF EFFORT.—No grant may be made to a State under subsection (l) or (m) of this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for the specific actions for which a grant is provided at or above the average level of such expenditures in its fiscal years preceding the date of the enactment of this subsection.

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

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

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

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

“(l) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES: BASIC GRANT ELIGIBILITY.—The Secretary shall make grants to those States that adopt and implement effective programs to reduce traffic safety problems resulting from persons driving under the influence of alcohol. A State shall become eligible for one or more of three basic grants under this subsection by adopting or demonstrating the following to the satisfaction of the Secretary:

“(1) BASIC GRANT A.—At least 4 of the following:

“(A) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver’s license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol which requires that—

“(i) in the case of a person who, in any 5-year period beginning after the date of enactment of this subsection, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to a test as proposed by a law enforcement officer, the State agency responsible for administering drivers’ licenses, upon receiving 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 clause (A)(i) of this subparagraph shall take effect not later than 30 days after the day on which the person refused to submit to a chemical test or received 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 Secretary, for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages. Such system shall include the issuance of drivers’ licenses to individuals under age 21 that are easily distinguishable in appearance from drivers’ licenses issued to individuals age 21 years of age or older.

“(C) STOPPING MOTOR VEHICLES.—Either—

“(i) A statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis for the purpose of determining whether the operators of such motor vehicles are driving while under the influence of alcohol, or

“(ii) a statewide Special Traffic Enforcement Program for impaired driving that emphasizes publicity for the program.

“(D) REPEAT OFFENDERS.—Effective sanctions for repeat offenders convicted of driving under the influence of alcohol. Such sanctions, as determined by the Secretary, may include electronic monitoring; alcohol interlocks; intensive supervision of probation; vehicle impoundment confiscation, or forfeiture; and dedication detention facilities.

“(E) GRADUATED LICENSING SYSTEM.—A three-stage graduated licensing system for young drivers that includes nighttime driving restrictions during the first 2 stages, requires all vehicle occupants to be properly restrained, and makes it unlawful for a person under age 21 to operate a motor vehicle with a blood alcohol concentration of .02 percent or greater.

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

“(A) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver’s license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol which requires that—

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

“(I) shall suspend the drivers’ 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 clause (A)(i) of this subparagraph shall take effect not later than 30 days after the day on which the person refused to submit to a chemical test or receives notice of having been determined to be driving under the influence of alcohol, in accordance with the State's procedures; and

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

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

"(A) FATAL IMPAIRED DRIVER PERCENTAGE REDUCTION.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available; and

"(B) FATAL IMPAIRED DRIVER PERCENTAGE COMPARISON.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has been lower than the average percentage for all States in each of such calendar years.

"(4) BASIC GRANT AMOUNT.—The amount of each basic grant under this subsection for any fiscal year shall be up to 15 percent of the amount apportioned to the State for fiscal year 1997 under section 402 of this title.

"(5) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES: SUPPLEMENTAL GRANTS.—During the period in which a State is eligible for a basic grant under this subsection, the State shall be eligible to receive a supplemental grant in no more than 2 fiscal years of up to 5 percent of the amount apportioned to the State in fiscal year 1997 under section 402 of this title. The State may receive a separate supplemental grant for meeting each of the following criteria:

"(A) OPEN CONTAINER LAWS.—The State makes unlawful the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway, except—

"(i) as allowed in the passenger area, by a person (other than the driver), of any motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers; or

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

"(B) MANDATORY BLOOD ALCOHOL CONCENTRATION TESTING PROGRAMS.—The State provides for mandatory blood alcohol concentration testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in a crash resulting in the loss of human life or, as determined by the Secretary, serious bodily injury, has committed an alcohol-related traffic offense.

"(C) VIDEO EQUIPMENT FOR DETECTION OF DRUNK DRIVERS.—The State provides for a program to acquire video equipment to be used in detecting persons who operate motor vehicles while under the influence of alcohol and in prosecuting those persons, and to train personnel in the use of that equipment.

"(D) BLOOD ALCOHOL CONCENTRATION FOR PERSONS UNDER AGE 21.—The State enacts and enforces a law providing that any person

under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated or driving under the influence of alcohol, and further provides for a minimum suspension of the person's driver's license for not less than 30 days.

"(E) SELF-SUSTAINING DRUNK DRIVING PREVENTION PROGRAM.—The State provides for a self-sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

"(F) REDUCING DRIVING WITH A SUSPENDED LICENSE.—The State enacts and enforces a law to reduce driving with a suspended license. Such law, as determined by the Secretary, may require a "zebra" stripe that is clearly visible on the license plate of any motor vehicle owned and operated by a driver with a suspended license.

"(G) EFFECTIVE DWI TRACKING SYSTEM.—The State demonstrates an effective driving while intoxicated (DWI) tracking system. Such a system, as determined by the Secretary, may include data covering arrests, case prosecutions, court dispositions and sanctions, and provide for the linkage of such data and traffic records systems to appropriate jurisdictions and offices within the State.

"(H) ASSESSMENT OF PERSONS CONVICTED OF ABUSE OF CONTROLLED SUBSTANCES; ASSIGNMENT OF TREATMENT FOR ALL DWI/DUI OFFENDERS.—The State provides for assessment of individuals convicted of driving while intoxicated or driving under the influence of alcohol or controlled substances, and for the assignment of appropriate treatment.

"(I) USE OF PASSIVE ALCOHOL SENSORS.—The State provides for a program to acquire passive alcohol sensors to be used by police officers in detecting persons who operate motor vehicles while under the influence of alcohol, and to train police officers in the use of that equipment.

"(J) EFFECTIVE PENALTIES FOR PROVISION OR SALE OF ALCOHOL TO PERSONS UNDER 21.—The State enacts and enforces a law that provides for effective penalties or other consequences for the sale or provision of alcoholic beverages to any individual under 21 years of age. The Secretary shall determine what penalties are effective.

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

"(A) 'Alcoholic beverage' has the meaning such term has under section 158(c) of this title.

"(B) 'Controlled substances' has the meaning such term has under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(C) 'Motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

"(D) 'Open alcoholic beverage container' means any bottle, can, or other receptacle—

"(i) which contains any amount of an alcoholic beverage; and

"(ii) (I) which is open or has a broken seal, or

"(II) the contents of which are partially removed.

"(m) STATE HIGHWAY SAFETY DATA IMPROVEMENTS.—The Secretary shall make a grant to a State that takes effective actions to improve the timeliness, accuracy, completeness, uniformity, and accessibility of the State's data needed to identify priorities within State and local highway and traffic safety programs, to evaluate the effective-

ness of such efforts, and to link these State data systems, including traffic records, together and with other data systems within the State, such as systems that contain medical and economic data:

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

"(A) Demonstrates, to the satisfaction of the Secretary, that it has—

"(i) established a Highway Safety Data and Traffic Records Coordinating Committee with a multi-disciplinary membership including the administrators, collectors, and users of such data (including the public health, injury control, and motor carrier communities) of highway safety and traffic records databases;

"(ii) completed within the preceding 5 years a highway safety data and traffic records assessment or audit of its highway safety data and traffic records system; and

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

"(B) Provides, to the satisfaction of the Secretary—

"(i) certification that it has met the provisions outlined in clauses (A)(i) and (A)(ii) of subparagraph (A) of this paragraph;

"(ii) a multi-year plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined; and

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

"(2) FIRST-YEAR GRANT AMOUNT.—The amount of a first-year grant made for State highway safety data and traffic records improvements for any fiscal year to any State eligible for such a grant under subparagraph (1)(A) of paragraph (A) of this subsection shall equal \$1,000,000, subject to the availability of appropriations, and for any State eligible for such a grant under subparagraph (1)(B) of this subsection shall equal a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402 of this title, except that no State shall receive less than \$250,000, subject to the availability of appropriations. The Secretary may award a grant of up to \$25,000 for one year to any State that does not meet the criteria established in paragraph (1). The grant may only be used to conduct activities needed to enable that State to qualify for first-year funding to begin in the next fiscal year.

"(3) STATE HIGHWAY SAFETY DATA AND TRAFFIC RECORDS IMPROVEMENTS; SUCCEEDING-YEAR GRANTS.—A State shall be eligible for a grant in any fiscal year succeeding the first fiscal year in which the State receives a State highway safety data and traffic records grant if the State, to the satisfaction of the Secretary:

"(A) Submits or updates a multi-year plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based

measures by which progress toward those goals will be determined;

"(B) Certifies that its Highway Safety Data and Traffic Records Coordinating Committee continues to support the multi-year plan; and

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

"(4) SUCCEEDING-YEAR GRANT AMOUNTS.—The amount of a succeeding-year grant made for State highway safety data and traffic records improvements for any fiscal year to any State that is eligible for such a grant shall equal a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402 of this title, except that no State shall receive less than \$225,000, subject to the availability of appropriations."

(g) OCCUPANT PROTECTION PROGRAM.—

(1) IN GENERAL.—Section 410 of title 23, United States Code, is amended to read as follows:

"§410. Safety belts and occupant protection program

"The Secretary shall make basic grants to those States that adopt and implement effective programs to reduce highway deaths and injuries resulting from persons riding unrestrained or improperly restrained in motor vehicles. A State may establish its eligibility for one or both of the grants by adopting or demonstrating the following to the satisfaction of the Secretary:

"(1) BASIC GRANT A.—At least 4 of the following:

"(A) SAFETY BELT USE LAW FOR ALL FRONT SEAT OCCUPANTS.—The State has in effect a safety belt use law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever a person in the front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly secured about the person's body.

"(B) PRIMARY SAFETY BELT USE LAW.—The State provides for primary enforcement of its safety belt use law.

"(C) CHILD PASSENGER PROTECTION LAW.—The State has in effect a law that requires minors who are riding in a passenger motor vehicle to be properly secured in a child safety seat or other appropriate restraint system.

"(D) CHILD OCCUPANT PROTECTION EDUCATION PROGRAM.—The State demonstrates implementation of a statewide comprehensive child occupant protection education program that includes education about proper seating positions for children in air bag equipped motor vehicles and instruction on how to reduce the improper use of child restraints systems. The states are to submit to the Secretary an evaluation or report on the effectiveness of the programs at least three years after receipt of the grant.

"(E) MINIMUM FINES.—The State requires a minimum fine of at least \$25 for violations of its safety belt use law and a minimum fine of at least \$25 for violations of its child passenger protection law.

"(F) SPECIAL TRAFFIC ENFORCEMENT PROGRAM.—The State demonstrates implementation of a statewide Special Traffic Enforcement Program for occupant protection that emphasizes publicity for the program.

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

"(A) STATE SAFETY BELT USE RATE.—The State demonstrates a statewide safety belt use rate in both front outboard seating positions in all passenger motor vehicles of 80 percent or higher in each of the first 3 years a grant under this paragraph is received, and of 85 percent or higher in each of the fourth, fifth, and sixth years a grant under this paragraph is received.

"(B) SURVEY METHOD.—The State follows safety belt use survey methods which con-

form to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

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

"(4) OCCUPANT PROTECTION PROGRAM: SUPPLEMENTAL GRANTS.—During the period in which a State is eligible for a basic grant under this subsection, the State shall be eligible to receive a supplemental grant in a fiscal year of up to 5 percent of the amount apportioned to the State in fiscal year 1997 under section 402 of this title. The State may receive a separate supplemental grant for meeting each of the following criteria:

"(A) PENALTY POINTS AGAINST A DRIVER'S LICENSE FOR VIOLATIONS OF CHILD PASSENGER PROTECTION REQUIREMENTS.—The State has in effect a law that requires the imposition of penalty points against a driver's license for violations of child passenger protection requirements.

"(B) ELIMINATION OF NON-MEDICAL EXEMPTIONS TO SAFETY BELT AND CHILD PASSENGER PROTECTION LAWS.—The State has in effect safety belt and child passenger protection laws that contain no nonmedical exemptions.

"(C) SAFETY BELT USE IN REAR SEATS.—The State has in effect a law that requires safety belt use by all rear-seat passengers in all passenger motor vehicles with a rear seat.

"(5) DEFINITIONS.—As used in this subsection—

"(A) 'Child safety seat' means any device except safety belts, designed for use in a motor vehicle to restrain, seat, or position children who weighs 50 pounds or less.

"(B) 'Motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

"(C) 'Multipurpose passenger vehicle' means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed either on a truck chassis or with special features for occasional off-road operation.

"(D) 'Passenger car' means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

"(E) 'Passenger motor vehicle' means a passenger car or a multipurpose passenger motor vehicle.

"(F) 'Safety belt' means—

"(i) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

"(ii) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap and shoulder belts."

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 4 of that chapter is amended by striking the item relating to section 410 and inserting the following:

"410. Safety belts and occupant protection program".

(h) DRUGGED DRIVER RESEARCH AND DEMONSTRATION PROGRAM.—Section 403(b) of title 23, United States Code, is amended—

(1) by inserting "(1)" before "In addition";

(2) by striking "is authorized to" and inserting "shall";

(3) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(4) by inserting after subparagraph (B), as redesignated, the following:

"(C) Measures that may deter drugged driving."

SEC. 102. NATIONAL DRIVER REGISTER.

(a) TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.—Section 30302 is

amended by adding at the end thereof the following:

"(e) TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.—(1) The Secretary may enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's computer timeshare and user assistance functions. If the Secretary decides to enter into such an agreement, the Secretary shall ensure that the management of these functions is compatible with this chapter and the regulations issued to implement this chapter.

"(2) Any transfer of the National Driver Register's computer timeshare and user assistance functions to an organization that represents the interests of the States shall begin only after a determination is made by the Secretary that all States are participating in the National Driver Register's 'Problem Driver Pointer System' (the system used by the Register to effect the exchange of motor vehicle driving records), and that the system is functioning properly.

"(3) The agreement entered into under this subsection shall include a provision for a transition period sufficient to allow the States to make the budgetary and legislative changes they may need to pay fees charged by the organization representing their interests for their use of the National Driver Register's computer timeshare and user assistance functions. During this transition period, the Secretary (through the National Highway Traffic Safety Administration) shall continue to fund these transferred functions.

"(4) The total of the fees charged by the organization representing the interests of the States in any fiscal year for the use of the National Driver Register's computer timeshare and user assistance functions shall not exceed the total cost to the organization for performing these functions in such fiscal year.

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

(b) ACCESS TO REGISTER INFORMATION.—Section 30305(b) is amended by—

(1) by striking "request." in paragraph (2) and inserting the following: "request, unless the information is about a revocation or suspension still in effect on the date of the request";

(2) by inserting after paragraph (6) the following:

"(7) The head of a Federal department or agency that issues motor vehicle operator's licenses may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual applicant for a motor vehicle operator's license from such department or agency. The department or agency may receive the information, provided it transmits to the Secretary a report regarding any individual who is denied a motor vehicle operator's license by that department or agency for cause; whose motor vehicle operator's license is revoked, suspended or canceled by that department or agency for cause; or about whom the department or agency has been notified of a conviction of any of the motor vehicle-related offenses or comparable offenses listed in subsection 30304(a)(3) and over whom the department or agency has licensing authority. The report shall contain the information specified in subsection 30304(b).

"(8) The head of a Federal department or agency authorized to receive information regarding an individual from the Register under this section may request and receive such information from the Secretary."

(3) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10); and

(4) by striking "paragraph (2)" in paragraph (10), as redesignated, and inserting "subsection (a) of this section".

SEC. 103. AUTHORIZATIONS OF APPROPRIATIONS.

(a) HIGHWAY SAFETY PROGRAMS.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) CONSOLIDATED STATE HIGHWAY SAFETY PROGRAMS.—

(A) For carrying out the State and Community Highway Safety Program under section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, except for the incentive programs under subsections (l) and (m) of that section, \$142,700,000 for fiscal year 1998, and \$166,700 for each of fiscal years 1999, 2000, 2001, and 2002, and \$171,034,000 for fiscal year 2003.

(B) To carry out the alcohol-impaired driving countermeasures incentive grant provisions of subsection (l) of section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, \$35,000,000 for fiscal year 1998, \$39,000,000 for each of fiscal years 1999, 2000, and 2001, \$46,000,000 for fiscal year 2002, and \$49,000,000 for fiscal year 2003. Amounts made available to carry out subsection (l) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsections (l) and (m) of section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(C) To carry out the occupant protection program incentive grant provisions of section 410 of title 23, United States Code, by the National Highway Traffic Safety Administration, \$20,000,000 for fiscal year 1998, \$22,000,000 for each of fiscal years 1999, 2000, and 2001, \$24,000,000 for fiscal year 2002, and \$23,312,000 for fiscal year 2003. Amounts made available to carry out subsection (m) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsections (l) and (m) to subsections (l), (n), and (o) of section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for 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, \$12,000,000 for each of fiscal years 1998, 1999, 2000, and 2001. Amounts made available to carry out subsection (n) are authorized to remain available until expended.

(2) NHTSA OPERATIONS AND RESEARCH.—For carrying out the functions of the Secretary, by the National Highway Traffic Safety Administration, for traffic and highway safety under (A) section 403 of title 23, United States Code (Highway Safety Research and Development), (B) Chapter 301 of Title 49, United States Code (Motor Vehicle Safety), and (C) Part C of Subtitle VI of Title 49, United States Code (Information, Standards, and Requirements), there are authorized to be appropriated \$147,500,000, for each of fiscal years 1998, 1999, 2000, 2001, and 2002, and \$15,335,000 for fiscal year 2003.

(E) To carry out the drugged driving research and demonstration programs of section 403(b)(1) of title 23, United States Code, by the National Highway Traffic Safety Administration, \$2,500,000 for each of fiscal years 1999, 2000, 2001, and 2002, and \$1,000,000 for fiscal year 2003.

(3) NATIONAL DRIVER REGISTER.—For carrying out chapter 303 (National Driver Register) of title 49, United States Code, by the National Highway Traffic Safety Administration, there are authorized to be appropriated under section 30308(a) of such chapter \$2,300,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002, and \$2,360,000 for fiscal year 2003.

SEC. 104. GLOBAL ENVIRONMENTAL AND SAFETY STANDARDS FOR VEHICLES.

(a) DEVELOPMENT OF A GLOBAL REGISTER.—The Secretary of Transportation (hereinafter in this section referred to as the "Secretary") and the Administrator of the Environmental Protection Agency (hereinafter in this section referred to as the "Administrator") may participate in the development of an international compendium of national motor vehicle standards, including both safety and environmental standards.

(b) PROMOTION OF INTERNATIONAL COOPERATIVE PROGRAMS.—The Secretary or Administrator may participate in activities to promote international cooperative programs for conducting research, development, demonstration projects, training, and other forms of technology transfer and exchange, including safety conferences, seminars, and expositions, to enhance international motor vehicle safety, and provide technical assistance to other countries relating to their adoption of United States Federal standards for vehicles. This effort shall not reduce or diminish the Secretary's or Administrator's obligation to conduct research on issues of vehicle safety, environmental protection, and testing relevant to the operation of vehicles in the United States.

(c) INTERNATIONAL HARMONIZATION OF SAFETY AND ENVIRONMENTAL REGULATION OF VEHICLES.—

(1) IN GENERAL.—The Secretary and the Administrator may participate in international negotiations (including working parties, other international bodies, and panels of experts) and may agree to harmonized rules for vehicular safety and environmental pollution if the United States position to be taken in such an international negotiation is developed in accordance with paragraphs (2), (3), and (4).

(2) ADOPTION OF HIGHER GLOBAL STANDARDS.—The Secretary or Administrator may adopt the global standard if the Secretary or Administrator determines that—

(A) in light of the Secretary's or Administrator's determination under both subparagraphs (B) and (C), the harmonized standard provides an overall higher level of safety performance or environmental protection than the comparable United States standard;

(B) the harmonized standard or any portion of the standard provides a unique or higher level of safety or environmental performance than the comparable United States standard;

(C) the comparable United States standard or any portion thereof does not provide a unique or higher level of safety or environmental performance not contained in the harmonized standard;

(D) it is adopted through a rulemaking procedure conducted in accordance with the provisions of chapters 5 and 7 of title 5, United States Code, relating to rulemaking; and

(E) the requirements of subsections (d) and (e) are met.

(3) ACTUAL BENEFITS TO BE WEIGHTED.—In making the determinations under paragraph (2), the Secretary or the Administrator shall take into account the overall safety and environmental benefits that will accrue to users under real-world driving conditions from adoption of a harmonized standard.

(4) RETENTION OF HIGHER DOMESTIC STANDARDS.—Any standard adopted by the Secretary or the Administrator under paragraph

(2) shall retain those portions of the comparable United States standard determined by the Secretary or the Administrator, under paragraph (2)(C), to provide unique practices or levels of safety performance or environmental protection not contained in the global standard.

(d) GENERAL REQUIREMENTS.—

(1) PUBLIC DISCLOSURE OF ALL MATTER.—Notwithstanding any provision of law, any documentation, proposal, negotiating document, internal discussion memorandum, meeting notes, correspondence (including electronic mail), and submissions from the private sector in connection with such negotiations received by the Secretary or the Administrator shall be made available to the public through a docket published by the Department of Transportation or the Environmental Protection Agency.

(2) NOTICE OF MEETINGS; PUBLIC COMMENT.—Not less than 90 days before any bilateral or multilateral harmonization meeting attended by the Secretary or the Administrator (or their delegates) is scheduled to be held, the Secretary or the Administrator, or both, as appropriate—

(A) shall publish notice of the purpose of the meeting in the Federal Register under the heading "Harmonization and Equivalence"; and

(B) shall establish a public docket number and hold a hearing in accordance with the provisions of chapter 5 of title 5, United States Code, on the subject matter of the meeting.

(e) WORLD TRADE ORGANIZATION ACTION FORECLOSED.—Before the United States may enter into any international agreement or agree to any standard-setting procedure, the agreement shall provide that any existing or future State standard or future United States Federal standard that is higher, more stringent, or more rigorous than the standard to be established by that agreement or procedure—

(1) may not be challenged before the World Trade Organization or any other international organization on the basis of a higher level of protection or its means of implementation; or

(2) shall contain the following clause, and other necessary safeguards: "any domestic standard providing a higher level of protection is not actionable before the World Trade Organization or other international organization on the basis of its level of protection or its means of implementation".

(f) USE OF INTERNATIONAL STANDARDS IN DOMESTIC PROCEEDINGS.—In any domestic proceeding, any agreement or standard setting procedure (arrived at or being negotiated) shall not be cited or used by the United States as a rationale for opposing efforts to provide for a greater or different level of protection.

SEC. 105. AMENDMENTS TO CHAPTER 323 (CONSUMER INFORMATION).

Section 32302 is amended by striking subsection (c).

SEC. 106. AMENDMENT TO CHAPTER 329 (AUTOMOBILE FUEL ECONOMY).

Section 32907(a)(2) is amended to read as follows:

"(2) A manufacturer shall submit a report under paragraph (1) of this subsection during the 30 days before the beginning of each model year."

SEC. 107. AMENDMENTS TO CHAPTER 331 (THEFT PREVENTION).

Section 33104(a)(6) is repealed.

SEC. 108 DEALER NOTIFICATION PROGRAM FOR PROHIBITED SALE OF NONQUALIFYING VEHICLES FOR USE AS SCHOOLBUSES.

Section 30112 is amended by adding at the end thereof the following:

"(c) NOTIFICATION PROGRAM FOR DEALERS CONCERNING SALES OF VEHICLES AS SCHOOLBUSES.—Not later than September 1, 1998, the Secretary shall develop and implement a program to notify dealers and distributors in the United States that subsection (a) prohibits the sale or delivery of any vehicle for use as a schoolbus (as that term is defined in section 30125(a)(1) of this title) that does not meet the standards prescribed under section 30125(b) of this title."

TITLE II—HAZARDOUS MATERIALS TRANSPORTATION REAUTHORIZATION

SEC. 201. SHORT TITLE.

This title may be cited as the "Hazardous Materials Transportation Safety Reauthorization Act of 1997".

SEC. 202. FINDINGS AND PURPOSES; DEFINITIONS.

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

"§ 5101. Findings and purposes

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

"(1) approximately 4 billion tons of regulated hazardous materials are transported each year and that approximately 500,000 movements of hazardous materials occur each day, according to the Department of Transportation estimates;

"(2) accidents involving the release of hazardous materials are a serious threat to public health and safety;

"(3) many States and localities have enacted laws and regulations that vary from Federal laws and regulations pertaining to the transportation of hazardous materials, thereby creating the potential for unreasonable hazards in other jurisdictions and confounding shippers and carriers that attempt to comply with multiple and conflicting registration, permitting, routings, notification, loading, unloading, incidental storage, and other regulatory requirements;

"(4) because of the potential risks of life, property and the environment posed by unintentional releases of hazardous materials, consistency in laws and regulations governing the transportation of hazardous materials, including loading, unloading, and incidental storage, is necessary and desirable;

"(5) in order to achieve greater uniformity and to promote the public health, welfare, and safety at all levels, Federal standards for regulating the transportation of hazardous materials in intrastate, interstate, and foreign commerce are necessary and desirable;

"(6) in order to provide reasonable, adequate, and cost-effective protection from the risks posed by the transportation of hazardous materials, a network of adequately trained State and local emergency response personnel is required;

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

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

"(9) emergency response personnel have a continuing need for training on responses to releases of hazardous materials in transportation and small business have a continuing need for training on compliance with hazardous materials regulations.

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

"(1) to ensure the safe and efficient transportation of hazardous materials in intrastate, interstate, and foreign commerce, including the loading, unloading, and incidental storage of hazardous material;

"(2) to provide the Secretary with preemption authority to achieve uniform regulation of hazardous material transportation, to eliminate inconsistent rules that apply differently from Federal rules, to ensure efficient movement of hazardous materials in commerce, and to promote the national health, welfare, and safety; and

"(3) to ensure adequate training of hazardous materials emergency responders, including small businesses involved in hazardous materials transportation."

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

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

"(1) 'commerce' means trade or transportation in the jurisdiction of the United States—

"(A) between a place in a State and a place outside of the State;

"(B) that affects trade or transportation between a place in a State and a place outside of the State; or

"(C) on a United States-registered aircraft.";

(2) by striking paragraphs (3) and (4) and inserting the following:

"(3) 'hazmat employee' means an individual who—

"(A) is—

"(i) employed by a hazmat employer,

"(ii) self-employed, or

"(iii) an owner-operator of a motor vehicle; and

"(B) during the course of employment—

"(i) loads, unloads, or handles hazardous material;

"(ii) manufactures, reconditions, or tests containers, drums, or other packagings represented as qualified for use in transporting hazardous material;

"(iii) performs any function pertaining to the offering of hazardous material for transportation;

"(iv) is responsible for the safety of transporting hazardous material; or

"(v) operates a vehicle used to transport hazardous material.

"(4) 'hazmat employer' means a person who—

"(A) either—

"(i) is self-employed,

"(ii) is an owner-operator of a motor vehicle, or

"(iii) has at least one employee; and

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

"(i) transporting hazardous material in commerce;

"(ii) causing hazardous material to be transported in commerce, or

"(iii) manufacturing, reconditioning, or testing containers, drums, or other packagings represented as qualified for use in transporting hazardous material.";

(3) by striking "title." in paragraph (7) and inserting "title, except that a freight forwarder is included only if performing a function related to highway transportation";

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

(5) by inserting after paragraph (8) the following:

"(9) 'out-of-service order' means a mandate that an aircraft, vessel, motor vehicle, train, other vehicle, or a part of any of these, not be moved until specified conditions have been met.

"(10) 'package' or 'outside package' means a packaging plus its contents.

"(11) 'packaging' means a receptacle and any other components or materials necessary for the receptacle to perform its containment function in conformance with the minimum packaging requirements established by the Secretary of Transportation.";

(6) by striking "or transporting hazardous material to further a commercial enterprise;" in paragraph 12(A), as redesignated by paragraph (4) of this subsection, and inserting a comma and "transporting hazardous material to further a commercial enterprise, or manufacturing, reconditioning, or testing containers, drums, or other packagings represented as qualified for use in transporting hazardous material".

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

"5101. Findings and purposes".

SEC. 203. HANDLING CRITERIA REPEAL.

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

SEC. 204. HAZMAT EMPLOYEE TRAINING REQUIREMENTS.

Section 5107(f)(2) is amended by striking "and sections 5106, 5108(a)-(g)(1) and (h), and".

SEC. 205. REGISTRATION.

Section 5108 is amended by—

(1) by striking subsection (b)(1)(C) and inserting the following:

"(C) each State in which the person carries out any of the activities.";

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

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

(3) by striking "552(f)" in subsection (f) and inserting "552(b)"; and

(4) by striking "may" in subsection (g)(1) and inserting "shall".

(5) by amending §5108(I)(2)(B) by adding "an INDIAN TRIBE" after "STATE,"

SEC. 206. HIGHWAY TRANSPORTATION OF HAZARDOUS MATERIALS.

(a) IN GENERAL.—Section 5109 is amended to read as follows:

"§ 5109. Hazardous materials pilot program

"(a) GENERAL.—The Secretary of Transportation shall implement a pilot program to evaluate the use of automated carrier assessment programs for carriers of certain hazardous materials.

"(b) HAZARDOUS MATERIALS COVERED.—The Secretary shall determine the hazardous materials to be covered by the pilot program. The Secretary may limit materials to—

"(1) class 1.1, 1.2, or 1.3 explosives;

"(2) liquefied natural gas;

"(3) hazardous materials the Secretary designates as extremely toxic by inhalation;

"(4) a highway route controlled quantity of radioactive material, as defined by the Secretary; or

"(5) any other hazardous material designated by the Secretary under section 5103(a) of this title."

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 51 is amended by striking the item relating to section 5109 and inserting the following:

"5109. Hazardous materials pilot program".

SEC. 207. SHIPPING PAPER RETENTION.

Section 5110(e) is amended by striking the first sentence and inserting "After expiration of the requirement in subsection (c) of this section, the person who provided the shipping paper and the carrier required to maintain it under subsection (a) of this section shall retain the paper or an electronic image thereof, for a period of 1 year after the shipping paper was provided to the carrier, to be accessible through their respective principal places of business."

SEC. 208. PUBLIC SECTOR TRAINING CURRICULUM.

Section 5115 is amended by—

(1) by striking "DEVELOPMENT AND UPDATING.—Not later than November 16, 1992, in" in subsection (a) and inserting "UPDATING.—In";

(2) by striking "develop and" in the first sentence of subsection (a);

(3) by striking the second sentence of subsection (a);

(4) by striking "developed" in the first sentence of subsection (b);

(5) by inserting "or involving an alternative fuel vehicle" after "material" in subparagraphs (A) and (B) of subsection (b)(1); and

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

"(d) DISTRIBUTION AND PUBLICATION.—With the national response team, the Secretary of Transportation may publish a list of programs that use a course developed under this section for training public sector employees to respond to an accident or incident involving the transportation of hazardous material."

SEC. 209. PLANNING AND TRAINING GRANTS.

Section 5116 is amended by—

(1) by striking "of" in the second sentence of subsection (e) and inserting "received by";

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

"(f) MONITORING AND TECHNICAL ASSISTANCE.—The Secretary of Transportation shall monitor public sector emergency response planning and training for an accident or incident involving hazardous material. Considering the results of the monitoring, the Secretary shall provide technical assistance to a State, political subdivision of a State, or Indian tribe for carrying out emergency response training and planning for an accident or incident involving hazardous material and shall coordinate the assistance using the existing coordinating mechanisms of the National Response Team for Oil and Hazardous Substances and, for radioactive material, the Federal Radiological Preparedness Coordinating Committee."; and

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

"(l) SMALL BUSINESSES.—The Secretary may authorize a State or Indian tribe receiving a grant under this section to use up to 25 percent of the amount of the grant to assist small businesses in complying with regulations issued under this chapter."

SEC. 210 SPECIAL PERMITS AND EXCLUSIONS.

(a) Section 5117 is amended by—

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

"§ 5117. Special permits and exclusions";

(2) by striking "exemption" each place it appears and inserting "special permit";

(3) by inserting "authorizing variances" after "special permit" the first place it appears; and

(4) by striking "2" and inserting "4" in subsection (a)(2).

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

"5117. Special permits and exclusions".

SEC. 211. COOPERATIVE AGREEMENTS.

Section 5121, as amended by section 211(a), is further amended by adding at the end thereof the following:

"(c) AUTHORITY FOR COOPERATIVE AGREEMENTS.—To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with a person, agency or instrumentality of the United States, a unit of State or local government, an Indian tribe, a foreign government (in coordination with the State Department), an educational institution, or other entity to further the objectives of this chapter. The objectives of this chapter include

the conduct of research, development, demonstration, risk assessment, emergency response planning and training activities."

SEC. 212. ENFORCEMENT.

Section 5122, as amended by section 211(b), is further amended by—

(1) by inserting "inspect," after "may" in the first sentence of subsection (a);

(2) by striking the last sentence of subsection (a) and inserting: "Except as provided in subsection (e) of this section, the Secretary shall provide notice and an opportunity for a hearing prior to issuing an order requiring compliance with this chapter or a regulation, order, special permit, or approval issued under this chapter.";

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

"(d) OTHER AUTHORITY.—During inspections and investigations, officers, employees, or agents of the Secretary may—

"(1) open and examine the contents of a package offered for, or in, transportation when—

"(A) the package is marked, labeled, certified, placarded, or otherwise represented as containing a hazardous material, or

"(B) there is an objectively reasonable and articulable belief that the package may contain a hazardous material;

"(2) take a sample, sufficient for analysis, of material marked or represented as a hazardous material or for which there is an objectively reasonable and articulable belief that the material may be a hazardous material, and analyze that material;

"(3) when there is an objectively reasonable and articulable belief that an imminent hazard may exist, prevent the further transportation of the material until the hazardous qualities of that material have been determined; and

"(4) when safety might otherwise be compromised, authorize properly qualified personnel to conduct the examination, sampling, or analysis of a material.

"(e) EMERGENCY ORDERS.—

"(1) If, through testing, inspection, investigation, or research carried out under this chapter, the Secretary decides that an unsafe condition or practice, or a combination of them, causes an emergency situation involving a hazard of death, personal injury, or significant harm to the environment, the Secretary may immediately issue or impose restrictions, prohibitions, recalls, or out-of-service orders, without notice or the opportunity for a hearing, that may be necessary to abate the situation.

"(2) The Secretary's action under this subsection must be in a written order describing the condition or practice, or combination of them, that causes the emergency situation; stating the restrictions, prohibitions, recalls, or out-of-service orders being issued or imposed; and prescribing standards and procedures for obtaining relief from the order.

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

"(4) If a petition for review is filed and the review is not completed by the end of the 30-day period beginning on the date the petition was filed, the action will cease to be effective at the end of that period unless the Secretary determines in writing that the emergency situation still exists."

SEC. 213. PENALTIES.

(a) Section 5123(a)(1) is amended by striking the first sentence and inserting the following: "A person that knowingly violates this chapter or a regulation, order, special permit, or approval issued under this chapter is liable to the United States Government for a civil penalty of at least \$250 but not more than \$27,500 for each violation."

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

"(2) with respect to the violator, the degree of culpability, any good-faith efforts to comply with the applicable requirements, any history of prior violations, any economic benefit resulting from the violation, the ability to pay, and any effect on the ability to continue to do business; and".

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

§ 5124. Criminal penalty

"(a) IN GENERAL.—A person knowingly violating section 5104(b) of this title or willfully violating this chapter or a regulation, order, special permit, or approval issued under this chapter, shall be fined under title 18, imprisoned for not more than 5 years, or both.

"(b) AGGRAVATED VIOLATIONS.—A person knowingly violating section 5104(b) of this title or willfully violating this chapter or a regulation, order, special permit, or approval issued under this chapter, and thereby causing the release of hazardous material, shall be fined under title 18, imprisoned for not more than 20 years, or both."

SEC. 214. PREEMPTION.

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

(b) DEADWOOD.—Section 5125(b)(2) is amended by striking "prescribes after November 16, 1990," and inserting "prescribes."

(c) Add § 5125(h) as follows: "RELATIONSHIP TO OTHER LAW.—No preemption authority established by subsection (a), (b), (c) or (g) of this section, or section 5119(a) of this chapter, shall be construed to limit or be limited by any other preemption authority of this section or chapter."

SEC. 215. JUDICIAL REVIEW.

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

§ 5127. Judicial review

"(a) FILING AND VENUE.—Except as provided in section 20114(c) of this title, a person disclosing a substantial interest in a final order issued, under the authority of section 5122 or 5123 of this title, by the Secretary of Transportation, the Administrators of the Research and Special Programs Administration, the Federal Aviation Administration, or the Federal Highway Administration, or the Commandant of the United States Coast Guard (modal Administrator), with respect to the duties and powers designated to be carried out by the Secretary under this chapter, may apply for review in the United States Court of Appeals for the District of Columbia or in the court of appeals for the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not more than 60 days after the order is issued. The court may allow the petition to be filed after the 60th day only if there are reasonable grounds for not filing by the 60th day.

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

"(c) AUTHORITY OF COURT.—When the petition is sent to the Secretary or the modal Administrator, the court has exclusive jurisdiction to affirm, amend, modify, or set aside any part of the order and may order the Secretary or the modal Administrator to conduct further proceedings. After reasonable notice to the Secretary or the modal

Administrator, the court may grant interim relief by staying the order or taking other appropriate action when good cause for its action exists. Findings of fact by the Secretary or the modal Administrator, if supported by substantial evidence, are conclusive.

"(d) REQUIREMENT FOR PRIOR OBJECTION.—In reviewing a final order under this section, the court may consider an objection to a final order of the Secretary or the modal Administrator only if the objection was made in the course of a proceeding or review conducted by the Secretary, the modal Administrator, or an administrative law judge, or if there was a reasonable ground for not making the objection in the proceeding."

"(e) SUPREME COURT REVIEW.—A decision by a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28, United States Code."

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

"5127. Judicial review."

"5128. Authorization of appropriations."

SEC. 216. HAZARDOUS MATERIAL TRANSPORTATION REAUTHORIZATION.

(a) IN GENERAL.—Chapter 51, as amended by section 216 of this Act, is amended by redesignating section 5128 as section 5129 and by inserting after section 5127 the following:

§ 5128. High risk hazardous material; motor carrier safety study

"(a) STUDY.—The Secretary of Transportation shall conduct a study—

"(1) to determine the safety benefits and administrative efficiency of implementing a Federal permit program for high risk hazardous material carriers;

"(2) to identify and evaluate alternative regulatory methods and procedures that may improve the safety of high risk hazardous material carriers and shippers;

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

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

"(5) to assess the potential of advanced technologies for improving the assessment of high risk hazardous material carriers' compliance with motor carrier safety regulations.

"(b) TIMEFRAME.—The Secretary shall begin the study required by subsection (a) within 6 months after the date of enactment of the Surface Transportation Safety Act of 1997 and complete it within 30 months.

"(c) REPORT.—The Secretary shall report the findings of the study required by subsection (a), together with such recommendations as may be appropriate, within 36 months after the date of enactment of that Act."

(b) SECTION 5109 REGULATIONS TO REFLECT STUDY FINDINGS.—Section 5109(h) is amended by striking "not later than November 16, 1991." and inserting "based upon the findings of the study required by section 5128(a)."

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 51, as amended by section 216, is amended by striking the item relating to section 5128 and inserting the following:

"5128. High risk hazardous material; motor carrier safety study

"5129. Authorization of appropriations."

SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

Section 5129, as redesignated, is amended—

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

"(a) GENERAL.—Not more than \$15,492,000 may be appropriated to the Secretary of Transportation for fiscal year 1998, and such sums as may be necessary for fiscal years 1999, 2000, 2001, 2002, and 2003, to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119).";

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

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

"(d) PLANNING AND TRAINING.—

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

"(2) Not more than \$3,666,000 is available to the Secretary of Transportation from the account established under section 5116(i) of this title for the fiscal year ending September 30, 1998, and such sums as may be necessary for fiscal years 1999–2003, to carry out section 5116(b) of this title.

"(3) Not more than \$600,000 is available to the Secretary of Transportation from the account established under section 5116(i) of this title for the fiscal year ending September 30, 1998, and such sums as may be necessary for fiscal years 1999–2003, to carry out section 5116(f) of this title."; and

(3) striking subsection (e) and inserting the following:

"(e) UNIFORM FORMS AND PROCEDURES.—Not more than \$250,000 may be appropriated to the Secretary of Transportation for each of fiscal years 1998, 1999, and 2000 for making grants under section 5119(c)."

TITLE III—SANITARY FOOD TRANSPORTATION

SEC. 301. SHORT TITLE.

This title may be cited as the "Sanitary Food Transportation Act of 1997".

SEC. 302. FINDINGS.

Congress finds that—

(1) the Department of Transportation, the Department of Agriculture, and the Food and Drug Administration in the Department of Health and Human Services have consulted about how best to ensure that food is not adulterated as a result of the conditions under which it is transported. As a result of these consultations, the agencies have confirmed that steps to ensure the safety of food are more efficient if taken by the agencies directly charged with the responsibility for food safety;

(2) the Secretary of Agriculture has ample authority under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), and the Egg Products Inspection Act (21 U.S.C. 1031 et seq.), to inspect and regulate continuously the transportation of meat, poultry, and eggs in commerce for use in human food, has exercised the statutory authority in a diligent manner so as to prevent the transportation of unwholesome or adulterated meat, poultry, and egg products in commerce, and does not need additional enforcement authority to regulate the transportation of meat, poultry, and egg products in commerce;

(3) certain statutory changes are necessary to provide the Secretary of Health and Human Services with the authority necessary to ensure that food, other than that regulated by the Secretary of Agriculture, will not be rendered adulterated in transportation;

(4) the appropriate role for the Secretary of Transportation is to provide assistance con-

cerning the transportation aspects of food safety; and

(5) therefore, amendment of chapter 57 of title 49, United States Code, and the transfer of certain authorities to the Secretary of Health and Human Services, is appropriate.

SEC. 303. RESPONSIBILITIES OF THE SECRETARY OF HEALTH AND HUMAN SERVICES.

(a) UNSANITARY TRANSPORT DEEMED ADULTERATION.—Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

"(h) If it is transported under conditions that are not in compliance with the sanitary transportation practices prescribed by the Secretary under section 414."

(b) SANITARY TRANSPORTATION REQUIREMENTS.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

"SEC. 414. SANITARY TRANSPORTATION OF FOOD.

"(a) SANITARY TRANSPORTATION PRACTICES.—The Secretary shall establish by regulation sanitary transportation practices which shippers, carriers, receivers, and other persons engaged in the transportation of food shall be required to follow to ensure that the food is not transported under conditions that may render it adulterated, including such practices as the Secretary may find appropriate relating to—

"(1) sanitation;

"(2) packaging, isolation, and other protective measures;

"(3) limitations on the use of vehicles;

"(4) information to be disclosed—

"(A) to a carrier by a person arranging for the transport of food, and

"(B) to a manufacturer or other persons arranging for the transport of food by a carrier or other person furnishing a tank or bulk vehicle for the transport of food; and

"(5) recordkeeping.

"(b) LIST OF UNACCEPTABLE NONFOOD PRODUCT.—The Secretary, by publication in the Federal Register, may establish and periodically amend—

"(1) a list of nonfood products that the Secretary determines may, if shipped in a tank or bulk vehicle, render adulterated food transported subsequently in such vehicle; and

"(2) a list of nonfood products that the Secretary determines may, if shipped in a motor or rail vehicle (other than a tank or bulk vehicle), render adulterated food transported simultaneously or subsequently in such vehicle.

"(c) WAIVER AUTHORITY.—

"(1) IN GENERAL.—The Secretary may waive all or part of this section, or any requirement under this section, with respect to any class of persons, of vehicles, of food, or of nonfood products, if the Secretary determines that such waiver—

"(A) will not result in the transportation of food under conditions that would be unsafe for human or animal health; and

"(B) will not be contrary to the public interest or this Act.

"(2) PUBLICATION.—The Secretary shall publish in the Federal Register any waiver and the reasons for the waiver.

"(d) PREEMPTION.—

"(1) IN GENERAL.—No State or political subdivision of a State may directly or indirectly establish or continue in effect, as to any food in interstate commerce, any authority or requirement concerning that transportation of food that is not identical to the requirement of this section.

"(2) EFFECTIVE DATE.—The provisions of this subsection apply only with respect to transportation occurring on or after the effective date of regulations prescribed under subsection (a).

"(e) ASSISTANCE OF OTHER AGENCIES.—The Secretary of Transportation, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the heads of other Federal agencies, as appropriate, shall provide assistance upon request, to the extent resources are available, to the Secretary of Health and Human Services for the purposes of carrying out this section.

"(f) DEFINITIONS.—For purposes of this section—

"(1) The term 'transportation' means any movement of property in commerce by motor vehicle or rail vehicle.

"(2) The term 'tank or bulk vehicle' includes any vehicle in which food is shipped in bulk and in which the food comes directly into contact with the vehicle, including tank trucks, hopper trucks, rail tank cars, hopper cars, cargo tanks, portable tanks, freight containers, or hopper bins."

"(c) INSPECTION OF TRANSPORTATION RECORDS.—

"(1) AMENDMENT OF CHAPTER VII.—Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by inserting after section 703 the following new section:

"SEC. 703A. FOOD TRANSPORTATION RECORDS.

"Shippers, carriers by motor vehicle or rail vehicle, and other persons subject to section 414 shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times, to have access to and to copy all records that the Secretary requires them to make or retain under section 414(a)(5) of this Act."

"(2) CONFORMING AMENDMENT.—The second proviso of section 703 of the Act (21 U.S.C. 373) is amended by inserting " , unless otherwise explicitly provided," after "That".

(d) PROHIBITED ACTS.—1

(1) AMENDMENT OF SECTION 301(C).—Section 301(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(e)) is amended by—

(A) by striking "or 703" and inserting " , 703, or 703A"; and

(B) by inserting "414," before "505(i)".

(2) UNSAFE FOOD TRANSPORTATION.—Section 301 of the Act (21 U.S.C. 331) is further amended by—

(A) by redesignating subsection (u) as subsection (v); and

(B) by adding at the end the following new subsection:

"(w) The failure, by a shipper, carrier, receiver, or any other person engaged in the transportation of food, to comply with the sanitary transportation practices prescribed by the Secretary under section 414."

SEC. 304. DEPARTMENT OF TRANSPORTATION REQUIREMENTS.

Chapter 57 relating to sanitary food transportation, is amended to read as follows:

"CHAPTER 57—SANITARY FOOD TRANSPORTATION

"Sec.

"5701. Findings.

"5702. Food transportation safety inspections.

"§ 5701. Findings

"Congress finds that—

"(1) the United States public is entitled to receive food and other consumer products that are not made unsafe because of certain transportation practices;

"(2) The United States public is threatened by the transportation of products potentially harmful to consumers in motor vehicles and rail vehicles that are used to transport food and other consumer products; and

"(3) the risks to consumers by those transportation practices are unnecessary and those practices must be ended.

"§ 5702. Food transportation safety inspections

"(a) INSPECTION PROCEDURES.—

"(1) The Secretary of Transportation, in consultation with the Secretaries of Health and Human Services and Agriculture, shall establish procedures to be used in performing transportation safety inspections for the purpose of identifying suspected incidents of contamination or adulteration of food that may violate regulations issued under section 414 of the Federal Food, Drug, and Cosmetic Act and shall train personnel of the Department of Transportation in the appropriate use of such procedures.

"(2) The procedures established under paragraph (1) of this subsection shall apply, at a minimum, to the Department of Transportation personnel who perform commercial motor vehicle and railroad safety inspections.

"(b) NOTIFICATION OF SECRETARIES OF HEALTH AND HUMAN SERVICES AND AGRICULTURE.—The Secretary of Transportation shall promptly notify the Secretary of Health and Human Services or the Secretary of Agriculture, as applicable, of any instances of potential food contamination or adulteration of a food identified during transportation safety inspections.

"(c) USE OF STATE EMPLOYEES.—The Secretary of Transportation may carry out notification under subsection (b) by transmittal of reports of inspections conducted in accordance with such procedures by State employees using funds authorized to be appropriated under sections 31102 through 31104 of this title."

SEC. 305. EFFECTIVE DATE.

Unless otherwise specified, the provisions of this title take effect on October 1, 1997.

TITLE IV—RAIL AND MASS TRANSPORTATION ANTI-TERRORISM

SEC. 401. SHORT TITLE.

This title may be cited as the "Transportation Anti-Terrorism Act of 1997".

SEC. 402. PURPOSE.

The purpose of this title is to protect the passengers and employees of railroad carriers and mass transportation systems and the movement of freight by railroad from terrorist attacks.

SEC. 403. AMENDMENTS TO THE "WRECKING TRAINS" STATUTE.

(a) Section 1992 of title 18, United States Code, is amended to read as follows:

"§ 1992. Terrorist attacks against railroads

"(a) GENERAL PROHIBITIONS.—Whoever willfully—

"(1) wrecks, derails, set fire to, or disables any train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier;

"(2) brings, carries, possesses, places or causes to be placed any destructive substance, or destructive device in, upon, or near any train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier, without previously obtaining the permission of the carrier, and with intent to endanger the safety of any passenger or employee of the carrier, or with a reckless disregard for the safety of human life;

"(3) sets fire to, or places any destructive substance, or destructive device in, upon or near, or undermines any tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of, or in support of the operation of, a railroad carrier, or otherwise makes any such tunnel, bridge, viaduct, trestle, track, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance unworkable or unusable or hazardous to work or use, knowing or having reason to know such activity would likely derail, disable, or wreck a train, locomotive,

motor unit, or freight or passenger car used, operated, or employed by a railroad carrier;

"(4) removes appurtenances from, damages, or otherwise impairs the operation of any railroad signal system, including a train control system, centralized dispatching system, or highway-railroad grade crossing warning signal on a railroad line used, operated, or employed by a railroad carrier;

"(5) interferes with, disables or incapacitates any locomotive engineer, conductor, or other person while they are operating or maintaining a train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier, with intent to endanger the safety of any passenger or employee of the carrier, or with a reckless disregard for the safety of human life;

"(6) commits an act intended to cause death or serious bodily injury to an employee or passenger of a railroad carrier while on the property of the carrier;

"(7) causes the release of a hazardous material being transported by a rail freight car, with the intent to endanger the safety of any person, or with a reckless disregard for the safety of human life;

"(8) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

"(9) attempts, threatens, or conspires to do any of the aforesaid acts, shall be fined under this title or imprisoned not more than twenty years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, within the United States on, against, or affecting a railroad carrier engaged in or affecting interstate or foreign commerce, or if in the course of committing such acts, that person travels or communicates across a State line in order to commit such acts, or transports materials across a State line in aid of the commission of such acts; Provided however, that whoever is convicted of any crime prohibited by this subsection shall be:

"(A) imprisoned for not less than thirty years or for life if the railroad train involved carried high-level radioactive waste or spent nuclear fuel at the time of the offense;

"(B) imprisoned for life if the railroad train involved was carrying passengers at the time of the offense; and

"(C) imprisoned for life or sentenced to death if the offense has resulted in the death of any person.

"(b) PROHIBITIONS ON THE USE OF FIREARMS AND DANGEROUS WEAPONS.—

"(1) Except as provided in paragraph (4), whoever knowingly possesses or causes to be present any firearm or other dangerous weapon on board a passenger train of a railroad carrier, or attempts to do so, shall be fined under this title or imprisoned not more than one year, or both, if such act is committed on a railroad carrier that is engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(2) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon on board a passenger train or in a passenger terminal facility of a railroad carrier, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both, if such act is committed on a railroad carrier that is engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a

State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(3) A person who kills or attempts to kill a person in the course of a violation of paragraphs (1) or (2), or in the course of an attack on a passenger train or a passenger terminal facility of a railroad carrier involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113 of this title.

"(4) Paragraph (1) shall not apply to:

"(A) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while engaged in the lawful performance of official duties, who is authorized by law to engage in the transportation of people accused or convicted of crimes, or supervise the prevention, detection, investigation, or prosecution of any violation of law;

"(B) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while off duty, if such possession is authorized by law;

"(C) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law; or

"(D) an individual transporting a firearm on board a railroad passenger train (except a loaded firearm) in baggage not accessible to any passenger on board the train, if the railroad carrier was informed of the presence of the weapon prior to the firearm being placed on board the train.

"(c) PROHIBITION AGAINST PROPELLING OBJECTS.—Whoever willfully or recklessly throws, shoots, or propels a rock, stone, brick, or piece of iron, steel, or other metal or any deadly or dangerous object or destructive substance at any locomotive or car of a train, knowing or having reason to know such activity would likely cause personal injury, shall be fined under this title or imprisoned for not more than 5 years, or both, if such act is committed on or against a railroad carrier engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act. Whoever is convicted of any crime prohibited by this subsection shall also be subject to imprisonment for not more than twenty years if the offense has resulted in the death of any person.

"(d) DEFINITIONS.—In this section—

"(1) 'dangerous device' has the meaning given to that term in section 921(a)(4) of this title;

"(2) 'dangerous weapon' has the meaning given to that term in section 930 of this title;

"(3) 'destructive substance' has the meaning given to that term in section 31 of this title, except that (A) the term 'radioactive device' does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes, and (B) 'destructive substance' includes any radioactive device or material that can be used to cause a harm listed in subsection (a) and that is not in use solely for medical, industrial, research, or other peaceful purposes;

"(4) 'firearm' has the meaning given to that term in section 921 of this title;

"(5) 'hazardous material' has the meaning given to that term in section 5102(2) of title 49, United States Code;

"(6) 'high-level radioactive waste' has the meaning given to that term in section 10101(12) of title 42, United States Code;

"(7) 'railroad' has the meaning given to that term in section 20102(1) of title 49, United States Code;

"(8) 'railroad carrier' has the meaning given to that term in section 20102(2) of title 49, United States Code;

"(9) 'serious bodily injury' has the meaning given to that term in section 1365 of this title;

"(10) 'spent nuclear fuel' has the meaning given to that term in section 10101(23) of title 42, United States Code; and

"(11) 'State' has the meaning given to that term in section 2266 of this title."

(b) In the analysis of chapter 97 of title 18, United States Code, item "1992" is amended to read:

"1992. Terrorist attacks against railroads".

SEC. 404. TERRORIST ATTACKS AGAINST MASS TRANSPORTATION.

(a) Chapter 97 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1994. Terrorist attacks against mass transportation

"(a) GENERAL PROHIBITIONS.—Whoever willfully—

"(1) wrecks, derails, sets fire to, or disables a mass transportation vehicle or vessel;

"(2) places or causes to be placed any destructive substance in, upon or near a mass transportation vehicle or vessel, without previously obtaining the permission of the mass transportation provider, and with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(3) sets fire to, or places any destructive substance in, upon, or near any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle, knowing or having reason to know such activity would likely derail, disable, or wreck a mass transportation vehicle used, operated, or employed by a mass transportation provider;

"(4) removes appurtenances from, damages, or otherwise impairs the operation of a mass transportation signal system, including a train control system, centralized dispatching system, or rail grade cross warning signal;

"(5) interferes with, disables or incapacitates any driver or person while they are employed in operating or maintaining a mass transportation vehicle or vessel, with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(6) commits an act intended to cause death or serious bodily injury to an employee or passenger of a mass transportation provider on the property of a mass transportation provider;

"(7) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

"(8) attempts, threatens, or conspires to do any of the aforesaid acts—shall be fined under this title or imprisoned not more than twenty years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, within the United States on, against, or affecting a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act. Whoever is convicted of a crime prohibited by this section shall also be subject to imprisonment for life if the mass transportation vehi-

cle or vessel was carrying a passenger at the time of the offense, and imprisonment for life or sentenced to death if the offense has resulted in the death of any person.

"(b) PROHIBITION ON THE USE OF FIREARMS AND DANGEROUS WEAPONS.—

"(1) Except as provided in paragraph (4), whoever knowingly possesses or causes to be present any firearm or other dangerous weapon on board a mass transportation vehicle or vessel, or attempts to do so, shall be fined under this title or imprisoned not more than one year, or both, if such act is committed on a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(2) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon on board a mass transportation vehicle or vessel, or in a mass transportation passenger terminal facility, or attempts to do so, shall be fined under this title, or imprisoned not more than 5 years, or both, if such act is committed on a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(3) A person who kills or attempts to kill a person in the course of a violation of paragraphs (1) or (2), or in the course of an attack on a mass transportation vehicle or vessel, or a mass transportation passenger terminal facility involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113 of this title.

"(4) Paragraph (1) shall not apply to:

"(A) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while engaged in the lawful performance of official duties, who is authorized by law to engage in the transportation of people accused or convicted of crimes, or supervise the prevention, detection, investigation, or prosecution of any violation of law;

"(B) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while off duty, if such possession is authorized by law;

"(C) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law; or

"(D) an individual transporting a firearm on board a mass transportation vehicle or vessel (except a loaded firearm) in baggage not accessible to any passenger on board the vehicle or vessel, if the mass transportation provider was informed of the presence of the weapon prior to the firearm being placed on board the vehicle or vessel.

"(c) PROHIBITION AGAINST PROPELLING OBJECTS.—Whoever willfully or recklessly throws, shoots, or propels a rock, stone, brick, or piece of iron, steel, or other metal or any deadly or dangerous object or destructive substance at any mass transportation vehicle or vessel, knowing or having reason to know such activity would likely cause personal injury, shall be fined under this title or imprisoned for not more than 5 years, or both, if such act is committed on or against a mass transportation provider engaged in or substantially affecting interstate

or foreign commerce, or if in the course of committing such acts, that person travels or communicates across a State line in order to commit such acts, or transports materials across a State line in aid of the commission of such acts. Whoever is convicted of any crime prohibited by this subsection shall also be subject to imprisonment for not more than twenty years if the offense has resulted in the death of any person.

“(d) DEFINITIONS.—In this section—

“(1) ‘dangerous device’ has the meaning given to that term in section 921(a)(4) of this title;

“(2) ‘dangerous weapon’ has the meaning given to that term in section 930 of this title;

“(3) ‘destructive substance’ has the meaning given to that term in section 31 of this title, except that (A) the term ‘radioactive device’ does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes, and (B) ‘destructive substance’ includes any radioactive device or material that can be used to cause a harm listed in subsection (a) and that is not in use solely for medical, industrial, research, or other peaceful purposes;

“(4) ‘firearm’ has the meaning given to that term in section 921 of this title;

“(5) ‘mass transportation’ has the meaning given to that term in section 5302(a)(7) of title 49, United States Code, except that the term shall include schoolbus, charter, and sightseeing transportation;

“(6) ‘serious bodily injury’ has the meaning given to that term in section 1365 of this title; and

“(7) ‘State’ has the meaning given to that term in section 2266 of this title.”

(b) The analysis of chapter 97 of title 18, United States Code, is amended by adding at the end thereof:

“1994. Terrorist attacks against mass transportation.”

SEC. 405. INVESTIGATIVE JURISDICTION.

The Federal Bureau of Investigation shall lead the investigation of all offenses under sections 1192 and 1994 of title 18, United States Code. The Federal Bureau of Investigation shall cooperate with the National Transportation Safety Board and with the Department of Transportation in safety investigations by these agencies, and with the Treasury Department's Bureau of Alcohol, Tobacco and Firearms concerning an investigation regarding the possession of firearms and explosives.

TITLE V—RAIL AND MASS TRANSPORTATION SAFETY

SEC. 501. SAFETY CONSIDERATIONS IN GRANTS OR LOANS TO COMMUTER RAIL- ROADS.

Section 5329 is amended by adding at the end the following:

“(c) COMMUTER RAILROAD SAFETY CONSIDERATIONS.—In making a grant or loan under this chapter that concerns a railroad subject to the Secretary's railroad safety jurisdiction under section 20102 of this title, the Federal Transit Administrator shall consult with the Federal Railroad Administrator concerning relevant safety issues. The Secretary may use appropriate authority under this chapter, including the authority to prescribe particular terms or covenants under section 5334 of this title, to address any safety issues identified in the project supported by the loan or grant.”

SEC. 502. RAILROAD ACCIDENT AND INCIDENT REPORTING.

Section 20901(a) is amended to read as follows:

“(a) GENERAL REQUIREMENTS.—On a periodic basis as specified by the Secretary of Transportation, a railroad carrier shall file a report with the Secretary on all accidents

and incidents resulting in injury or death to an individual or damage to equipment or a roadbed arising from the carrier's operations during that period. The report shall state the nature, cause, and circumstances of each reported accident or incident. If a railroad carrier assigns human error as a cause, the report shall include, at the option of each employee whose error is alleged, a statement by the employee explaining any factors the employee alleges contributed to the accident or incident.”

SEC. 503. VEHICLE WEIGHT LIMITATIONS—MASS TRANSPORTATION BUSES.

Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991, as amended (23 U.S.C. 127 note), is amended by striking “the date on which” and all that follows through “1995” and inserting “January 1, 2003”.

TITLE VI—MOTOR CARRIER SAFETY SUBTITLE A—STATE GRANTS AND OTHER COMMERCIAL VEHICLE PROGRAMS

SEC. 601. STATEMENT OF PURPOSE.

Chapter 311 is amended—

(1) by inserting before section 31101 the following:

“§31100. Purpose

“The purposes of this subchapter are—

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

“(2) to facilitate efforts by the Secretary, States, and other political jurisdictions, working in partnership, to focus their resources on strategic safety investments;

“(3) to increase administrative flexibility;

“(4) to strengthen enforcement activities;

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

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

“(7) to improve information and analysis systems.”; and

(2) by inserting before the item relating to section 31101 in the chapter analysis for chapter 311 the following:

“§31100. Purposes”.

SEC. 602. GRANTS TO STATES.

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

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

(2) by striking “adopt and assume responsibility for enforcing” in the first sentence of paragraph (b)(1) and inserting “assume responsibility for improving motor carrier safety and to adopt and enforce”.

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

(1) by inserting a comma and “hazardous materials transportation safety,” after “commercial motor vehicle safety” in subsection (a); and

(2) by inserting a comma and “hazardous materials transportation safety,” in the first sentence of subsection (b) after “commercial motor vehicle safety”.

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

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

(2) by inserting before subparagraph (B), as redesignated, the following:

“(A) implements performance-based activities by fiscal year 2003;”

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

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

“(L) ensures consistent, effective, and reasonable sanctions;

“(M) ensures that the State agency will coordinate the plan, data collection, and information systems with the State highway safety programs under title 23;

(5) by striking subparagraph (O), as redesignated;

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

(7) by striking “to remove” in clause (i) of subparagraph (P), as redesignated, and inserting “activities aimed at removing”;

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

(9) by inserting “and” after the semicolon in clause (ii) of subparagraph (P), as redesignated;

(10) by striking clauses (iii) and (iv) of subparagraph (P), as redesignated;

(11) by inserting after clause (ii) of subparagraph (P), as redesignated, the following:

“(iii) interdiction activities affecting the transportation of controlled substances by commercial motor vehicle drivers and training on appropriate strategies for carrying out those interdiction activities.”; and

(12) by striking subparagraph (Q), as redesignated, and redesignating subparagraph (R), as redesignated, as subparagraph (Q).

SEC. 603. FEDERAL SHARE.

Section 31103 is amended—

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

“(a) COMMERCIAL MOTOR VEHICLE SAFETY PROGRAMS AND ENFORCEMENT.—”

(2) by inserting “improve commercial motor vehicle safety and” in the first sentence before “enforce”; and

(3) by adding at the end the following:

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

SEC. 604. AVAILABILITY OF AMOUNTS.

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

“(a) GENERAL.—Subject to section 9503(c)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(1)), there are available from the Highway Trust Fund (except the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102 of this title, not more than \$83,000,000 for each of the fiscal years ending September 30, 1998, 1999, 2000, 2001, 2002, and 2003.”

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

“(2) Amounts made available under section 4002(e)(1) and (2) of the Intermodal Surface Transportation Efficiency Act of 1991 before October 1, 1996, that are not obligated on October 1, 1997, are available for obligation under paragraph (1) of this subsection.”

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

“(f) ALLOCATION CRITERIA AND ELIGIBILITY.—

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

“(2) The Secretary may designate up to 12 percent of such amounts to reimburse States for border commercial motor vehicle safety programs and enforcement and other high priority activities and projects. These amounts may be allocated by the Secretary to State agencies and local governments, that use trained and qualified officers and employees, and to other persons, in coordination with State motor vehicle safety agencies, for the improvement of commercial motor vehicle safety.”

(d) OTHER AMENDMENTS.—

(1) Section 31104 is amended by striking subsection (g) and redesignating subsection (h) as subsection (g).

(2) Section 31104(j) is amended by striking "tolerance" in the first sentence.

(3) Section 31104 is amended by striking subsection (i) and redesignating subsection (j) as subsection (h).

SEC. 605. INFORMATION SYSTEMS AND STRATEGIC SAFETY INITIATIVES.

Section 31106 is amended to read as follows:

"§31106. Information Systems and Strategic Safety Initiatives.

"(a) INFORMATION SYSTEMS.—

"(1) IN GENERAL.—The Secretary is authorized to establish motor carrier information systems and data analysis programs to support motor carrier regulatory and enforcement activities required under this title. In cooperation with the States, the information systems shall be coordinated into a network providing identification of motor carriers and drivers, registration and licensing tracking, and motor carrier and driver safety performance. The Secretary shall develop and maintain data analysis capacity and programs to provide the means to develop strategies to address safety problems and to use data analysis to measure the effectiveness of these strategies and related programs; to determine the cost effectiveness of State and Federal safety compliance, enforcement programs, and other countermeasures; to evaluate the safety fitness of motor carriers and drivers; to identify and collect necessary data; and to adapt, improve, and incorporate other information and information systems as deemed appropriate by the Secretary.

"(2) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT.—

"(A) The Secretary may include as part of the information system authorized under paragraph (1), an information system, to be called the Performance and Registration Information System Management, to serve as a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles and the safety system of the commercial motor vehicle registrants or the motor carriers operating the vehicles. The Secretary may include in the system information on the safety fitness of each of the motor carriers and registrants and other information the Secretary considers appropriate, including information on vehicle, driver, and motor carrier safety performance.

"(B) The Secretary may prescribe technical and operational standards to ensure—

"(i) uniform, timely and accurate information collection and reporting by the States necessary to carry out this system;

"(ii) uniform State and Federal procedures and policies necessary to operate the Commercial Vehicle Information System; and

"(iii) the availability and reliability of the information to the States and the Secretary from the information system.

"(C) The system shall link the Federal motor carrier safety systems with State driver and commercial vehicle registration and licensing systems, and shall be designed—

"(i) to enable a State, when issuing license plates or throughout the registration period for a commercial motor vehicle, to determine, through the use of the information system, the safety fitness of the registrant or motor carrier;

"(ii) to allow a State to decide, in cooperation with the Secretary, the types of sanctions that may be imposed on the registrant or motor carrier, or the types of conditions or limitations that may be imposed on the operations of the registrant or motor carrier that will ensure the safety fitness of the registrant or motor carrier;

"(iii) to monitor the safety fitness of the registrant or motor carrier during the registration period; and

"(iv) to require the State, as a condition of participation in the system, to implement uniform policies, procedures, and standards, and to possess or seek authority to impose commercial motor vehicle registration sanctions on the basis of a Federal safety fitness determination.

"(D) Of the amounts available for expenditure under this section, not more than \$6,000,000 in each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 may be made available to carry out paragraph (a)(2) of this section. The Secretary may authorize the operation of the information system by contract, through an agreement with one or more States, or by designating, after consultation with the States, a third party that represents the interests of the States.

"(b) COMMERCIAL MOTOR VEHICLE DRIVER SAFETY PROGRAM.—The Secretary is authorized to establish a program focusing on improving commercial motor vehicle driver safety. The objectives of the program shall include—

"(1) enhancing the exchange of driver licensing information among the States and among the States, the Federal Government, and foreign countries;

"(2) providing information to the judicial system on the commercial motor vehicle driver licensing program; and

"(3) evaluating any aspect of driver performance and safety as deemed appropriate by the Secretary.

"(c) COOPERATIVE AGREEMENTS, GRANTS, AND CONTRACTS.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities, or by making grants to and entering into contracts and cooperative agreements with States, localities, associations, institutions, corporations (profit or nonprofit) or other persons."

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

Section 31107 is amended to read as follows:

"§31107. Authorization of appropriations for information systems and strategic safety initiatives.

"(a) GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary to incur obligations to carry out section 31106 of this title the sum of \$17 million for each of the fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. The amounts made available under this subsection shall remain available until expended.

"(b) CONTRACT AUTHORITY.—Approval by the Secretary of a grant under this section imposes upon the United States Government a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant."

SEC. 607. CONFORMING AMENDMENTS.

The chapter analysis for chapter 311 is amended—

(1) by striking the heading for subchapter I and inserting the following:

"SUBCHAPTER I. STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS.";

and

(2) by striking the items relating to sections 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."

SUBTITLE B—MOTOR CARRIER SAFETY ACT OF 1997

SEC. 651. SHORT TITLE.

This subtitle may be cited as the "Motor Carrier Safety Act of 1997".

SEC. 652. SAFETY REGULATIONS.

(a) REPEAL OF REVIEW PANEL.—Subchapter III of chapter 311 is amended—

(1) by striking sections 31134 and 31140; and

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

(b) REVIEW PROCEDURE.—

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

(A) by striking subsection (b) and redesignating subsections (c), (d), (e), (f), (g), and (h) as subsections (b), (c), (d), (e), (f), and (g), respectively;

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

"(b) REVIEW AND DECISIONS BY THE SECRETARY.—

"(1) The Secretary shall review the laws and regulations on commercial motor vehicle safety in effect in each State, and decide—

"(A) whether the State law or regulation—

"(i) has the same effect as a regulation prescribed by the Secretary under section 31136 of this title;

"(ii) is less stringent than that regulation;

or

"(iii) is additional to or more stringent than that regulation; and

"(B) for each State law or regulation which is additional to or more stringent than the regulation prescribed by the Secretary, whether—

"(i) the State law or regulation has no safety benefit;

"(ii) the State law or regulation is incompatible with the regulation prescribed by the Secretary under section 31136 of this title; or

"(iii) enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce.";

(C) by striking paragraph (5) of subsection (b)(5), as redesignated, and inserting the following:

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

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

"(d) WRITTEN NOTICE OF DECISIONS.—The Secretary shall give written notice of the decision under subsection (b) of this section to the State concerned."; and

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

(2) CONFORMING CHANGES.—

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

"§31141. Preemption of State laws and regulations".

(B) The chapter analysis of chapter 311 of such title is amended by striking the item relating to section 31141 and inserting the following:

"31141. Preemption of State laws and regulations".

(c) INSPECTION OF VEHICLES.—

(1) Section 31142 is amended—

(A) by striking "part 393 of title 49, Code of Federal Regulations" in subsection (a) and inserting "regulations issued pursuant to section 31135 of this title"; and

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

"(C) prevent a State from participating in the activities of a voluntary group of States enforcing a program for inspection of commercial motor vehicles; or".

(2) Subchapter IV of chapter 311 is amended—

(A) by striking sections 31161 and 31162; and

(B) by striking the items relating to sections 31161 and 31162 in the chapter analysis for that chapter.

(3) Section 31102(b)(1) is amended—

(A) by striking “and” at the end of subparagraph (P);

(B) by striking “thereunder.” in subparagraph (Q) and inserting “thereunder; and”; and

(C) by adding at the end thereof the following:

“(R) provides that the State will establish a program: (i) to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with funds authorized under section 31104 of this title; and (ii) to ensure that information is exchanged among the States in a timely manner.”.

(d) SAFETY FITNESS OF OWNERS AND OPERATORS.—Section 31144 is amended to read as follows:

“§31142. Safety fitness of owners and operators

“(1) PROCEDURE.—The Secretary of Transportation shall maintain in regulation a procedure for determining the safety fitness of owners and operators of commercial motor vehicles, including persons seeking new or additional operating authority as motor carriers under section 13902 of this title. The procedure shall include—

“(1) specific initial and continuing requirements to be met by the owners, operators, and other persons to demonstrate safety fitness;

“(2) a means of deciding whether the owners, operators, or other persons meet the safety requirements under paragraph (1) of this subsection; and

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

“(b) PROHIBITED TRANSPORTATION.—Except as provided in sections 521(b)(5)(A) and 5113 of this title, a motor carrier that fails to meet the safety fitness requirements established under subsection (a) of this section may not operate in interstate commerce beginning on the 61st day after the date of the determination by the Secretary that the motor carrier fails to meet the safety fitness requirements and until the motor carrier meets the safety fitness requirements. The Secretary may, for good cause shown, provide a carrier with up to an additional 60 days to meet the safety fitness requirements.

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

“(d) GOVERNMENT USE PROHIBITED.—A department, agency, or instrumentality of the United States Government may not use a motor carrier that does not meet the safety fitness requirements.

“(e) PUBLIC AVAILABILITY; UPDATING OF FITNESS DETERMINATIONS.—The Secretary shall amend the motor carrier safety regulations in subchapter B of chapter III of title 49, Code of Federal Regulations, to establish a system to make readily available to the public, and to update periodically, the safety fitness determinations of motor carriers made by the Secretary.

“(f) PENALTIES.—The Secretary shall prescribe regulations setting penalties for violations of this section consistent with section 521 of this title.”.

(e) SAFETY FITNESS OF PASSENGER AND HAZARDOUS MATERIAL CARRIERS.—

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

(A) by striking subsection (a) and inserting the following:

“(a) PROHIBITED TRANSPORTATION.—

“(1) A motor carrier that fails to meet the safety fitness requirements established

under subsection 31144(a) of this title may not operate a commercial motor vehicle (as defined in section 31132 of this title)—

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

“(B) to transport more than 15 individuals.

“(2) The prohibition in paragraph (1) of this subsection applies beginning on the 46th day after the date on which the Secretary determines that a motor carrier fails to meet the safety fitness requirements and applies until the motor carrier meets the safety fitness requirements.”.

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

(C) by striking “receiving and unsatisfactory rating” in subsection (b) and inserting “failing to meet the safety fitness requirements”;

(D) by striking “has an unsatisfactory rating from the Secretary” in subsection (c) and inserting “failed to meet the safety fitness requirements”; and

(E) by striking “RATINGS” in the caption of subsection (d) and inserting “Fitness Determination”;

(F) by striking “, in consultation with the Interstate Commerce Commission,” in subsection section (d); and

(G) by striking “ratings of motor carriers that have unsatisfactory ratings from” in subsection (d) and inserting “fitness determinations of motor carriers made by”.

(2) CONFORMING AMENDMENTS.—

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

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

(B) The chapter analysis for such chapter is amended by striking the item relating to section 5113 and inserting the following:

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

(f) DEFINITIONS.—

(1) Section 31101(1) is amended—

(A) by inserting “or gross vehicle weight, whichever is greater,” after “rating” in subparagraph (A);

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

(B) by striking “10” in subparagraph (B) and inserting “15”; and

(C) by inserting “and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103” after “title” in subparagraph (C).

(2) Section 31132 is amended—

(A) by inserting “or gross vehicle weight, whichever is greater,” after “rating” in paragraph (1)(A); and

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

“For purposes of this paragraph, the term ‘business affecting interstate commerce’ means a business employing a commercial motor vehicle in interstate commerce and includes all operations of the business in intrastate commerce which use vehicles otherwise defined as commercial motor vehicles under paragraph (1) of this section.”.

(g) MINIMUM FINANCIAL RESPONSIBILITY FOR TRANSPORTING PETROLEUM PRODUCTS.—Section 31139(c)(2)(A)(i) is amended by inserting “or petroleum products classified as hazardous materials” after “Administrator”.

(h) EMPLOYEE PROTECTIONS.—Section 31105 is amended—

(1) by adding at the end of subsection (d) the following: “An employee may also independently bring a civil action to enforce an order issued under subsection (b) of this section in the district court of the United States for the judicial circuit in which the violation occurred.”; and

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

“(e) ATTENDANCE AND TESTIMONY OF WITNESSES AND PRODUCTION OF EVIDENCE; ENFORCEMENT OF SUBPOENA.—In carrying out the authority under this section, the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In cases of failure or refusal by any person to obey such an order, any district court of the United States for the jurisdiction in which such person is found, resides, or transacts business, shall have jurisdiction to issue, upon application by the Secretary, an order requiring such person to appear and produce evidence and to give testimony relating to the matter under investigation or in question. Any failure to obey such order of the court may be punished by said court as a contempt thereof.”.

SEC. 653. COMMERCIAL MOTOR VEHICLE OPERATORS.

(a) REPEAL OF OBSOLETE GRANT PROGRAMS.—Chapter 313 is amended—

(1) by striking sections 31312 and 31313; and

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

(b) COMMERCIAL DRIVER'S LICENSE REQUIREMENT.—

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

“§31302. Commercial driver's license requirement

“No individual shall operate a commercial motor vehicle without a commercial driver's license issued according to section 31308 of this title.”.

(2) CONFORMING AMENDMENTS.—

(A) The chapter analysis for that chapter is amended by striking the item relating to section 31302 and inserting the following:

“31302. Commercial driver's license requirement”.

(B) Section 31305(a) is amended by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively, and by inserting after paragraph (1) the following:

“(2) may establish performance based testing and licensing standards that more accurately measure and reflect an individual's knowledge and skills as an operator;”.

(c) COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM.—Section 31309 is amended—

(1) by striking “make an agreement under subsection (b) of this section for the operation of, or establish under subsection (c) of this section,” in subsection (a) and inserting “maintain”; and

(2) by striking subsections (b) and (c) and redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d) respectively;

(3) by striking “Not later than December 31, 1990, the” in paragraph (2) of subsection (b), as redesignated, and inserting “The”; and

(4) by striking “shall” in paragraph (2) of subsection (b), and redesignated, and inserting “may”;

(5) by inserting after the caption of subsection (c), as designated, the following: “Information about a driver in the information system may be made available under the following circumstances:”; and

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

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

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

(2) by striking paragraph (17); and

(3) by redesignating paragraph (18) as paragraph (17).

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

(1) by striking “, (2), (5), and (6)” and inserting “(3), and (5)”;

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

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

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

(5) by striking subsection (d); and

(6) by redesignating subsection (e) as subsection 9d).

(f) COMMERCIAL MOTOR VEHICLE DEFINED.—Section 31301 is amended—

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

(2) by inserting “is” in paragraph (4)(C)(ii) before “transporting” each place it appears and before “not otherwise”.

(g) SAFETY PERFORMANCE HISTORY OF NEW DRIVERS; LIMITATION ON LIABILITY.—

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

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

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

“(1) a motor carrier requesting the safety performance records of an individual under consideration for employment as a commercial motor vehicle driver as required by and in accordance with regulations issued by the Secretary;

“(2) a person who has complied with such a request; or

“(3) the agents or insurers of a person described in paragraph (1) or (2) of this subsection.

“(b) RESTRICTIONS.—

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

“(A) the motor carrier requesting the safety performance records at issue, the person complying with such a request, and their agents have taken all precautions reasonably necessary to ensure the accuracy of the records and have fully complied with the regulations issued by the Secretary in using and furnishing the records, including the requirement that the individual who is the subject of the records be afforded a reasonable opportunity to review and comment on the records;

“(B) the motor carrier requesting the safety performance records, the person complying with such a request, their agents, and their insurers, have taken all precautions reasonably necessary to protect the privacy of the individual who is the subject of the records, including protecting the records from disclosure to any person, except for their insurers, not directly involved in forwarding the records or deciding whether to hire that individual; and

“(C) the motor carrier requesting the safety performance records have used those records only to assess the safety performance of the individual who is the subject of those records in deciding whether to hire that individual.

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

“(c) PREEMPTION OF STATE AND LOCAL LAW.—No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law (including any regulation, standard, or other provision having the force and effect of law) that prohibits, penalizes, or imposes liability for furnishing or using safety performance records in accordance with regulations issued by the Secretary.”.

(2) CONFORMING AMENDMENT.—The chapter analysis for that chapter is amended by in-

serting after the item relating to section 507 the following:

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

SEC. 654. PENALTIES.

(a) NOTIFICATION OF VIOLATIONS AND ENFORCEMENT PROCEDURES.—Section 521(b)(1) is amended—

(1) by inserting: “with the exception of reporting and recordkeeping violations,” in the first sentence of subparagraph (A) after “under any of those provisions,”;

(2) by striking “fix a reasonable time for abatement of the violation,” in the third sentence of subparagraph (A);

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

(4) by striking subparagraph (B).

(b) CIVIL PENALTIES.—Section 521(b)(2) is amended—

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

“(A) IN GENERAL.—Except as otherwise provided in this subsection, any person who is determined by the Secretary, after notice and opportunity for a hearing, to have committed an act which is a violation of regulations issued by the Secretary under subchapter III of chapter 311 (except sections 31137 and 31138) or section 31502 of this title shall be liable to the United States for a civil penalty in an amount not to exceed \$10,000 for each offense. Notwithstanding any other provision of this section (except subparagraph (C)), no civil penalty shall be assessed under this section against an employee for a violation in an amount exceeding \$2,500.”;

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

(3) by inserting after subparagraph (A) the following:

“(B) RECORDKEEPING AND REPORTING VIOLATIONS.—

“(i) A person required to make a report to the Secretary, answer a question, or make, prepare, or preserve a record under section 504 of this title or under any regulation issued by the Secretary pursuant to subchapter III of chapter 311 (except sections 31137 and 31138) or section 31502 of this title about transportation by motor carrier, motor carrier of migrant workers, or motor private carrier, or an officer, agent, or employee of that person, who—

“(I) does not make that report;

“(II) does not specifically, completely, and truthfully answer that question in 30 days from the date the Secretary requires the question to be answered; or

“(III) does not make, prepare, or preserve that record in the form and manner prescribed by the Secretary,

shall be liable to the United States for a civil penalty in an amount not to exceed \$500 for each offense, and each day of the violation shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for all offenses related to any single violation shall not exceed \$5,000.

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

“(I) knowingly falsifies, destroys, mutilates, or changes a required report or record;

“(II) knowingly files a false report with the Secretary;

“(III) knowingly makes or causes or permits to be made a false or incomplete entry in that record about an operation or business fact or transaction; or

“(IV) knowingly makes, prepares, or preserves a record in violation of a regulation or order of the Secretary,

shall be liable to the United States for a civil penalty in an amount not to exceed \$5,000 for each violation, provided that any such ac-

tion can be shown to have misrepresented a fact that constitutes a violation other than a reporting or recordkeeping violation.”.

(c) PENALTY FOR AIDING AND ABETTING.—

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

“§ 527. Aiding and abetting

“A person who knowingly aids, abets, counsels, commands, induces, or procures a violation of a regulation or order issued by the Secretary under chapter 311 or section 31502 of this title shall be subject to civil and criminal penalties under this chapter to the same extent as the motor carrier or driver who commits a violation.”.

(2) CONFORMING AMENDMENT.—The chapter analysis for that chapter is amended by inserting after the item relating to section 526 the following:

“527. Aiding and abetting”.

(d) AUTHORITY TO INVESTIGATE.—Section 506(a) is amended—

(1) by inserting “, freight forwarder, shipper, broker, consignee, or other person” after “motor private carrier”;

(2) by striking “or” after “migrant workers”; and

(3) by striking the last sentence.

(e) ENFORCEMENT.—Section 507(a)(2) is amended—

(1) by inserting “, shipper, broker, consignee, or other person” after “freight forwarder”; and

(2) by striking “or” after “motor private carrier”.

(f) CONFORMING AMENDMENTS.—

(1) Section 503(a) is amended by striking “(except a motor contract carrier)”.

(2) Section 522 is amended—

(A) by striking “(a)” in subsection (a); and

(B) by striking subsection (b).

SEC. 655. INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT.

Chapter 317 is amended—

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

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

SEC. 656. STUDY OF ADEQUACY OF PARKING FACILITIES.

The Secretary shall conduct a study to determine the location and quantity of parking facilities at commercial truck stops and travel plazas and public rest areas that could be used by motor carriers to comply with Federal hours-of-service rules. The study shall include an inventory of current facilities serving the National Highway System, analyze where shortages exist or are projected to exist, and propose a plan to reduce the shortages. The study may be carried out in cooperation with research entities representing the motor carrier and travel plaza industry.

SEC. 657. NATIONAL MINIMUM DRINKING AGE—TECHNICAL CORRECTIONS.

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

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

and

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

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

TITLE VII—RESEARCH

SUBTITLE A—PROGRAMS AND ACTIVITIES

SEC. 701. TRANSPORTATION RESEARCH AND DEVELOPMENT.

Subtitle III is amended by adding a new chapter 52 to read as follows:

“CHAPTER 52—RESEARCH AND DEVELOPMENT

“SUBCHAPTER I—GENERAL AND ADMINISTRATIVE

“Sec.

“5201. Transactional authority.

“5202. Reliance on competition.

“5203. Authorizations.

“SUBCHAPTER II—PLANNING

“5221. Planning.

“5222. Implementation.

“SUBCHAPTER III—ADVANCED TRANSPORTATION RESEARCH AND DEVELOPMENT PROGRAMS

“5231. Intermodal transportation research and development program.

“SUBCHAPTER IV—PROFESSIONAL CAPACITY BUILDING

“5241. National university transportation centers.

“SUBCHAPTER I—GENERAL AND ADMINISTRATIVE

“§ 5201. Transactional authority

“To carry out this chapter, the Secretary of Transportation may enter into contracts, grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity to further the objectives of this chapter.

“§ 5202. Reliance on competition

“The Secretary of Transportation may award grants or contracts to university transportation centers established through competition under section 5241 of this title without further competition. A noncompetitive award authorized by this section must be for transportation research, development, education or training consistent with the strategic plan approved as part of the selection process for the center.

“§ 5203. Authorizations

“(a) There is available from the Highway Trust Fund, other than the Mass Transit Account, for the Secretary of Transportation \$10,000,000 for fiscal year 1998, \$15,000,000 for fiscal year 1999, \$20,000,000 for fiscal year 2000, \$25,000,000, for fiscal year 2001, \$30,000,000 for fiscal year 2002, and \$35,000,000 for fiscal year 2003, to carry out subchapters II and III of this chapter.

“(b) CONTRACT AUTHORITY AND AVAILABILITY OF FUNDS.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that any Federal share of the cost of any activity under subchapters II and III of this chapter shall be in accordance with the provision of those subchapters, and such funds shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which such funds are authorized.

“SUBCHAPTER II—PLANNING

“§ 5221. Planning

“(a) AUTHORITY.—The Secretary of Transportation shall establish a strategic planning process to determine national transportation research and technology priorities, coordinate Federal transportation research and technology activities, and measure the impact of these research and technology investments on the performance of the national transportation system.

“(b) CRITERIA.—In developing strategic plans for intermodal, multimodal, and modal research and technology, the Secretary shall consider the need to:

“(1) Coordinate and link Federal, regional, state, and metropolitan planning activities;

“(2) Ensure that standard-setting in transportation is compatible with the concept of a seamless transportation system;

“(3) Encourage innovation;

“(4) Identify and facilitate initiatives and partnerships to deploy advanced technology with the potential for improving transportation systems over ten years;

“(5) Identify core research to support the Nation's long-term transportation technology and system needs, including safety;

“(6) Ensure the Nation's ability to compete on a global basis; and

“(7) Provide a means of assessing the impact of Federal research and technology investments on the performance of the Nation's transportation system.

“§ 5222. Implementation

“In implementing section 5221, the Secretary of Transportation shall adopt such policies and procedures as appropriate—

“(1) to provide for consultation among the Administrators of the operating administrations of the Department and other Federal officials with responsibility for research important to national transportation needs;

“(2) to promote the maximum exchange of information on transportation-related research and development activities among the operating elements of the Department, other Federal departments and agencies, state and local governments, colleges and universities, industry and other private and public sector organizations engaged in such activities;

“(3) to ensure that the Department's research and development programs do not duplicate other Federal research and development programs;

“(4) to ensure that the Department's research and development activities make appropriate use of the talents, skills, and abilities residing at the Federal laboratories and leverage, to the extent practical, the research capabilities of institutions of higher education and private industry; and

“(5) to validate the scientific and technical assumptions underlying the Department's research and technology plans.

“SUBCHAPTER III—ADVANCED TRANSPORTATION RESEARCH AND DEVELOPMENT PROGRAMS

“§ 5231. Intermodal transportation research and development program

“(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a program to be known as the ‘Intermodal Transportation Research and Development Program’.

“(b) PURPOSES.—The purposes of the Intermodal Transportation Research and Development Program are to—

“(1) enhance the capabilities of Federal agencies in meeting national transportation needs as defined by their missions through support for basic and applied research and development impacting the various modes of transportation including research and development in safety, security, mobility, energy and environment, information and physical infrastructure, and industrial design;

“(2) identify and apply innovative research performed by the Government, academia and the private sector to the intermodal and multimodal transportation research, development, and deployment needs of the Department and the Nation's transportation enterprise;

“(3) identify and leverage research, technologies, and other information developed by the Government for national defense and non-defense purposes for the benefit of public, commercial and defense transportation sectors; and

“(4) share information, analytical and research capabilities among Federal, state and local governments, colleges and universities, and private organizations to advance their transportation research, development and deployment needs.

“SUBCHAPTER IV—PROFESSIONAL CAPACITY BUILDING

“§ 5241. National university transportation centers

“(a) REGIONALLY-BASED CENTERS.—The Secretary of Transportation shall make grants to nonprofit institutions of higher learning to establish and operate one university transportation center in each of the ten (10) United States Government regions that comprise the Standard Federal Regional Boundary System.

“(b) OTHER CENTERS.—The Secretary may make grants to non-profit institutions of higher learning to establish and operate up to ten other university transportation centers to address transportation management, research and development, with special attention to increasing the number of highly skilled minority individuals and women entering the transportation workforce; transportation and industrial productivity; rural transportation; advanced transportation technology; international transportation policy studies; transportation infrastructure technology; urban transportation research; transportation and the environment; surface transportation safety; or such other national transportation issues designated by the Secretary.

“(c) SELECTION CRITERIA.—A nonprofit institution of higher learning interested in receiving a grant under this section shall submit an application to the Secretary in the way and containing the information the Secretary prescribes. The Secretary shall select each recipient through a competitive process on the basis of the following:

“(1) for regionally-based centers, the location of the center within the Federal Region to be served;

“(2) the demonstrated research and extension resources available to the recipient to carry out this section;

“(3) the capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-range transportation problems;

“(4) the recipient's establishment of a surface transportation program encompassing several modes of transportation;

“(5) the recipient's demonstrated commitment of at least \$200,000 in regularly budgeted institutional amounts each year to support ongoing transportation research and education programs;

“(6) the recipient's demonstrated ability to disseminate results of transportation research and education programs through a statewide or region-wide continuing education program; and

“(7) the strategic plan the recipient proposes to carry out under the grant.

“(d) OBJECTIVES.—Each university transportation center shall conduct:

“(1) basic and applied research, the products of which are judged by peers or other experts in the field to advance the body of knowledge in transportation;

“(2) an education program that includes multi-disciplinary course work and participation in research; and

“(3) an ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented, utilized or otherwise applied.

“(e) MAINTENANCE OF EFFORT.—Before making a grant under this section, the Secretary may require the recipient to make an agreement with the Secretary to ensure that the recipient will maintain total expenditures from all other sources to establish and operate a university transportation center and related research activities at a level at least equal to the average level of those expenditures in its 2 fiscal years prior to award of a grant under this section.

"(f) FEDERAL SHARE.—A grant under this section is for 50 percent of the cost of establishing and operating the university transportation center and related research activities the recipient carries out. The non-Federal share may include funds provided to a recipient under section 5307 or 5311 of this title.

"(g) PROGRAM COORDINATION.—The Secretary shall provide for coordinating research, education, training, and technology transfer activities that grant recipients carry out under this section, the dissemination of the results of the research, and the establishment and operation of a clearinghouse. At least annually, the Secretary shall review and evaluate programs the grant recipients carry out. The Secretary may use not more than one percent of amounts made available from Government sources to carry out this subsection.

"(h) AMOUNTS AVAILABLE FOR TECHNOLOGY TRANSFER ACTIVITIES.—At least 5 percent of the amounts made available to carry out this section in a fiscal year are available to carry out technology transfer activities.

"(i) LIMITATION OF AVAILABILITY OF FUNDS.—Funds made available to carry out this program remain available for obligation for a period of 2 years after the last day of the fiscal year for which such funds are authorized."

SEC. 702. BUREAU OF TRANSPORTATION STATISTICS.

(a) Section 111(b)(4) is amended by striking the second sentence.

(b) Section 111(c)(1) is amended—

(1) by striking "and" after the semicolon in subparagraph (J);

(2) by striking "system." in subparagraph (K) and inserting "system' and"; and

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

"(L) transportation-related variables influencing global competitiveness."

(c) Section 111(c)(2) is amended—

(1) by striking "national transportation system" in the first sentence and inserting "nation's transportation systems";

(2) by striking subparagraph (A) and inserting the following:

"(A) be coordinated with efforts to measure outputs and outcomes of the Department of Transportation and the nation's transportation systems under the Government Performance and Results Act"; and

(3) by inserting a comma and "made relevant to the States and metropolitan planning organizations," after "accuracy" in subparagraph (C).

(d) Section 111(c)(3) is amended by adding at the end the following: "The Bureau shall review and report to the Secretary of Transportation on the sources and reliability of the statistics proposed by the modal administrations to measure outputs and outcomes as required by the Government Performance and Results Act, and shall undertake such other reviews of the sources and reliability of other data collected by the modal administrations as shall be requested by the Secretary."

(e) Section 111(c) is amended by adding at the end the following:

"(7) SUPPORTING TRANSPORTATION DECISION MAKING.—Ensuring that the statistics compiled under paragraph (1) of this subsection are relevant for transportation decisions by Federal, State, and local governments, transportation-related associations, private business, and consumers."

(f) Section 111 is amended—

(1) by redesignating subsections (d), (e) and (f) as subsections (h), (i) and (j), respectively;

(2) by striking subsection (g); and

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

"(d) INTERMODAL TRANSPORTATION DATA BASE.—The Director shall establish and

maintain an Intermodal Transportation Data Base, in consultation with the Assistant Secretaries and operating Administrations of the Department. This data base shall be suitable for analyses conducted by the Federal Government, the States, and metropolitan planning organizations. The data base shall include but not be limited to—

"(1) information on the volumes and patterns of movement of goods, including local, interregional, and international movements, by all modes of transportation and intermodal combinations, and by relevant classification;

"(2) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation and intermodal combinations, and by relevant classification; and

"(3) information on the location and connectivity of transportation facilities and services and a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combinations.

"(e) NATIONAL TRANSPORTATION LIBRARY.—The Director shall establish and maintain the National Transportation Library, containing a collection of statistical and other information needed for transportation decision making at the Federal, State, and local levels. The Bureau shall facilitate and promote access to the Library, with the goal of improving the ability of the transportation community to share information and the Bureau to make statistics readily accessible under paragraph (c)(5) of this section. The Bureau shall work with other transportation libraries and other transportation information providers, both public and private, to achieve this goal.

"(f) NATIONAL TRANSPORTATION ATLAS DATA BASE.—The Director shall develop and maintain geo-spatial data bases depicting transportation networks; flows of people, goods, vehicles, and craft over those networks; and social, economic, and environmental conditions affecting or affected by those networks. These data based shall be able to support intermodal network analysis.

"(g) RESEARCH AND DEVELOPMENT GRANTS.—The Secretary may make grants to, or enter into cooperative agreements of contracts with, public and nonprofit private entities (including, but not limited to, State Departments of Transportation, metropolitan planning organizations, Transportation Research Centers, and universities) for—

"(1) the investigation of the subjects listed in subsection (c)(1) of this section and for research and development of new methods of data collection, management, integration, dissemination, interpretation, and analysis;

"(2) development of electronic clearinghouses of transportation data and related information, as part of the National Transportation Library under subsection (e) of this section; and

"(3) development and improvement of methods for sharing geographic data, in support of the National Transportation Atlas Data Base under subsection (f) and the National Spatial Data Infrastructure."

(g) Section 111(i), as redesignated, is amended to read as follows:

"(i) PROHIBITION ON CERTAIN DISCLOSURES.—

"(1) An officer or employee of the Bureau may not—

"(A) make any publication in which the data furnished by a person under paragraph (c)(2) can be identified;

"(B) use the information furnished under the provisions of paragraph (c)(2) of this section for a non-statistical purpose; or

"(C) permit anyone other than the individuals authorized by the Director to examine

individual reports furnished under paragraph (c)(2) of this section.

"(2) No department, bureau, agency, officer, or employee of the United States except the Director of the Bureau of Transportation Statistics in carrying out the purpose of this section, shall require, for any reason, copies of reports which have been filed under paragraph (c)(2) with the Bureau of Transportation Statistics or retained by any individual respondent. Copies of such reports which have been so retained or filed with the Bureau or any of its employees, contractors, or agents shall be immune from legal process, and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding. This paragraph shall only apply to individually identifiable data.

"(3) In a case in which the Bureau is authorized by statute to collect data or information for nonstatistical purposes, the Director shall clearly distinguish the collection of such data or information by rule and on the collection instrument to inform a respondent requested or required to supply the data or information of the nonstatistical purposes."

(h) Section 111(j), as redesignated, is amended by striking "On or before January 1, 1994, and annually thereafter, the" and inserting "The".

(i) Section 111 is amended by adding at the end the following:

"(k) DATA PRODUCT SALES PROCEEDS.—Notwithstanding section 3302 of title 31, United States Code, funds received by the Bureau of Transportation Statistics from the sale of data products may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for such expenses.

"(l)(1) FUNDING.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account), \$31,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002 and 2003 to carry out this section, provided that amounts for activities under subsection (g) of this section may not exceed \$500,000 per year. Amounts made available under this subsection shall remain available for a period of 3 years.

"(2) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code."

(j) CONFORMING AMENDMENT.—Section 5503 is amended by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

SEC. 703. RESEARCH AND TECHNOLOGY PROGRAM.

(a) Section 307 of title 23, United States Code, is amended to read as follows:

§ 307 Research and planning

"(a) FINDINGS; GENERAL AUTHORITY; AND COLLABORATIVE AGREEMENTS.—

"(1) FINDINGS.—The Congress finds that—

"(A) Results of research, technology transfer, studies, and activities have demonstrated that continued and increased efforts to provide for technical innovation must be a cornerstone in the foundation as the transportation community moves into the next century.

"(B) A strong Federal transportation research and technology program is recognized as essential to ensure that innovation is developed and incorporated into the multi-billion dollar infrastructure program.

"(C) Technology advancement is essential to support the Nation's infrastructure needs and, in turn, its ability to continue to participate successfully in a global marketplace and economy.

“(2) AUTHORITY OF THE SECRETARY.—

“(A) IN GENERAL.—The Secretary shall engage in research, development, and technology transfer activities with respect to motor carrier transportation and all phases of highway planning and development (including construction, operation, modernization, development, design, maintenance, safety, financing, and traffic conditions) and the effect thereon of State laws and may test, develop, or assist in testing and developing any material, invention, patented article, or process.

“(B) COOPERATION, GRANTS, AND CONTRACTS.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities or by making grants to, or entering into contracts, cooperative agreements, and other transactions with, the National Academy of Sciences, the American Association of State Highway and Transportation Officials, or any State agency, authority, association, institution, corporation (profit or nonprofit), organization, or person.

“(C) TECHNICAL INNOVATION.—The Secretary shall develop and administer programs to facilitate application of the products of research and technical innovations that will improve the safety, efficiency, and effectiveness of the highway system.

“(D) FUNDS.—

“(i) IN GENERAL.—Except where specifically noted otherwise in other sections of chapter 3, the funds necessary to carry out this subsection shall be taken by the Secretary out of administrative funds deducted pursuant to section 104(a) of this title and such funds as may be deposited by any cooperating organization or person in a special account of the Treasury of the United States established for such purposes, and such funds shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

“(ii) USE OF FUNDS.—The Secretary shall use funds available to carry out this section to develop, administer, communicate, and achieve the use of products of the research, development, and technology transfer programs, and to otherwise interact with partners and users in the planning and dissemination of results.

“(3) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

“(A) IN GENERAL.—For the purposes of encouraging innovative solutions to surface transportation problems and stimulating the marketing of new technology by private industry, the Secretary is authorized to undertake, on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State.

“(B) AGREEMENTS.—In carrying out this paragraph, the Secretary may enter into cooperative research and development agreements, as such term is defined under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

“(C) FEDERAL SHARE.—The Federal share payable on account of activities carried out under a cooperative research and development agreement entered into under this paragraph shall not exceed 50 percent of the total cost of such activities; except that, if there is substantial public interest or benefit, the Secretary may approve a higher Federal share. All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware development costs, shall be treated as part of the non-Federal share of the cost of such activities for purposes of the preceding sentence.

“(D) UTILIZATION OF TECHNOLOGY.—The research, development, or utilization of any technology pursuant to a cooperative research and development agreement entered into under this paragraph, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980.

“(E) FUNDS.—The funds necessary to carry out this paragraph shall be taken by the Secretary out of administrative funds deducted pursuant to section 104(a) of this title and such funds as may be deposited by any cooperating organization or person in a special account of the Treasury of the United States established for such purposes.

“(4) Waiver of advertising requirements.—The provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) shall not be applicable to contracts or agreements entered into under this chapter.

“(b) MANDATORY CONTENTS OF PROGRAM.—The Secretary shall include in the surface transportation research, development, and technology transfer programs under this subsection and as specified elsewhere in this title—

“(1) a coordinated long-term program of research for the development, use, and dissemination of performance indicators to measure the performance of the surface transportation system of the United States, including indicators for productivity, efficiency, energy use, air quality, congestion, safety, maintenance, and other factors which reflect the overall performance of such system.

“(2) a program to strengthen and expand surface transportation infrastructure research, development, and technology transfer, including, as a minimum, the following elements:

“(A) Methods and materials for improving the durability of surface transportation infrastructure facilities and extending the life of bridge structures, including new and innovative technologies to reduce corrosion.

“(B) Expansion of the Department of Transportation's inspection and mobile non-destructive examination capabilities, including consideration of the use of high energy field radiography for more thorough and more frequent inspection of bridge structures as well as added support to State, local, and tribal highway departments.

“(C) A research and development program directed toward the reduction of costs associated with the construction of highways and mass transit systems.

“(D) A surface transportation research program to develop nondestructive evaluation equipment for use with existing infrastructure facilities and for next generation infrastructure facilities that utilize advanced materials.

“(E) Information technology including appropriate computer programs to collect and analyze data on the status of the existing infrastructure facilities for enhancing management, growth, and capacity; and dynamic simulation models of surface transportation systems for predicting capacity, safety, and infrastructure durability problems, for evaluating planned research projects, and for testing the strengths and weaknesses of proposed revisions in surface transportation operations programs.

“(F) New innovative technologies to enhance and facilitate field construction and rehabilitation techniques for minimizing disruption during repair and maintenance of existing structures.

“(G) Initiatives to improve the Nation's ability to respond to emergencies and natural disasters, and to enhance national defense mobility.

“(c) As used in this chapter the term ‘safety’ includes, but is not limited to, highway

safety systems, research, and development relating to vehicle, highway, and driver characteristics, accident investigations, communications, emergency medical care, and transportation of the injured.”

SEC. 704. NATIONAL TECHNOLOGY DEPLOYMENT INITIATIVES.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended—

- (1) by striking section 321; and
- (2) by amending section 326 to read as follows:

§ 326. National technology deployment initiatives program

“(a) ESTABLISHMENT.—The Secretary shall develop and administer a National Technology Deployment Initiatives program for the purpose of significantly expanding the adoption of innovative technologies by the surface transportation community.

“(b) DEPLOYMENT GOALS.—The Secretary shall establish a limited number of goals for the program carried out under this section. Each of the goals and the program developed to achieve the goals shall be designed to provide tangible benefits in the areas of transportation system efficiency, safety, reliability, service life, environmental protection, and sustainability. For each of these goals, the Secretary, in cooperation with representatives of the transportation community such as the States, local government, the private sector, and academia, shall access domestic and international technology to develop strategies and initiatives to achieve the goal, including technical assistance in deploying technology, and mechanisms for sharing information among program participants. Goals to be addressed may include:

- “(1) Reduced delay and improved safety within construction and maintenance work areas.
- “(2) Extended life of the current infrastructure.
- “(3) Increased system durability and life, including applications of high performance materials.
- “(4) Improved safety of driving at night and other periods of reduced visibility.
- “(5) Support and enhancement of the environment with use of innovative technologies.
- “(6) Support of community-oriented transportation and sustainable development.
- “(7) Minimized transportation system closures, constraints, and delay caused by snow and ice.

“(c) FUNDING.—There are authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), \$56,000,000 for each of fiscal years 1998, 1999, and 2000; and \$84,000,000 for each of fiscal years 2001, 2002, and 2003 to carry out this section. Where appropriate to achieve the goals outlined above, the Secretary may further allocate such funds to States for their use.

“(d) LEVERAGING OF RESOURCES.—The Secretary shall give preference to projects that leverage Federal funds against significant resources from other sources, public or private.

“(e) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of this title; except that the Federal share of the cost of any activity under this section shall be determined by the Secretary and such funds shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized. After providing notice and an opportunity for comment, the Secretary may waive, in whole or in part, application of any provision of this title, if the Secretary determines that such waiver is not contrary to the public interest and will advance the

technology development nationwide. Any waiver under this section shall be published in the Federal Register, together with reasons for such waiver."

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 is amended—

(1) striking the item relating to section 321; and

(2) striking the item relating to section 326 and inserting the following:

"326. National technology deployment initiatives program".

SUBTITLE B—INTELLIGENT TRANSPORTATION SYSTEMS ACT OF 1997

SEC. 751. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This subtitle may be cited as the "Intelligent Transportation Systems Act of 1997".

(b) FINDINGS.—The Congress finds that the research and tests conducted under the Intelligent Transportation Systems Act of 1991 demonstrated the potential benefit and readiness of Intelligent Transportation Systems to enhance the safety and efficiency of surface transportation operations in a variety of ways.

(c) PURPOSE.—The purpose of this subtitle is to provide for the accelerated deployment of proven technologies and concepts, while also increasing the Federal commitment to improving surface transportation safety through aggressive, long-range research, development, testing, and promotion of crash avoidance technologies and systems in cooperation with industry.

SEC. 752. DEFINITIONS; CONFORMING AMENDMENT.

(a) For the purposes of this subtitle, the following definitions apply:

(1) ADVANCED RURAL TRANSPORTATION SYSTEMS.—The term "Advanced Rural Transportation Systems" means the construction, or acquisition, and operation of ITS predominantly outside of metropolitan areas, and including public lands such as National Parks, monuments, and recreation areas, for the purposes of providing—

(A) traveler safety and security advisories and warnings;

(B) emergency "Mayday" services to notify public safety and emergency response organizations of travelers in need of emergency services;

(C) tourism and traveler information services;

(D) public mobility services to improve the efficiency and accessibility of rural transit service;

(E) enhanced rural transit fleet operations and management;

(F) improved highway operations and maintenance through the rapid detection of severe weather conditions, hazardous road and bridge conditions, and imminent danger to construction and maintenance crews from errant vehicles in work zones; and

(G) Commercial Vehicle Operations (CVO) user services.

(2) CVISN.—The term "Commercial Vehicle Information Systems and Networks" means the information systems and communications networks that support CVO.

(3) CVO.—The term "Commercial Vehicle Operations" means motor carrier operations and motor vehicle regulatory activities associated with the commercial movement of goods, including hazardous materials, and passengers. Public sector CVO activities include the issuance of operating credentials, motor vehicle and fuel tax administration, and roadside safety and border crossing inspection and regulatory compliance operations.

(4) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—The term "Intelligent Transportation Infrastructure" means the initial construction or acquisition of fully inte-

grated public sector ITS components as defined by the Secretary, including traffic signal control systems, freeway management systems, incident management systems, transit management systems, regional multi-modal traveler information systems, emergency management services, electronic toll collection systems, electronic fare payment systems, ITS-based railroad grade crossing safety systems, roadway weather information and prediction systems, advanced rural transportation systems, and commercial vehicle information systems and networks.

(5) INTELLIGENT TRANSPORTATION SYSTEMS.—The term "intelligent transportation systems" means the development or application of electronics, communications, or information processing (including advanced traffic management systems, commercial vehicle operations, advanced traveler information systems, commercial and advanced vehicle control systems, advanced public transportation systems, satellite vehicle tracking systems, and advanced vehicle communications systems) used singly or in combination to improve the efficiency and safety of surface transportation systems.

(6) ITS COLLISION AVOIDANCE SYSTEMS.—The term "ITS Collision Avoidance Systems" means an intelligent transportation system that assists vehicle operators to avoid collisions that would otherwise occur.

(7) NATIONAL ARCHITECTURE.—The term "National Architecture" means the common framework for interoperability adopted by the Secretary, and which defines the functions associated with ITS user services, the physical entities or subsystems within which such functions reside, the data interfaces and information flows between physical subsystems, and the communications requirements association with information flows.

(8) NATIONAL ITS PROGRAM PLAN.—The term "National ITS Program Plan" means the March 1995 First Edition of the National ITS Program Plan jointly developed by the U.S. Department of Transportation and the Intelligent Transportation Society of America, and subsequent revisions issued by the Secretary pursuant to section 755(a)(1).

(9) STATE.—The term "State" has the meaning such term has under section 101 of title 23, United States Code.

(b) NATIONAL HIGHWAY SYSTEM.—The undesignated paragraph in section 101(a) of title 23, United States Code, relating to the National Highway System is amended by inserting after "title" the following: "and the Intelligent Transportation Infrastructure associated with such system."

SEC. 753. SCOPE OF PROGRAM.

(a) SCOPE.—Subject to the provisions of this subtitle, the Secretary shall conduct an ongoing program to research, develop, and operationally test intelligent transportation systems and advance Nation-wide deployment of such systems as a component of the Nation's surface transportation systems.

(b) GOALS.—The goals of the program to be carried out under this subtitle shall include, but not be limited to:

(1) the widespread planning, implementation and operation of integrated intermodal, interoperable intelligent transportation infrastructure, in conjunction with corresponding private sector systems and products, to enhance the capacity, efficiency, and safety of surface transportation, using the authorities provided under sections 103, 119, 133, 134, 135, 149, and 402 of title 23, and sections 3102, 5307, and 5309 of title 49, United States Code;

(2) the protection and enhancement of the natural environment and communities affected by surface transportation, with special emphasis on assisting the efforts of the

States to attain air quality goals established pursuant to the Clean Air Act, while addressing the transportation demands of an expanding economy;

(3) the enhancement of safe operation of the Nation's surface transportation systems with a particular emphasis on aspects of intelligent transportation systems that will decrease the number and severity of collisions and identification of aspects of such systems that may degrade safety, and on in-vehicle systems that bring about a significant reduction in the deaths and injuries by helping prevent collisions that would otherwise occur;

(4) the enhancement of surface transportation operational and transactional efficiencies to allow existing facilities to be used to meet a significant portion of future transportation needs, and to reduce regulatory, financial, and other transaction costs to public agencies and system users;

(5) research, development, investigation, documentation, and promotion of intelligent transportation systems and the public sector organizational capabilities needed to perform or manage the planning, implementation, and operation of intelligent transportation infrastructure in the United States, using authorities provided under section 307 of title 23, United States Code, and sections 111, 112, 301, 30168, 31106, 5312, 5337, and 20108 of title 49, United States Code;

(6) the enhancement of the economic efficiency of surface transportation systems to improve America's competitive position in the global economy;

(7) the enhancement of public accessibility to activities, goods, and services, through the preservation, improvement and expansion of surface transportation system capabilities, operational efficiency, and intermodal connections;

(8) the development of a technology base and necessary standards and protocols for intelligent transportation systems; and

(9) the improvement of the Nation's ability to respond to emergencies and natural disasters, and the enhancement of national defense mobility.

SEC. 754. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) COOPERATION.—In carrying out the program under this subtitle, the Secretary shall foster enhanced operations and management of the Nation's surface transportation systems, strive to achieve the widespread deployment of intelligent transportation systems, and continue to advance emerging technologies, in cooperation with State and local governments and the United States private sector. As appropriate, in carrying out the program under this subtitle, the Secretary shall consult with the Secretary of Commerce, the Secretary of the Treasury, the Administrator of the Environmental Protection Agency, the Director of the National Science Foundation, and the heads of other interested Federal departments and agencies and shall maximize the involvement of the United States private sector, colleges and universities, including Historically Black Colleges and Universities and other Minority Institutions of Higher Education, and State and local governments in all aspects of the program, including design, conduct (including operations and maintenance), evaluation, and financial or in-kind participation.

(b) STANDARDS.—The Secretary shall develop, implement, and maintain a National Architecture and supporting standards and protocols to promote the widespread use and evaluation of intelligent transportation systems technology as a component of the Nation's surface transportation systems. To the extent practicable, such standards and protocols shall promote interoperability among

intelligent transportation systems technologies implemented throughout the States. In carrying out this subsection, the Secretary may use the services of such existing standards-setting organizations as the Secretary determines appropriate. The Secretary shall consult with the Secretary of Commerce, the Secretary of Defense, and the Federal Communications Commission, and take all actions the Secretary deems necessary to secure the necessary spectrum for the near-term establishment of a dedicated short-range vehicle to wayside wireless standard.

(c) **EVALUATION.**—The Secretary shall prescribe guidelines and requirements for the independent evaluation of field and related operational tests carried out pursuant to section 756, including provisions to ensure the objectivity and independence of the evaluator needed to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to such tests or any other formal evaluation conducted under this subtitle. Any survey, questionnaire, or interview which the Secretary considers necessary to carry out the evaluation of such tests or program assessment activities under this subtitle shall not be subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

(d) **INFORMATION CLEARINGHOUSE.**—

(1) **CLEARINGHOUSE.**—The Secretary shall establish and maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out pursuant to this subtitle and shall make, upon request, such information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

(2) **DELEGATION OF AUTHORITY.**—The Secretary may delegate the responsibility of the Secretary under this subsection, with continuing oversight by the Secretary, to an appropriate entity not within the Department of Transportation. If the Secretary delegates such responsibility, the entity to which such responsibility is delegated shall be eligible for Federal assistance under this subtitle.

(e) **ADVISORY COMMITTEES.**—The Secretary may utilize one or more advisory committees in carrying out this subtitle. Any advisory committee so utilized shall be subject to the Federal Advisory Committee Act. Funding provided for any such committee shall be available from moneys appropriated for advisory committees as specified in relevant appropriations acts and from funds allocated for research, development, and implementation activities in connection with the intelligent transportation systems program under this subtitle.

(f) **AUTHORITY TO USE FUNDS.**—Each State and eligible local entity is authorized to use funds provided under this subtitle or under section 1030 of the National Economic Crossroads Transportation Efficiency Act of 1997, sections 103, 119, 133, 149, and 402, of title 23, and sections 31102, 5307, 5309, 5310, and 5311 of title 49, United States Code, in accordance with the provisions of each of these sections, for implementation, modernization, and operational purposes in connection with intelligent transportation infrastructure and systems.

(g) **CONFORMITY WITH STANDARDS.**—The Secretary shall ensure that the implementation of intelligent transportation systems using funds authorized under this subtitle conform to the National Architecture and ITS standards and protocols, developed under subsection (b), except for projects using funds authorized for specific research objectives in the National ITS Program Plan under section 755 of this subtitle.

(h) **LIFE-CYCLE COST ANALYSIS.**—The Secretary shall require an analysis of the life-

cycle costs of each project using Federal funds referenced in subsection (f) of this section, and those authorized in section 757 of this subtitle, for operations and maintenance of ITS elements, where the total initial capital costs of the ITS elements exceeds \$3 million.

(i) **PROCUREMENT METHODS.**—To meet the need for effective implementation of ITS projects, the Secretary shall develop appropriate technical assistance and guidance to assist State and local agencies in evaluating and selecting appropriate methods of procurement for ITS projects, including innovative and nontraditional methods of procurement.

SEC. 755. NATIONAL ITS PROGRAM PLAN, IMPLEMENTATION, AND REPORT TO CONGRESS.

(a) **NATIONAL ITS PROGRAM PLAN.**—

(1) **UPDATES.**—The Secretary shall maintain and update the National ITS Program Plan as necessary.

(2) **SCOPE.**—The plan shall—

(A) specify the goals, objectives, and milestones for the deployment of intelligent transportation infrastructure in the context of major metropolitan areas, smaller metropolitan and rural areas, and commercial vehicle information systems and networks, and how specific programs and projects relate to the goals, objectives, and milestones, including consideration of the 5-, 10-, and 20-year timeframes for the goals and objectives;

(B) establish a course of action necessary to achieve the program's goals and objectives;

(C) provide for the evolutionary development of standards and protocols to promote and ensure interoperability in the implementation of intelligent transportation systems technologies; and

(D) establish a cooperative process with State and local governments for determining desired surface transportation system performance levels and development of plans for national incorporation of specific ITS capabilities into surface transportation systems.

(b) **DEMONSTRATION AND EVALUATION OF INTELLIGENT VEHICLE SYSTEMS.**—The Secretary shall conduct research and development activities for the purpose of demonstrating integrated intelligent vehicle systems. Such research shall include state-of-the-art preproduction systems and shall integrate collision avoidance, in-vehicle information, and other safety related systems. Development work shall incorporate human factors research findings to improve situational awareness of drivers and ensure success of the man-machine relationship. This program shall build on the technologies developed as part of the NHTSA Crash Avoidance and FHWA Automated Highway System programs and shall be conducted in cooperation with private industry, educational institutions, and other interested parties.

(c) **IMPLEMENTATION REPORTS.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, and biennially thereafter, the Secretary shall submit to Congress a report on implementation of the National ITS Program Plan under subsection (a) of this section.

(2) **SCOPE OF IMPLEMENTATION REPORTS.**—In preparing reports under this subsection, the Secretary shall—

(A) summarize the status of intelligent transportation infrastructure deployment progress;

(B) analyze the possible and actual accomplishments of ITS projects in achieving congestion, safety, environmental, and energy conservation goals and objectives;

(C) assess nontechnical problems and constraints identified, including the inability to secure suitable spectrum allocations to implement a national or international dedi-

cated short range vehicle to wayside communication standard; and

(D) include, if appropriate, any recommendations of the Secretary for legislation or modification to the National ITS Program Plan developed under subsection (a).

SEC. 756. TECHNICAL, TRAINING, PLANNING, RESEARCH AND OPERATIONAL TESTING PROJECT ASSISTANCE.

(a) **TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION.**—The Secretary may provide planning and technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, and evaluate ITS technologies and services.

(b) **PLANNING ASSISTANCE.**—The Secretary may make available financial assistance under this section to support adequate consideration of transportation system management and operations, including intelligent transportation systems and technologies, within metropolitan and statewide transportation processes. Such financial assistance shall be made available at such time, in such amounts and subject to such conditions as the Secretary may determine. The Secretary shall develop appropriate technical assistance to support the consideration of operations and management issues within metropolitan and statewide transportation planning.

(c) **ELIGIBILITY OF CERTAIN ENTITIES.**—Any commercial vehicle regulatory agency and any interagency traffic, transportation, or incident management entity, including independent public authorities or agencies, contracted by a State or local transportation agency for the planning, system development, evaluation, implementation, or operation of intelligent transportation infrastructure, including commercial vehicle information systems and networks, within a designated area or along a specific corridor are eligible to receive Federal assistance under this subtitle.

(d) **RESEARCH AND OPERATIONAL TESTING PROJECTS.**—The Secretary may provide funding to Federal agencies and make grants to non-Federal entities, including State and local governments, universities, including Historically Black Colleges and Universities and other Minority Institutions of Higher Education, and other persons, for research and operational tests relating to intelligent transportation systems. In deciding which projects to fund under this subsection, the Secretary shall—

(1) give the highest priority to those projects that will—

(A) contribute to the goals and objectives specified in the National ITS Program Plan developed under section 755 of this subtitle;

(B) minimize the relative percentage and amount of Federal contributions under this subtitle to total project costs;

(C) validate and accelerate the establishment and widespread conformance with the National Architecture and related standards and protocols;

(D) enhance traffic safety through accelerating the deployment of ITS collision avoidance products through the combined efforts of the Federal Government and industry;

(E) demonstrate innovative arrangements for multi-agency and/or private sector participation in the cooperative financing of the deployment and/or operation of intelligent transportation systems; and

(F) validate the effectiveness of integrated, intelligent transportation systems and infrastructure in enhancing the safety and efficiency of surface transportation within metropolitan and rural areas;

(2) seek to fund operational tests that advance the current state of knowledge in direct support of national ITS research and

technology objectives as defined in the National ITS Program Plan under section 755 of this subtitle, and

(3) require that operational tests utilizing Federal funds under this subtitle have a written evaluation of the intelligent transportation systems technologies investigated and of the results of the investigation which is consistent with the guidelines developed under section 754(c) of this subtitle.

SEC. 757. APPLICATIONS OF TECHNOLOGY.

(a) INTELLIGENT TRANSPORTATION INFRASTRUCTURE DEPLOYMENT INCENTIVES PROGRAM.—The Secretary shall conduct a program to promote the deployment of regionally integrated, intermodal intelligent transportation systems and, through financial and technical assistance under this subtitle, shall assist in the development and implementation of such systems, leveraging to the maximum extent funding from other sources. In metropolitan areas, funding provided under this subtitle shall primarily support activities which integrate existing intelligent transportation infrastructure elements or those implemented with other sources of public or private funding. For commercial vehicle projects and projects outside metropolitan areas, funding provided under this subtitle may also be used for installation of intelligent transportation infrastructure elements.

(b) PRIORITIES.—In providing funding for projects under this section, the Secretary shall allocate not less than 25 percent of the funds made available to carry out this section to eligible State or local entities for the implementation of commercial vehicle information systems and networks, and international border crossing improvements (in accordance with the requirements of this section and section 1030 of the National Economic Crossroads Transportation Efficiency Act of 1997), in support of public sector CVO activities nationwide, and not less than 10 percent for other intelligent transportation infrastructure deployment activities outside of metropolitan areas. In accordance with the National ITS Program Plan under section 755 of this subtitle, the Secretary shall provide incentives for the deployment of integrated applications of intermodal intelligent transportation infrastructure and system technologies so as to—

(1) stimulate sufficient deployment to validate and accelerate the establishment of national ITS standards and protocols;

(2) realize the benefits of regionally integrated, intermodal deployment of intelligent transportation infrastructure and commercial vehicle operations, including electronic border crossing applications; and

(3) motivate innovative approaches to overcoming non-technical constraints or impediments to deployment.

(c) PROJECT SELECTION.—To be selected for funding under this section, a project shall—

(1) contribute to national deployment goals and objectives outlined in the National ITS Program Plan under section 755 of this subtitle;

(2) demonstrate a strong commitment to cooperation among agencies, jurisdictions, and the private sector, as evidenced by signed Memorandums of Understanding that clearly define the responsibilities and relation of all parties to a partnership arrangement, including institutional relationships, and financial agreements needed to support deployment, and commitment to the criteria provided in paragraphs (3) through (7) of this subsection;

(3) demonstrate commitment to a comprehensive plan of fully integrated ITS deployment in accordance with the national ITS architecture and established ITS standards and protocols;

(4) be part of approved plans and programs developed under applicable statewide and metropolitan transportation planning processes and applicable State air quality implementation plans at the time Federal funds are sought;

(5) be instrumental in catalyzing corresponding public or private ITS investments and that minimize the relative percentage and amount of Federal contributions under this section to total project costs;

(6) include a sound financial approach to ensuring continued, long-term operations and maintenance without continued reliance on Federal funding under this subtitle, along with documented evidence of fiscal capacity and commitment from anticipated public and private sources; and

(7) demonstrate technical capacity for effective operations and maintenance or commitment to acquiring necessary skills.

(d) FUNDING RESTRICTIONS AND LIMITATIONS.—Funding eligibility under this section for intelligent transportation infrastructure projects in metropolitan areas shall be limited to items necessary to integrate intelligent transportation system elements either deployed or to be deployed by various implementing public and private agencies and organizations. Annual awards shall be limited to \$15,000,000 per metropolitan area, \$2,000,000 per rural project, and \$5,000,000 per CVISN project, provided that no more than \$35,000,000 shall be awarded annually within any State.

SEC. 758. FUNDING.

(a) INTELLIGENT TRANSPORTATION INFRASTRUCTURE DEPLOYMENT INCENTIVES PROGRAM.—There is authorized to be appropriated to the Secretary for carrying out section 757 of this subtitle, out of the Highway Trust Fund (other than the Mass Transit Account), \$100,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. In addition to amounts made available by subsection (b) of this section, any amounts authorized by this subsection and not allocated by the Secretary for carrying out section 757 of this subtitle may be used by the Secretary for carrying out other activities authorized under this subtitle.

(b) ITS RESEARCH AND PROGRAM SUPPORT ACTIVITIES.—There is authorized to be appropriated to the Secretary for carrying out multi-year research and technology development initiatives under this subtitle (other than section 757), out of the Highway Trust Fund (other than the Mass Transit Account), \$96,000,000 for each of fiscal years 1998, 1999, and 2000, and \$130,000,000 for each of fiscal years 2001, 2002, and 2003.

(c) FEDERAL SHARE PAYABLE.—

(1) For activities funded under subsection (a) of this section, the Federal share payable from the sums authorized under subsection (a) shall not exceed 50 percent of the costs thereof, and the total Federal share payable from all eligible sources (including subsection (a)) shall not exceed 80 percent of the costs thereof.

(2) For activities funded under subsection (b) of this section, unless the Secretary determines otherwise, the Federal share payable on account of such activities shall not exceed 80 percent of the costs thereof.

(3) For long range activities undertaken in partnership with private entities for the purposes of section 755(b) of this subtitle, the Federal share payable on account of such activities shall not exceed 50 percent of the costs thereof.

(4) The Secretary shall seek maximum participation in the funding of such activities under this subtitle from other public and private sources, and shall minimize the use of funds provided under this subtitle for the construction or long-term acquisition of buildings and grounds.

(d) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any activity under this section shall be determined in accordance with this section, and such funds shall remain available for obligation for a period of 3 years after the last day of the fiscal years for which the funds are authorized.

TITLE VIII—BOATING SAFETY

SEC. 801. SHORT TITLE.

This Act may be cited as the "Sportfishing and Boating Improvement Act of 1997".

SEC. 802. AMENDMENT OF 1950 ACT.

Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of the 1950 Act, the reference shall be considered to be made to a section or other provision of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (16 U.S.C. 777 et seq.).

SEC. 803. OUTREACH AND COMMUNICATIONS PROGRAMS.

(a) DEFINITIONS.—Section 2 of the 1950 Act (16 U.S.C. 777a) is amended—

(1) by indenting the left margin of so much of the text as precedes "(a)" by 2 ems;

(2) by inserting "For purposes of this Act—" after the section caption;

(3) by striking "For the purpose of this Act the" in the first paragraph and inserting "(1) the";

(4) by indenting the left margin of so much of the text as follows "include—" by 4 ems;

(5) by striking "(a)", "(b)", "(c)", and "(d)" and inserting "(A)", "(B)", "(C)", and "(D)", respectively;

(6) by striking "department." and inserting "department."; and

(7) by adding at the end thereof the following:

"(2) the term 'outreach and communications program' means a program to improve communication with anglers, boaters, and the general public regarding angling and boating opportunities, to reduce barriers to participation in these activities, to advance adoption of sound fishing and boating practices, to promote conservation and the responsible use of the nation's aquatic resources, and to further safety in fishing and boating; and

"(3) the term 'aquatic resource education program' means a program designated to enhance the public's understanding of aquatic resources and sport-fishing, and to promote the development of responsible attitudes and ethics toward the aquatic environment.".

(b) FUNDING FOR OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4 of the 1950 Act (16 U.S.C. 777c) is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f);

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

"(c) NATIONAL OUTREACH AND COMMUNICATIONS FUND.—

"(1) ESTABLISHMENT.—There is established on the books of the Treasury a fund to be known as the 'National Outreach and Communications Fund'.

"(2) CREDITS.—There shall be credited to the Fund—

"(A) out of the balance of each such annual appropriation remaining after the distribution and use under subsections (a) and (b), respectively, the sum of—

"(i) \$5,000,000 for the fiscal year 1998;

"(ii) \$6,000,000 for fiscal year 1999;

"(iii) \$7,000,000 for fiscal year 2000;

"(iv) \$8,000,000 for fiscal year 2001; and

"(v) \$10,000,000 for fiscal year 2002; and

“(B) amounts allocated to it under subsection (d).”

“(3) CARRYFORWARD.—Amounts credited to the fund under paragraph (2) shall remain available for 2 fiscal years after the fiscal year in which credited. Amounts credited to the fund under that paragraph that are unobligated by the Secretary of the Interior more than 2 years after the fiscal year in which credited shall be available to the Secretary under subsection (e).”;

(4) by inserting a comma and “for an outreach and communications program” after “Act” in subsection (d), as so redesignated;

(5) by striking “subsections (a) and (b),” in subsection (d), as so redesignated, “subsections (a), (b), and (c).”;

(6) by adding at the end of subsection (d), as so redesignated, the following: “Of the sum available to the Secretary of the Interior under this subsection for any fiscal year, not more than \$2,500,000 is authorized to be allocated to the National Outreach and Communications Fund. No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this Act. The Secretary shall publish a detailed accounting of the projects, programs, and activities funded under this subsection annually in the Federal Register.”; and

(7) by striking “subsections (a), (b), and (c),” in subsection (e), as so redesignated, and inserting “subsections (a), (b), (c), and (d).”

(c) INCREASE IN STATE ALLOCATION.—Section 8 of the 1950 Act (16 U.S.C. 777g) is amended—

(1) by striking “12½ percentum” each place it appears in subsection (b) and inserting “15 percent”;

(2) by striking “10 percentum” in subsection (c) and inserting “15 percent”;

(3) by inserting “and communications” in subsection (c) after “outreach”; and

(4) by redesignating subsection (d) as subsection (f); and by inserting after subsection (c) the following:

“(d) NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—

“(1) IMPLEMENTATION.—Within 1 year after the date of enactment of the Sportfishing and Boating Improvement Act of 1997, the Secretary of the Interior shall develop and implement, in cooperation and consultation with the Sport Fishing and Boating Partnership Council, a national plan for outreach and communications.

“(2) CONTENT.—The plan shall provide—

“(A) guidance, including guidance on the development of an administrative process and funding priorities, for outreach and communications programs; and

“(B) for the establishment of a national program.

“(3) SECRETARY MAY MATCH OR FUND PROGRAMS.—Under the plan, the Secretary may obligate amounts from the National Outreach and Communications Fund under section 4(c) of this Act—

“(A) to make grants to any State or private entity to pay all or any portion of the cost of carrying out any outreach or communications program under the plan; or

“(B) to fund contracts with States or private entities to carry out such a program.

“(4) REVIEW.—The plan shall be reviewed periodically, but not less frequently than once every 3 years.

“(e) STATE OUTREACH AND COMMUNICATIONS PROGRAM.—Within 12 months after the completion of the national plan under subsection (d)(1), a State shall develop a plan for an outreach and communications program and submit it to the Secretary. In developing the plan, a State shall—

“(1) review the national plan developed under subsection (d);

“(2) consult with anglers, boaters, the sportfishing and boating industries, and the general public; and

“(3) establish priorities for the State outreach and communications program proposed for implementation.”.

SEC. 804. CLEAN VESSEL ACT FUNDING.

Section 4(b) of the 1950 Act (16 U.S.C. 777c(b)) is amended to read as follows:

“(b) USE OF BALANCE AFTER DISTRIBUTION.—

“(1) FISCAL YEAR 1998.—For fiscal year 1998, of the balance remaining after making the distribution under subsection (a), an amount equal to \$51,000,000 shall be used as follows:

“(A) \$31,000,000 for fiscal year 1998 shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code;

“(B) \$10,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note); and

“(C) \$10,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 years for obligation for qualified projects under section (5)(d) of the Sportfishing and Boating Improvement Act of 1997.

“(2) FISCAL YEARS 1999-2003.—For each of fiscal years 1999 through 2003, the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to \$84,000,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 (26 U.S.C. 9504) to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

“(A) \$10,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note);

“(B) \$10,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 years for obligation for qualified projects under section (5)(d) of the Sportfishing and Boating Improvement Act of 1997; and

“(C) the balance shall be transferred for each such fiscal year to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.

“(3) Amounts available under subparagraphs (A) and (B) of paragraph (1) and paragraph (2) that are unobligated by the Secretary of the Interior after 3 years shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a) of title 46, United States Code.”.

SEC. 805. BOATING INFRASTRUCTURE.

(a) PURPOSE.—The purpose of this section is to provide funds to States for the development and maintenance of public facilities for transient nontrailerable recreational vessels.

(b) SURVEY.—Section 8 of the 1950 Act (16 U.S.C. 777g), as amended by section 803, is amended by adding at the end thereof the following:

“(g) SURVEYS.—

“(1) NATIONAL FRAMEWORK.—Within 6 months after the date of enactment of the Sportfishing and Boating Improvement Act of 1997, the Secretary, in consultation with the States, shall adopt a national framework for a public boat access needs assessment which may be used by States to conduct surveys to determine the adequacy, number, lo-

cation, and quality of facilities providing access to recreational waters for all sizes of recreational boats.

“(2) STATE SURVEYS.—Within 18 months after such date of enactment, each State that agrees to conduct a public boat access needs survey following the recommended national framework shall report its findings to the Secretary for use in the development of a comprehensive national assessment of recreational boat access needs and facilities.

“(3) EXCEPTION.—Paragraph (2) does not apply to a State if, within 18 months after such date of enactment, the Secretary certifies that the State has developed and is implementing a plan that ensures there are and will be public boat access adequate to meet the needs of recreational boaters on its waters.

“(4) FUNDING.—A State that conducts a public boat access needs survey under paragraph (2) may fund the costs of conducting that assessment out of amounts allocated to it as funding dedicated to motorboat access to recreational waters under subsection (b)(1) of this section.”.

(c) PLAN.—Within 6 months after submitting a survey to the Secretary under section 8(g) of the Act entitled “An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes,” approved August 9, 1950 (16 U.S.C. 777g(g)), as added by subsection (b) of this section, a State may develop and submit to the Secretary a plan for the construction, renovation, and maintenance of public facilities, and access to those facilities, for transient nontrailerable recreational vessels to meet the needs of nontrailerable recreational vessels operating on navigable waters in the State.

(d) GRANT PROGRAM.—

(1) MATCHING GRANTS.—The Secretary of the Interior shall obligate amounts made available under section 4(b)(1)(C) of the Act entitled “An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes,” approved August 9, 1950 (16 U.S.C. 777c(b)(1)(C)) to make grants to any State to pay not more than 75 percent of the cost to a State of constructing, renovating, or maintaining public facilities for transient nontrailerable recreational vessels.

(2) PRIORITIES.—In awarding grants under paragraph (1), the Secretary shall give priority to projects that—

(A) consist of the construction, renovation, or maintenance of public facilities for transient nontrailerable recreational vessels in accordance with a plan submitted by a State under subsection (c);

(B) provide for public/private partnership efforts to develop, maintain, and operate facilities for transient nontrailerable recreational vessels; and

(C) propose innovative ways to increase the availability of facilities for transient nontrailerable recreational vessels.

(e) DEFINITIONS.—For purposes of this section, the term—

(1) “nontrailerable recreational vessel” means a recreational vessel 26 feet in length or longer—

(A) operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure;

(2) “public facilities for transient nontrailerable recreational vessels” includes mooring buoys, daydocks, navigational aids, seasonal slips, or similar structure located on navigable waters, that are available to the general public and designed for temporary use by nontrailerable recreational vessels; and

(4) “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto

Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(f) EFFECTIVE DATE.—This section shall take effect on October 1, 1997.

SEC. 806. BOAT SAFETY FUNDS.

(a) IN GENERAL.—Section 13106 of title 46, United States Code, is amended—

(1) by striking the first sentence of subsection (a)(1) and inserting the following: "Subject to paragraph (2) and subsection (c), the Secretary shall expend in each fiscal year for State recreational boating safety programs, under contracts with States under this chapter, an amount equal to the sum of (A) the amount appropriated from the Boat Safety Account for that fiscal year and (B) the amount transferred to the Secretary under section 4(b)(1) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(1))."; and

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

"(c) Of the amount transferred for each fiscal year to the Secretary of Transportation under section 4(b)(1)(A) of the Act of August 9, 1950 (16 U.S.C. 777c(b)), \$5,000,000 is available to the Secretary for payment of expenses of the Coast Guard for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program under this title. Amounts made available by this subsection shall remain available until expended. The Secretary shall publish annually in the Federal Register a detailed accounting of the projects, programs, and activities funded under this subsection."

(b) CONFORMING AMENDMENTS.—

(1) The caption for section 13106 of title 46, United States Code, is amended to read as follows:

"§ 13106. Authorization of appropriations".

(2) The chapter analysis for chapter 131 of title 46, United States Code, is amended by striking the item relating to section 13106 and inserting the following:

"13106. Authorization of appropriations".

SEC. 807. FUNDS FOR RECREATIONAL BOATING SAFETY.

(a) ALLOCATION OF FUNDS TO INSULAR AREAS.—Section 13103 of title 46, United States Code, is amended—

(1) by inserting "(1) before "The Secretary" in subsection (a);

(2) by redesignating paragraphs (1), (2), and (3) of subsection (a) as subparagraphs (A), (B), and (C), respectively;

(3) by adding at the end of subsection (a) the following:

"(2) The amount allocated to each of the insular areas under this subsection shall not exceed one-half of one percent of the total amount allocated under paragraph (1).";

(4) by striking "year" in subsection (b) and inserting the following: "year, except that, in the case of the insular areas, the requirement for local matching funds is waived for amounts under \$200,000."; and

(5) by adding at the end thereof the following:

"(d) For purposes of this section, the term 'insular areas' means American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands."

(b) AVAILABILITY OF ALLOCATIONS.—Section 13104(a) of such title is amended—

(1) by striking "3 years" in paragraph (1) and inserting "2 years"; and

(2) by striking "3-year" in paragraph (2) and inserting "2-year".

By Mr. DORGAN:

S. 1236. A bill to amend title 23, United States Code, to provide for a national program concerning motor vehicle pursuits by law enforcement offi-

cers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NATIONAL POLICE PURSUIT POLICY ACT OF 1997

Mr. DORGAN. Mr. President, when Police Chief John Whetsel pulled up to the scene of a fiery car wreck, he never expected to recognize the charred remains of a familiar vehicle. After receiving word that a highway patrol cruiser's 100-miles-per-hour pursuit of a fleeing motorcycle had led to a terrible accident involving several bystanders, Chief Whetsel hurried to the scene.

Upon his arrival, Chief Whetsel quickly recognized his family's smoldering automobile and let out a long cry of anguish as he discovered that his wife and two daughters were the victims of this terrible accident. Unfortunately, 1995 statistics show that 40 percent of all high-speed pursuits end in accidents, causing needless death and injury to our Nation's families.

I certainly understand the pain that Chief Whetsel endured. My mother was killed in a high-speed police chase on her drive from a local Bismarck, ND hospital. Eyewitnesses say that the speed of this chase was 80 to 100 miles an hour through the city streets. She died as the drunk lawbreaker fishtailed his pickup truck racing away from pursuing officers. She was a wonderful woman, and it was a senseless and painful loss of life.

There are countless other tragic examples. In fact, there is an entire organization, called STOPP, dedicated to raising the awareness of the dangers of high speed police pursuits. The members of their board have very strong convictions on this issue, for each of them also lost a family member or a friend who was an innocent victim of a high speed chase.

Mr. President, today I rise to introduce the National Police Pursuit Policy Act of 1997. It is my hope that this legislation, if enacted, would help prevent tragic losses like the episode that occurred to Chief Whetsel, my family, and so many others. High speed chases are dangerous and occur too frequently, and the human losses resulting from high-speed police pursuits in the last several years continue to mount. While we are finally seeing some initiative being taken by various States and local communities to address this problem, these efforts must extend to all State and local jurisdictions in this country to attack the problem.

According to the U.S. Department of Transportation, there were 377 deaths nationwide in 1996, and 27 percent of these deaths were police officers or innocent bystanders that died as a result of high-speed chases. Many chases begin as motorists—whether out of fright, panic, or guilt—flee at high speeds instead of pulling over when a police vehicle turns on its lights and siren. Unfortunately, some police become determined to apprehend the fleeing motorists at all costs, and an

alarming 60 percent of all police pursuits originate from minor traffic violations. The result is that the safety of the general public—and the dangers that are created by high-speed chases in city traffic—become secondary to catching someone whose initial offense may have been no greater than driving a car with a broken tail-light.

Increased training and education are essential in addressing this problem. Every single law enforcement jurisdiction in the United States must adopt a reasoned, and well-balanced pursuit policy. With 73 percent of all police officers reporting that they have been involved in a high-speed pursuit in the last 12 months, these officers need specialized training in this area. Currently, new studies show that on average only 14 hours of driver training is provided to new law enforcement recruits, with the majority of this time used for the mechanics of driving rather than practicing safe and effective high-speed pursuit procedures. In addition, statistics show that there is a decrease in high-speed pursuits when law enforcement officers are properly trained in this area.

Specific training on departmental pursuit policies and regular followup training is necessary to guarantee that all citizens, both civilians and police, receive the benefit of uniform awareness of this problem. There must be a national realization that there are circumstances in which police should not conduct a chase, and our officers should be commended for making these important, lifesaving choices. A drive across country should not be a "pot luck" regarding one's chances of being maimed or killed by a police pursuit.

I want to stress that the police are not the villains here. It is the folks that run from the police who are the villains. We must focus on the fleeing lawbreakers who are initiating these chases. The punishment for fleeing the police should be certain and severe. People should be aware that if they flee they will pay a big price for doing so.

The legislation that I am introducing today would require the enactment of State laws making it unlawful for the driver of a motor vehicle to take evasive action if pursued by police and would establish a standard minimum penalty of 3 months imprisonment and the seizure of the driver's vehicle. In addition, my bill would require each law enforcement agency to establish a hot-pursuit policy and provide that all officers receive adequate training in accordance with that policy.

Mr. President, this public safety problem is not an easy issue to solve. I understand that it will always be difficult for police officers to judge when a chase is getting out of hand and when public safety would be served best by holding back. However, it can improve the situation if we ensure that police officers are trained on how best to make these difficult judgments, and if we send a message to motorists that if you flee, you will do time in jail and lose your car.

I believe that these requirements, if passed, will demonstrate strong and uniform Federal leadership in response to this problem. Consequently, I ask unanimous consent that the full text of this bill be printed in the RECORD, and I urge my colleagues to support this important measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Police Pursuit Policy Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

- (1) in 1996—
 - (A) 377 deaths occurred in the United States as a result of high-speed motor vehicle pursuits; and
 - (B) 103 of those deaths were police officers or innocent bystanders who died as a result of high-speed motor vehicle pursuits;
- (2) in 1995, of the high-speed motor vehicle pursuits conducted during that year, approximately—
 - (A) 40 percent resulted in accidents;
 - (B) 20 percent resulted in injury; and
 - (C) 1 percent resulted in death;
- (3) a recent study found that approximately 60 percent of high-speed motor vehicle pursuits resulted from pursuits that were not related to felony offenses;
- (4) an insufficient amount of statistical data and documentation concerning high-speed motor vehicle pursuits is available;
- (5) a recent study found that although only 31 percent of law enforcement agencies maintain consistent records on motor vehicle pursuits made by law enforcement officers, 71 percent of those agencies were able to provide data on the number of high-speed motor vehicle pursuits conducted;
- (6) a recent study found that—
 - (A) 73 percent of the law enforcement officers polled had been involved in a high-speed motor vehicle pursuit during the 12-month period preceding the date of the polling; and
 - (B) 40 percent of those officers reported that an accident resulted from a high-speed motor vehicle pursuit in which the officer participated;
- (7) a recent study found that most law enforcement recruits who receive training to become law enforcement officers receive only an average of 14 hours of training for driving skills, and a majority of that time is used to provide training in the mechanics of driving instead of providing practice for safe and effective high-speed motor vehicle pursuit procedures; and
- (8) a recent study found that an increased emphasis on the high-speed motor vehicle pursuit policies, procedures, and training decreases the occurrence of high-speed motor vehicle pursuits, as the recruits who receive training that includes special training for effective high-speed motor vehicle pursuits were less likely to engage in those pursuits.

SEC. 3. MOTOR VEHICLE PURSUIT REQUIREMENTS FOR STATE HIGHWAY SAFETY PROGRAMS.

Section 402(b)(1) of title 23, United States Code, is amended—

- (1) in each of subparagraphs (A) through (D), by striking the period at the end and inserting a semicolon;
- (2) in subparagraph (E), by striking the period at the end and inserting "; and"; and
- (3) by adding at the end the following new subparagraph:

"(F) on and after January 1, 1999, have in effect throughout the State—

"(i) a law that—

"(I) makes it unlawful for the driver of a motor vehicle to increase speed or to take any other deliberately evasive action if a law enforcement officer clearly signals the driver to stop the motor vehicle; and

"(II) provides that any driver who violates that law shall be subject to a minimum penalty of—

"(aa) imprisonment for a period of not less than 3 months; and

"(bb) seizure of the motor vehicle at issue; and

"(ii) a requirement that each State agency and each agency of a political subdivision of the State that employs law enforcement officers who, in the course of employment, may conduct a motor vehicle pursuit shall—

"(I) have in effect a policy that meets requirements that the Secretary shall establish concerning the manner and circumstances in which a motor vehicle pursuit may be conducted by law enforcement officers;

"(II) train all law enforcement officers of the agency in accordance with the policy referred to in subclause (I); and

"(III) for each fiscal year, transmit to the chief executive officer of the State a report containing information on each motor vehicle pursuit conducted by a law enforcement officer of the agency."

SEC. 4. REPORTING REQUIREMENT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General of the United States, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of the Treasury, the Chief of the Capitol Police, and the Administrator of General Services shall each transmit to Congress a report containing—

(1) the policy of the department or agency headed by that individual concerning motor vehicle pursuits by law enforcement officers of that department or agency; and

(2) a description of the procedures that the department or agency uses to train law enforcement officers in the implementation of the policy referred to in paragraph (1).

(b) REQUIREMENT.—Each policy referred to in subsection (a)(1) shall meet the requirements established by the Secretary of Transportation pursuant to section 402(b)(1)(F)(ii)(I) of title 23, United States Code, concerning the manner and circumstances in which a motor vehicle pursuit may be conducted.

ADDITIONAL COSPONSORS

S. 627

At the request of Mr. JEFFORDS, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 627, a bill to reauthorize the African Elephant Conservation Act.

S. 887

At the request of Ms. MOSELEY-BRAUN, the names of the Senator from Maine [Ms. SNOWE] and the Senator from Maine [Ms. COLLINS] were added as cosponsors of S. 887, a bill to establish in the National Service the National Underground Railroad Network to Freedom program, and for other purposes.

S. 981

At the request of Mr. THOMPSON, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 981, a bill to provide for analysis of major rules.

S. 1052

At the request of Mr. FAIRCLOTH, his name was added as a cosponsor of S. 1052, a bill to amend the Andean Trade Preference Act to prohibit the provision of duty-free treatment for live plants and fresh cut flowers described in chapter 6 of the Harmonized Tariff Schedule of the United States.

S. 1056

At the request of Mr. BURNS, the names of the Senator from Kansas [Mr. BROWNBACK], the Senator from Kansas [Mr. ROBERTS], the Senator from Kentucky [Mr. McCONNELL], the Senator from Iowa [Mr. HARKIN], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1056, a bill to provide for farm-related exemptions from certain hazardous materials transportation requirements.

S. 1081

At the request of Mr. LEAHY, the names of the Senator from Hawaii [Mr. INOUE] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 1081, a bill to enhance the rights and protections for victims of crime.

S. 1105

At the request of Mr. COCHRAN, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of S. 1105, a bill to amend the Internal Revenue Code of 1986 to provide a sound budgetary mechanism for financing health and death benefits of retired coal miners while ensuring the long-term fiscal health and solvency of such benefits, and for other purposes.

SENATE CONCURRENT RESOLUTION 48

At the request of Mr. KYL, the names of the Senator from Utah [Mr. HATCH] and the Senator from Michigan [Mr. ABRAHAM] were added as cosponsors of Senate Concurrent Resolution 48, a concurrent resolution expressing the sense of the Congress regarding proliferation of missile technology from Russia to Iran.

SENATE RESOLUTION 119

At the request of Mr. FEINGOLD, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of Senate Resolution 119, a resolution to express the sense of the Senate that the Secretary of Agriculture should establish a temporary emergency minimum milk price that is equitable to all producers nationwide and that provides price relief to economically distressed milk producers.

AMENDMENTS SUBMITTED

THE BIPARTISAN CAMPAIGN REFORM ACT OF 1997

LOTT (AND WARNER) AMENDMENT NO. 1258

Mr. LOTT (for himself and Mr. WARNER) proposed an amendment to the