

105TH CONGRESS  
1ST SESSION

# S. 1234

To improve transportation safety, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 1997

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

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## A BILL

To improve transportation safety, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Highway and Surface  
5 Transportation Safety Act of 1997”.

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

7 **TABLE OF SECTIONS.**

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

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

3 (b) TABLE OF SECTIONS.—The table of sections for  
4 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.

1 **SEC. 3. AWARDS.**

2 (a) Section 326 is amended—

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

4 “(e) For the purpose of executing the powers and du-  
5 ties of the Department, and as a means to encourage safe-  
6 ty improvements by making special or periodic awards, the  
7 Secretary may provide for the honorary recognition of in-  
8 dividuals and organizations that significantly contribute to  
9 programs, missions, or operations, including state and  
10 local governments, transportation unions, and commercial  
11 and nonprofit organizations, and pay for plaques, medals,  
12 trophies, badges, and similar items to acknowledge the  
13 contribution, including reasonable expenses of ceremony  
14 and presentation, using any appropriations or other funds  
15 available to the Department and its agencies.”; and

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

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

“326. Gifts and awards.”.

1           **TITLE I—HIGHWAY SAFETY**

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

3           (a) UNIFORM GUIDELINES.—Section 402(a) of title  
4 23, United States Code, is amended by striking “section  
5 4007” and inserting “section 4004”.

6           (b) ADMINISTRATIVE REQUIREMENTS.—Section  
7 402(b) of such title is amended—

8                 (1) by striking the period at the end of sub-  
9 paragraph (A) and subparagraph (B) of paragraph  
10 (1) and inserting a semicolon;

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

14                (3) by striking the period at the end of para-  
15 graph (1)(C) and inserting a semicolon and “and”;  
16 and

17                (4) by striking paragraphs (3) and (4) and re-  
18 designating paragraph (5) as paragraph (3).

19           (c) APPORTIONMENT OF FUNDS—Section 402(c) of  
20 such title is amended—

21                (1) by inserting “the apportionment to the Sec-  
22 retary of the Interior shall not be less than three-  
23 fourths of 1 percent of the total apportionment and”  
24 after “except that” in the sixth sentence; and

25                (2) by striking the seventh sentence.

1 (d) APPLICATION IN INDIAN COUNTRY—Section  
2 402(i) of such title is amended to read as follows:

3 “(i) APPLICATION IN INDIAN COUNTRY.—

4 “(1) IN GENERAL.—For the purpose of applica-  
5 tion of this section in Indian country, the terms  
6 ‘State’ and ‘Governor of a State’ include the Sec-  
7 retary of the Interior and the term ‘political subdivi-  
8 sion of a State’ includes an Indian tribe. Notwith-  
9 standing the provisions of subparagraph (b)(1)(C) of  
10 this section, 95 percent of the funds apportioned to  
11 the Secretary of the Interior under this section shall  
12 be expended by Indian tribes to carry out highway  
13 safety programs within their jurisdictions. The pro-  
14 visions of subparagraph (b)(1)(D) of this section  
15 shall be applicable to Indian tribes, except to those  
16 tribes with respect to which the Secretary deter-  
17 mines that application of such provisions would not  
18 be practicable.

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

22 “(A) all land within the limits of any In-  
23 dian reservation under the jurisdiction of the  
24 United States, notwithstanding the issuance of

1 any patent, and including rights-of-way running  
2 through the reservation;

3 “(B) all dependent Indian communities  
4 within the borders of the United States whether  
5 within the original or subsequently acquired ter-  
6 ritory thereof and whether within or without  
7 the limits of a State; and

8 “(C) all Indian allotments, the Indian ti-  
9 tles to which have not been extinguished, in-  
10 cluding rights-of-way running through such al-  
11 lotments.”.

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

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

23 (f) SAFETY INCENTIVE GRANTS.—Section 402 of  
24 such title is amended by striking subsection (k) and insert-  
25 ing the following:

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

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

19           “(3) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL  
 20 SHARE FOR GRANTS.—Each grant under subsection (l) or  
 21 (m) of this section shall be available for not more than  
 22 6 fiscal years beginning in the fiscal year after September  
 23 30, 1997, in which the State becomes eligible for the  
 24 grant. The Federal share payable for any grant under sub-  
 25 section (l) or (m) shall not exceed—

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

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

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

13          “(1) ALCOHOL-IMPAIRED DRIVING COUNTER-  
14 MEASURES: BASIC GRANT ELIGIBILITY.—The Secretary  
15 shall make grants to those States that adopt and imple-  
16 ment effective programs to reduce traffic safety problems  
17 resulting from persons driving under the influence of alco-  
18 hol. A State shall become eligible for one or more of three  
19 basic grants under this subsection by adopting or dem-  
20 onstrating the following to the satisfaction of the Sec-  
21 retary:

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

24           “(A) ADMINISTRATIVE LICENSE REVOCA-  
25          TION.—An administrative driver’s license sus-

1 pension or revocation system for persons who  
2 operate motor vehicles while under the influence  
3 of alcohol which requires that—

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

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

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

1           “(ii) the suspension and revocation re-  
2           ferred to under clause (A)(i) of this sub-  
3           paragraph shall take effect not later than  
4           30 days after the day on which the person  
5           refused to submit to a chemical test or re-  
6           ceived notice of having been determined to  
7           be driving under the influence of alcohol,  
8           in accordance with the State’s procedures.

9           “(B) UNDERAGE DRINKING PROGRAM.—

10          An effective system, as determined by the Sec-  
11          retary, for preventing operators of motor vehi-  
12          cles under age 21 from obtaining alcoholic bev-  
13          erages. Such system shall include the issuance  
14          of drivers’ licenses to individuals under age 21  
15          that are easily distinguishable in appearance  
16          from drivers’ licenses issued to individuals age  
17          21 years of age or older.

18          “(C) STOPPING MOTOR VEHICLES.—Ei-  
19          ther—

20                 “(i) a statewide program for stopping  
21                 motor vehicles on a nondiscriminatory,  
22                 lawful basis for the purpose of determining  
23                 whether the operators of such motor vehi-  
24                 cles are driving while under the influence  
25                 of alcohol, or

1                   “(ii) a statewide Special Traffic En-  
2                   forcement Program for impaired driving  
3                   that emphasizes publicity for the program.

4                   “(D) REPEAT OFFENDERS.—Effective  
5                   sanctions for repeat offenders convicted of driv-  
6                   ing under the influence of alcohol. Such sanc-  
7                   tions, as determined by the Secretary, may in-  
8                   clude electronic monitoring; alcohol interlocks;  
9                   intensive supervision of probation; vehicle im-  
10                  poundment, confiscation, or forfeiture; and  
11                  dedicated detention facilities.

12                  “(E) GRADUATED LICENSING SYSTEM.—A  
13                  three-stage graduated licensing system for  
14                  young drivers that includes nighttime driving  
15                  restrictions during the first 2 stages, requires  
16                  all vehicle occupants to be properly restrained,  
17                  and makes it unlawful for a person under age  
18                  21 to operate a motor vehicle with a blood alco-  
19                  hol concentration of .02 percent or greater.

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

21                  “(A) ADMINISTRATIVE LICENSE REVOCA-  
22                  TION.—An administrative driver’s license sus-  
23                  pension or revocation system for persons who  
24                  operate motor vehicles while under the influence  
25                  of alcohol which requires that—

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

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

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

22                   “(ii) the suspension and revocation re-  
23                   ferred to under clause (A)(i) of this sub-  
24                   paragraph shall take effect not later than  
25                   30 days after the day on which the person

1 refused to submit to a chemical test or re-  
2 ceives notice of having been determined to  
3 be driving under the influence of alcohol,  
4 in accordance with the State's procedures;  
5 and

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

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

12 “(A) FATAL IMPAIRED DRIVER PERCENT-  
13 AGE REDUCTION.—The percentage of fatally in-  
14 jured drivers with 0.10 percent or greater blood  
15 alcohol concentration in the State has decreased  
16 in each of the 3 most recent calendar years for  
17 which statistics for determining such percent-  
18 ages are available.

19 “(B) FATAL IMPAIRED DRIVER PERCENT-  
20 AGE COMPARISON.—The percentage of fatally  
21 injured drivers with 0.10 percent or greater  
22 blood alcohol concentration in the State has  
23 been lower than the average percentage for all  
24 States in each of such calendar years.

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

6           “(5) ALCOHOL-IMPAIRED DRIVING COUNTER-  
7           MEASURES: SUPPLEMENTAL GRANTS.—During the  
8           period in which a State is eligible for a basic grant  
9           under this subsection, the State shall be eligible to  
10          receive a supplemental grant in no more than 2 fis-  
11          cal years of up to 5 percent of the amount appor-  
12          tioned to the State in fiscal year 1997 under section  
13          402 of this title. The State may receive a separate  
14          supplemental grant for meeting each of the following  
15          criteria:

16                 “(A) OPEN CONTAINER LAWS.—The State  
17                 makes unlawful the possession of any open alco-  
18                 holic beverage container, or the consumption of  
19                 any alcoholic beverage, in the passenger area of  
20                 any motor vehicle located on a public highway  
21                 or the right-of-way of a public highway, ex-  
22                 cept—

23                         “(i) as allowed in the passenger area,  
24                         by a person (other than the driver), of any  
25                         motor vehicle designed to transport more

1 than 10 passengers (including the driver)  
2 while being used to provide charter trans-  
3 portation of passengers; or

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

10 “(B) MANDATORY BLOOD ALCOHOL CON-  
11 CENTRATION TESTING PROGRAMS.—The State  
12 provides for mandatory blood alcohol concentra-  
13 tion testing whenever a law enforcement officer  
14 has probable cause under State law to believe  
15 that a driver of a motor vehicle involved in a  
16 crash resulting in the loss of human life or, as  
17 determined by the Secretary, serious bodily in-  
18 jury, has committed an alcohol-related traffic  
19 offense.

20 “(C) VIDEO EQUIPMENT FOR DETECTION  
21 OF DRUNK DRIVERS.—The State provides for a  
22 program to acquire video equipment to be used  
23 in detecting persons who operate motor vehicles  
24 while under the influence of alcohol and in

1 prosecuting those persons, and to train person-  
2 nel in the use of that equipment.

3 “(D) BLOOD ALCOHOL CONCENTRATION  
4 FOR PERSONS UNDER AGE 21.—The State en-  
5 acts and enforces a law providing that any per-  
6 son under age 21 with a blood alcohol con-  
7 centration of 0.02 percent or greater when driv-  
8 ing a motor vehicle shall be deemed to be driv-  
9 ing while intoxicated or driving under the influ-  
10 ence of alcohol, and further provides for a mini-  
11 mum suspension of the person’s driver’s license  
12 for not less than 30 days.

13 “(E) SELF-SUSTAINING DRUNK DRIVING  
14 PREVENTION PROGRAM.—The State provides  
15 for a self-sustaining drunk driving prevention  
16 program under which a significant portion of  
17 the fines or surcharges collected from individ-  
18 uals apprehended and fined for operating a  
19 motor vehicle while under the influence of alco-  
20 hol are returned to those communities which  
21 have comprehensive programs for the preven-  
22 tion of such operations of motor vehicles.

23 “(F) REDUCING DRIVING WITH A SUS-  
24 PENDED LICENSE.—The State enacts and en-  
25 forces a law to reduce driving with a suspended

1 license. Such law, as determined by the Sec-  
2 retary, may require a ‘zebra’ stripe that is  
3 clearly visible on the license plate of any motor  
4 vehicle owned and operated by a driver with a  
5 suspended license.

6 “(G) EFFECTIVE DWI TRACKING SYS-  
7 TEM.—The State demonstrates an effective  
8 driving while intoxicated (DWI) tracking sys-  
9 tem. Such a system, as determined by the Sec-  
10 retary, may include data covering arrests, case  
11 prosecutions, court dispositions and sanctions,  
12 and provide for the linkage of such data and  
13 traffic records systems to appropriate jurisdic-  
14 tions and offices within the State.

15 “(H) ASSESSMENT OF PERSONS CON-  
16 VICTED OF ABUSE OF CONTROLLED SUB-  
17 STANCES; ASSIGNMENT OF TREATMENT FOR  
18 ALL DWI/DUI OFFENDERS.—The State provides  
19 for assessment of individuals convicted of driv-  
20 ing while intoxicated or driving under the influ-  
21 ence of alcohol or controlled substances, and for  
22 the assignment of appropriate treatment.

23 “(I) USE OF PASSIVE ALCOHOL SEN-  
24 SORS.—The State provides for a program to ac-  
25 quire passive alcohol sensors to be used by po-

1           lice officers in detecting persons who operate  
2           motor vehicles while under the influence of alco-  
3           hol, and to train police officers in the use of  
4           that equipment.

5           “(J) EFFECTIVE PENALTIES FOR PROVI-  
6           SION OR SALE OF ALCOHOL TO PERSONS  
7           UNDER 21.—The State enacts and enforces a  
8           law that provides for effective penalties or other  
9           consequences for the sale or provision of alco-  
10          holic beverages to any individual under 21 years  
11          of age. The Secretary shall determine what pen-  
12          alties are effective.

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

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

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

20                 “(C) ‘Motor vehicle’ means a vehicle driven  
21                 or drawn by mechanical power and manufac-  
22                 tured primarily for use on public streets, roads,  
23                 and highways, but does not include a vehicle op-  
24                 erated only on a rail line.

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

3                   “(i) which contains any amount of an  
4                   alcoholic beverage; and

5                   “(ii)(I) which is open or has a broken  
6                   seal, or

7                   “(II) the contents of which are par-  
8                   tially removed.

9                   “(m) STATE HIGHWAY SAFETY DATA IMPROVE-  
10                  MENTS.—The Secretary shall make a grant to a State that  
11                  takes effective actions to improve the timeliness, accuracy,  
12                  completeness, uniformity, and accessibility of the State’s  
13                  data needed to identify priorities within State and local  
14                  highway and traffic safety programs, to evaluate the effec-  
15                  tiveness of such efforts, and to link these State data sys-  
16                  tems, including traffic records, together and with other  
17                  data systems within the State, such as systems that con-  
18                  tain medical and economic data:

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

22                  “(A) Demonstrates, to the satisfaction of  
23                  the Secretary, that it has—

24                  “(i) established a Highway Safety  
25                  Data and Traffic Records Coordinating

1 Committee with a multi-disciplinary mem-  
2 bership including the administrators, col-  
3 lectors, and users of such data (including  
4 the public health, injury control, and motor  
5 carrier communities) of highway safety and  
6 traffic records databases;

7 “(ii) completed within the preceding 5  
8 years a highway safety data and traffic  
9 records assessment or audit of its highway  
10 safety data and traffic records system; and

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

21 “(B) Provides, to the satisfaction of the  
22 Secretary—

23 “(i) certification that it has met the  
24 provisions outlined in clauses (A)(i) and

1 (A)(ii) of subparagraph (A) of this para-  
2 graph;

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

12 “(iii) certification that the Highway  
13 Safety Data and Traffic Records Coordi-  
14 nating Committee continues to operate and  
15 supports the multi-year plan described in  
16 clause (B)(ii) of this subparagraph.

17 “(2) FIRST-YEAR GRANT AMOUNT.—The  
18 amount of a first-year grant made for State highway  
19 safety data and traffic records improvements for any  
20 fiscal year to any State eligible for such a grant  
21 under subparagraph (1)(A) of paragraph (A) of this  
22 subsection shall equal \$1,000,000, subject to the  
23 availability of appropriations, and for any State eli-  
24 gible for such a grant under subparagraph (1)(B)  
25 of this subsection shall equal a proportional amount

1 of the amount apportioned to the State for fiscal  
2 year 1997 under section 402 of this title, except that  
3 no State shall receive less than \$250,000, subject  
4 to the availability of appropriations. The Secretary  
5 may award a grant of up to \$25,000 for one year  
6 to any State that does not meet the criteria estab-  
7 lished in paragraph (1). The grant may only be used  
8 to conduct activities needed to enable that State to  
9 qualify for first-year funding to begin in the next  
10 fiscal year.

11 “(3) STATE HIGHWAY SAFETY DATA AND TRAF-  
12 FIC RECORDS IMPROVEMENTS; SUCCEEDING-YEAR  
13 GRANTS.—A State shall be eligible for a grant in  
14 any fiscal year succeeding the first fiscal year in  
15 which the State receives a State highway safety data  
16 and traffic records grant if the State, to the satis-  
17 faction of the Secretary:

18 “(A) Submits or updates a multi-year plan  
19 that identifies and prioritizes the State’s high-  
20 way safety data and traffic records needs and  
21 goals, that specifies how its incentive funds for  
22 the fiscal year will be used to address those  
23 needs and the goals of the plan, and that iden-  
24 tifies performance-based measures by which  
25 progress toward those goals will be determined;

1           “(B) Certifies that its Highway Safety  
2           Data and Traffic Records Coordinating Com-  
3           mittee continues to support the multi-year plan;  
4           and

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

7           “(4) SUCCEEDING-YEAR GRANT AMOUNTS.—  
8           The amount of a succeeding-year grant made for  
9           State highway safety data and traffic records im-  
10          provements for any fiscal year to any State that is  
11          eligible for such a grant shall equal a proportional  
12          amount of the amount apportioned to the State for  
13          fiscal year 1997 under section 402 of this title, ex-  
14          cept that no State shall receive less than \$225,000,  
15          subject to the availability of appropriations.”.

16          (g) OCCUPANT PROTECTION PROGRAM.—

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

19          “**§ 410. Safety belts and occupant protection program**

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

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

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

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

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

17                   “(C) CHILD PASSENGER PROTECTION  
18          LAW.—The State has in effect a law that re-  
19          quires minors who are riding in a passenger  
20          motor vehicle to be properly secured in a child  
21          safety seat or other appropriate restraint sys-  
22          tem.

23                   “(D) CHILD OCCUPANT PROTECTION EDU-  
24          CATION PROGRAM.—The State demonstrates  
25          implementation of a statewide comprehensive

1 child occupant protection education program  
 2 that includes education about proper seating  
 3 positions for children in air bag equipped motor  
 4 vehicles and instruction on how to reduce the  
 5 improper use of child restraints systems. The  
 6 states are to submit to the Secretary an evalua-  
 7 tion or report on the effectiveness of the pro-  
 8 grams at least three years after receipt of the  
 9 grant.

10 “(E) MINIMUM FINES.—The State re-  
 11 quires a minimum fine of at least \$25 for viola-  
 12 tions of its safety belt use law and a minimum  
 13 fine of at least \$25 for violations of its child  
 14 passenger protection law.

15 “(F) SPECIAL TRAFFIC ENFORCEMENT  
 16 PROGRAM.—The State demonstrates implemen-  
 17 tation of a statewide Special Traffic Enforce-  
 18 ment Program for occupant protection that em-  
 19 phasizes publicity for the program.

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

21 “(A) STATE SAFETY BELT USE RATE.—  
 22 The State demonstrates a statewide safety belt  
 23 use rate in both front outboard seating posi-  
 24 tions in all passenger motor vehicles of 80 per-  
 25 cent or higher in each of the first 3 years a

1 grant under this paragraph is received, and of  
2 85 percent or higher in each of the fourth, fifth,  
3 and sixth years a grant under this paragraph is  
4 received.

5 “(B) SURVEY METHOD.—The State follows  
6 safety belt use survey methods which conform  
7 to guidelines issued by the Secretary ensuring  
8 that such measurements are accurate and rep-  
9 resentative.

10 “(3) BASIC GRANT AMOUNT.—The amount of  
11 each basic grant for which a State qualifies under  
12 this subsection for any fiscal year shall equal up to  
13 20 percent of the amount apportioned to the State  
14 for fiscal year 1997 under section 402 of this title.

15 “(4) OCCUPANT PROTECTION PROGRAM: SUP-  
16 PLEMENTAL GRANTS.—During the period in which a  
17 State is eligible for a basic grant under this sub-  
18 section, the State shall be eligible to receive a sup-  
19 plemental grant in a fiscal year of up to 5 percent  
20 of the amount apportioned to the State in fiscal year  
21 1997 under section 402 of this title. The State may  
22 receive a separate supplemental grant for meeting  
23 each of the following criteria:

24 “(A) PENALTY POINTS AGAINST A DRIV-  
25 ER’S LICENSE FOR VIOLATIONS OF CHILD PAS-

1           SENGER PROTECTION REQUIREMENTS.—The  
2           State has in effect a law that requires the impo-  
3           sition of penalty points against a driver’s li-  
4           cense for violations of child passenger protec-  
5           tion requirements.

6           “(B) ELIMINATION OF NON-MEDICAL EX-  
7           EMPTIONS TO SAFETY BELT AND CHILD PAS-  
8           SENGER PROTECTION LAWS.—The State has in  
9           effect safety belt and child passenger protection  
10          laws that contain no nonmedical exemptions.

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

15          “(5) DEFINITIONS.—As used in this sub-  
16          section—

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

21                 “(B) ‘Motor vehicle’ means a vehicle driven  
22                 or drawn by mechanical power and manufac-  
23                 tured primarily for use on public streets, roads,  
24                 and highways, but does not include a vehicle op-  
25                 erated only on a rail line.

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

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

11           “(E) ‘Passenger motor vehicle’ means a  
12 passenger car or a multipurpose passenger  
13 motor vehicle.

14           “(F) ‘Safety belt’ means—

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

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

24           (2) CONFORMING AMENDMENT.—The chapter  
25 analysis for chapter 4 of that chapter is amended by

1 striking the item relating to section 410 and insert-  
 2 ing the following:

“410. Safety belts and occupant protection program.”.

3 (h) DRUGGED DRIVER RESEARCH AND DEMONSTRA-  
 4 TION PROGRAM.—Section 403(b) of title 23, United  
 5 States Code, is amended—

6 (1) by inserting “(1)” before “In addition”;

7 (2) by striking “is authorized to” and inserting  
 8 “shall”;

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

11 (4) by inserting after subparagraph (B), as re-  
 12 designated, the following:

13 “(C) Measures that may deter drugged driv-  
 14 ing.”.

15 **SEC. 102. NATIONAL DRIVER REGISTER.**

16 (a) TRANSFER OF SELECTED FUNCTIONS TO NON-  
 17 FEDERAL MANAGEMENT.—Section 30302 is amended by  
 18 adding at the end thereof the following:

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

1 that the management of these functions is compatible with  
2 this chapter and the regulations issued to implement this  
3 chapter.

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

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

23       “(4) The total of the fees charged by the organization  
24 representing the interests of the States in any fiscal year  
25 for the use of the National Driver Register’s computer

1 timeshare and user assistance functions shall not exceed  
2 the total cost to the organization for performing these  
3 functions in such fiscal year.

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

7 (b) ACCESS TO REGISTER INFORMATION.—Section  
8 30305(b) is amended—

9 (1) by striking “request.” in paragraph (2) and  
10 inserting the following: “request, unless the informa-  
11 tion is about a revocation or suspension still in effect  
12 on the date of the request”;

13 (2) by inserting after paragraph (6) the follow-  
14 ing:

15 “(7) The head of a Federal department or  
16 agency that issues motor vehicle operator’s licenses  
17 may request the chief driver licensing official of a  
18 State to obtain information under subsection (a) of  
19 this section about an individual applicant for a  
20 motor vehicle operator’s license from such depart-  
21 ment or agency. The department or agency may re-  
22 ceive the information, provided it transmits to the  
23 Secretary a report regarding any individual who is  
24 denied a motor vehicle operator’s license by that de-  
25 partment or agency for cause; whose motor vehicle

1 operator’s license is revoked, suspended or canceled  
 2 by that department or agency for cause; or about  
 3 whom the department or agency has been notified of  
 4 a conviction of any of the motor vehicle-related of-  
 5 fenses or comparable offenses listed in subsection  
 6 30304(a)(3) and over whom the department or agen-  
 7 cy has licensing authority. The report shall contain  
 8 the information specified in subsection 30304(b).

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

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

16 (4) by striking “paragraph (2)” in paragraph  
 17 (10), as redesignated, and inserting “subsection (a)  
 18 of this section”.

19 **SEC. 103. AUTHORIZATIONS OF APPROPRIATIONS.**

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

23 (1) CONSOLIDATED STATE HIGHWAY SAFETY  
 24 PROGRAMS.—

1 (A) For carrying out the State and Com-  
2 munity Highway Safety Program under section  
3 402 of title 23, United States Code, by the Na-  
4 tional Highway Traffic Safety Administration,  
5 except for the incentive programs under sub-  
6 sections (l) and (m) of that section,  
7 \$142,700,000 for fiscal year 1998, and  
8 \$166,700 for each of fiscal years 1999, 2000,  
9 2001, and 2002, and \$171,034,000 for fiscal  
10 year 2003.

11 (B) To carry out the alcohol-impaired driv-  
12 ing countermeasures incentive grant provisions  
13 of subsection (l) of section 402 of title 23, Unit-  
14 ed States Code, by the National Highway Traf-  
15 fic Safety Administration, \$35,000,000 for fis-  
16 cal year 1998, \$39,000,000 for each of fiscal  
17 years 1999, 2000, and 2001, \$46,000,000 for  
18 fiscal year 2002, and \$49,000,000 for fiscal  
19 year 2003. Amounts made available to carry  
20 out subsection (l) are authorized to remain  
21 available until expended, provided that, in each  
22 fiscal year the Secretary may reallocate any  
23 amounts remaining available under subsections  
24 (l) and (m) of section 402 of title 23, United  
25 States Code, as necessary to ensure, to the

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

4 (C) To carry out the occupant protection  
5 program incentive grant provisions of section  
6 410 of title 23, United States Code, by the Na-  
7 tional Highway Traffic Safety Administration,  
8 \$20,000,000 for fiscal year 1998, \$22,000,000  
9 for each of fiscal years 1999, 2000, and 2001,  
10 \$24,000,000 for fiscal year 2002, and  
11 \$23,312,000 for fiscal year 2003. Amounts  
12 made available to carry out subsection (m) are  
13 authorized to remain available until expended,  
14 provided that, in each fiscal year the Secretary  
15 may reallocate any amounts remaining available  
16 under subsections (l) and (m) to subsections (l),  
17 (n), and (o) of section 402 of title 23, United  
18 States Code, as necessary to ensure, to the  
19 maximum extent possible, that States may re-  
20 ceive the maximum incentive funding for which  
21 they are eligible under these programs.

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

1           istration, \$12,000,000 for each of fiscal years  
2           1998, 1999, 2000, and 2001. Amounts made  
3           available to carry out subsection (n) are author-  
4           ized to remain available until expended.

5           (E) To carry out the drugged driving re-  
6           search and demonstration programs of section  
7           403(b)(1) of title 23, United States Code, by  
8           the National Highway Traffic Safety Adminis-  
9           tration, \$2,500,000 for each of fiscal years  
10          1999, 2000, 2001, and 2002, and \$1,000,000  
11          for fiscal year 2003.

12          (2) NHTSA OPERATIONS AND RESEARCH.—  
13          For carrying out the functions of the Secretary, by  
14          the National Highway Traffic Safety Administra-  
15          tion, for traffic and highway safety under (A) sec-  
16          tion 403 of title 23, United States Code (Highway  
17          Safety Research and Development), (B) Chapter  
18          301 of Title 49, United States Code (Motor Vehicle  
19          Safety), and (C) Part C of Subtitle VI of Title 49,  
20          United States Code (Information, Standards, and  
21          Requirements), there are authorized to be appro-  
22          priated \$147,500,000, for each of fiscal years 1998,  
23          1999, 2000, 2001, and 2002, and \$151,335,000 for  
24          fiscal year 2003.

1           (3) NATIONAL DRIVER REGISTER.—For carry-  
2           ing out chapter 303 (National Driver Register) of  
3           title 49, United States Code, by the National High-  
4           way Traffic Safety Administration, there are author-  
5           ized to be appropriated under section 30308(a) of  
6           such chapter \$2,300,000 for each of fiscal years  
7           1998, 1999, 2000, 2001, and 2002, and \$2,360,000  
8           for fiscal year 2003.

9   **SEC. 104. GLOBAL ENVIRONMENTAL AND SAFETY STAND-**  
10                                   **ARDS FOR VEHICLES.**

11           (a) DEVELOPMENT OF A GLOBAL REGISTRY.—The  
12           Secretary of Transportation (hereinafter in this section re-  
13           ferred to as the “Secretary”) and the Administrator of  
14           the Environmental Protection Agency (hereinafter in this  
15           section referred to as the “Administrator”) may partici-  
16           pate in the development of an international compendium  
17           of national motor vehicle standards, including both safety  
18           and environmental standards.

19           (b) PROMOTION OF INTERNATIONAL COOPERATIVE  
20           PROGRAMS.—The Secretary or Administrator may partici-  
21           pate in activities to promote international cooperative pro-  
22           grams for conducting research, development, demonstra-  
23           tion projects, training, and other forms of technology  
24           transfer and exchange, including safety conferences, semi-  
25           nars, and expositions, to enhance international motor vehi-

1 cle safety, and provide technical assistance to other coun-  
2 tries relating to their adoption of United States Federal  
3 standards for vehicles. This effort shall not reduce or di-  
4 minish the Secretary's or Administrator's obligation to  
5 conduct research on issues of vehicle safety, environmental  
6 protection, and testing relevant to the operation of vehicles  
7 in the United States.

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

10 (1) IN GENERAL.—The Secretary and the Ad-  
11 ministrator may participate in international negotia-  
12 tions (including working parties, other international  
13 bodies, and panels of experts) and may agree to har-  
14 monized rules for vehicular safety and environmental  
15 pollution if the United States position to be taken in  
16 such an international negotiation is developed in ac-  
17 cordance with paragraphs (2), (3), and (4).

18 (2) ADOPTION OF HIGHER GLOBAL STAND-  
19 ARDS.—The Secretary or Administrator may adopt  
20 the global standard if the Secretary or Adminis-  
21 trator determines that—

22 (A) in light of the Secretary's or Adminis-  
23 trator's determination under both subpara-  
24 graphs (B) and (C), the harmonized standard  
25 provides an overall higher level of safety per-

1 formance or environmental protection than the  
2 comparable United States standard;

3 (B) the harmonized standard or any por-  
4 tion of the standard provides a unique or higher  
5 level of safety or environmental performance  
6 than the comparable United States standard;

7 (C) the comparable United States standard  
8 or any portion thereof does not provide a  
9 unique or higher level of safety or environ-  
10 mental performance not contained in the har-  
11 monized standard;

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

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

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

24 (4) RETENTION OF HIGHER DOMESTIC STAND-  
25 ARDS.—Any standard adopted by the Secretary or

1 the Administrator under paragraph (2) shall retain  
2 those portions of the comparable United States  
3 standard determined by the Secretary or the Admin-  
4 istrator, under paragraph (2)(C), to provide unique  
5 practices or levels of safety performance or environ-  
6 mental protection not contained in the global stand-  
7 ard.

8 (d) GENERAL REQUIREMENTS.—

9 (1) PUBLIC DISCLOSURE OF ALL MATTER.—

10 Notwithstanding any provision of law, any docu-  
11 mentation, proposal, negotiating document, internal  
12 discussion memorandum, meeting notes, correspond-  
13 ence (including electronic mail), and submissions  
14 from the private sector in connection with such ne-  
15 gotiations received by the Secretary or the Adminis-  
16 trator shall be made available to the public through  
17 a docket published by the Department of Transpor-  
18 tation or the Environmental Protection Agency.

19 (2) NOTICE OF MEETINGS; PUBLIC COM-  
20 MENT.—Not less than 90 days before any bilateral  
21 or multilateral harmonization meeting attended by  
22 the Secretary or the Administrator (or their dele-  
23 gates) is scheduled to be held, the Secretary or the  
24 Administrator, or both, as appropriate—

1 (A) shall publish notice of the purpose of  
2 the meeting in the Federal Register under the  
3 heading “Harmonization and Equivalence”; and

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

8 (e) WORLD TRADE ORGANIZATION ACTION FORE-  
9 CLOSED.—Before the United States may enter into any  
10 international agreement or agree to any standard-setting  
11 procedure, the agreement shall provide that any existing  
12 or future State standard or future United States Federal  
13 standard that is higher, more stringent, or more rigorous  
14 than the standard to be established by that agreement or  
15 procedure—

16 (1) may not be challenged before the World  
17 Trade Organization or any other international orga-  
18 nization on the basis of a higher level of protection  
19 or its means of implementation; or

20 (2) shall contain the following clause, and other  
21 necessary safeguards: “any domestic standard pro-  
22 viding a higher level of protection is not actionable  
23 before the World Trade Organization or other inter-  
24 national organization on the basis of its level of pro-  
25 tection or its means of implementation”.

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

7 **SEC. 105. AMENDMENTS TO CHAPTER 323 (CONSUMER IN-**  
 8 **FORMATION).**

9 Section 32302 is amended by striking subsection (c).

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

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

13 “(2) A manufacturer shall submit a report  
 14 under paragraph (1) of this subsection during the  
 15 30 days before the beginning of each model year.”.

16 **SEC. 107. AMENDMENTS TO CHAPTER 331 (THEFT PREVEN-**  
 17 **TION).**

18 Section 33104(a)(6) is repealed.

19 **SEC. 108. DEALER NOTIFICATION PROGRAM FOR PROHIB-**  
 20 **ITED SALE OF NONQUALIFYING VEHICLES**  
 21 **FOR USE AS SCHOOLBUSES.**

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

24 “(c) NOTIFICATION PROGRAM FOR DEALERS CON-  
 25 CERNING SALES OF VEHICLES AS SCHOOLBUSES.—Not

1 later than September 1, 1998, the Secretary shall develop  
2 and implement a program to notify dealers and distribu-  
3 tors in the United States that subsection (a) prohibits the  
4 sale or delivery of any vehicle for use as a schoolbus (as  
5 that term is defined in section 30125(a)(1) of this title)  
6 that does not meet the standards prescribed under section  
7 30125(b) of this title.”.

8 **TITLE II—HAZARDOUS MATE-**  
9 **RIALS TRANSPORTATION RE-**  
10 **AUTHORIZATION**

11 **SEC. 201. SHORT TITLE.**

12 This title may be cited as the “Hazardous Materials  
13 Transportation Safety Reauthorization Act of 1997”.

14 **SEC. 202. FINDINGS AND PURPOSES; DEFINITIONS.**

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

17 **“§ 5101. Findings and purposes**

18 “(a) **FINDINGS.**—The Congress finds with respect to  
19 hazardous materials transportation that—

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

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

4           “(3) many States and localities have enacted  
5           laws and regulations that vary from Federal laws  
6           and regulations pertaining to the transportation of  
7           hazardous materials, thereby creating the potential  
8           for unreasonable hazards in other jurisdictions and  
9           confounding shippers and carriers that attempt to  
10          comply with multiple and conflicting registration,  
11          permitting, routings, notification, loading, unloading,  
12          incidental storage, and other regulatory require-  
13          ments;

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

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

1           “(6) in order to provide reasonable, adequate,  
2           and cost-effective protection from the risks posed by  
3           the transportation of hazardous materials, a network  
4           of adequately trained State and local emergency re-  
5           sponse personnel is required;

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

11          “(8) primary authority for the regulation of  
12          such transportation should be consolidated in the  
13          Department of Transportation to ensure the safe  
14          and efficient movement of hazardous materials in  
15          commerce.

16          “(9) emergency response personnel have a con-  
17          tinuing need for training on responses to releases of  
18          hazardous materials in transportation and small  
19          businesses have a continuing need for training on  
20          compliance with hazardous materials regulations.

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

22               “(1) to ensure the safe and efficient transpor-  
23               tation of hazardous materials in intrastate, inter-  
24               state, and foreign commerce, including the loading,

1 unloading, and incidental storage of hazardous ma-  
2 terial;

3 “(2) to provide the Secretary with preemption  
4 authority to achieve uniform regulation of hazardous  
5 material transportation, to eliminate inconsistent  
6 rules that apply differently from Federal rules, to  
7 ensure efficient movement of hazardous materials in  
8 commerce, and to promote the national health, wel-  
9 fare, and safety; and

10 “(3) to ensure adequate training of hazardous  
11 materials emergency responders, including small  
12 businesses involved in hazardous materials transpor-  
13 tation.”.

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

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

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

19 “(A) between a place in a State and a  
20 place outside of the State;

21 “(B) that affects trade or transportation  
22 between a place in a State and a place outside  
23 of the State; or

24 “(C) on a United States-registered air-  
25 craft.”;

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

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

5                   “(A) is—

6                           “(i) employed by a hazmat employer,

7                           “(ii) self-employed, or

8                           “(iii) an owner-operator of a motor  
9                           vehicle; and

10                   “(B) during the course of employment—

11                           “(i) loads, unloads, or handles hazard-  
12                           ous material;

13                           “(ii) manufactures, reconditions, or  
14                           tests containers, drums, or other  
15                           packagings represented as qualified for use  
16                           in transporting hazardous material;

17                           “(iii) performs any function pertain-  
18                           ing to the offering of hazardous material  
19                           for transportation;

20                           “(iv) is responsible for the safety of  
21                           transporting hazardous material; or

22                           “(v) operates a vehicle used to trans-  
23                           port hazardous material.

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

25                   “(A) either—

1 “(i) is self-employed,

2 “(ii) is an owner-operator of a motor  
3 vehicle, or

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

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

7 “(i) transporting hazardous material  
8 in commerce;

9 “(ii) causing hazardous material to be  
10 transported in commerce, or

11 “(iii) manufacturing, reconditioning,  
12 or testing containers, drums, or other  
13 packagings represented as qualified for use  
14 in transporting hazardous material.”;

15 (3) by striking “title.” in paragraph (7) and in-  
16 serting “title, except that a freight forwarder is in-  
17 cluded only if performing a function related to high-  
18 way transportation.”;

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

21 (5) by inserting after paragraph (8) the follow-  
22 ing:

23 “(9) ‘out-of-service order’ means a mandate  
24 that an aircraft, vessel, motor vehicle, train, other

1 vehicle, or a part of any of these, not be moved until  
2 specified conditions have been met.

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

5 “(11) ‘packaging’ means a receptacle and any  
6 other components or materials necessary for the re-  
7 ceptacle to perform its containment function in con-  
8 formance with the minimum packaging requirements  
9 established by the Secretary of Transportation.”;  
10 and

11 (6) by striking “or transporting hazardous ma-  
12 terial to further a commercial enterprise;” in para-  
13 graph 12(A), as redesignated by paragraph (4) of  
14 this subsection, and inserting a comma and “trans-  
15 porting hazardous material to further a commercial  
16 enterprise, or manufacturing, reconditioning, or test-  
17 ing containers, drums, or other packagings rep-  
18 resented as qualified for use in transporting hazard-  
19 ous material”.

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

“5101. Findings and purposes.”.

1 **SEC. 203. HANDLING CRITERIA REPEAL.**

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

5 **SEC. 204. HAZMAT EMPLOYEE TRAINING REQUIREMENTS.**

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

8 **SEC. 205. REGISTRATION.**

9 Section 5108 is amended—

10 (1) by striking subsection (b)(1)(C) and insert-  
11 ing the following:

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

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

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

20 (3) by striking “552(f)” in subsection (f) and  
21 inserting “552(b)”; and

22 (4) by striking “may” in subsection (g)(1) and  
23 inserting “shall”.

24 (5) by amending section (i)(2)(B) by adding  
25 “an Indian tribe” after “State,”

1 **SEC. 206. HIGHWAY TRANSPORTATION OF HAZARDOUS MA-**  
2 **TERIALS.**

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

5 **“§ 5109. Hazardous materials pilot program**

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

10 “(b) HAZARDOUS MATERIALS COVERED.—The Sec-  
11 retary shall determine the hazardous materials to be cov-  
12 ered by the pilot program. The Secretary may limit mate-  
13 rials to—

14 “(1) class 1.1, 1.2, or 1.3 explosives;

15 “(2) liquefied natural gas;

16 “(3) hazardous materials the Secretary des-  
17 ignates as extremely toxic by inhalation;

18 “(4) a highway route controlled quantity of ra-  
19 dioactive material, as defined by the Secretary; or

20 “(5) any other hazardous material designated  
21 by the Secretary under section 5103(a) of this  
22 title.”.

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

“5109. Hazardous materials pilot program.”.

1 **SEC. 207. SHIPPING PAPER RETENTION.**

2 Section 5110(e) is amended by striking the first sen-  
3 tence and inserting “After expiration of the requirement  
4 in subsection (c) of this section, the person who provided  
5 the shipping paper and the carrier required to maintain  
6 it under subsection (a) of this section shall retain the  
7 paper or an electronic image thereof, for a period of 1  
8 year after the shipping paper was provided to the carrier,  
9 to be accessible through their respective principal places  
10 of business.”.

11 **SEC. 208. PUBLIC SECTOR TRAINING CURRICULUM.**

12 Section 5115 is amended—

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

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

18 (3) by striking the second sentence of sub-  
19 section (a);

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

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

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

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

7 **SEC. 209. PLANNING AND TRAINING GRANTS.**

8       Section 5116 is amended—

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

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

13       “(f) MONITORING AND TECHNICAL ASSISTANCE.—  
14 The Secretary of Transportation shall monitor public sec-  
15 tor emergency response planning and training for an acci-  
16 dent or incident involving hazardous material. Considering  
17 the results of the monitoring, the Secretary shall provide  
18 technical assistance to a State, political subdivision of a  
19 State, or Indian tribe for carrying out emergency response  
20 training and planning for an accident or incident involving  
21 hazardous material and shall coordinate the assistance  
22 using the existing coordinating mechanisms of the Na-  
23 tional Response Team for Oil and Hazardous Substances  
24 and, for radioactive material, the Federal Radiological  
25 Preparedness Coordinating Committee.”; and

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

2 “(1) SMALL BUSINESSES.—The Secretary may  
3 authorize a State or Indian tribe receiving a grant  
4 under this section to use up to 25 percent of the  
5 amount of the grant to assist small businesses in  
6 complying with regulations issued under this chap-  
7 ter.”.

8 **SEC. 210. SPECIAL PERMITS AND EXCLUSIONS.**

9 (a) Section 5117 is amended—

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

12 **“§ 5117. Special permits and exclusions”;**

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

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

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

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

“5117. Special permits and exclusions.”.

22 **SEC. 211. COOPERATIVE AGREEMENTS.**

23 Section 5121, as amended by section 211(a), is fur-  
24 ther amended by adding at the end thereof the following:

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

12 **SEC. 212. ENFORCEMENT.**

13       Section 5122, as amended by section 211(b), is fur-  
14 ther amended—

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

17           (2) by striking the last sentence of subsection  
18 (a) and inserting: “Except as provided in subsection  
19 (e) of this section, the Secretary shall provide notice  
20 and an opportunity for a hearing prior to issuing  
21 an order requiring compliance with this chapter or  
22 a regulation, order, special permit, or approval is-  
23 sued under this chapter.”;

1           (2) by redesignating subsections (d) and (e) as  
2           subsections (f) and (g), and inserting after sub-  
3           section (c) the following:

4           “(d) OTHER AUTHORITY.—During inspections and  
5           investigations, officers, employees, or agents of the Sec-  
6           retary may—

7           “(1) open and examine the contents of a pack-  
8           age offered for, or in, transportation when—

9           “(A) the package is marked, labeled, cer-  
10          tified, placarded, or otherwise represented as  
11          containing a hazardous material, or

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

15          “(2) take a sample, sufficient for analysis, of  
16          material marked or represented as a hazardous ma-  
17          terial or for which there is an objectively reasonable  
18          and articulable belief that the material may be a  
19          hazardous material, and analyze that material;

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

1           “(4) when safety might otherwise be com-  
2 promised, authorize properly qualified personnel to  
3 conduct the examination, sampling, or analysis of a  
4 material.

5           “(e) EMERGENCY ORDERS.—

6           “(1) If, through testing, inspection, investiga-  
7 tion, or research carried out under this chapter, the  
8 Secretary decides that an unsafe condition or prac-  
9 tice, or a combination of them, causes an emergency  
10 situation involving a hazard of death, personal in-  
11 jury, or significant harm to the environment, the  
12 Secretary may immediately issue or impose restric-  
13 tions, prohibitions, recalls, or out-of-service orders,  
14 without notice or the opportunity for a hearing, that  
15 may be necessary to abate the situation.

16           “(2) The Secretary’s action under this sub-  
17 section must be in a written order describing the  
18 condition or practice, or combination of them, that  
19 causes the emergency situation; stating the restric-  
20 tions, prohibitions, recalls, or out-of-service orders  
21 being issued or imposed; and prescribing standards  
22 and procedures for obtaining relief from the order.

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

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

7 **SEC. 213. PENALTIES.**

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

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

15           “(2) with respect to the violator, the degree of  
16 culpability, any good-faith efforts to comply with the  
17 applicable requirements, any history of prior viola-  
18 tions, any economic benefit resulting from the viola-  
19 tion, the ability to pay, and any effect on the ability  
20 to continue to do business; and”.

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

22 **“§ 5124. Criminal penalty**

23           “(a) IN GENERAL.—A person knowingly violating  
24 section 5104(b) of this title or willfully violating this chap-  
25 ter or a regulation, order, special permit, or approval is-

1 sued under this chapter, shall be fined under title 18, im-  
2 prisoned for not more than 5 years, or both.

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

9 **SEC. 214. PREEMPTION.**

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

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

17 (c) Add § 5125(h) as follows: “RELATIONSHIP TO  
18 OTHER LAW.—No preemption authority established by  
19 subsection (a), (b), (c) or (g) of this section, or section  
20 5119(a) of this chapter, shall be construed to limit or be  
21 limited by any other preemption authority of this section  
22 or chapter.

1 **SEC. 215. JUDICIAL REVIEW.**

2 (a) Chapter 51 is amended by redesignating section  
3 5127 as section 5128, and by inserting after section 5126  
4 the following new section:

5 **“§ 5127. Judicial review**

6 “(a) FILING AND VENUE.—Except as provided in  
7 section 20114(c) of this title, a person disclosing a sub-  
8 stantial interest in a final order issued, under the author-  
9 ity of section 5122 or 5123 of this title, by the Secretary  
10 of Transportation, the Administrators of the Research and  
11 Special Programs Administration, the Federal Aviation  
12 Administration, or the Federal Highway Administration,  
13 or the Commandant of the United States Coast Guard  
14 (‘modal Administrator’), with respect to the duties and  
15 powers designated to be carried out by the Secretary  
16 under this chapter, may apply for review in the United  
17 States Court of Appeals for the District of Columbia or  
18 in the court of appeals for the United States for the circuit  
19 in which the person resides or has its principal place of  
20 business. The petition must be filed not more than 60 days  
21 after the order is issued. The court may allow the petition  
22 to be filed after the 60th day only if there are reasonable  
23 grounds for not filing by the 60th day.

24 “(b) JUDICIAL PROCEDURES.—When a petition is  
25 filed under subsection (a) of this section, the clerk of the  
26 court immediately shall send a copy of the petition to the

1 Secretary or the modal Administrator, as appropriate. The  
2 Secretary or the modal Administrator shall file with the  
3 court a record of any proceeding in which the order was  
4 issued, as provided in section 2112 of title 28.

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

16       “(d) REQUIREMENT FOR PRIOR OBJECTION.—In re-  
17 viewing a final order under this section, the court may  
18 consider an objection to a final order of the Secretary or  
19 the modal Administrator only if the objection was made  
20 in the course of a proceeding or review conducted by the  
21 Secretary, the modal Administrator, or an administrative  
22 law judge, or if there was a reasonable ground for not  
23 making the objection in the proceeding.

24       “(e) SUPREME COURT REVIEW.—A decision by a  
25 court under this section may be reviewed only by the Su-

1 preme Court under section 1254 of title 28, United States  
2 Code.”.

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

“5127. Judicial review.

“5128. Authorization of appropriations.”.

6 **SEC. 216. HAZARDOUS MATERIAL TRANSPORTATION REAU-**  
7 **THORIZATION.**

8 (a) IN GENERAL.—Chapter 51, as amended by sec-  
9 tion 216 of this Act, is amended by redesignating section  
10 5128 as section 5129 and by inserting after section 5127  
11 the following:

12 **“§ 5128. High risk hazardous material; motor carrier**  
13 **safety study**

14 “(a) STUDY.—The Secretary of Transportation shall  
15 conduct a study—

16 “(1) to determine the safety benefits and ad-  
17 ministrative efficiency of implementing a Federal  
18 permit program for high risk hazardous material  
19 carriers;

20 “(2) to identify and evaluate alternative regu-  
21 latory methods and procedures that may improve the  
22 safety of high risk hazardous material carriers and  
23 shippers;

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

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

8           “(5) to assess the potential of advanced tech-  
9           nologies for improving the assessment of high risk  
10          hazardous material carriers’ compliance with motor  
11          carrier safety regulations.

12          “(b) TIMEFRAME.—The Secretary shall begin the  
13          study required by subsection (a) within 6 months after  
14          the date of enactment of the Surface Transportation Safe-  
15          ty Act of 1997 and complete it within 30 months.

16          “(c) REPORT.—The Secretary shall report the find-  
17          ings of the study required by subsection (a), together with  
18          such recommendations as may be appropriate, within 36  
19          months after the date of enactment of that Act.”.

20          (b) SECTION 5109 REGULATIONS TO REFLECT  
21          STUDY FINDINGS.—Section 5109(h) is amended by strik-  
22          ing “not later than November 16, 1991.” and inserting  
23          “based upon the findings of the study required by section  
24          5128(a).”.

1 (c) CONFORMING AMENDMENT.—The chapter analy-  
 2 sis for chapter 51, as amended by section 216, is amended  
 3 by striking the item relating to section 5128 and inserting  
 4 the following:

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

5 **SEC. 217. AUTHORIZATION OF APPROPRIATIONS.**

6 Section 5129, as redesignated, is amended—

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

9 “(a) GENERAL.—Not more than \$15,492,000 may be  
 10 appropriated to the Secretary of Transportation for fiscal  
 11 year 1998, and such sums as may be necessary for fiscal  
 12 years 1999, 2000, 2001, 2002, and 2003, to carry out  
 13 this chapter (except sections 5107(e), 5108(g)(2), 5113,  
 14 5115, 5116, and 5119).”;

15 (2) by striking subsections (c) and (d) and in-  
 16 serting the following:

17 “(c) TRAINING CURRICULUM.—Not more than  
 18 \$200,000 is available to the Secretary of Transportation  
 19 from the account established under section 5116(i) of this  
 20 title for each of the fiscal years ending September 30,  
 21 1999–2003, to carry out section 5115 of this title.

22 “(d) PLANNING AND TRAINING.—

23 (1) Not more than \$2,444,000 is available to  
 24 the Secretary of Transportation from the account es-

1        established under section 5116(i) of this title for the  
2        fiscal year ending September 30, 1998, and such  
3        sums as may be necessary for fiscal years 1999–  
4        2003, to carry out section 5116(a) of this title.

5            “(2) Not more than \$3,666,000 is available to  
6        the Secretary of Transportation from the account es-  
7        tablished under section 5116(i) of this title for the  
8        fiscal year ending September 30, 1998, and such  
9        sums as may be necessary for fiscal years 1999–  
10       2003, to carry out section 5116(b) of this title.

11           “(3) by Not more than \$600,000 is available to  
12       the Secretary of Transportation from the account es-  
13       tablished under section 5116(i) of this title for the  
14       fiscal year ending September 30, 1998, and such  
15       sums as may be necessary for fiscal years 1999–  
16       2003, to carry out section 5116(f) of this title.”; and

17           (3) striking subsection (e) and inserting the fol-  
18       lowing:

19           “(e) UNIFORM FORMS AND PROCEDURES.—Not  
20       more than \$250,000 may be appropriated to the Secretary  
21       of Transportation for each of fiscal years 1998, 1999, and  
22       2000 for making grants under section 5119(e).”.

1           **TITLE III—SANITARY FOOD**  
2                           **TRANSPORTATION**

3 **SEC. 301. SHORT TITLE.**

4           This title may be cited as the “Sanitary Food Trans-  
5 portation Act of 1997”.

6 **SEC. 302. FINDINGS.**

7           Congress finds that—

8                   (1) the Department of Transportation, the De-  
9                   partment of Agriculture, and the Food and Drug  
10                  Administration in the Department of Health and  
11                  Human Services have consulted about how best to  
12                  ensure that food is not adulterated as a result of the  
13                  conditions under which it is transported. As a result  
14                  of these consultations, the agencies have confirmed  
15                  that steps to ensure the safety of food are more effi-  
16                  cient if taken by the agencies directly charged with  
17                  the responsibility for food safety;

18                  (2) the Secretary of Agriculture has ample au-  
19                  thority under the Federal Meat Inspection Act (21  
20                  U.S.C. 601 et seq.), the Poultry Products Inspection  
21                  Act (21 U.S.C. 451 et seq.), and the Egg Products  
22                  Inspection Act (21 U.S.C. 1031 et seq.), to inspect  
23                  and regulate continuously the transportation of  
24                  meat, poultry, and eggs in commerce for use in  
25                  human food, has exercised the statutory authority in

1 a diligent manner so as to prevent the transpor-  
2 tation of unwholesome or adulterated meat, poultry,  
3 and egg products in commerce, and does not need  
4 additional enforcement authority to regulate the  
5 transportation of meat, poultry, and egg products in  
6 commerce;

7 (3) certain statutory changes are necessary to  
8 provide the Secretary of Health and Human Services  
9 with the authority necessary to ensure that food,  
10 other than that regulated by the Secretary of Agri-  
11 culture, will not be rendered adulterated in transpor-  
12 tation;

13 (4) the appropriate role for the Secretary of  
14 Transportation is to provide assistance concerning  
15 the transportation aspects of food safety; and

16 (5) therefore, amendment of chapter 57 of title  
17 49, United States Code, and the transfer of certain  
18 authorities to the Secretary of Health and Human  
19 Services, is appropriate.

20 **SEC. 303. RESPONSIBILITIES OF THE SECRETARY OF**  
21 **HEALTH AND HUMAN SERVICES.**

22 (a) UNSANITARY TRANSPORT DEEMED ADULTERA-  
23 TION.—Section 402 of the Federal Food, Drug, and Cos-  
24 metic Act (21 U.S.C. 342) is amended by adding at the  
25 end the following:

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

4       (b) **SANITARY TRANSPORTATION REQUIREMENTS.**—  
5 Chapter IV of the Federal Food, Drug, and Cosmetic Act  
6 (21 U.S.C. 341 et seq.) is amended by adding at the end  
7 the following:

8       **“SEC. 414. SANITARY TRANSPORTATION OF FOOD.**

9       “(a) **SANITARY TRANSPORTATION PRACTICES.**—The  
10 Secretary shall establish by regulation sanitary transpor-  
11 tation practices which shippers, carriers, receivers, and  
12 other persons engaged in the transportation of food shall  
13 be required to follow to ensure that the food is not trans-  
14 ported under conditions that may render it adulterated,  
15 including such practices as the Secretary may find appro-  
16 priate relating to—

17               “(1) sanitation;

18               “(2) packaging, isolation, and other protective  
19 measures;

20               “(3) limitations on the use of vehicles;

21               “(4) information to be disclosed—

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

24                       “(B) to a manufacturer or other persons  
25 arranging for the transport of food by a carrier

1 or other person furnishing a tank or bulk vehi-  
2 cle for the transport of food; and

3 “(5) recordkeeping.

4 “(b) LIST OF UNACCEPTABLE NONFOOD PROD-  
5 UCTS.—The Secretary, by publication in the Federal Reg-  
6 ister, may establish and periodically amend—

7 “(1) a list of nonfood products that the Sec-  
8 retary determines may, if shipped in a tank or bulk  
9 vehicle, render adulterated food transported subse-  
10 quently in such vehicle; and

11 “(2) a list of nonfood products that the Sec-  
12 retary determines may, if shipped in a motor or rail  
13 vehicle (other than a tank or bulk vehicle), render  
14 adulterated food transported simultaneously or sub-  
15 sequently in such vehicle.

16 “(c) WAIVER AUTHORITY.—

17 “(1) IN GENERAL.—The Secretary may waive  
18 all or part of this section, or any requirement under  
19 this section, with respect to any class of persons, of  
20 vehicles, of food, or of nonfood products, if the Sec-  
21 retary determines that such waiver—

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

1           “(B) will not be contrary to the public in-  
2           terest or this Act.

3           “(2) PUBLICATION.—The Secretary shall pub-  
4           lish in the Federal Register any waiver and the rea-  
5           sons for the waiver.

6           “(d) PREEMPTION.—

7           “(1) IN GENERAL.—No State or political sub-  
8           division of a State may directly or indirectly estab-  
9           lish or continue in effect, as to any food in interstate  
10          commerce, any authority or requirement concerning  
11          that transportation of food that is not identical to  
12          the requirement of this section.

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

17          “(e) ASSISTANCE OF OTHER AGENCIES.—The Sec-  
18          retary of Transportation, the Secretary of Agriculture, the  
19          Administrator of the Environmental Protection Agency,  
20          and the heads of other Federal agencies, as appropriate,  
21          shall provide assistance upon request, to the extent re-  
22          sources are available, to the Secretary of Health and  
23          Human Services for the purposes of carrying out this sec-  
24          tion.

25          “(f) DEFINITIONS.—For purposes of this section—

1           “(1) The term ‘transportation’ means any  
2 movement of property in commerce by motor vehicle  
3 or rail vehicle.

4           “(2) The term ‘tank or bulk vehicle’ includes  
5 any vehicle in which food is shipped in bulk and in  
6 which the food comes directly into contact with the  
7 vehicle, including tank trucks, hopper trucks, rail  
8 tank cars, hopper cars, cargo tanks, portable tanks,  
9 freight containers, or hopper bins.”.

10 (c) INSPECTION OF TRANSPORTATION RECORDS.—

11           (1) AMENDMENT OF CHAPTER VII.—Chapter  
12 VII of the Federal Food, Drug, and Cosmetic Act  
13 (21 U.S.C. 371 et seq.) is amended by inserting  
14 after section 703 the following new section:

15 **“SEC. 703A. FOOD TRANSPORTATION RECORDS.**

16           “Shippers, carriers by motor vehicle or rail vehicle,  
17 and other persons subject to section 414 shall, upon re-  
18 quest of an officer or employee duly designated by the Sec-  
19 retary, permit such officer or employee, at reasonable  
20 times, to have access to and to copy all records that the  
21 Secretary requires them to make or retain under section  
22 414(a)(5) of this Act.”.

23           (2) CONFORMING AMENDMENT.—The second  
24 proviso of section 703 of the Act (21 U.S.C. 373)

1 is amended by inserting “, unless otherwise explicitly  
2 provided,” after “That”.

3 (d) PROHIBITED ACTS.—

4 (1) AMENDMENT OF SECTION 301(c).—Section  
5 301(c) of the Federal Food, Drug, and Cosmetic Act  
6 (21 U.S.C. 331(e)) is amended—

7 (A) by striking “or 703” and inserting “,  
8 703, or 703A”; and

9 (B) by inserting “414,” before “505(i)”.

10 (2) UNSAFE FOOD TRANSPORTATION.—Section  
11 301 of the Act (21 U.S.C. 331) is further amend-  
12 ed—

13 (A) by redesignating subsection (u) as sub-  
14 section (v); and

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

17 “(w) The failure, by a shipper, carrier, receiver, or  
18 any other person engaged in the transportation of food,  
19 to comply with the sanitary transportation practices pre-  
20 scribed by the Secretary under section 414.”.

21 **SEC. 304. DEPARTMENT OF TRANSPORTATION REQUIRE-**  
22 **MENTS.**

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

“Sec.

“5701. Findings.

“5702. Food transportation safety inspections.

1 **“§ 5701. Findings**

2 “Congress finds that—

3 “(1) the United States public is entitled to re-  
4 ceive food and other consumer products that are not  
5 made unsafe because of certain transportation prac-  
6 tices;

7 “(2) the United States public is threatened by  
8 the transportation of products potentially harmful to  
9 consumers in motor vehicles and rail vehicles that  
10 are used to transport food and other consumer prod-  
11 ucts; and

12 “(3) the risks to consumers by those transpor-  
13 tation practices are unnecessary and those practices  
14 must be ended.

15 **“§ 5702. Food transportation safety inspections**

16 “(a) INSPECTION PROCEDURES.—

17 “(1) The Secretary of Transportation, in con-  
18 sultation with the Secretaries of Health and Human  
19 Services and Agriculture, shall establish procedures  
20 to be used in performing transportation safety in-  
21 spections for the purpose of identifying suspected in-  
22 cidents of contamination or adulteration of food that  
23 may violate regulations issued under section 414 of

1 the Federal Food, Drug, and Cosmetic Act and shall  
2 train personnel of the Department of Transportation  
3 in the appropriate use of such procedures.

4 “(2) The procedures established under para-  
5 graph (1) of this subsection shall apply, at a mini-  
6 mum, to the Department of Transportation person-  
7 nel who perform commercial motor vehicle and rail-  
8 road safety inspections.

9 “(b) NOTIFICATION OF SECRETARIES OF HEALTH  
10 AND HUMAN SERVICES AND AGRICULTURE.—The Sec-  
11 retary of Transportation shall promptly notify the Sec-  
12 retary of Health and Human Services or the Secretary of  
13 Agriculture, as applicable, of any instances of potential  
14 food contamination or adulteration of a food identified  
15 during transportation safety inspections.

16 “(c) USE OF STATE EMPLOYEES.—The Secretary of  
17 Transportation may carry out notification under sub-  
18 section (b) by transmittal of reports of inspections con-  
19 ducted in accordance with such procedures by State em-  
20 ployees using funds authorized to be appropriated under  
21 sections 31102 through 31104 of this title.”.

22 **SEC. 305. EFFECTIVE DATE.**

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

1 **TITLE IV—RAIL AND MASS**  
2 **TRANSPORTATION ANTI-TER-**  
3 **RORISM**

4 **SEC. 401. SHORT TITLE.**

5 This title may be cited as the “Transportation Anti-  
6 Terrorism Act of 1997”.

7 **SEC. 402. PURPOSE.**

8 The purpose of this title is to protect the passengers  
9 and employees of railroad carriers and mass transpor-  
10 tation systems and the movement of freight by railroad  
11 from terrorist attacks.

12 **SEC. 403. AMENDMENTS TO THE “WRECKING TRAINS” STAT-**  
13 **UTE.**

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

16 **“§ 1992. Terrorist attacks against railroads**

17 “(a) GENERAL PROHIBITIONS.—Whoever willfully—

18 “(1) wrecks, derails, sets fire to, or disables any  
19 train, locomotive, motor unit, or freight or passenger  
20 car used, operated, or employed by a railroad car-  
21 rier;

22 “(2) brings, carries, possesses, places or causes  
23 to be placed any destructive substance, or destruc-  
24 tive device in, upon, or near any train, locomotive,  
25 motor unit, or freight or passenger car used, oper-

1       ated, or employed by a railroad carrier, without pre-  
2       viously obtaining the permission of the carrier, and  
3       with intent to endanger the safety of any passenger  
4       or employee of the carrier, or with a reckless dis-  
5       regard for the safety of human life;

6           “(3) sets fire to, or places any destructive sub-  
7       stance, or destructive device in, upon or near, or un-  
8       dermines any tunnel, bridge, viaduct, trestle, track,  
9       signal, station, depot, warehouse, terminal, or any  
10      other way, structure, property, or appurtenance used  
11      in the operation of, or in support of the operation  
12      of, a railroad carrier, or otherwise makes any such  
13      tunnel, bridge, viaduct, trestle, track, station, depot,  
14      warehouse, terminal, or any other way, structure,  
15      property, or appurtenance unworkable or unusable  
16      or hazardous to work or use, knowing or having rea-  
17      son to know such activity would likely derail, disable,  
18      or wreck a train, locomotive, motor unit, or freight  
19      or passenger car used, operated, or employed by a  
20      railroad carrier;

21           “(4) removes appurtenances from, damages, or  
22      otherwise impairs the operation of any railroad sig-  
23      nal system, including a train control system, central-  
24      ized dispatching system, or highway-railroad grade

1 crossing warning signal on a railroad line used, op-  
2 erated, or employed by a railroad carrier;

3 “(5) interferes with, disables or incapacitates  
4 any locomotive engineer, conductor, or other person  
5 while they are operating or maintaining a train, lo-  
6 comotive, motor unit, or freight or passenger car  
7 used, operated, or employed by a railroad carrier,  
8 with intent to endanger the safety of any passenger  
9 or employee of the carrier, or with a reckless dis-  
10 regard for the safety of human life;

11 “(6) commits an act intended to cause death or  
12 serious bodily injury to an employee or passenger of  
13 a railroad carrier while on the property of the car-  
14 rier;

15 “(7) causes the release of a hazardous material  
16 being transported by a rail freight car, with the in-  
17 tent to endanger the safety of any person, or with  
18 a reckless disregard for the safety of human life;

19 “(8) conveys or causes to be conveyed false in-  
20 formation, knowing the information to be false, con-  
21 cerning an attempt or alleged attempt being made or  
22 to be made, to do any act which would be a crime  
23 prohibited by this subsection; or

24 “(9) attempts, threatens, or conspires to do any  
25 of the aforesaid acts,

1 shall be fined under this title or imprisoned not more than  
2 twenty years, or both, if such act is committed, or in the  
3 case of a threat or conspiracy such act would be commit-  
4 ted, within the United States on, against, or affecting a  
5 railroad carrier engaged in or affecting interstate or for-  
6 eign commerce, or if in the course of committing such acts,  
7 that person travels or communicates across a State line  
8 in order to commit such acts, or transports materials  
9 across a State line in aid of the commission of such acts:  
10 *Provided however,* That whoever is convicted of any crime  
11 prohibited by this subsection shall be—

12           “(A) imprisoned for not less than thirty  
13           years or for life if the railroad train involved  
14           carried high-level radioactive waste or spent nu-  
15           clear fuel at the time of the offense;

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

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

22           “(b) PROHIBITIONS ON THE USE OF FIREARMS AND  
23 DANGEROUS WEAPONS.—

24           “(1) Except as provided in paragraph (4), who-  
25           ever knowingly possesses or causes to be present any

1 firearm or other dangerous weapon on board a pas-  
2 senger train of a railroad carrier, or attempts to do  
3 so, shall be fined under this title or imprisoned not  
4 more than one year, or both, if such act is commit-  
5 ted on a railroad carrier that is engaged in or affect-  
6 ing interstate or foreign commerce, or if in the  
7 course of committing such act, that person travels or  
8 communicates across a State line in order to commit  
9 such act, or transports materials across a State line  
10 in aid of the commission of such act.

11 “(2) Whoever, with intent that a firearm or  
12 other dangerous weapon be used in the commission  
13 of a crime, knowingly possesses or causes to be  
14 present such firearm or dangerous weapon on board  
15 a passenger train or in a passenger terminal facility  
16 of a railroad carrier, or attempts to do so, shall be  
17 fined under this title or imprisoned not more than  
18 5 years, or both, if such act is committed on a rail-  
19 road carrier that is engaged in or affecting inter-  
20 state or foreign commerce, or if in the course of  
21 committing such act, that person travels or commu-  
22 nicates across a State line in order to commit such  
23 act, or transports materials across a State line in  
24 aid of the commission of such act.

1           “(3) A person who kills or attempts to kill a  
2 person in the course of a violation of paragraph (1)  
3 or (2), or in the course of an attack on a passenger  
4 train or a passenger terminal facility of a railroad  
5 carrier involving the use of a firearm or other dan-  
6 gerous weapon, shall be punished as provided in sec-  
7 tions 1111, 1112, and 1113 of this title.

8           “(4) Paragraph (1) shall not apply to—

9           “(A) the possession of a firearm or other  
10 dangerous weapon by an officer, agent, or em-  
11 ployee of the United States, a State, or a politi-  
12 cal subdivision thereof, while engaged in the  
13 lawful performance of official duties, who is au-  
14 thorized by law to engage in the transportation  
15 of people accused or convicted of crimes, or su-  
16 pervise the prevention, detection, investigation,  
17 or prosecution of any violation of law;

18           “(B) the possession of a firearm or other  
19 dangerous weapon by an officer, agent, or em-  
20 ployee of the United States, a State, or a politi-  
21 cal subdivision thereof, while off duty, if such  
22 possession is authorized by law;

23           “(C) the possession of a firearm or other  
24 dangerous weapon by a Federal official or a

1 member of the Armed Forces if such possession  
2 is authorized by law; or

3 “(D) an individual transporting a firearm  
4 on board a railroad passenger train (except a  
5 loaded firearm) in baggage not accessible to any  
6 passenger on board the train, if the railroad  
7 carrier was informed of the presence of the  
8 weapon prior to the firearm being placed on  
9 board the train.

10 “(c) PROHIBITION AGAINST PROPELLING OB-  
11 JECTS.—Whoever willfully or recklessly throws, shoots, or  
12 propels a rock, stone, brick, or piece of iron, steel, or other  
13 metal or any deadly or dangerous object or destructive  
14 substance at any locomotive or car of a train, knowing  
15 or having reason to know such activity would likely cause  
16 personal injury, shall be fined under this title or impris-  
17 oned for not more than 5 years, or both, if such act is  
18 committed on or against a railroad carrier engaged in or  
19 affecting interstate or foreign commerce, or if in the  
20 course of committing such act, that person travels or com-  
21 municates across a State line in order to commit such act,  
22 or transports materials across a State line in aid of the  
23 commission of such act. Whoever is convicted of any crime  
24 prohibited by this subsection shall also be subject to im-

1 imprisonment for not more than twenty years if the offense  
2 has resulted in the death of any person.

3 “(d) DEFINITIONS.—In this section—

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

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

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

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

20 “(5) ‘hazardous material’ has the meaning  
21 given to that term in section 5102(2) of title 49,  
22 United States Code;

23 “(6) ‘high-level radioactive waste’ has the  
24 meaning given to that term in section 10101(12) of  
25 title 42, United States Code;

1           “(7) ‘railroad’ has the meaning given to that  
2 term in section 20102(1) of title 49, United States  
3 Code;

4           “(8) ‘railroad carrier’ has the meaning given to  
5 that term in section 20102(2) of title 49, United  
6 States Code;

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

9           “(10) ‘spent nuclear fuel’ has the meaning  
10 given to that term in section 10101(23) of title 42,  
11 United States Code; and

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

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

“1992. Terrorist attacks against railroads.”.

16 **SEC. 404. TERRORIST ATTACKS AGAINST MASS TRANSPOR-**  
17 **TATION.**

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

21 **“§ 1994. Terrorist attacks against mass transportation**

22       “(a) GENERAL PROHIBITIONS.—Whoever willfully—

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

1           “(2) places or causes to be placed any destruc-  
2           tive substance in, upon, or near a mass transpor-  
3           tation vehicle or vessel, without previously obtaining  
4           the permission of the mass transportation provider,  
5           and with intent to endanger the safety of any pas-  
6           senger or employee of the mass transportation pro-  
7           vider, or with a reckless disregard for the safety of  
8           human life;

9           “(3) sets fire to, or places any destructive sub-  
10          stance in, upon, or near any garage, terminal, struc-  
11          ture, supply, or facility used in the operation of, or  
12          in support of the operation of, a mass transportation  
13          vehicle, knowing or having reason to know such ac-  
14          tivity would likely derail, disable, or wreck a mass  
15          transportation vehicle used, operated, or employed  
16          by a mass transportation provider;

17          “(4) removes appurtenances from, damages, or  
18          otherwise impairs the operation of a mass transpor-  
19          tation signal system, including a train control sys-  
20          tem, centralized dispatching system, or rail grade  
21          crossing warning signal;

22          “(5) interferes with, disables or incapacitates  
23          any driver or person while they are employed in op-  
24          erating or maintaining a mass transportation vehicle  
25          or vessel, with intent to endanger the safety of any

1 passenger or employee of the mass transportation  
2 provider, or with a reckless disregard for the safety  
3 of human life;

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

8 “(7) conveys or causes to be conveyed false in-  
9 formation, knowing the information to be false, con-  
10 cerning an attempt or alleged attempt being made or  
11 to be made, to do any act which would be a crime  
12 prohibited by this subsection; or

13 “(8) attempts, threatens, or conspires to do any  
14 of the aforesaid acts,

15 shall be fined under this title or imprisoned not more than  
16 twenty years, or both, if such act is committed, or in the  
17 case of a threat or conspiracy such act would be commit-  
18 ted, within the United States on, against, or affecting a  
19 mass transportation provider engaged in or affecting  
20 interstate or foreign commerce, or if in the course of com-  
21 mitting such act, that person travels or communicates  
22 across a State line in order to commit such act, or trans-  
23 ports materials across a State line in aid of the commis-  
24 sion of such act. Whoever is convicted of a crime prohib-  
25 ited by this section shall also be subject to imprisonment

1 for life if the mass transportation vehicle or vessel was  
2 carrying a passenger at the time of the offense, and im-  
3 prisonment for life or sentenced to death if the offense  
4 has resulted in the death of any person.

5 “(b) PROHIBITIONS ON THE USE OF FIREARMS AND  
6 DANGEROUS WEAPONS.—

7 “(1) Except as provided in paragraph (4), who-  
8 ever knowingly possesses or causes to be present any  
9 firearm or other dangerous weapon on board a mass  
10 transportation vehicle or vessel, or attempts to do  
11 so, shall be fined under this title or imprisoned not  
12 more than one year, or both, if such act is commit-  
13 ted on a mass transportation provider engaged in or  
14 affecting interstate or foreign commerce, or if in the  
15 course of committing such act, that person travels or  
16 communicates across a State line in order to commit  
17 such act, or transports materials across a State line  
18 in aid of the commission of such act.

19 “(2) Whoever, with intent that a firearm or  
20 other dangerous weapon be used in the commission  
21 of a crime, knowingly possesses or causes to be  
22 present such firearm or dangerous weapon on board  
23 a mass transportation vehicle or vessel, or in a mass  
24 transportation passenger terminal facility, or at-  
25 tempts to do so, shall be fined under this title, or

1 imprisoned not more than 5 years, or both, if such  
2 act is committed on a mass transportation provider  
3 engaged in or affecting interstate or foreign com-  
4 merce, or if in the course of committing such act,  
5 that person travels or communicates across a State  
6 line in order to commit such act, or transports mate-  
7 rials across a State line in aid of the commission of  
8 such act.

9 “(3) A person who kills or attempts to kill a  
10 person in the course of a violation of paragraphs (1)  
11 or (2), or in the course of an attack on a mass  
12 transportation vehicle or vessel, or a mass transpor-  
13 tation passenger terminal facility involving the use  
14 of a firearm or other dangerous weapon, shall be  
15 punished as provided in sections 1111, 1112, and  
16 1113 of this title.

17 “(4) Paragraph (1) shall not apply to—

18 “(A) the possession of a firearm or other  
19 dangerous weapon by an officer, agent, or em-  
20 ployee of the United States, a State, or a politi-  
21 cal subdivision thereof, while engaged in the  
22 lawful performance of official duties, who is au-  
23 thorized by law to engage in the transportation  
24 of people accused or convicted of crimes, or su-

1 pervise the prevention, detection, investigation,  
2 or prosecution of any violation of law;

3 “(B) the possession of a firearm or other  
4 dangerous weapon by an officer, agent, or em-  
5 ployee of the United States, a State, or a politi-  
6 cal subdivision thereof, while off duty, if such  
7 possession is authorized by law;

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

12 “(D) an individual transporting a firearm  
13 on board a mass transportation vehicle or vessel  
14 (except a loaded firearm) in baggage not acces-  
15 sible to any passenger on board the vehicle or  
16 vessel, if the mass transportation provider was  
17 informed of the presence of the weapon prior to  
18 the firearm being placed on board the vehicle or  
19 vessel.

20 “(c) PROHIBITION AGAINST PROPELLING OB-  
21 JECTS.—Whoever willfully or recklessly throws, shoots, or  
22 propels a rock, stone, brick, or piece of iron, steel, or other  
23 metal or any deadly or dangerous object or destructive  
24 substance at any mass transportation vehicle or vessel,  
25 knowing or having reason to know such activity would like-

1 ly cause personal injury, shall be fined under this title or  
2 imprisoned for not more than 5 years, or both, if such  
3 act is committed on or against a mass transportation pro-  
4 vider engaged in or substantially affecting interstate or  
5 foreign commerce, or if in the course of committing such  
6 acts, that person travels or communicates across a State  
7 line in order to commit such acts, or transports materials  
8 across a State line in aid of the commission of such acts.  
9 Whoever is convicted of any crime prohibited by this sub-  
10 section shall also be subject to imprisonment for not more  
11 than twenty years if the offense has resulted in the death  
12 of any person.

13 “(d) DEFINITIONS.—In this section—

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

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

18 “(3) ‘destructive substance’ has the meaning  
19 given to that term in section 31 of this title, except  
20 that (A) the term ‘radioactive device’ does not in-  
21 clude any radioactive device or material used solely  
22 for medical, industrial, research, or other peaceful  
23 purposes, and (B) ‘destructive substance’ includes  
24 any radioactive device or material that can be used  
25 to cause a harm listed in subsection (a) and that is

1 not in use solely for medical, industrial, research, or  
2 other peaceful purposes;

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

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

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

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

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

“1994. Terrorist attacks against mass transportation.”.

16 **SEC. 405. INVESTIGATIVE JURISDICTION.**

17 The Federal Bureau of Investigation shall lead the  
18 investigation of all offenses under sections 1192 and 1994  
19 of title 18, United States Code. The Federal Bureau of  
20 Investigation shall cooperate with the National Transpor-  
21 tation Safety Board and with the Department of Trans-  
22 portation in safety investigations by these agencies, and  
23 with the Treasury Department’s Bureau of Alcohol, To-  
24 bacco and Firearms concerning an investigation regarding  
25 the possession of firearms and explosives.

1           **TITLE V—RAIL AND MASS**  
 2           **TRANSPORTATION SAFETY**

3   **SEC. 501. SAFETY CONSIDERATIONS IN GRANTS OR LOANS**  
 4                           **TO COMMUTER RAILROADS.**

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

7           “(c) COMMUTER RAILROAD SAFETY CONSIDER-  
 8 ATIONS.—In making a grant or loan under this chapter  
 9 that concerns a railroad subject to the Secretary’s railroad  
 10 safety jurisdiction under section 20102 of this title, the  
 11 Federal Transit Administrator shall consult with the Fed-  
 12 eral Railroad Administrator concerning relevant safety is-  
 13 sues. The Secretary may use appropriate authority under  
 14 this chapter, including the authority to prescribe particu-  
 15 lar terms or covenants under section 5334 of this title,  
 16 to address any safety issues identified in the project sup-  
 17 ported by the loan or grant.”.

18   **SEC. 502. RAILROAD ACCIDENT AND INCIDENT REPORTING.**

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

20           “(a) GENERAL REQUIREMENTS.—On a periodic basis  
 21 as specified by the Secretary of Transportation, a railroad  
 22 carrier shall file a report with the Secretary on all acci-  
 23 dents and incidents resulting in injury or death to an indi-  
 24 vidual or damage to equipment or a roadbed arising from  
 25 the carrier’s operations during that period. The report

1 shall state the nature, cause, and circumstances of each  
 2 reported accident or incident. If a railroad carrier assigns  
 3 human error as a cause, the report shall include, at the  
 4 option of each employee whose error is alleged, a state-  
 5 ment by the employee explaining any factors the employee  
 6 alleges contributed to the accident or incident.”.

7 **SEC. 503. VEHICLE WEIGHT LIMITATIONS—MASS TRANS-**  
 8 **PORTATION BUSES.**

9 Section 1023(h)(1) of the Intermodal Surface Trans-  
 10 portation Efficiency Act of 1991, as amended (23 U.S.C.  
 11 127 note), is amended by striking “the date on which”  
 12 and all that follows through “1995” and inserting “Janu-  
 13 ary 1, 2003”.

14 **TITLE VI—MOTOR CARRIER**  
 15 **SAFETY**  
 16 **Subtitle A—State Grants and Other**  
 17 **Commercial Vehicle Programs**

18 **SEC. 601. STATEMENT OF PURPOSE.**

19 Chapter 311 is amended—

20 (1) by inserting before section 31101 the follow-  
 21 ing:

22 **“§ 31100. Purpose**

23 “The purposes of this subchapter are—

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

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

5           “(3) to increase administrative flexibility;

6           “(4) to strengthen enforcement activities;

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

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

10          and

11           “(7) to improve information and analysis sys-  
12 tems.”; and

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

“§ 31100. Purposes.”.

16 **SEC. 602. GRANTS TO STATES.**

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

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

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

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

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

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

10 (c) CONTENTS OF STATE PLANS.—Section  
11 31102(b)(1) is amended—

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

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

16 “(A) implements performance-based activi-  
17 ties by fiscal year 2003;”

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

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

22 “(L) ensures consistent, effective, and rea-  
23 sonable sanctions;

24 “(M) ensures that the State agency will co-  
25 ordinate the plan, data collection, and informa-

1           tion systems with the State highway safety pro-  
2           grams under title 23;

3           (5) by striking subparagraph (O), as redesign-  
4           nated;

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

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

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

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

17          (10) by striking clauses (iii) and (iv) of sub-  
18          paragraph (P), as redesignated;

19          (11) by inserting after clause (ii) of subpara-  
20          graph (P), as redesignated, the following:

21                   “(iii) interdiction activities affecting  
22                   the transportation of controlled substances  
23                   by commercial motor vehicle drivers and  
24                   training on appropriate strategies for car-

1                   rying out those interdiction activities.”;

2                   and

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

6 **SEC. 603. FEDERAL SHARE.**

7                   Section 31103 is amended—

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

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

12                  (2) by inserting “improve commercial motor ve-  
13                  hicle safety and” in the first sentence before “en-  
14                  force”; and

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

16                  “(b) OTHER ACTIVITIES.—The Secretary may reim-  
17                  burse State agencies, local governments, or other persons  
18                  up to 100 percent for those activities identified in  
19                  31104(f)(2).”.

20 **SEC. 604. AVAILABILITY OF AMOUNTS.**

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

23                  “(a) GENERAL.—Subject to section 9503(c)(1) of the  
24                  Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(1)),  
25                  there are available from the Highway Trust Fund (except

1 the Mass Transit Account) for the Secretary of Transpor-  
2 tation to incur obligations to carry out section 31102 of  
3 this title, not more than \$83,000,000 for each of the fiscal  
4 years ending September 30, 1998, 1999, 2000, 2001,  
5 2002, and 2003.”.

6 (b) AVAILABILITY AND REALLOCATION.—Section  
7 31104(b)(2) is amended to read as follows:

8 “(2) Amounts made available under section  
9 4002(e)(1) and (2) of the Intermodal Surface Trans-  
10 portation Efficiency Act of 1991 before October 1,  
11 1996, that are not obligated on October 1, 1997, are  
12 available for obligation under paragraph (1) of this  
13 subsection.”.

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

16 “(f) ALLOCATION CRITERIA AND ELIGIBILITY.—

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



1           “(1) IN GENERAL.—The Secretary is authorized  
2           to establish motor carrier information systems and  
3           data analysis programs to support motor carrier reg-  
4           ulatory and enforcement activities required under  
5           this title. In cooperation with the States, the infor-  
6           mation systems shall be coordinated into a network  
7           providing identification of motor carriers and driv-  
8           ers, registration and licensing tracking, and motor  
9           carrier and driver safety performance. The Secretary  
10          shall develop and maintain data analysis capacity  
11          and programs to provide the means to develop strat-  
12          egies to address safety problems and to use data  
13          analysis to measure the effectiveness of these strate-  
14          gies and related programs; to determine the cost ef-  
15          fectiveness of State and Federal safety compliance,  
16          enforcement programs, and other countermeasures;  
17          to evaluate the safety fitness of motor carriers and  
18          drivers; to identify and collect necessary data; and to  
19          adapt, improve, and incorporate other information  
20          and information systems as deemed appropriate by  
21          the Secretary.

22           “(2) PERFORMANCE AND REGISTRATION INFOR-  
23          MATION SYSTEM MANAGEMENT.—

24           “(A) The Secretary may include as part of  
25          the information system authorized under para-

1 graph (1), an information system, to be called  
2 the Performance and Registration Information  
3 System Management, to serve as a clearing-  
4 house and repository of information related to  
5 State registration and licensing of commercial  
6 motor vehicles and the safety system of the  
7 commercial motor vehicle registrants or the  
8 motor carriers operating the vehicles. The Sec-  
9 retary may include in the system information  
10 on the safety fitness of each of the motor car-  
11 riers and registrants and other information the  
12 Secretary considers appropriate, including in-  
13 formation on vehicle, driver, and motor carrier  
14 safety performance.

15 “(B) The Secretary may prescribe tech-  
16 nical and operational standards to ensure—

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

20 “(ii) uniform State and Federal proce-  
21 dures and policies necessary to operate the  
22 Commercial Vehicle Information System;  
23 and

1           “(iii) the availability and reliability of  
2           the information to the States and the Sec-  
3           retary from the information system.

4           “(C) The system shall link the Federal  
5           motor carrier safety systems with State driver  
6           and commercial vehicle registration and licens-  
7           ing systems, and shall be designed—

8                   “(i) to enable a State, when issuing li-  
9                   cense plates or throughout the registration  
10                  period for a commercial motor vehicle, to  
11                  determine, through the use of the informa-  
12                  tion system, the safety fitness of the reg-  
13                  istrant or motor carrier;

14                  “(ii) to allow a State to decide, in co-  
15                  operation with the Secretary, the types of  
16                  sanctions that may be imposed on the reg-  
17                  istrant or motor carrier, or the types of  
18                  conditions or limitations that may be im-  
19                  posed on the operations of the registrant  
20                  or motor carrier that will ensure the safety  
21                  fitness of the registrant or motor carrier;

22                  “(iii) to monitor the safety fitness of  
23                  the registrant or motor carrier during the  
24                  registration period; and

1           “(iv) to require the State, as a condi-  
2           tion of participation in the system, to im-  
3           plement uniform policies, procedures, and  
4           standards, and to possess or seek authority  
5           to impose commercial motor vehicle reg-  
6           istration sanctions on the basis of a Fed-  
7           eral safety fitness determination.

8           “(D) Of the amounts available for expendi-  
9           ture under this section, not more than  
10          \$6,000,000 in each of fiscal years 1998, 1999,  
11          2000, 2001, 2002, and 2003 may be made  
12          available to carry out paragraph (a)(2) of this  
13          section. The Secretary may authorize the oper-  
14          ation of the information system by contract,  
15          through an agreement with one or more States,  
16          or by designating, after consultation with the  
17          States, a third party that represents the inter-  
18          ests of the States.

19          “(b) COMMERCIAL MOTOR VEHICLE DRIVER SAFETY  
20          PROGRAM.—The Secretary is authorized to establish a  
21          program focusing on improving commercial motor vehicle  
22          driver safety. The objectives of the program shall in-  
23          clude—

24                 “(1) enhancing the exchange of driver licensing  
25                 information among the States and among the

1 States, the Federal Government, and foreign coun-  
 2 tries;

3 “(2) providing information to the judicial sys-  
 4 tem on the commercial motor vehicle driver licensing  
 5 program; and

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

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

16 **SEC. 606. AUTHORIZATION OF APPROPRIATIONS.**

17 Section 31107 is amended to read as follows:

18 **“§ 31107. Authorization of appropriations for infor-**  
 19 **mation systems and strategic safety ini-**  
 20 **tiatives**

21 “(a) GENERAL.—There shall be available from the  
 22 Highway Trust Fund (other than the Mass Transit Ac-  
 23 count) for the Secretary to incur obligations to carry out  
 24 section 31106 of this title the sum of \$17 million for each  
 25 of the fiscal years 1998, 1999, 2000, 2001, 2002, and

1 2003. The amounts made available under this subsection  
2 shall remain available until expended.

3 “(b) CONTRACT AUTHORITY.—Approval by the Sec-  
4 retary of a grant under this section imposes upon the  
5 United States Government a contractual obligation for  
6 payment of the Government’s share of costs incurred in  
7 carrying out the objectives of the grant.”.

8 **SEC. 607. CONFORMING AMENDMENTS.**

9 The chapter analysis for chapter 311 is amended—

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

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

12 and

13 (2) by striking the items relating to sections  
14 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.”.

15 **Subtitle B—Motor Carrier Safety**  
16 **Act of 1997**

17 **SEC. 651. SHORT TITLE.**

18 This subtitle may be cited as the “Motor Carrier  
19 Safety Act of 1997”.

20 **SEC. 652. SAFETY REGULATIONS.**

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

1           (1) by striking sections 31134 and 31140; and  
2           (2) by striking the items relating to sections  
3 31134 and 31140 in the chapter analysis for that  
4 chapter.

5 (b) REVIEW PROCEDURE.—

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

7           (A) by striking subsection (b) and redesignating subsections (c), (d), (e), (f), (g), and (h)  
8 as subsections (b), (c), (d), (e), (f), and (g), respectively;  
9  
10 respectively;

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

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

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

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

19           “(i) has the same effect as a regulation  
20 prescribed by the Secretary under section 31136 of this title;  
21

22           “(ii) is less stringent than that regulation; or  
23

24           “(iii) is additional to or more stringent than that regulation; and  
25

1           “(B) for each State law or regulation  
2           which is additional to or more stringent than  
3           the regulation prescribed by the Secretary,  
4           whether—

5                     “(i) the State law or regulation has no  
6                     safety benefit;

7                     “(ii) the State law or regulation is in-  
8                     compatible with the regulation prescribed  
9                     by the Secretary under section 31136 of  
10                    this title; or

11                    “(iii) enforcement of the State law or  
12                    regulation would cause an unreasonable  
13                    burden on interstate commerce.”;

14                    (C) by striking paragraph (5) of subsection  
15                    (b)(5), as redesignated, and inserting the fol-  
16                    lowing:

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

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

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

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

7       (2) CONFORMING CHANGES.—

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

10    **“§ 31141. Preemption of State laws and regulations”.**

11               (B) The chapter analysis of chapter 311 of  
12               such title is amended by striking the item relat-  
13               ing to section 31141 and inserting the follow-  
14               ing:

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

15       (c) INSPECTION OF VEHICLES.—

16               (1) Section 31142 is amended—

17               (A) by striking “part 393 of title 49, Code  
18               of Federal Regulations” in subsection (a) and  
19               inserting “regulations issued pursuant to sec-  
20               tion 31135 of this title”; and

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

23               “(C) prevent a State from participating in  
24               the activities of a voluntary group of States en-

1 forcing a program for inspection of commercial  
2 motor vehicles; or”.

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

4 (A) by striking sections 31161 and 31162;  
5 and

6 (B) by striking the items relating to sec-  
7 tions 31161 and 31162 in the chapter analysis  
8 for that chapter.

9 (3) Section 31102(b)(1) is amended—

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

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

14 (C) by adding at the end thereof the fol-  
15 lowing:

16 “(R) provides that the State will establish  
17 a program (i) to ensure the proper and timely  
18 correction of commercial motor vehicle safety  
19 violations noted during an inspection carried  
20 out with funds authorized under section 31104  
21 of this title; and (ii) to ensure that information  
22 is exchanged among the States in a timely man-  
23 ner.”.

24 (d) SAFETY FITNESS OF OWNERS AND OPERA-  
25 TORS.—Section 31144 is amended to read as follows:

1 **“§ 31142. Safety fitness of owners and operators**

2       “(a) PROCEDURE.—The Secretary of Transportation  
3 shall maintain in regulation a procedure for determining  
4 the safety fitness of owners and operators of commercial  
5 motor vehicles, including persons seeking new or addi-  
6 tional operating authority as motor carriers under section  
7 13902 of this title. The procedure shall include—

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

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

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

16       “(b) PROHIBITED TRANSPORTATION.—Except as  
17 provided in sections 521(b)(5)(A) and 5113 of this title,  
18 a motor carrier that fails to meet the safety fitness re-  
19 quirements established under subsection (a) of this section  
20 may not operate in interstate commerce beginning on the  
21 61st day after the date of the determination by the Sec-  
22 retary that the motor carrier fails to meet the safety fit-  
23 ness requirements and until the motor carrier meets the  
24 safety fitness requirements. The Secretary may, for good  
25 cause shown, provide a carrier with up to an additional  
26 60 days to meet the safety fitness requirements.

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

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

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

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

19       (e) SAFETY FITNESS OF PASSENGER AND HAZARD-  
20 OUS MATERIAL CARRIERS.—

21               (1) IN GENERAL.—Section 5113 is amended—  
22                       (A) by striking subsection (a) and insert-  
23                       ing the following:

24       “(a) PROHIBITED TRANSPORTATION.—

1           “(1) A motor carrier that fails to meet the safe-  
2           ty fitness requirements established under subsection  
3           31144(a) of this title may not operate a commercial  
4           motor vehicle (as defined in section 31132 of this  
5           title)—

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

10                   “(B) to transport more than 15 individ-  
11                   uals.

12           “(2) The prohibition in paragraph (1) of this  
13           subsection applies beginning on the 46th day after  
14           the date on which the Secretary determines that a  
15           motor carrier fails to meet the safety fitness require-  
16           ments and applies until the motor carrier meets the  
17           safety fitness requirements.”;

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

20                   (C) by striking “receiving an unsatisfac-  
21                   tory rating” in subsection (b) and inserting  
22                   “failing to meet the safety fitness require-  
23                   ments”;

24                   (D) by striking “has an unsatisfactory rat-  
25                   ing from the Secretary” in subsection (c) and

1 inserting “failed to meet the safety fitness re-  
2 quirements”;

3 (E) by striking “RATINGS” in the caption  
4 of subsection (d) and inserting “FITNESS DE-  
5 TERMINATIONS”;

6 (F) by striking “, in consultation with the  
7 Interstate Commerce Commission,” in sub-  
8 section (d); and

9 (G) by striking “ratings of motor carriers  
10 that have unsatisfactory ratings from” in sub-  
11 section (d) and inserting “fitness determina-  
12 tions of motor carriers made by”.

13 (2) CONFORMING AMENDMENTS.—

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

16 **“§5113. Safety fitness of passenger and hazardous  
17 material carriers”.**

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

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

21 (f) DEFINITIONS.—

22 (1) Section 31101(1) is amended—

23 (A) by inserting “or gross vehicle weight,  
24 whichever is greater,” after “rating” in sub-  
25 paragraph (A);

1 (ii) by striking “10,000” and inserting  
2 “10,001”;

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

5 (C) by inserting “and transported in a  
6 quantity requiring placarding under regulations  
7 prescribed by the Secretary under section  
8 5103” after “title” in subparagraph (C).

9 (2) Section 31132 is amended—

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

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

15 “For purposes of this paragraph, the term ‘business  
16 affecting interstate commerce’ means a business em-  
17 ploying a commercial motor vehicle in interstate  
18 commerce and includes all operations of the business  
19 in intrastate commerce which use vehicles otherwise  
20 defined as commercial motor vehicles under para-  
21 graph (1) of this section.”.

22 (g) MINIMUM FINANCIAL RESPONSIBILITY FOR  
23 TRANSPORTING PETROLEUM PRODUCTS.—Section  
24 31139(c)(2)(A)(i) is amended by inserting “or petroleum

1 products classified as hazardous materials” after “Admin-  
2 istrator)”.

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

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

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

12 “(e) ATTENDANCE AND TESTIMONY OF WITNESSES  
13 AND PRODUCTION OF EVIDENCE; ENFORCEMENT OF  
14 SUBPOENA.—In carrying out the authority under this sec-  
15 tion, the Secretary may require the attendance and testi-  
16 mony of witnesses and the production of evidence under  
17 oath. Witnesses shall be paid the same fees and mileage  
18 that are paid witnesses in the courts of the United States.  
19 In cases of failure or refusal by any person to obey such  
20 an order, any district court of the United States for the  
21 jurisdiction in which such person is found, resides, or  
22 transacts business, shall have jurisdiction to issue, upon  
23 application by the Secretary, an order requiring such per-  
24 son to appear and produce evidence and to give testimony  
25 relating to the matter under investigation or in question.

1 Any failure to obey such order of the court may be pun-  
 2 ished by said court as a contempt thereof.”.

3 **SEC. 653. COMMERCIAL MOTOR VEHICLE OPERATORS.**

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

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

7 (2) by striking the items relating to sections  
 8 31312 and 31313 in the chapter analysis for that  
 9 chapter.

10 (b) COMMERCIAL DRIVER’S LICENSE REQUIRE-  
 11 MENT.—

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

14 **“§ 31302. Commercial driver’s license requirement**

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

18 (2) CONFORMING AMENDMENTS.—

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

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

22 (B) Section 31305(a) is amended by redес-  
 23 ignating paragraphs (2) through (8) as para-  
 24 graphs (3) through (9), respectively, and by in-  
 25 serting after paragraph (1) the following:

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

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

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

11          (2) by striking subsections (b) and (c) and re-  
12          designating subsections (d), (e), and (f) as sub-  
13          sections (b), (c), and (d) respectively;

14          (3) by striking “Not later than December 31,  
15          1990, the” in paragraph (2) of subsection (b), as re-  
16          designated, and inserting “The”; and

17          (3) by striking “shall” in paragraph (2) of sub-  
18          section (b), as redesignated, and inserting “may”;

19          (4) by inserting after the caption of subsection  
20          (c), as redesignated, the following: “Information  
21          about a driver in the information system may be  
22          made available under the following circumstances:”;  
23          and

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

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

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

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

10          (3) by redesignating paragraph (18) as para-  
11          graph (17).

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

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

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

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

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

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

21          (6) by redesignating subsection (e) as sub-  
22          section (d).

23          (f) COMMERCIAL MOTOR VEHICLE DEFINED.—Sec-  
24          tion 31301 is amended—

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

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

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

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

11 **“§ 508. Safety performance history of new drivers;  
 12 limitation on liability**

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

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

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

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

3       “(b) RESTRICTIONS.—

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

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

16           “(B) the motor carrier requesting the safe-  
17      ty performance records, the person complying  
18      with such a request, their agents, and their in-  
19      surers, have taken all precautions reasonably  
20      necessary to protect the privacy of the individ-  
21      ual who is the subject of the records, including  
22      protecting the records from disclosure to any  
23      person, except for their insurers, not directly in-  
24      volved in forwarding the records or deciding  
25      whether to hire that individual; and

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

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

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

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

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

18 **SEC. 654. PENALTIES.**

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

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

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

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

5           (4) by striking subparagraph (B).

6           (b) CIVIL PENALTIES.—Section 521(b)(2) is amend-  
7           ed—

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

10                   “(A) IN GENERAL.—Except as otherwise  
11                   provided in this subsection, any person who is  
12                   determined by the Secretary, after notice and  
13                   opportunity for a hearing, to have committed  
14                   an act which is a violation of regulations issued  
15                   by the Secretary under subchapter III of chap-  
16                   ter 311 (except sections 31137 and 31138) or  
17                   section 31502 of this title shall be liable to the  
18                   United States for a civil penalty in an amount  
19                   not to exceed \$10,000 for each offense. Not-  
20                   withstanding any other provision of this section  
21                   (except subparagraph (C)), no civil penalty  
22                   shall be assessed under this section against an  
23                   employee for a violation in an amount exceeding  
24                   \$2,500.”;

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

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

5                   “(B) RECORDKEEPING AND REPORTING  
6                   VIOLATIONS.—

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

19                                   “(I) does not make that report;

20                                   “(II) does not specifically, com-  
21                                   pletely, and truthfully answer that  
22                                   question in 30 days from the date the  
23                                   Secretary requires the question to be  
24                                   answered; or

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

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

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

17                         “(II) knowingly files a false re-  
18                         port with the Secretary;

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

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

11           (c) PENALTY FOR AIDING AND ABETTING.—

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

14   **“§ 527. Aiding and abetting**

15           “A person who knowingly aids, abets, counsels, com-  
 16   mands, induces, or procures a violation of a regulation or  
 17   order issued by the Secretary under chapter 311 or section  
 18   31502 of this title shall be subject to civil and criminal  
 19   penalties under this chapter to the same extent as the  
 20   motor carrier or driver who commits a violation.”.

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

“527. Aiding and abetting.”.

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

1 (1) by inserting “, freight forwarder, shipper,  
2 broker, consignee, or other person” after “motor pri-  
3 vate carrier”;

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

6 (3) by striking the last sentence.

7 (e) ENFORCEMENT.—Section 507(a)(2) is amend-  
8 ed—

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

11 (2) by striking “or” after “motor private car-  
12 rier”.

13 (f) CONFORMING AMENDMENTS.—

14 (1) Section 503(a) is amended by striking “(ex-  
15 cept a motor contract carrier)”.

16 (2) Section 522 is amended—

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

18 and

19 (B) by striking subsection (b).

20 **SEC. 655. INTERNATIONAL REGISTRATION PLAN AND**  
21 **INTERNATIONAL FUEL TAX AGREEMENT.**

22 Chapter 317 is amended—

23 (1) by striking sections 31702, 31703, and  
24 31708; and

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

4 **SEC. 656. STUDY OF ADEQUACY OF PARKING FACILITIES.**

5           The Secretary shall conduct a study to determine the  
6 location and quantity of parking facilities at commercial  
7 truck stops and travel plazas and public rest areas that  
8 could be used by motor carriers to comply with Federal  
9 hours-of-service rules. The study shall include an inven-  
10 tory of current facilities serving the National Highway  
11 System, analyze where shortages exist or are projected to  
12 exist, and propose a plan to reduce the shortages. The  
13 study may be carried out in cooperation with research en-  
14 tities representing the motor carrier and travel plaza in-  
15 dustry.

16 **SEC. 657. NATIONAL MINIMUM DRINKING AGE—TECHNICAL**  
17 **CORRECTIONS.**

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

20           (1) by striking “104(b)(2), 104(b)(5), and  
21           104(b)(6)” each place it appears in subsection (a)  
22           and inserting “104(b)(3), and 104(b)(5)(B)”; and

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

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

5                   **TITLE VII—RESEARCH**  
 6                   **Subtitle A—Programs and**  
 7                   **Activities**

8 **SEC. 701. TRANSPORTATION RESEARCH AND DEVELOP-**  
 9                   **MENT.**

10       Subtitle III is amended by adding a new chapter 52  
 11 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.

12   **“Subchapter I—General and Administrative**

13   **“§ 5201. Transactional authority**

14       “To carry out this chapter, the Secretary of Trans-  
 15 portation may enter into contracts, grants, cooperative  
 16 agreements, and other transactions with any person, agen-

1 cy, or instrumentality of the United States, any unit of  
2 State or local government, any educational institution, and  
3 any other entity to further the objectives of this chapter.

4 **“§ 5202. Reliance on competition**

5 “The Secretary of Transportation may award grants  
6 or contracts to university transportation centers estab-  
7 lished through competition under section 5241 of this title  
8 without further competition. A noncompetitive award au-  
9 thorized by this section must be for transportation re-  
10 search, development, education or training consistent with  
11 the strategic plan approved as part of the selection process  
12 for the center.

13 **“§ 5203. Authorizations**

14 “(a) There is available from the Highway Trust  
15 Fund, other than the Mass Transit Account, for the Sec-  
16 retary of Transportation \$10,000,000 for fiscal year 1998,  
17 \$15,000,000 for fiscal year 1999, \$20,000,000 for fiscal  
18 year 2000, \$25,000,000 for fiscal year 2001, \$30,000,000  
19 for fiscal year 2002, and \$35,000,000 for fiscal year 2003,  
20 to carry out subchapters II and III of this chapter.

21 “(b) CONTRACT AUTHORITY AND AVAILABILITY OF  
22 FUNDS.—Funds authorized by this section shall be avail-  
23 able for obligation in the same manner as if such funds  
24 were apportioned under chapter 1 of title 23, United  
25 States Code; except that any Federal share of the cost

1 of any activity under subchapters II and III of this chap-  
2 ter shall be in accordance with the provision of those sub-  
3 chapters, and such funds shall remain available for obliga-  
4 tion for a period of 2 years after the last day of the fiscal  
5 year for which such funds are authorized.

6 **“Subchapter II—Planning**

7 **“§ 5221. Planning**

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

15 “(b) **CRITERIA.**—In developing strategic plans for  
16 intermodal, multimodal, and modal research and tech-  
17 nology, the Secretary shall consider the need to:

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

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

23 “(3) Encourage innovation;

24 “(4) Identify and facilitate initiatives and part-  
25 nerships to deploy advanced technology with the po-

1       tential for improving transportation systems over ten  
2       years;

3             “(5) Identify core research to support the Na-  
4       tion’s long-term transportation technology and sys-  
5       tem needs, including safety;

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

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

11   **“§ 5222. Implementation**

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

15             “(1) to provide for consultation among the Ad-  
16       ministrators of the operating administrations of the  
17       Department and other Federal officials with respon-  
18       sibility for research important to national transpor-  
19       tation needs;

20             “(2) to promote the maximum exchange of in-  
21       formation on transportation-related research and de-  
22       velopment activities among the operating elements of  
23       the Department, other Federal departments and  
24       agencies, state and local governments, colleges and

1 universities, industry and other private and public  
2 sector organizations engaged in such activities;

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

6 “(4) to ensure that the Department’s research  
7 and development activities make appropriate use of  
8 the talents, skills, and abilities residing at the Fed-  
9 eral laboratories and leverage, to the extent prac-  
10 tical, the research capabilities of institutions of high-  
11 er education and private industry; and

12 “(5) to validate the scientific and technical as-  
13 sumptions underlying the Department’s research  
14 and technology plans.

15 **“Subchapter III—Advanced Transportation**  
16 **Research and Development Programs**

17 **“§ 5231. Intermodal transportation research and de-**  
18 **velopment program**

19 “(a) ESTABLISHMENT.—The Secretary of Transpor-  
20 tation shall establish a program to be known as the ‘Inter-  
21 modal Transportation Research and Development Pro-  
22 gram’.

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

1           “(1) enhance the capabilities of Federal agen-  
2           cies in meeting national transportation needs as de-  
3           fined by their missions through support for basic  
4           and applied research and development impacting the  
5           various modes of transportation including research  
6           and development in safety, security, mobility, energy  
7           and environment, information and physical infra-  
8           structure, and industrial design;

9           “(2) identify and apply innovative research per-  
10          formed by the Government, academia and the pri-  
11          vate sector to the intermodal and multimodal trans-  
12          portation research, development, and deployment  
13          needs of the Department and the Nation’s transpor-  
14          tation enterprise;

15          “(3) identify and leverage research, tech-  
16          nologies, and other information developed by the  
17          Government for national defense and non-defense  
18          purposes for the benefit of public, commercial and  
19          defense transportation sectors; and

20          “(4) share information, analytical and research  
21          capabilities among Federal, state and local govern-  
22          ments, colleges and universities, and private organi-  
23          zations to advance their transportation research, de-  
24          velopment and deployment needs.



1 this section shall submit an application to the Secretary  
2 in the way and containing the information the Secretary  
3 prescribes. The Secretary shall select each recipient  
4 through a competitive process on the basis of the follow-  
5 ing:

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

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

11           “(3) the capability of the recipient to provide  
12 leadership in making national and regional contribu-  
13 tions to the solution of immediate and long-range  
14 transportation problems;

15           “(4) the recipient’s establishment of a surface  
16 transportation program encompassing several modes  
17 of transportation;

18           “(5) the recipient’s demonstrated commitment  
19 of at least \$200,000 in regularly budgeted institu-  
20 tional amounts each year to support ongoing trans-  
21 portation research and education programs;

22           “(6) the recipient’s demonstrated ability to dis-  
23 seminate results of transportation research and edu-  
24 cation programs through a statewide or region-wide  
25 continuing education program; and

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

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

5           “(1) basic and applied research, the products of  
6           which are judged by peers or other experts in the  
7           field to advance the body of knowledge in transpor-  
8           tation;

9           “(2) an education program that includes multi-  
10          disciplinary course work and participation in re-  
11          search; and

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

16          “(e) MAINTENANCE OF EFFORT.—Before making a  
17 grant under this section, the Secretary may require the  
18 recipient to make an agreement with the Secretary to en-  
19 sure that the recipient will maintain total expenditures  
20 from all other sources to establish and operate a university  
21 transportation center and related research activities at a  
22 level at least equal to the average level of those expendi-  
23 tures in its 2 fiscal years prior to award of a grant under  
24 this section.

1       “(f) FEDERAL SHARE.—A grant under this section  
2 is for 50 percent of the cost of establishing and operating  
3 the university transportation center and related research  
4 activities the recipient carries out. The non-Federal share  
5 may include funds provided to a recipient under section  
6 5307 or 5311 of this title.

7       “(g) PROGRAM COORDINATION.—The Secretary shall  
8 provide for coordinating research, education, training, and  
9 technology transfer activities that grant recipients carry  
10 out under this section, the dissemination of the results of  
11 the research, and the establishment and operation of a  
12 clearinghouse. At least annually, the Secretary shall re-  
13 view and evaluate programs the grant recipients carry out.  
14 The Secretary may use not more than one percent of  
15 amounts made available from Government sources to carry  
16 out this subsection.

17       “(h) AMOUNTS AVAILABLE FOR TECHNOLOGY  
18 TRANSFER ACTIVITIES.—At least 5 percent of the  
19 amounts made available to carry out this section in a fiscal  
20 year are available to carry out technology transfer activi-  
21 ties.

22       “(i) LIMITATION ON AVAILABILITY OF FUNDS.—  
23 Funds made available to carry out this program remain  
24 available for obligation for a period of 2 years after the

1 last day of the fiscal year for which such funds are author-  
2 ized.”.

3 **SEC. 702. BUREAU OF TRANSPORTATION STATISTICS.**

4 (a) Section 111(b)(4) is amended by striking the sec-  
5 ond sentence.

6 (b) Section 111(c)(1) is amended—

7 (1) by striking “and” after the semicolon in  
8 subparagraph (J);

9 (2) by striking “system.” in subparagraph (K)  
10 and inserting “system; and”; and

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

12 “(L) transportation-related variables influ-  
13 encing global competitiveness.”.

14 (c) Section 111(c)(2) is amended—

15 (1) by striking “national transportation sys-  
16 tem” in the first sentence and inserting “nation’s  
17 transportation systems”;

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

20 “(A) be coordinated with efforts to meas-  
21 ure outputs and outcomes of the Department of  
22 Transportation and the nation’s transportation  
23 systems under the Government Performance  
24 and Results Act;” and

1           (3) by inserting a comma and “made relevant  
2           to the States and metropolitan planning organiza-  
3           tions,” after “accuracy” in subparagraph (C).

4           (d) Section 111(c)(3) is amended by adding at the  
5           end the following: “The Bureau shall review and report  
6           to the Secretary of Transportation on the sources and reli-  
7           ability of the statistics proposed by the modal administra-  
8           tions to measure outputs and outcomes as required by the  
9           Government Performance and Results Act, and shall un-  
10          dertake such other reviews of the sources and reliability  
11          of other data collected by the modal administrations as  
12          shall be requested by the Secretary.”.

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

15                 “(7) SUPPORTING TRANSPORTATION DECISION  
16                 MAKING.—Ensuring that the statistics compiled  
17                 under paragraph (1) of this subsection are relevant  
18                 for transportation decisions by Federal, State, and  
19                 local governments, transportation-related associa-  
20                 tions, private business, and consumers.”.

21          (f) Section 111 is amended—

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

24                 (2) by striking subsection (g); and

1           (3) by inserting after subsection (c) the follow-  
2           ing:

3           “(d) INTERMODAL TRANSPORTATION DATA BASE.—

4   The Director shall establish and maintain an Intermodal  
5   Transportation Data Base, in consultation with the As-  
6   sistant Secretaries and operating Administrations of the  
7   Department. This data base shall be suitable for analyses  
8   conducted by the Federal Government, the States, and  
9   metropolitan planning organizations. The data base shall  
10  include but not be limited to—

11           “(1) information on the volumes and patterns  
12           of movement of goods, including local, interregional,  
13           and international movements, by all modes of trans-  
14           portation and intermodal combinations, and by rel-  
15           evant classification;

16           “(2) information on the volumes and patterns  
17           of movement of people, including local, interregional,  
18           and international movements, by all modes of trans-  
19           portation and intermodal combinations, and by rel-  
20           evant classification; and

21           “(3) information on the location and  
22           connectivity of transportation facilities and services  
23           and a national accounting of expenditures and cap-  
24           ital stocks on each mode of transportation and inter-  
25           modal combinations.

1       “(e) NATIONAL TRANSPORTATION LIBRARY.—The  
2 Director shall establish and maintain the National Trans-  
3 portation Library, containing a collection of statistical and  
4 other information needed for transportation decision mak-  
5 ing at the Federal, State, and local levels. The Bureau  
6 shall facilitate and promote access to the Library, with  
7 the goal of improving the ability of the transportation  
8 community to share information and the Bureau to make  
9 statistics readily accessible under paragraph (c)(5) of this  
10 section. The Bureau shall work with other transportation  
11 libraries and other transportation information providers,  
12 both public and private, to achieve this goal.

13       “(f) NATIONAL TRANSPORTATION ATLAS DATA  
14 BASE.—The Director shall develop and maintain geo-spa-  
15 tial data bases depicting transportation networks; flows of  
16 people, goods, vehicles, and craft over those networks; and  
17 social, economic, and environmental conditions affecting  
18 or affected by those networks. These data bases shall be  
19 able to support intermodal network analysis.

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

1           “(1) the investigation of the subjects listed in  
2 subsection (c)(1) of this section and for research and  
3 development of new methods of data collection, man-  
4 agement, integration, dissemination, interpretation,  
5 and analysis;

6           “(2) development of electronic clearinghouses of  
7 transportation data and related information, as part  
8 of the National Transportation Library under sub-  
9 section (e) of this section; and

10           “(3) development and improvement of methods  
11 for sharing geographic data, in support of the Na-  
12 tional Transportation Atlas Data Base under sub-  
13 section (f) and the National Spatial Data Infrastruc-  
14 ture.”.

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

17           “(i) PROHIBITION ON CERTAIN DISCLOSURES.—

18           “(1) An officer or employee of the Bureau may  
19 not—

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

23           “(B) use the information furnished under  
24 the provisions of paragraph (c)(2) of this sec-  
25 tion for a non-statistical purpose; or

1           “(C) permit anyone other than the individuals  
2 authorized by the Director to examine individual re-  
3 ports furnished under paragraph (c)(2) of this sec-  
4 tion.

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

20           “(3) In a case in which the Bureau is author-  
21 ized by statute to collect data or information for  
22 nonstatistical purposes, the Director shall clearly  
23 distinguish the collection of such data or information  
24 by rule and on the collection instrument to inform

1 a respondent requested or required to supply the  
2 data or information of the nonstatistical purposes.”.

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

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

8 “(k) DATA PRODUCT SALES PROCEEDS.—Notwith-  
9 standing section 3302 of title 31, United States Code,  
10 funds received by the Bureau of Transportation Statistics  
11 from the sale of data products may be credited to the  
12 Highway Trust Fund (other than the Mass Transit Ac-  
13 count) for the purpose of reimbursing the Bureau for such  
14 expenses.

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

23 “(2) CONTRACT AUTHORITY.—Funds authorized by  
24 this subsection shall be available for obligation in the same

1 manner as if such funds were apportioned under chapter  
2 1 of title 23, United States Code.”.

3 (j) CONFORMING AMENDMENT.—Section 5503 is  
4 amended by striking subsection (d) and redesignating sub-  
5 sections (e), (f), and (g) as subsections (d), (e), and (f),  
6 respectively.

7 **SEC. 703. RESEARCH AND TECHNOLOGY PROGRAM.**

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

10 **“§ 307 Research and planning**

11 “(a) FINDINGS; GENERAL AUTHORITY; AND COL-  
12 LABORATIVE AGREEMENTS.—

13 “(1) FINDINGS.—The Congress finds that—

14 “(A) Results of research, technology trans-  
15 fer, studies, and activities have demonstrated  
16 that continued and increased efforts to provide  
17 for technical innovation must be a cornerstone  
18 in the foundation as the transportation commu-  
19 nity moves into the next century.

20 “(B) A strong Federal transportation re-  
21 search and technology program is recognized as  
22 essential to ensure that innovation is developed  
23 and incorporated into the multi-billion dollar in-  
24 frastructure program.

1           “(C) Technology advancement is essential  
2 to support the Nation’s infrastructure needs  
3 and, in turn, its ability to continue to partici-  
4 pate successfully in a global marketplace and  
5 economy.

6           “(2) AUTHORITY OF THE SECRETARY.—

7           “(A) IN GENERAL.—The Secretary shall  
8 engage in research, development, and tech-  
9 nology transfer activities with respect to motor  
10 carrier transportation and all phases of highway  
11 planning and development (including construc-  
12 tion, operation, modernization, development, de-  
13 sign, maintenance, safety, financing, and traffic  
14 conditions) and the effect thereon of State laws  
15 and may test, develop, or assist in testing and  
16 developing any material, invention, patented ar-  
17 ticle, or process.

18           “(B) COOPERATION, GRANTS, AND CON-  
19 TRACTS.—The Secretary may carry out this  
20 section either independently or in cooperation  
21 with other Federal departments, agencies, and  
22 instrumentalities or by making grants to, or en-  
23 tering into contracts, cooperative agreements,  
24 and other transactions with, the National Acad-  
25 emy of Sciences, the American Association of

1 State Highway and Transportation Officials, or  
2 any State agency, authority, association, insti-  
3 tution, corporation (profit or nonprofit), organi-  
4 zation, or person.

5 “(C) TECHNICAL INNOVATION.—The Sec-  
6 retary shall develop and administer programs to  
7 facilitate application of the products of research  
8 and technical innovations that will improve the  
9 safety, efficiency, and effectiveness of the high-  
10 way system.

11 “(D) FUNDS.—

12 “(i) IN GENERAL.—Except where spe-  
13 cifically noted otherwise in other sections  
14 of chapter 3, the funds necessary to carry  
15 out this subsection shall be taken by the  
16 Secretary out of administrative funds de-  
17 ducted pursuant to section 104(a) of this  
18 title and such funds as may be deposited  
19 by any cooperating organization or person  
20 in a special account of the Treasury of the  
21 United States established for such pur-  
22 poses, and such funds shall remain avail-  
23 able for obligation for a period of 3 years  
24 after the last day of the fiscal year for  
25 which the funds are authorized.

1                   “(ii) USE OF FUNDS.—The Secretary  
2                   shall use funds available to carry out this  
3                   section to develop, administer, commu-  
4                   nicate, and achieve the use of products of  
5                   the research, development, and technology  
6                   transfer programs, and to otherwise inter-  
7                   act with partners and users in the plan-  
8                   ning and dissemination of results.

9                   “(3) COLLABORATIVE RESEARCH AND DEVEL-  
10                  OPMENT.—

11                   “(A) IN GENERAL.—For the purposes of  
12                   encouraging innovative solutions to surface  
13                   transportation problems and stimulating the  
14                   marketing of new technology by private indus-  
15                   try, the Secretary is authorized to undertake,  
16                   on a cost-shared basis, collaborative research  
17                   and development with non-Federal entities, in-  
18                   cluding State and local governments, foreign  
19                   governments, colleges and universities, corpora-  
20                   tions, institutions, partnerships, sole proprietor-  
21                   ships, and trade associations that are incor-  
22                   porated or established under the laws of any  
23                   State.

24                   “(B) AGREEMENTS.—In carrying out this  
25                   paragraph, the Secretary may enter into cooper-

1           ative research and development agreements, as  
2           such term is defined under section 12 of the  
3           Stevenson-Wydler Technology Innovation Act of  
4           1980 (15 U.S.C. 3710a).

5           “(C) FEDERAL SHARE.—The Federal  
6           share payable on account of activities carried  
7           out under a cooperative research and develop-  
8           ment agreement entered into under this para-  
9           graph shall not exceed 50 percent of the total  
10          cost of such activities; except that, if there is  
11          substantial public interest or benefit, the Sec-  
12          retary may approve a higher Federal share. All  
13          costs directly incurred by the non-Federal part-  
14          ners, including personnel, travel, and hardware  
15          development costs, shall be treated as part of  
16          the non-Federal share of the cost of such activi-  
17          ties for purposes of the preceding sentence.

18          “(D) UTILIZATION OF TECHNOLOGY.—The  
19          research, development, or utilization of any  
20          technology pursuant to a cooperative research  
21          and development agreement entered into under  
22          this paragraph, including the terms under  
23          which the technology may be licensed and the  
24          resulting royalties may be distributed, shall be

1 subject to the Stevenson-Wydler Technology In-  
2 novation Act of 1980.

3 “(E) FUNDS.—The funds necessary to  
4 carry out this paragraph shall be taken by the  
5 Secretary out of administrative funds deducted  
6 pursuant to section 104(a) of this title and such  
7 funds as may be deposited by any cooperating  
8 organization or person in a special account of  
9 the Treasury of the United States established  
10 for such purposes.

11 “(4) WAIVER OF ADVERTISING REQUIRE-  
12 MENTS.—The provisions of section 3709 of the Re-  
13 vised Statutes (41 U.S.C. 5) shall not be applicable  
14 to contracts or agreements entered into under this  
15 chapter.

16 “(b) MANDATORY CONTENTS OF PROGRAM.—The  
17 Secretary shall include in the surface transportation re-  
18 search, development, and technology transfer programs  
19 under this subsection and as specified elsewhere in this  
20 title—

21 “(1) a coordinated long-term program of re-  
22 search for the development, use, and dissemination  
23 of performance indicators to measure the perform-  
24 ance of the surface transportation system of the  
25 United States, including indicators for productivity,

1 efficiency, energy use, air quality, congestion, safety,  
2 maintenance, and other factors which reflect the  
3 overall performance of such system.

4 “(2) a program to strengthen and expand sur-  
5 face transportation infrastructure research, develop-  
6 ment, and technology transfer, including, as a mini-  
7 mum, the following elements:

8 “(A) Methods and materials for improving  
9 the durability of surface transportation infra-  
10 structure facilities and extending the life of  
11 bridge structures, including new and innovative  
12 technologies to reduce corrosion.

13 “(B) Expansion of the Department of  
14 Transportation’s inspection and mobile non-  
15 destructive examination capabilities, including  
16 consideration of the use of high energy field ra-  
17 diography for more thorough and more frequent  
18 inspection of bridge structures as well as added  
19 support to State, local, and tribal highway de-  
20 partments.

21 “(C) A research and development program  
22 directed toward the reduction of costs associ-  
23 ated with the construction of highways and  
24 mass transit systems.

1           “(D) A surface transportation research  
2 program to develop nondestructive evaluation  
3 equipment for use with existing infrastructure  
4 facilities and for next generation infrastructure  
5 facilities that utilize advanced materials.

6           “(E) Information technology including ap-  
7 propriate computer programs to collect and  
8 analyze data on the status of the existing infra-  
9 structure facilities for enhancing management,  
10 growth, and capacity; and dynamic simulation  
11 models of surface transportation systems for  
12 predicting capacity, safety, and infrastructure  
13 durability problems, for evaluating planned re-  
14 search projects, and for testing the strengths  
15 and weaknesses of proposed revisions in surface  
16 transportation operations programs.

17           “(F) New innovative technologies to en-  
18 hance and facilitate field construction and reha-  
19 bilitation techniques for minimizing disruption  
20 during repair and maintenance of existing  
21 structures.

22           “(G) Initiatives to improve the Nation’s  
23 ability to respond to emergencies and natural  
24 disasters, and to enhance national defense mo-  
25 bility.

1 “(c) As used in this chapter the term ‘safety’ in-  
2 cludes, but is not limited to, highway safety systems, re-  
3 search, and development relating to vehicle, highway, and  
4 driver characteristics, accident investigations, communica-  
5 tions, emergency medical care, and transportation of the  
6 injured.”.

7 **SEC. 704. NATIONAL TECHNOLOGY DEPLOYMENT INITIA-**  
8 **TIVES.**

9 (a) IN GENERAL.—Chapter 3 of title 23, United  
10 States Code, is amended—

11 (1) by striking section 321; and

12 (2) by amending section 326 to read as follows:

13 **“§ 326. National technology deployment initiatives**  
14 **program**

15 “(a) ESTABLISHMENT.—The Secretary shall develop  
16 and administer a National Technology Deployment Initia-  
17 tives program for the purpose of significantly expanding  
18 the adoption of innovative technologies by the surface  
19 transportation community.

20 “(b) DEPLOYMENT GOALS.—The Secretary shall es-  
21 tablish a limited number of goals for the program carried  
22 out under this section. Each of the goals and the program  
23 developed to achieve the goals shall be designed to provide  
24 tangible benefits in the areas of transportation system effi-  
25 ciency, safety, reliability, service life, environmental pro-

1 tection, and sustainability. For each of these goals, the  
2 Secretary, in cooperation with representatives of the trans-  
3 portation community such as the States, local government,  
4 the private sector, and academia, shall access domestic  
5 and international technology to develop strategies and ini-  
6 tiatives to achieve the goal, including technical assistance  
7 in deploying technology, and mechanisms for sharing in-  
8 formation among program participants. Goals to be ad-  
9 dressed may include:

10           “(1) Reduced delay and improved safety within  
11           construction and maintenance work areas.

12           “(2) Extended life of the current infrastructure.

13           “(3) Increased system durability and life, in-  
14           cluding applications of high performance materials.

15           “(4) Improved safety of driving at night and  
16           other periods of reduced visibility.

17           “(5) Support and enhancement of the environ-  
18           ment with use of innovative technologies.

19           “(6) Support of community-oriented transpor-  
20           tation and sustainable development.

21           “(7) Minimized transportation system closures,  
22           constraints, and delay caused by snow and ice.

23           “(c) FUNDING.—There are authorized to be appro-  
24           priated, out of the Highway Trust Fund (other than the  
25           Mass Transit Account), \$56,000,000 for each of fiscal

1 years 1998, 1999, and 2000; and \$84,000,000 for each  
2 of fiscal years 2001, 2002, and 2003 to carry out this  
3 section. Where appropriate to achieve the goals outlined  
4 above, the Secretary may further allocate such funds to  
5 States for their use.

6 “(d) LEVERAGING OF RESOURCES.—The Secretary  
7 shall give preference to projects that leverage Federal  
8 funds against significant resources from other sources,  
9 public or private.

10 “(e) CONTRACT AUTHORITY.—Funds authorized by  
11 this subsection shall be available for obligation in the same  
12 manner as if such funds were apportioned under chapter  
13 1 of this title; except that the Federal share of the cost  
14 of any activity under this section shall be determined by  
15 the Secretary and such funds shall remain available for  
16 obligation for a period of 3 years after the last day of  
17 the fiscal year for which the funds are authorized. After  
18 providing notice and an opportunity for comment, the Sec-  
19 retary may waive, in whole or in part, application of any  
20 provision of this title, if the Secretary determines that  
21 such waiver is not contrary to the public interest and will  
22 advance the technology deployment nationwide. Any waiv-  
23 er under this section shall be published in the Federal  
24 Register, together with reasons for such waiver.”.

1 (b) CONFORMING AMENDMENT.—The analysis for  
2 chapter 3 is amended by—

3 (1) striking the item relating to section 321;

4 and

5 (2) striking the item relating to section 326 and

6 inserting the following:

“326. National technology deployment initiatives program.”.

7 **Subtitle B—Intelligent**  
8 **Transportation Systems Act of 1997**

9 **SEC. 751. SHORT TITLE AND FINDINGS.**

10 (a) SHORT TITLE.—This subtitle may be cited as the  
11 “Intelligent Transportation Systems Act of 1997”.

12 (b) FINDINGS.—The Congress finds that the research  
13 and tests conducted under the Intelligent Transportation  
14 Systems Act of 1991 demonstrated the potential benefit  
15 and readiness of Intelligent Transportation Systems to en-  
16 hance the safety and efficiency of surface transportation  
17 operations in a variety of ways.

18 (c) PURPOSE.— The purpose of this subtitle is to pro-  
19 vide for the accelerated deployment of proven technologies  
20 and concepts, while also increasing the Federal commit-  
21 ment to improving surface transportation safety through  
22 aggressive, long-range research, development, testing, and  
23 promotion of crash avoidance technologies and systems in  
24 cooperation with industry.

1 **SEC. 752. DEFINITIONS; CONFORMING AMENDMENT.**

2 (a) For the purposes of this subtitle, the following  
3 definitions apply:

4 (1) **ADVANCED RURAL TRANSPORTATION SYS-**  
5 **TEMS.**—The term “Advanced Rural Transportation  
6 Systems” means the construction, or acquisition,  
7 and operation of ITS predominantly outside of met-  
8 ropolitan areas, and including public lands such as  
9 National Parks, monuments, and recreation areas,  
10 for the purposes of providing—

11 (A) traveler safety and security advisories  
12 and warnings;

13 (B) emergency “Mayday” services to notify  
14 public safety and emergency response organiza-  
15 tions of travelers in need of emergency services;

16 (C) tourism and traveler information serv-  
17 ices;

18 (D) public mobility services to improve the  
19 efficiency and accessibility of rural transit serv-  
20 ice;

21 (E) enhanced rural transit fleet operations  
22 and management;

23 (F) improved highway operations and  
24 maintenance through the rapid detection of se-  
25 vere weather conditions, hazardous road and  
26 bridge conditions, and imminent danger to con-

1           struction and maintenance crews from errant  
2           vehicles in work zones; and

3                   (G) Commercial Vehicle Operations (CVO)  
4           user services.

5           (2) CVISN.—The term “Commercial Vehicle  
6           Information Systems and Networks” means the in-  
7           formation systems and communications networks  
8           that support CVO.

9           (3) CVO.—The term “Commercial Vehicle Op-  
10          erations” means motor carrier operations and motor  
11          vehicle regulatory activities associated with the com-  
12          mercial movement of goods, including hazardous ma-  
13          terials, and passengers. Public sector CVO activities  
14          include the issuance of operating credentials, motor  
15          vehicle and fuel tax administration, and roadside  
16          safety and border crossing inspection and regulatory  
17          compliance operations.

18          (4) INTELLIGENT TRANSPORTATION INFRA-  
19          STRUCTURE.—The term “Intelligent Transportation  
20          Infrastructure” means the initial construction or ac-  
21          quisition of fully integrated public sector ITS com-  
22          ponents as defined by the Secretary, including traf-  
23          fic signal control systems, freeway management sys-  
24          tems, incident management systems, transit manage-  
25          ment systems, regional multi-modal traveler infor-

1 mation systems, emergency management services,  
2 electronic toll collection systems, electronic fare pay-  
3 ment systems, ITS-based railroad grade crossing  
4 safety systems, roadway weather information and  
5 prediction systems, advanced rural transportation  
6 systems, and commercial vehicle information systems  
7 and networks.

8 (5) INTELLIGENT TRANSPORTATION SYS-  
9 TEMS.—The term “intelligent transportation sys-  
10 tems” means the development or application of elec-  
11 tronics, communications, or information processing  
12 (including advanced traffic management systems,  
13 commercial vehicle operations, advanced traveler in-  
14 formation systems, commercial and advanced vehicle  
15 control systems, advanced public transportation sys-  
16 tems, satellite vehicle tracking systems, and ad-  
17 vanced vehicle communications systems) used singly  
18 or in combination to improve the efficiency and safe-  
19 ty of surface transportation systems.

20 (6) ITS COLLISION AVOIDANCE SYSTEMS.—The  
21 term “ITS Collision Avoidance Systems” means an  
22 intelligent transportation system that assists vehicle  
23 operators to avoid collisions that would otherwise  
24 occur.

1           (7) NATIONAL ARCHITECTURE.—The term  
2           “National Architecture” means the common frame-  
3           work for interoperability adopted by the Secretary,  
4           and which defines the functions associated with ITS  
5           user services, the physical entities or subsystems  
6           within which such functions reside, the data inter-  
7           faces and information flows between physical sub-  
8           systems, and the communications requirements asso-  
9           ciated with information flows.

10           (8) NATIONAL ITS PROGRAM PLAN.—The term  
11           “National ITS Program Plan” means the March  
12           1995 First Edition of the National ITS Program  
13           Plan jointly developed by the U.S. Department of  
14           Transportation and the Intelligent Transportation  
15           Society of America, and subsequent revisions issued  
16           by the Secretary pursuant to section 755(a)(1).

17           (9) STATE.—The term “State” has the mean-  
18           ing such term has under section 101 of title 23,  
19           United States Code.

20           (b) NATIONAL HIGHWAY SYSTEM.—The undesig-  
21           nated paragraph in section 101(a) of title 23, United  
22           States Code, relating to the National Highway System is  
23           amended by inserting after “title” the following: “and the  
24           Intelligent Transportation Infrastructure associated with  
25           such system.”.

1 **SEC. 753. SCOPE OF PROGRAM.**

2 (a) SCOPE.—Subject to the provisions of this subtitle,  
3 the Secretary shall conduct an ongoing program to re-  
4 search, develop, and operationally test intelligent transpor-  
5 tation systems and advance Nation-wide deployment of  
6 such systems as a component of the Nation's surface  
7 transportation systems.

8 (b) GOALS.—The goals of the program to be carried  
9 out under this subtitle shall include, but not be limited  
10 to:

11 (1) the widespread planning, implementation  
12 and operation of integrated, intermodal, interoper-  
13 able intelligent transportation infrastructure, in con-  
14 junction with corresponding private sector systems  
15 and products, to enhance the capacity, efficiency,  
16 and safety of surface transportation, using the au-  
17 thorities provided under sections 103, 119, 133,  
18 134, 135, 149, and 402 of title 23, and sections  
19 31102, 5307, and 5309 of title 49, United States  
20 Code;

21 (2) the protection and enhancement of the nat-  
22 ural environment and communities affected by sur-  
23 face transportation, with special emphasis on assist-  
24 ing the efforts of the States to attain air quality  
25 goals established pursuant to the Clean Air Act,

1 while addressing the transportation demands of an  
2 expanding economy;

3 (3) the enhancement of safe operation of the  
4 Nation's surface transportation systems with a par-  
5 ticular emphasis on aspects of intelligent transpor-  
6 tation systems that will decrease the number and se-  
7 verity of collisions and identification of aspects of  
8 such systems that may degrade safety, and on in-ve-  
9 hicle systems that bring about a significant reduc-  
10 tion in the deaths and injuries by helping prevent  
11 collisions that would otherwise occur;

12 (4) the enhancement of surface transportation  
13 operational and transactional efficiencies to allow ex-  
14 isting facilities to be used to meet a significant por-  
15 tion of future transportation needs, and to reduce  
16 regulatory, financial, and other transaction costs to  
17 public agencies and system users;

18 (5) research, development, investigation, docu-  
19 mentation, and promotion of intelligent transpor-  
20 tation systems and the public sector organizational  
21 capabilities needed to perform or manage the plan-  
22 ning, implementation, and operation of intelligent  
23 transportation infrastructure in the United States,  
24 using authorities provided under section 307 of title  
25 23, United States Code, and sections 111, 112, 301,

1 30168, 31106, 5312, 5337, and 20108 of title 49,  
2 United States Code;

3 (6) the enhancement of the economic efficiency  
4 of surface transportation systems to improve Ameri-  
5 ca's competitive position in the global economy;

6 (7) the enhancement of public accessibility to  
7 activities, goods, and services, through the preserva-  
8 tion, improvement and expansion of surface trans-  
9 portation system capabilities, operational efficiency,  
10 and intermodal connections;

11 (8) the development of a technology base and  
12 necessary standards and protocols for intelligent  
13 transportation systems; and

14 (9) the improvement of the Nation's ability to  
15 respond to emergencies and natural disasters, and  
16 the enhancement of national defense mobility.

17 **SEC. 754. GENERAL AUTHORITIES AND REQUIREMENTS.**

18 (a) COOPERATION.—In carrying out the program  
19 under this subtitle, the Secretary shall foster enhanced op-  
20 erations and management of the Nation's surface trans-  
21 portation systems, strive to achieve the widespread deploy-  
22 ment of intelligent transportation systems, and continue  
23 to advance emerging technologies, in cooperation with  
24 State and local governments and the United States private  
25 sector. As appropriate, in carrying out the program under

1 this subtitle, the Secretary shall consult with the Secretary  
2 of Commerce, the Secretary of the Treasury, the Adminis-  
3 trator of the Environmental Protection Agency, the Direc-  
4 tor of the National Science Foundation, and the heads of  
5 other interested Federal departments and agencies and  
6 shall maximize the involvement of the United States pri-  
7 vate sector, colleges and universities, including Histori-  
8 cally Black Colleges and Universities and other Minority  
9 Institutions of Higher Education, and State and local gov-  
10 ernments in all aspects of the program, including design,  
11 conduct (including operations and maintenance), evalua-  
12 tion, and financial or in-kind participation.

13 (b) STANDARDS.—The Secretary shall develop, imple-  
14 ment, and maintain a National Architecture and support-  
15 ing standards and protocols to promote the widespread use  
16 and evaluation of intelligent transportation systems tech-  
17 nology as a component of the Nation’s surface transpor-  
18 tation systems. To the extent practicable, such standards  
19 and protocols shall promote interoperability among intel-  
20 ligent transportation systems technologies implemented  
21 throughout the States. In carrying out this subsection, the  
22 Secretary may use the services of such existing standards-  
23 setting organizations as the Secretary determines appro-  
24 priate. The Secretary shall consult with the Secretary of  
25 Commerce, the Secretary of Defense, and the Federal

1 Communications Commission, and take all actions the  
2 Secretary deems necessary to secure the necessary spec-  
3 trum for the near-term establishment of a dedicated short-  
4 range vehicle to wayside wireless standard.

5 (c) EVALUATION.—The Secretary shall prescribe  
6 guidelines and requirements for the independent evalua-  
7 tion of field and related operational tests carried out pur-  
8 suant to section 756, including provisions to ensure the  
9 objectivity and independence of the evaluator needed to  
10 avoid any real or apparent conflict of interest or potential  
11 influence on the outcome by parties to such tests or any  
12 other formal evaluation conducted under this subtitle. Any  
13 survey, questionnaire, or interview which the Secretary  
14 considers necessary to carry out the evaluation of such  
15 tests or program assessment activities under this subtitle  
16 shall not be subject to the requirements of the Paperwork  
17 Reduction Act of 1995 (44 U.S.C. 3501–3520).

18 (d) INFORMATION CLEARINGHOUSE.—

19 (1) CLEARINGHOUSE.—The Secretary shall es-  
20 tablish and maintain a repository for technical and  
21 safety data collected as a result of federally spon-  
22 sored projects carried out pursuant to this subtitle  
23 and shall make, upon request, such information (ex-  
24 cept for proprietary information and data) readily

1 available to all users of the repository at an appro-  
2 priate cost.

3 (2) DELEGATION OF AUTHORITY.—The Sec-  
4 retary may delegate the responsibility of the Sec-  
5 retary under this subsection, with continuing over-  
6 sight by the Secretary, to an appropriate entity not  
7 within the Department of Transportation. If the  
8 Secretary delegates such responsibility, the entity to  
9 which such responsibility is delegated shall be eligi-  
10 ble for Federal assistance under this subtitle.

11 (e) ADVISORY COMMITTEES.—The Secretary may  
12 utilize one or more advisory committees in carrying out  
13 this subtitle. Any advisory committee so utilized shall be  
14 subject to the Federal Advisory Committee Act. Funding  
15 provided for any such committee shall be available from  
16 moneys appropriated for advisory committees as specified  
17 in relevant appropriations acts and from funds allocated  
18 for research, development, and implementation activities  
19 in connection with the intelligent transportation systems  
20 program under this subtitle.

21 (f) AUTHORITY TO USE FUNDS.—Each State and eli-  
22 gible local entity is authorized to use funds provided under  
23 this subtitle or under section 1030 of the National Eco-  
24 nomic Crossroads Transportation Efficiency Act of 1997,  
25 sections 103, 119, 133, 149, and 402, of title 23, and sec-

1 tions 31102, 5307, 5309, 5310, and 5311 of title 49,  
2 United States Code, in accordance with the provisions of  
3 each of these sections, for implementation, modernization,  
4 and operational purposes in connection with intelligent  
5 transportation infrastructure and systems.

6 (g) CONFORMITY WITH STANDARDS.—The Secretary  
7 shall ensure that the implementation of intelligent trans-  
8 portation systems using funds authorized under this sub-  
9 title conform to the National Architecture and ITS stand-  
10 ards and protocols, developed under subsection (b), except  
11 for projects using funds authorized for specific research  
12 objectives in the National ITS Program Plan under sec-  
13 tion 755 of this subtitle.

14 (h) LIFE-CYCLE COST ANALYSIS.—The Secretary  
15 shall require an analysis of the life-cycle costs of each  
16 project using Federal funds referenced in subsection (f)  
17 of this section, and those authorized in section 757 of this  
18 subtitle, for operations and maintenance of ITS elements,  
19 where the total initial capital costs of the ITS elements  
20 exceeds \$3 million.

21 (i) PROCUREMENT METHODS.—To meet the need for  
22 effective implementation of ITS projects, the Secretary  
23 shall develop appropriate technical assistance and guid-  
24 ance to assist State and local agencies in evaluating and  
25 selecting appropriate methods of procurement for ITS

1 projects, including innovative and nontraditional methods  
2 of procurement.

3 **SEC. 755. NATIONAL ITS PROGRAM PLAN, IMPLEMENTA-**  
4 **TION, AND REPORT TO CONGRESS.**

5 (a) NATIONAL ITS PROGRAM PLAN.—

6 (1) UPDATES.—The Secretary shall maintain  
7 and update the National ITS Program Plan as nec-  
8 essary.

9 (2) SCOPE.—The plan shall—

10 (A) specify the goals, objectives, and mile-  
11 stones for the deployment of intelligent trans-  
12 portation infrastructure in the context of major  
13 metropolitan areas, smaller metropolitan and  
14 rural areas, and commercial vehicle information  
15 systems and networks, and how specific pro-  
16 grams and projects relate to the goals, objec-  
17 tives, and milestones, including consideration of  
18 the 5-, 10-, and 20-year timeframes for the  
19 goals and objectives;

20 (B) establish a course of action necessary  
21 to achieve the program's goals and objectives;

22 (C) provide for the evolutionary develop-  
23 ment of standards and protocols to promote  
24 and ensure interoperability in the implementa-

1           tion of intelligent transportation systems tech-  
2           nologies; and

3           (D) establish a cooperative process with  
4           State and local governments for determining  
5           desired surface transportation system perform-  
6           ance levels and development of plans for na-  
7           tional incorporation of specific ITS capabilities  
8           into surface transportation systems.

9           (b) DEMONSTRATION AND EVALUATION OF INTEL-  
10          LIGENT VEHICLE SYSTEMS.—The Secretary shall conduct  
11          research and development activities for the purpose of  
12          demonstrating integrated intelligent vehicle systems. Such  
13          research shall include state-of-the-art preproduction sys-  
14          tems and shall integrate collision avoidance, in-vehicle in-  
15          formation, and other safety related systems. Development  
16          work shall incorporate human factors research findings to  
17          improve situational awareness of drivers and ensure suc-  
18          cess of the man-machine relationship. This program shall  
19          build on the technologies developed as part of the NHTSA  
20          Crash Avoidance and FHWA Automated Highway System  
21          programs and shall be conducted in cooperation with pri-  
22          vate industry, educational institutions, and other inter-  
23          ested parties.

24          (c) IMPLEMENTATION REPORTS.—

1           (1) IN GENERAL.—Not later than one year  
2 after the date of the enactment of this Act, and bi-  
3 ennially thereafter, the Secretary shall submit to  
4 Congress a report on implementation of the National  
5 ITS Program Plan under subsection (a) of this sec-  
6 tion.

7           (2) SCOPE OF IMPLEMENTATION REPORTS.—In  
8 preparing reports under this subsection, the Sec-  
9 retary shall—

10                   (A) summarize the status of intelligent  
11 transportation infrastructure deployment  
12 progress;

13                   (B) analyze the possible and actual accom-  
14 plishments of ITS projects in achieving conges-  
15 tion, safety, environmental, and energy con-  
16 servation goals and objectives;

17                   (C) assess nontechnical problems and con-  
18 straints identified, including the inability to se-  
19 cure suitable spectrum allocations to implement  
20 a national or international dedicated short  
21 range vehicle to wayside communication stand-  
22 ard; and

23                   (D) include, if appropriate, any rec-  
24 ommendations of the Secretary for legislation

1           or modification to the National ITS Program  
2           Plan developed under subsection (a).

3 **SEC. 756. TECHNICAL, TRAINING, PLANNING, RESEARCH**  
4                   **AND OPERATIONAL TESTING PROJECT AS-**  
5                   **SISTANCE.**

6           (a) **TECHNICAL ASSISTANCE, TRAINING, AND INFOR-**  
7 **MATION.**—The Secretary may provide planning and tech-  
8 nical assistance, training, and information to State and  
9 local governments seeking to implement, operate, main-  
10 tain, and evaluate ITS technologies and services.

11          (b) **PLANNING ASSISTANCE.**—The Secretary may  
12 make available financial assistance under this section to  
13 support adequate consideration of transportation system  
14 management and operations, including intelligent trans-  
15 portation systems and technologies, within metropolitan  
16 and statewide transportation processes. Such financial as-  
17 sistance shall be made available at such time, in such  
18 amounts and subject to such conditions as the Secretary  
19 may determine. The Secretary shall develop appropriate  
20 technical assistance to support the consideration of oper-  
21 ations and management issues within metropolitan and  
22 statewide transportation planning.

23          (c) **ELIGIBILITY OF CERTAIN ENTITIES.**—Any com-  
24 mercial vehicle regulatory agency and any interagency  
25 traffic, transportation, or incident management entity, in-

1 cluding independent public authorities or agencies, con-  
2 tracted by a State or local transportation agency for the  
3 planning, system development, evaluation, implementa-  
4 tion, or operation of intelligent transportation infrastruc-  
5 ture, including commercial vehicle information systems  
6 and networks, within a designated area or along a specific  
7 corridor are eligible to receive Federal assistance under  
8 this subtitle.

9 (d) RESEARCH AND OPERATIONAL TESTING  
10 PROJECTS.—The Secretary may provide funding to Fed-  
11 eral agencies and make grants to non-Federal entities, in-  
12 cluding State and local governments, universities, includ-  
13 ing Historically Black Colleges and Universities and other  
14 Minority Institutions of Higher Education, and other per-  
15 sons, for research and operational tests relating to intel-  
16 ligent transportation systems. In deciding which projects  
17 to fund under this subsection, the Secretary shall—

18 (1) give the highest priority to those projects  
19 that will—

20 (A) contribute to the goals and objectives  
21 specified in the National ITS Program Plan de-  
22 veloped under section 755 of this subtitle;

23 (B) minimize the relative percentage and  
24 amount of Federal contributions under this  
25 subtitle to total project costs;

1 (C) validate and accelerate the establish-  
2 ment and widespread conformance with the Na-  
3 tional Architecture and related standards and  
4 protocols;

5 (D) enhance traffic safety through accel-  
6 erating the deployment of ITS collision avoid-  
7 ance products through the combined efforts of  
8 the Federal Government and industry;

9 (E) demonstrate innovative arrangements  
10 for multi-agency and/or private sector participa-  
11 tion in the cooperative financing of the deploy-  
12 ment and/or operation of intelligent transpor-  
13 tation systems; and

14 (F) validate the effectiveness of integrated,  
15 intelligent transportation systems and infra-  
16 structure in enhancing the safety and efficiency  
17 of surface transportation within metropolitan  
18 and rural areas;

19 (2) seek to fund operational tests that advance  
20 the current state of knowledge in direct support of  
21 national ITS research and technology objectives as  
22 defined in the National ITS Program Plan under  
23 section 755 of this subtitle; and

24 (3) require that operational tests utilizing Fed-  
25 eral funds under this subtitle have a written evalua-

1       tion of the intelligent transportation systems tech-  
2       nologies investigated and of the results of the inves-  
3       tigation which is consistent with the guidelines de-  
4       veloped under section 754(c) of this subtitle.

5       **SEC. 757. APPLICATIONS OF TECHNOLOGY.**

6       (a) INTELLIGENT TRANSPORTATION INFRASTRUC-  
7       TURE DEPLOYMENT INCENTIVES PROGRAM.—The Sec-  
8       retary shall conduct a program to promote the deployment  
9       of regionally integrated, intermodal intelligent transpor-  
10      tation systems and, through financial and technical assist-  
11      ance under this subtitle, shall assist in the development  
12      and implementation of such systems, leveraging to the  
13      maximum extent funding from other sources. In metro-  
14      politan areas, funding provided under this subtitle shall  
15      primarily support activities which integrate existing intel-  
16      ligent transportation infrastructure elements or those im-  
17      plemented with other sources of public or private funding.  
18      For commercial vehicle projects and projects outside met-  
19      ropolitan areas, funding provided under this subtitle may  
20      also be used for installation of intelligent transportation  
21      infrastructure elements.

22      (b) PRIORITIES.—In providing funding for projects  
23      under this section, the Secretary shall allocate not less  
24      than 25 percent of the funds made available to carry out  
25      this section to eligible State or local entities for the imple-

1 mentation of commercial vehicle information systems and  
2 networks, and international border crossing improvements  
3 (in accordance with the requirements of this section and  
4 section 1030 of the National Economic Crossroads Trans-  
5 portation Efficiency Act of 1997), in support of public sec-  
6 tor CVO activities nationwide, and not less than 10 per-  
7 cent for other intelligent transportation infrastructure de-  
8 ployment activities outside of metropolitan areas. In ac-  
9 cordance with the National ITS Program Plan under sec-  
10 tion 755 of this subtitle, the Secretary shall provide incen-  
11 tives for the deployment of integrated applications of  
12 intermodal intelligent transportation infrastructure and  
13 system technologies so as to—

14           (1) stimulate sufficient deployment to validate  
15           and accelerate the establishment of national ITS  
16           standards and protocols;

17           (2) realize the benefits of regionally integrated,  
18           intermodal deployment of intelligent transportation  
19           infrastructure and commercial vehicle operations, in-  
20           cluding electronic border crossing applications; and

21           (3) motivate innovative approaches to over-  
22           coming non-technical constraints or impediments to  
23           deployment.

24           (c) PROJECT SELECTION.—To be selected for fund-  
25           ing under this section, a project shall—

1           (1) contribute to national deployment goals and  
2 objectives outlined in the National ITS Program  
3 Plan under section 755 of this subtitle;

4           (2) demonstrate a strong commitment to co-  
5 operation among agencies, jurisdictions, and the pri-  
6 vate sector, as evidenced by signed Memorandums of  
7 Understanding that clearly define the responsibilities  
8 and relation of all parties to a partnership arrange-  
9 ment, including institutional relationships and finan-  
10 cial agreements needed to support deployment, and  
11 commitment to the criteria provided in paragraphs  
12 (3) through (7) of this subsection;

13           (3) demonstrate commitment to a comprehen-  
14 sive plan of fully integrated ITS deployment in ac-  
15 cordance with the national ITS architecture and es-  
16 tablished ITS standards and protocols;

17           (4) be part of approved plans and programs de-  
18 veloped under applicable statewide and metropolitan  
19 transportation planning processes and applicable  
20 State air quality implementation plans at the time  
21 Federal funds are sought;

22           (5) be instrumental in catalyzing corresponding  
23 public or private ITS investments and that minimize  
24 the relative percentage and amount of Federal con-  
25 tributions under this section to total project costs;

1           (6) include a sound financial approach to ensur-  
2           ing continued, long-term operations and mainte-  
3           nance without continued reliance on Federal funding  
4           under this subtitle, along with documented evidence  
5           of fiscal capacity and commitment from anticipated  
6           public and private sources; and

7           (7) demonstrate technical capacity for effective  
8           operations and maintenance or commitment to ac-  
9           quiring necessary skills.

10       (d) **FUNDING RESTRICTIONS AND LIMITATIONS.**—

11 Funding eligibility under this section for intelligent trans-  
12 portation infrastructure projects in metropolitan areas  
13 shall be limited to items necessary to integrate intelligent  
14 transportation system elements either deployed or to be  
15 deployed by various implementing public and private agen-  
16 cies and organizations. Annual awards shall be limited to  
17 \$15,000,000 per metropolitan area, \$2,000,000 per rural  
18 project, and \$5,000,000 per CVISN project, provided that  
19 no more than \$35,000,000 shall be awarded annually  
20 within any State.

21 **SEC. 758. FUNDING.**

22       (a) **INTELLIGENT TRANSPORTATION INFRASTRUC-**  
23 **TURE DEPLOYMENT INCENTIVES PROGRAM.**—There is  
24 authorized to be appropriated to the Secretary for carry-  
25 ing out section 757 of this subtitle, out of the Highway

1 Trust Fund (other than the Mass Transit Account),  
2 \$100,000,000 for each of fiscal years 1998, 1999, 2000,  
3 2001, 2002, and 2003. In addition to amounts made avail-  
4 able by subsection (b) of this section, any amounts author-  
5 ized by this subsection and not allocated by the Secretary  
6 for carrying out section 757 of this subtitle may be used  
7 by the Secretary for carrying out other activities author-  
8 ized under this subtitle.

9 (b) ITS RESEARCH AND PROGRAM SUPPORT ACTIVI-  
10 TIES.—There is authorized to be appropriated to the Sec-  
11 retary for carrying out multi-year research and technology  
12 development initiatives under this subtitle (other than sec-  
13 tion 757), out of the Highway Trust Fund (other than  
14 the Mass Transit Account), \$96,000,000 for each of fiscal  
15 years 1998, 1999, and 2000, and \$130,000,000 for each  
16 of fiscal years 2001, 2002, and 2003.

17 (c) FEDERAL SHARE PAYABLE.—

18 (1) For activities funded under subsection (a)  
19 of this section, the Federal share payable from the  
20 sums authorized under subsection (a) shall not ex-  
21 ceed 50 percent of the costs thereof, and the total  
22 Federal share payable from all eligible sources (in-  
23 cluding subsection (a)) shall not exceed 80 percent  
24 of the costs thereof.

1           (2) For activities funded under subsection (b)  
2 of this section, unless the Secretary determines oth-  
3 erwise, the Federal share payable on account of such  
4 activities shall not exceed 80 percent of the costs  
5 thereof.

6           (3) For long range activities undertaken in  
7 partnership with private entities for the purposes of  
8 section 755(b) of this subtitle, the Federal share  
9 payable on account of such activities shall not exceed  
10 50 percent of the costs thereof.

11           (4) The Secretary shall seek maximum partici-  
12 pation in the funding of such activities under this  
13 subtitle from other public and private sources, and  
14 shall minimize the use of funds provided under this  
15 subtitle for the construction or long-term acquisition  
16 of buildings and grounds.

17           (d) APPLICABILITY OF TITLE 23.—Funds authorized  
18 by this section shall be available for obligation in the same  
19 manner as if such funds were apportioned under chapter  
20 1 of title 23, United States Code; except that the Federal  
21 share of the cost of any activity under this section shall  
22 be determined in accordance with this section, and such  
23 funds shall remain available for obligation for a period of  
24 3 years after the last day of the fiscal year for which the  
25 funds are authorized.

# 1     **TITLE VIII—BOATING SAFETY**

## 2     **SEC. 801. SHORT TITLE.**

3           This Act may be cited as the “Sportfishing and Boat-  
4     ing Improvement Act of 1997”.

## 5     **SEC. 802. AMENDMENT OF 1950 ACT.**

6           Whenever in this Act an amendment or repeal is ex-  
7     pressed in terms of an amendment to, or repeal of, a sec-  
8     tion or other provision of the 1950 Act, the reference shall  
9     be considered to be made to a section or other provision  
10    of the Act entitled “An Act to provide that the United  
11    States shall aid the States in fish restoration and manage-  
12    ment projects, and for other purposes,” approved August  
13    9, 1950 (16 U.S.C. 777 et seq.).

## 14    **SEC. 803. OUTREACH AND COMMUNICATIONS PROGRAMS.**

15           (a) DEFINITIONS.—Section 2 of the 1950 Act (16  
16    U.S.C. 777a) is amended—

17           (1) by indenting the left margin of so much of  
18     the text as precedes “(a)” by 2 ems;

19           (2) by inserting “For purposes of this Act—”  
20     after the section caption;

21           (3) by striking “For the purpose of this Act  
22     the” in the first paragraph and inserting “(1) the”;

23           (4) by indenting the left margin of so much of  
24     the text as follows “include—” by 4 ems;

1           (5) by striking “(a)”, “(b)”, “(c)”, and “(d)”  
2           and inserting “(A)”, “(B)”, “(C)”, and “(D)”, re-  
3           spectively;

4           (6) by striking “department.” and inserting  
5           “department;”; and

6           (7) by adding at the end thereof the following:

7           “(2) the term ‘outreach and communications  
8           program’ means a program to improve communica-  
9           tions with anglers, boaters, and the general public  
10          regarding angling and boating opportunities, to re-  
11          duce barriers to participation in these activities, to  
12          advance adoption of sound fishing and boating prac-  
13          tices, to promote conservation and the responsible  
14          use of the nation’s aquatic resources, and to further  
15          safety in fishing and boating; and

16          “(3) the term ‘aquatic resource education pro-  
17          gram’ means a program designed to enhance the  
18          public’s understanding of aquatic resources and  
19          sport-fishing, and to promote the development of re-  
20          sponsible attitudes and ethics toward the aquatic en-  
21          vironment.”.

22          (b) FUNDING FOR OUTREACH AND COMMUNICATIONS  
23          PROGRAM.—Section 4 of the 1950 Act (16 U.S.C. 777c)  
24          is amended—

1           (1) by redesignating subsections (c), (d), and  
2           (e) as subsections (d), (e), and (f);

3           (2) by inserting after subsection (b) the follow-  
4           ing:

5           “(c) NATIONAL OUTREACH AND COMMUNICATIONS  
6 FUND.—

7           “(1) ESTABLISHMENT.—There is established on  
8           the books of the Treasury a fund to be known as the  
9           ‘National Outreach and Communications Fund’.

10          “(2) CREDITS.—There shall be credited to the  
11          Fund—

12                 “(A) out of the balance of each such an-  
13                 nual appropriation remaining after the distribu-  
14                 tion and use under subsections (a) and (b), re-  
15                 spectively, the sum of—

16                         “(i) \$5,000,000 for fiscal year 1998;

17                         “(ii) \$6,000,000 for fiscal year 1999;

18                         “(iii) \$7,000,000 for fiscal year 2000;

19                         “(iv) \$8,000,000 for fiscal year 2001;

20                         and

21                         “(v) \$10,000,000 for fiscal year 2002;

22                         and

23                         “(B) amounts allocated to it under sub-  
24                         section (d).

1           “(3) CARRYFORWARD.—Amounts credited to  
2           the fund under paragraph (2) shall remain available  
3           for 2 fiscal years after the fiscal year in which cred-  
4           ited. Amounts credited to the fund under that para-  
5           graph that are unobligated by the Secretary of the  
6           Interior more than 2 years after the fiscal year in  
7           which credited shall be available to the Secretary  
8           under subsection (e).”;

9           (4) by inserting a comma and “for an outreach  
10          and communications program” after “Act” in sub-  
11          section (d), as so redesignated;

12          (5) by striking “subsections (a) and (b),” in  
13          subsection (d), as so redesignated, “subsections (a),  
14          (b), and (c),”;

15          (6) by adding at the end of subsection (d), as  
16          so redesignated, the following: “Of the sum available  
17          to the Secretary of the Interior under this subsection  
18          for any fiscal year, not more than \$2,500,000 is au-  
19          thorized to be allocated to the National Outreach  
20          and Communications Fund. No funds available to  
21          the Secretary under this subsection may be used to  
22          replace funding traditionally provided through gen-  
23          eral appropriations, nor for any purposes except  
24          those purposes authorized by this Act. The Secretary  
25          shall publish a detailed accounting of the projects,

1 programs, and activities funded under this sub-  
2 section annually in the Federal Register.”; and

3 (7) by striking “subsections (a), (b), and (c),”  
4 in subsection (e), as so redesignated, and inserting  
5 “subsections (a), (b), (c), and (d),”.

6 (c) INCREASE IN STATE ALLOCATION.—Section 8 of  
7 the 1950 Act (16 U.S.C. 777g) is amended—

8 (1) by striking “12½ percentum” each place it  
9 appears in subsection (b) and inserting “15 per-  
10 cent”;

11 (2) by striking “10 percentum” in subsection  
12 (c) and inserting “15 percent”;

13 (3) by inserting “and communications” in sub-  
14 section (c) after “outreach”; and

15 (4) by redesignating subsection (d) as sub-  
16 section (f); and by inserting after subsection (c) the  
17 following:

18 “(d) NATIONAL OUTREACH AND COMMUNICATIONS  
19 PROGRAM.—

20 “(1) IMPLEMENTATION.—Within 1 year after  
21 the date of enactment of the Sportfishing and Boat-  
22 ing Improvement Act of 1997, the Secretary of the  
23 Interior shall develop and implement, in cooperation  
24 and consultation with the Sport Fishing and Boat-

1 ing Partnership Council, a national plan for out-  
2 reach and communications.

3 “(2) CONTENT.—The plan shall provide—

4 “(A) guidance, including guidance on the  
5 development of an administrative process and  
6 funding priorities, for outreach and communica-  
7 tions programs; and

8 “(B) for the establishment of a national  
9 program.

10 “(3) SECRETARY MAY MATCH OR FUND PRO-  
11 GRAMS.—Under the plan, the Secretary may obligate  
12 amounts from the National Outreach and Commu-  
13 nications Fund under section 4(c) of this Act—

14 “(A) to make grants to any State or pri-  
15 vate entity to pay all or any portion of the cost  
16 of carrying out any outreach or communications  
17 program under the plan; or

18 “(B) to fund contracts with States or pri-  
19 vate entities to carry out such a program.

20 “(4) REVIEW.—The plan shall be reviewed peri-  
21 odically, but not less frequently than once every 3  
22 years.

23 “(e) STATE OUTREACH AND COMMUNICATIONS PRO-  
24 GRAM.—Within 12 months after the completion of the na-  
25 tional plan under subsection (d)(1), a State shall develop

1 a plan for an outreach and communications program and  
2 submit it to the Secretary. In developing the plan, a State  
3 shall—

4 “(1) review the national plan developed under  
5 subsection (d);

6 “(2) consult with anglers, boaters, the  
7 sportfishing and boating industries, and the general  
8 public; and

9 “(3) establish priorities for the State outreach  
10 and communications program proposed for imple-  
11 mentation.”.

12 **SEC. 804. CLEAN VESSEL ACT FUNDING.**

13 Section 4(b) of the 1950 Act (16 U.S.C. 777c(b)) is  
14 amended to read as follows:

15 “(b) USE OF BALANCE AFTER DISTRIBUTION.—

16 “(1) FISCAL YEAR 1998.—For fiscal year 1998,  
17 of the balance remaining after making the distribu-  
18 tion under subsection (a), an amount equal to  
19 \$51,000,000 shall be used as follows:

20 “(A) \$31,000,000 for fiscal year 1998  
21 shall be transferred to the Secretary of Trans-  
22 portation and shall be expended for State rec-  
23 reational boating safety programs under section  
24 13106 of title 46, United States Code;

1           “(B) \$10,000,000 shall be available for  
2           each fiscal year to the Secretary of the Interior  
3           for 3 years for obligation for qualified projects  
4           under section 5604(c) of the Clean Vessel Act  
5           of 1992 (33 U.S.C. 1322 note); and

6           “(C) \$10,000,000 shall be available for  
7           each fiscal year to the Secretary of the Interior  
8           for 3 years for obligation for qualified projects  
9           under section (5)(d) of the Sportfishing and  
10          Boating Improvement Act of 1997.

11          “(2) FISCAL YEARS 1999–2003.—For each of fis-  
12          cal years 1999 through 2003, the balance of each  
13          annual appropriation remaining after making the  
14          distribution under subsection (a), an amount equal  
15          to \$84,000,000, reduced by 82 percent of the  
16          amount appropriated for that fiscal year from the  
17          Boat Safety Account of the Aquatic Resources Trust  
18          Fund established by section 9504 of the Internal  
19          Revenue Code of 1986 (26 U.S.C. 9504) to carry  
20          out the purposes of section 13106(a) of title 46,  
21          United States Code, shall be used as follows:

22                 “(A) \$10,000,000 shall be available for  
23                 each fiscal year to the Secretary of the Interior  
24                 for 3 years for obligation for qualified projects

1 under section 5604(c) of the Clean Vessel Act  
2 of 1992 (33 U.S.C. 1322 note);

3 “(B) \$10,000,000 shall be available for  
4 each fiscal year to the Secretary of the Interior  
5 for 3 years for obligation for qualified projects  
6 under section (5)(d) of the Sportfishing and  
7 Boating Improvement Act of 1997; and

8 “(C) the balance shall be transferred for  
9 each such fiscal year to the Secretary of Trans-  
10 portation and shall be expended for State rec-  
11 reational boating safety programs under section  
12 13106 of title 46, United States Code.

13 “(3) Amounts available under subparagraphs  
14 (A) and (B) of paragraph (1) and paragraph (2)  
15 that are unobligated by the Secretary of the Interior  
16 after 3 years shall be transferred to the Secretary of  
17 Transportation and shall be expended for State rec-  
18 reational boating safety programs under section  
19 13106(a) of title 46, United States Code.”.

20 **SEC. 805. BOATING INFRASTRUCTURE.**

21 (a) PURPOSE.—The purpose of this section is to pro-  
22 vide funds to States for the development and maintenance  
23 of public facilities for transient nontrailerable recreational  
24 vessels.

1 (b) SURVEY.—Section 8 of the 1950 Act (16 U.S.C.  
2 777g), as amended by section 803, is amended by adding  
3 at the end thereof the following:

4 “(g) SURVEYS.—

5 “(1) NATIONAL FRAMEWORK.—Within 6  
6 months after the date of enactment of the  
7 Sportfishing and Boating Improvement Act of 1997,  
8 the Secretary, in consultation with the States, shall  
9 adopt a national framework for a public boat access  
10 needs assessment which may be used by States to  
11 conduct surveys to determine the adequacy, number,  
12 location, and quality of facilities providing access to  
13 recreational waters for all sizes of recreational boats.

14 “(2) STATE SURVEYS.—Within 18 months after  
15 such date of enactment, each State that agrees to  
16 conduct a public boat access needs survey following  
17 the recommended national framework shall report its  
18 findings to the Secretary for use in the development  
19 of a comprehensive national assessment of rec-  
20 reational boat access needs and facilities.

21 “(3) EXCEPTION.—Paragraph (2) does not  
22 apply to a State if, within 18 months after such date  
23 of enactment, the Secretary certifies that the State  
24 has developed and is implementing a plan that en-  
25 sures there are and will be public boat access ade-

1       quate to meet the needs of recreational boaters on  
2       its waters.

3               “(4) FUNDING.—A State that conducts a public  
4       boat access needs survey under paragraph (2) may  
5       fund the costs of conducting that assessment out of  
6       amounts allocated to it as funding dedicated to mo-  
7       torboat access to recreational waters under sub-  
8       section (b)(1) of this section.”.

9       (c) PLAN.—Within 6 months after submitting a sur-  
10      vey to the Secretary under section 8(g) of the Act entitled  
11      “An Act to provide that the United States shall aid the  
12      States in fish restoration and management projects, and  
13      for other purposes,” approved August 9, 1950 (16 U.S.C.  
14      777g(g)), as added by subsection (b) of this section, a  
15      State may develop and submit to the Secretary a plan for  
16      the construction, renovation, and maintenance of public  
17      facilities, and access to those facilities, for transient  
18      nontrailerable recreational vessels to meet the needs of  
19      nontrailerable recreational vessels operating on navigable  
20      waters in the State.

21              (d) GRANT PROGRAM.—

22                      (1) MATCHING GRANTS.—The Secretary of the  
23      Interior shall obligate amounts made available under  
24      section 4(b)(1)(C) of the Act entitled “An Act to  
25      provide that the United States shall aid the States

1 in fish restoration and management projects, and for  
2 other purposes,” approved August 9, 1950 (16  
3 U.S.C. 777c(b)(1)(C)) to make grants to any State  
4 to pay not more than 75 percent of the cost to a  
5 State of constructing, renovating, or maintaining  
6 public facilities for transient nontrailerable rec-  
7 reational vessels.

8 (2) PRIORITIES.—In awarding grants under  
9 paragraph (1), the Secretary shall give priority to  
10 projects that—

11 (A) consist of the construction, renovation,  
12 or maintenance of public facilities for transient  
13 nontrailerable recreational vessels in accordance  
14 with a plan submitted by a State under sub-  
15 section (c);

16 (B) provide for public/private partnership  
17 efforts to develop, maintain, and operate facili-  
18 ties for transient nontrailerable recreational  
19 vessels; and

20 (C) propose innovative ways to increase the  
21 availability of facilities for transient  
22 nontrailerable recreational vessels.

23 (e) DEFINITIONS.—For purposes of this section, the  
24 term—

1           (1) “nontrailerable recreational vessel” means a  
2 recreational vessel 26 feet in length or longer—

3                   (A) operated primarily for pleasure; or

4                   (B) leased, rented, or chartered to another  
5 for the latter’s pleasure;

6           (2) “public facilities for transient nontrailerable  
7 recreational vessels” includes mooring buoys, day-  
8 docks, navigational aids, seasonal slips, or similar  
9 structures located on navigable waters, that are  
10 available to the general public and designed for tem-  
11 porary use by nontrailerable recreational vessels; and

12           (4) “State” means each of the several States of  
13 the United States, the District of Columbia, the  
14 Commonwealth of Puerto Rico, Guam, American  
15 Samoa, the Virgin Islands, and the Commonwealth  
16 of the Northern Mariana Islands.

17           (f) EFFECTIVE DATE.—This section shall take effect  
18 on October 1, 1997.

19 **SEC. 806. BOAT SAFETY FUNDS.**

20           (a) IN GENERAL.—Section 13106 of title 46, United  
21 States Code, is amended—

22                   (1) by striking the first sentence of subsection  
23 (a)(1) and inserting the following: “Subject to para-  
24 graph (2) and subsection (c), the Secretary shall ex-  
25 pend in each fiscal year for State recreational boat-

1       ing safety programs, under contracts with States  
2       under this chapter, an amount equal to the sum of  
3       (A) the amount appropriated from the Boat Safety  
4       Account for that fiscal year and (B) the amount  
5       transferred to the Secretary under section 4(b)(1) of  
6       the Act of August 9, 1950 (16 U.S.C. 777c(b)(1)).”;  
7       and

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

10       “(c) Of the amount transferred for each fiscal year  
11       to the Secretary of Transportation under section  
12       4(b)(1)(A) of the Act of August 9, 1950 (16 U.S.C.  
13       777c(b)), \$5,000,000 is available to the Secretary for pay-  
14       ment of expenses of the Coast Guard for personnel and  
15       activities directly related to coordinating and carrying out  
16       the national recreational boating safety program under  
17       this title. Amounts made available by this subsection shall  
18       remain available until expended. The Secretary shall pub-  
19       lish annually in the Federal Register a detailed accounting  
20       of the projects, programs, and activities funded under this  
21       subsection.”.

22       (b) CONFORMING AMENDMENTS.—

23               (1) The caption for section 13106 of title 46,  
24       United States Code, is amended to read as follows:

1 **“§ 13106. Authorization of appropriations”.**

2 (2) The chapter analysis for chapter 131 of title  
3 46, United States Code, is amended by striking the  
4 item relating to section 13106 and inserting the fol-  
5 lowing:

“13106. Authorization of appropriations.”.

6 **SEC. 807. FUNDS FOR RECREATIONAL BOATING SAFETY.**

7 (a) ALLOCATION OF FUNDS TO INSULAR AREAS.—  
8 Section 13103 of title 46, United States Code, is amend-  
9 ed—

10 (1) by inserting “(1) before “The Secretary” in  
11 subsection (a);

12 (2) by redesignating paragraphs (1), (2), and  
13 (3) of subsection (a) as subparagraphs (A), (B), and  
14 (C), respectively;

15 (3) by adding at the end of subsection (a) the  
16 following:

17 “(2) The amount allocated to each of the insular  
18 areas under this subsection shall not exceed one-half of  
19 one percent of the total amount allocated under paragraph  
20 (1).”;

21 (4) by striking “year.” in subsection (b) and in-  
22 serting the following: “year, except that, in the case  
23 of the insular areas, the requirement for local  
24 matching funds is waived for amounts under  
25 \$200,000.”; and

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

2           “(d) For purposes of this section, the term ‘insular  
3 areas’ means American Samoa, Guam, the Northern Mari-  
4 ana Islands, and the Virgin Islands.”.

5           (b) AVAILABILITY OF ALLOCATIONS.—Section  
6 13104(a) of such title is amended—

7           (1) by striking “3 years” in paragraph (1) and  
8           inserting “2 years”; and

9           (2) by striking “3-year” in paragraph (2) and  
10          inserting “2-year”.

○