

NOT VOTING—10

Andrews	Jefferson	Scarborough
Carson	John	Young (AK)
Conyers	Johnson (CT)	
Green (TX)	Kingston	

□ 1223

Mr. MCINTOSH changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. JOHNSON of Connecticut. Mr. Speaker, on rollcall No. 500, I was on the floor, inserted my voting card, but for some unexplained reason my vote was not recorded. I meant to have voted "yea."

MOTOR CARRIER SAFETY ACT OF 1999

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 329 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 329

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2679) to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against the bill and against its consideration are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered by title rather than by section. Each title shall be considered as read. Before consideration of any other amendment it shall be in order to consider the amendment printed in part B of the report of the Committee on Rules, if offered by a Member designated in the report. That amendment shall be considered as read, may amend portions of the bill not yet read for amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Points of order against that amendment for failure to comply with clause 7 of rule XVI are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments

so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill, as amended, and any further amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During the consideration of this resolution, all time is yielded for the purposes of debate only.

Mr. Speaker, the legislation before us today is an open rule providing for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule waives all points of order against the bill and against its consideration. The rule provides that the amendment printed in part A of the Committee on Rules accompanying the resolution shall be considered as adopted and that the bill as amended shall be opened to amendment by title.

The rule also provides for the consideration, before any other amendment, of the manager's amendment printed in part B of the Committee on Rules report, which shall be considered as read; may amend portions of the bill not yet read for amendment and shall not be subject to a division of the question.

Clause 7 of rule XVI prohibiting non-germane amendments is waived against the amendment printed in part B of the Committee on Rules report. The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Members who have pre-printed their amendments in the RECORD prior to their consideration will be given priority in consideration to offer their amendments if otherwise consistent with House rules.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, the underlying legislation, the Motor Carrier Safety Act of 1999, is very important legislation.

□ 1230

Many of my constituents have contacted me with their concerns related to safety on our highways. The House Committee on Transportation and Infrastructure responded to, not only my request, but also other concerns that Members had in this body by holding a series of hearings on this issue earlier this year.

Consensus emerged from those hearings that highway safety was not receiving the level of attention it should as part of the Federal Highway Administration.

Today, the House makes a significant step toward safer highways by doubling grants to the States for roadside inspections and imposing tougher fines for repeat violators of Federal truck safety regulations.

The bill also establishes minimum fines for all violations and requires drivers who have their licenses revoked to serve their full suspensions.

The bill upgrades the Federal Highway Administration's office of Motor Carrier to a separate administration within the Transportation Department.

The bill also increases truck inspections at the border to ensure that Mexican trucks entering the United States comply with all U.S. and safety truck regulations.

Truck-related highway accidents impose a huge cost on our society. These costs can be reduced without burdening truckers and the people who depend on them, and that is exactly what this legislation does.

Mr. Speaker, the Motor Carrier Safety Act passed the 75-member Committee on Transportation and Infrastructure with only 2 nays. Last night, the rule for this legislation passed by unanimous vote in the Committee on Rules.

Mr. Speaker, I urge my colleagues to continue this bipartisan manner under which this legislation was crafted, and to support the rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me the customary time, and I yield myself such time as I may consume.

Mr. Speaker, this is an open rule providing for the consideration of H.R. 2679, the Motor Carrier Safety Act of 1999.

The rule provides the opportunity for the House to consider the underlying bill which would establish the National Motor Carrier Administration within the Department of Transportation.

Mr. Speaker, the interstates, highways and even rural blacktop roads of this Nation are shared by drivers responsible for everything from 18-wheelers to an old four-door sedan. The goal of this new agency would be to bring even more new scientific focus and energy to our efforts at making sure

those vehicles and their drivers are operating as safely as possible.

The Motor Carrier Safety Act of 1999 is the product of considerable discussion and input from highway safety advocates, organized labor, people in the truck and bus industries, and the government agencies responsible for oversight.

As stated in the report, the principal goal of the bill is to reduce the number and severity of large truck-involved fatal crashes.

Tragically, the number of fatalities involving large truck travel has been growing since early in this decade, and that rise in fatalities is projected to continue unless action is taken.

After considering a variety of options, the Committee on Transportation and Infrastructure determined that creating this separate agency, with safety as its top priority, would be the most effective approach.

Mr. Speaker, a number of high-profile accidents in Illinois, New Jersey, and Louisiana have raised troubling questions about loopholes in the system which licenses commercial drivers. These crashes have included multiple fatalities and injuries and are a call to action for this Congress and this Nation to set tougher standards and to close those loopholes. This bill is a response to that call.

Mr. Speaker, the rule does allow for several thoughtful amendments to be considered; and, therefore, I urge favorable consideration of this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. SHUSTER), one of the most respected Members of this body, one of the most influential, who is the chairman of the Committee on Transportation and Infrastructure.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me this time. I rise in strong support of this rule and this legislation.

Mr. Speaker, moments ago, the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking member of the Committee on Transportation and Infrastructure, and I introduced legislation, H.R. 3072, requiring Great Britain to open up its skies and its airports to U.S. planes; and, indeed, if they fail to do so, requiring our government to renunciate the Bermuda II agreements.

In the past several years, both the Bush and the Clinton administrations have been very successful in negotiating open skies agreements so we can compete around the world with our aviation. Indeed, we have such agreements with 38 countries.

But Great Britain, which is supposed to be our closest ally, has refused to level the playing field so that U.S. carriers could compete in the London-to-

U.S. market. It is time that we, not simply talk about it, but do something about it.

On October 18, Secretary Slater's people will be going to Great Britain to continue negotiations on several aviation matters. Indeed, I have met with the Secretary. They understand we are deadly serious about this issue, and we look forward to Brits finally opening up the aviation market to U.S. carriers. If they do not do so, we will certainly be prepared to move forward to renunciate Bermuda II and thereby block all British airlines from flying into the United States.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Pennsylvania, my chairman, for yielding and compliment him on the decisiveness with which he has moved on this issue, particularly on the eve of renewed U.S.-UK bilateral aviation talks.

We are deadly serious. This is serious business to introduce legislation of this nature to terminate an important aviation bilateral. But it is the only message I am convinced, as the chairman has just said, that our British negotiators will understand.

The significance of this market is that U.S.-UK service is about a \$10 billion market. It is half of the \$20 billion U.S.-Europe market. Our carriers have less than 37 percent of that market share, compared to other markets around the world where we have open skies bilaterals where our carriers have penetrated up to 60 percent of market share.

Those numbers simply underscore the seriousness of purpose with which the chairman and I are engaged in the message that we deliver to our Secretary of Transportation and to the British Minister of Transportation. That market has to be open; and if it does not, these are the tools the chairman has outlined we will invoke to ensure that serious steps will be taken in the future.

I compliment the gentleman from Pennsylvania (Chairman SHUSTER) on his courage in moving forward.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman from Minnesota, and I emphasize we expect the Brits to show us a virtual immediate good-faith response at least on one route; and if that happens, then we can take the time necessary to work out the broader agreements.

Ms. SLAUGHTER. Mr. Speaker, I am happy to yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I urge support of the rule. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SESSIONS). Pursuant to House Resolution 329 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2679.

□ 1240

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2679) to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes, with Mr. FOLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are considering H.R. 2679, the Motor Carrier Safety Act of 1999. This is truly a comprehensive bill that reforms Federal motor carrier safety efforts.

Trucking is the biggest sector of the transportation industry in this country, moving over 85 percent of all freight in the U.S., and it continues to grow. We owe it to the driving public to ensure that the trucks with which they share the road are safe.

To ensure this safety, this bill creates a separate agency, the National Motor Carrier Administration, within the Department of Transportation. The agency will be dedicated to the truck and bus safety.

In the past, motor carrier safety oversight was housed within the Federal Highway Administration, where it had to compete with large Federal infrastructure programs for attention. The complexity and the growth of the trucking industry justifies the creation of an agency with a clear preeminent safety mission, focused on truck and bus safety. Trucking safety will now have the same organizational status within the Department as aviation safety, automobile safety, and maritime safety.

I want to emphasize, I spoke with Secretary Slater this morning. He tells me that the Administration is supportive of this legislation.

This bill is not just about moving around boxes on an organization chart, however. It is a new agency which will have the powers and the resources needed to do its job and to do it well.

The bill increases funding for Federal and State enforcement efforts, enabling States to put more inspectors on the roads and at the international border areas.

Finally, the bill makes important reforms to the commercial driver's license program and a number of other Federal motor carrier laws by closing loopholes and imposing tough penalties for repeat violators.

These measures will get truck safety enforcement efforts on track and allow us to recapture the momentum we had in the 1980s and early 1990s when truck-related fatalities dramatically declined. Indeed, I should emphasize that there was a significant decline in truck-related fatalities. But that has leveled out. We have not had an increase in truck fatalities; however, the decline which we were so happy to note in the past year seems to have leveled out.

We do not have a crisis in truck safety, but we do have a need to make sure that the gains which we previously realized in safety continue as we move into the next century. This bill is a pro safety bill that will improve highway safety for all Americans.

Mr. Chairman, I urge passage of the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is important legislation. It is also very good, far-reaching, substantive safety legislation. I want to express my great appreciation to the gentleman from Pennsylvania (Chairman SHUSTER) for a splendid job of bipartisan crafting of this legislation for the inclusiveness that he has extended in crafting this bill and for his commitment to safety.

I want to express my appreciation also to the gentleman from Wisconsin (Chairman PETRI), the chair of the Subcommittee on Ground Transportation, and the gentleman from West Virginia (Mr. RAHALL), the ranking member of the Subcommittee on Ground Transportation, for consistent, concerted efforts to develop a strong motor carrier safety bill that we can all support.

□ 1245

This legislation will give the Federal Government the direction, the incentives, and the resources it needs to improve safety in the trucking sector of our Nation's highways.

Every year crashes involving large trucks kill more than 5,300 people and injure in the range of 130,000 others. On any day, there are 14 deaths and 350 injuries. That is unacceptable.

Unless the Federal safety program is significantly improved, there will be more deaths and more injuries as the number of miles traveled by large trucks increases.

The Inspector General of the Department of Transportation, the General Accounting Office, and indeed our former colleague Norm Mineta, a former chairman of the committee who was assigned the task to review this issue by the Secretary of Transportation, Rodney Slater, and our own Subcommittee on Ground Transportation and the full committee all have concluded that the Federal Government program to ensure motor carrier safety has major deficiencies.

The studies found that DOT has not been conducting enough inspections of commercial vehicles and of commercial drivers and that the penalties imposed for violations are too low to deter future violations. The studies also found that DOT rarely completes needed safety regulation on time.

More than 20 motor carrier safety rulemakings have been in process for between 3 and 9 years. That is just simply unacceptable. These rulemakings involve very important decisions, such as our service limits, permits for carrying hazardous materials, training standards for entry level drivers. They should not be languishing for years.

Databases at DOT are incomplete, unreliable. The Department lacks adequate personnel and adequate facilities at our borders to stop the influx of unsafe trucks. Perceived conflicts of interest have undermined the credibility of DOT's research program.

Since those troubling reports and analyses have been issued, the Secretary, to his great credit, has taken important steps to improve the effectiveness of the motor carrier safety program. Secretary Slater did not stand idly by wringing his hands denying the problems but, in fact, acknowledged that there were deficiencies and set about correcting them. But the Secretary does not have sufficient authority to go as far as is needed. This legislation gives him that authority, gives him the resources.

There are four principles, I believe, that underlie any motor carrier safety program. Safety should be the primary mission. Second, sound and credible research must be the foundation for good policy. Third, vigorous oversight and enforcement must be an essential part of the program. And fourth, there have to be adequate financial and personnel resources.

This bill addresses each one of those four principles. It creates a new administration, the National Motor Carrier Administration, within DOT. The new administration will have the direction, the incentives, the financial and the personnel resources needed to improve motor carrier safety. There will also be a regulatory ombudsman in this new administration with the authority to speed up rulemaking by assigning the additional necessary staff and the authority to resolve disagreements within the agency.

What pleases me most is that the bill follows the model in the spirit of the legislation, the model of the Federal Aviation Act of 1958, which established the FAA for the purpose of improving aviation safety. This bill directs the National Motor Carrier Administration to consider the assignment and maintenance of safety as the highest priority.

The clear intent, the clear encouragement, the obvious dedication of the Congress in this legislation is to the furtherance of the highest degree of safety in motor carrier transportation. With that statement, we put the whole body and thrust of this new entity on the path of safety.

The four top officials of the administration, the administrator, deputy administrator, chief safety officer, regulatory ombudsman, are each required under this bill to sign a performance agreement with specific measurable goals to carry out this safety strategy, including increasing the number of inspections and compliance reviews, eliminate the backlog in rulemaking, eliminate the backlog in enforcement cases, improve quality and effectiveness of databases, and improve inspection at our borders.

If those goals are met, these officials will be eligible for performance dividends of up to \$15,000 each. In addition, agency employees as a group will be eligible for a bonus if the new entity makes sufficient progress toward accomplishing these goals.

The administration will have the resources it needs to do a better job because the bill will provide a substantial increase in guaranteed and authorized funding for motor carrier safety programs. The resources of the new administration will be 70 percent higher than current staffing standards at the Office of Motor Carriers in its current structure. That means \$38 million a year more. Additional funding will help this new Motor Carrier Administration hire more inspectors and more attorneys to complete the rulemakings that are necessary.

Motor carrier safety grants to States, which are an important element and in fact the backbone of enforcement, motor carrier safety grants will be increased 68 percent. That is \$65 million more in each of the fiscal years authorized under the bill. And there will be an additional \$75 million a year for motor carrier safety grants above that guaranteed levels.

There are a number of program changes to improve safety by keeping dangerous drivers off the roads and enhancing oversight.

We, in this legislation, improve the consistency of commercial driver's licenses by closing loopholes and record-keeping and putting in place tougher penalties for crashes that cause fatalities, and we authorize DOT to decertify the Commercial Driver's License program of States that do not comply with these national requirements.

Finally, trucks entering the United States will face much more intensive oversight when DOT implements the new staffing standards for inspectors at our borders. There will be penalties high enough to make it clear to violators that they have got to be in compliance.

Maximum fines will be assessed for repeat offenders as well as for patterns of violations of our safety laws and regulations.

All in all, taken together in a comprehensive basis, this is a new era for motor carrier safety on America's highways.

Mr. Chairman, I reserve the balance of my time.

Mr. PETRI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before us, the Motor Carrier Safety Act of 1999, is a comprehensive bill designed to improve truck and bus safety by strengthening Federal and State safety programs.

The bill creates a new National Motor Carrier Administration within the U.S. Department of Transportation to administer Federal motor carrier safety programs. It increases funding from the Highway Trust Fund for Federal and State safety efforts, and it tightens the commercial driver's license program.

For example, the bill gives the Secretary emergency authority to revoke the license of a truck or bus driver who is found to constitute an imminent hazard.

This year the subcommittee held 4 days of hearings on motor carrier safety issues. We heard from a broad range of witnesses, including the Department of Transportation, the Inspector General, the General Accounting Office, representatives of the truck and bus industries, organized labor, and highway safety representatives.

After listening to their testimony, we concluded that the best course of action that this committee could take for the safety of the Nation was to create this administration. The bottom line was that truck safety was just not getting the level of attention it should while it was part of the Federal Highway Administration.

The process of establishing this administration has already begun because of the inclusion in the Transportation Appropriations Act of a vision that prohibits the Federal Highway Administration from continuing to carry out motor carrier safety functions. The Secretary of Transportation has implemented this provision by creating a freestanding office.

The National Motor Carrier Administration is given increased funding for safety to allow for growth in the number of safety inspectors and in safety research. The bill authorizes \$420 million over the next 3 years from the Highway Trust Fund for motor carrier safety grants, and these grants fund State safety enforcement efforts.

The bill also contains a number of programmatic reforms, including the closing of loopholes in the Commercial Driver's License, setting standards for fines, and improving border safety efforts.

The bill has bipartisan support. The Secretary of Transportation wrote to us on Tuesday in support of the legislation. It is an important bill that truly will improve highway safety, and I urge its immediate passage.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from West Virginia (Mr. RAHALL), ranking member of the Subcommittee on Ground Transportation.

Mr. RAHALL. Mr. Chairman, I thank the distinguished ranking member for yielding me the time. I want to commend him, as well as the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Wisconsin (Mr. PETRI), the subcommittee chairman, for bringing the Motor Carrier Safety Act of 1999 to the floor today.

The fundamental problem that this legislation seeks to address is this: in recent years, the Office of Motor Carriers began to move away from a prescriptive regulatory regime to a performance-based program. This in and of itself is not bad.

However, in doing so, the Office of Motor Carriers sought to leap-frog rather than evolve; and a void was created, a void in fundamental inspection and enforcement activities and a void in leadership. This has caused a trickle-down effect on State programs and left us with inadequate compliance reviews, inspection levels, and a legacy of unpromulgated regulations.

In response, the pending legislation does three things. First, it seeks to rehabilitate the Office of Motor Carriers by establishing it as a separate entity within the Department of Transportation. In doing so, we are hoping to provide its programs with the emphasis and the priority that they deserve within the Department's pecking order.

Motor carrier safety, Mr. Chairman, should not be second to aviation safety. Motor carrier safety should not be second to railroad safety. Indeed it should, at the very least, be on par with them.

Second, this bill will make improvements to the Commercial Driver's License program, primarily by closing loopholes relating to the qualification of drivers.

Third, this bill will provide both truck and bus safety programs with greater financial resources, with some targeting taking place at border crossings.

I think we are at a crossroads here. We can quibble and we can quarrel about where motor carrier safety jurisdiction should rest, or we can seize the

brass ring and pull these safety programs out of the quagmire they are currently wallowing in and by doing so do some real good for the American people and their safety.

Again, Mr. Chairman, I wish to commend the gentleman from Pennsylvania (Chairman SHUSTER); the gentleman from Wisconsin (Mr. PETRI), the subcommittee chairman; and the gentleman from Wisconsin (Mr. OBEY), the ranking Democrat, for their truly diligent and dedicated work on this legislation.

I wish to conclude by commending our Secretary of Transportation, Rodney Slater, as well, for not only supporting the pending legislation on behalf of the administration but for the efforts that he has made, especially since the enactment last week of the transportation appropriations bill and the truly dedicated efforts he and his staff have made to ensuring that the traveling public remain in a safe manner.

Mr. PETRI. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Chairman, I want to thank the ranking member of the full committee for yielding me this time.

Mr. Chairman, I rise today in strong support of H.R. 2679. But specifically, I rise to say thank you to the gentleman from Pennsylvania (Chairman SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Wisconsin (Chairman PETRI), and the gentleman from West Virginia (Mr. RAHALL) for incorporating into the manager's amendment an amendment that I crafted along with my friend and colleague, the gentleman from New York (Mr. QUINN), regarding foreign trucks.

□ 1300

According to a letter from the Department of Transportation's Inspector General to the Senate transportation appropriations chairman, unsafe Mexican trucks have been found illegally in 28 States in violation of NAFTA.

Mr. Chairman, the full text of the letter is as follows:

U.S. DEPARTMENT OF TRANSPORTATION, OFFICE OF THE SECRETARY OF TRANSPORTATION,
Washington, DC, June 14, 1999

Hon. RICHARD C. SHELBY,
Chairman, Subcommittee on Transportation,
Committee on Appropriations, Washington,
DC.

DEAR CHAIRMAN SHELBY: At the February 9, 1999 hearing before your committee on the Top Ten Management Issues within the Department of Transportation, you asked if Mexican trucks drive beyond the commercial zone boundaries of the four border states. The answer is "yes", even though Mexican trucks are not authorized to go beyond the commercial zones.

All interstate motor carriers operating in the United States, including Mexican motor carriers operating in the commercial zones, are required to obtain a Department of Transportation (DOT) identification number and to display this unique identifying number on their commercial trucks. We used the identification number to get the information needed to answer your question.

Under the Motor Carrier Safety Assistance Program, state safety inspectors perform roadside inspections of commercial trucks and drivers throughout the United States to ensure compliance with U.S. safety regulations. Therefore, Mexican trucks operating inside or outside the commercial zones are subject to roadside inspections.

The Office of the Inspector General extracted the DOT identification numbers for motor carriers identified as domiciled in Mexico from the Office of Motor Carriers Management Information System. We compared these unique numbers to the FY 1998 roadside inspections of commercial vehicles also contained in the Office of Motor Carriers Management Information System. The results of our comparison indicate that:

Roadside inspections were performed beyond the boundaries of the commercial zone on 68 motor carriers identified as domiciled in Mexico, and were performed more than once for 11 of the 68 carriers.

Roadside inspections were performed on the 68 motor carriers at least 100 times in 24 states on the U.S.-Mexico border, which include the States of New York, Florida, Washington, Montana, North Dakota, Colorado, Iowa, South Dakota, and Wyoming.

Roadside inspections were also performed on the 68 motor carriers outside the commercial zones but within the four border states (Arizona, California, New Mexico and Texas) more than 500 times.

This demonstrates that Mexican trucks are operating well beyond the designated commercial zones. Enclosed is a copy of our recent report on the Department's Motor Carrier Safety Program. It identifies the current problems that impact negatively on motor carrier safety together with recommendations to address those issues.

If I can answer any questions, or be of further assistance, please feel free to contact me at 366-1959 or my Deputy, Raymond J. DeCarl at 366-6767.

Sincerely,

KENNETH M. MEAD,
Inspector General.

Mr. Chairman, current law only allows Mexican trucks to travel into a small NAFTA commercial zone in the four border States. But as Members can see from this map, Mexican motor carriers have ignored the present law and have traveled all around the country, from Oregon to my home State of Illinois, to New York. Why do they ignore the law? Because there is no strong enforcement mechanism with which to punish violators of NAFTA. The current fine is only \$500. Clearly, we need to strengthen these fines, and that is exactly what the gentleman from New York and I worked with the committee's leadership to have included in the manager's amendment.

The manager's amendment raises the fine up to \$10,000 with a possible disqualification for the first offense, and up to \$25,000 and a guaranteed disqualification for a second offense. Surely,

Mr. Chairman, Mexican and foreign motor carriers will think twice about violating our laws with such a stiff penalty. But this begs the question: Why has the Department of Transportation not done anything up to this point? Does this administration not care about executing international treaties and the laws of this country? Why has the \$500 fine, which is measly, not been enforced by the Department of Transportation? They have not bothered to issue one fine for 68 motor carriers that have gone beyond the commercial zone. Why? Has this administration bowed down to the altar of free trade so much that they are afraid to execute their own laws?

Hopefully, these new penalties will give the DOT the teeth and the motivation to enforce current law. If they do not enforce the law, Mr. Chairman, the American people will suffer the consequences. The DOT Inspector General found that only 1 percent of the 3.7 million Mexican trucks that crossed into the United States in 1997 were inspected. And of that 1 percent, almost 50 percent have been ordered to undergo immediate service for safety problems. Clearly, if the DOT does not start issuing the harsh fines and penalties that this bill empowers them to do, then we will find millions upon millions of unsafe Mexican trucks on our highways and byways.

While I am grateful that my concerns were addressed in the manager's amendment, I would be remiss if I did not say that possible loopholes could be closed and that these penalties could be strengthened so that the DOT would not have any choice but to penalize violators to the fullest extent. Hopefully these concerns can be addressed in the future.

In addition to the foreign penalty provisions, I am extremely happy that this bill addresses the lack of truck and bus safety enforcement on our American roads. Back on May 17, I and the gentleman from Illinois (Mr. DAVIS) led an Illinois delegation letter to the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) that emphasized the dangers that drivers in my home State of Illinois face due to the lack of intense truck inspections. Illinois' roads are the most traveled truck routes in the U.S. Yet Illinois ranks at the bottom when it comes to the percentage of intensive truck inspections performed on its trucks. I have no doubt that the low level of intense inspections led to 166 fatalities in large truck crashes in 1996 and in 1997 in Illinois. I therefore asked the gentleman from Pennsylvania and the gentleman from Minnesota to increase the funding for the grant programs to the States so that the level of intense inspections can increase in Illinois and other States. I am pleased that these wise men heeded my advice and increased

the motor carrier safety assistance program by \$250 million over the course of the next 4 years.

Mr. Chairman, I am grateful that the leadership on the Committee on Transportation and Infrastructure has given State inspectors the tools to make our roads safer. I am also extremely grateful that the committee worked with the gentleman from New York and I on such short notice in order to give the DOT the same tools to protect our roads from unsafe foreign trucks. As the world grows into a smaller place, it is clear that we must address and punish domestic as well as foreign violators of our laws.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me this time.

I am pleased to support this legislation. I appreciate what the gentleman from Illinois (Mr. LIPINSKI) mentioned in some detail on the floor, and I shall not repeat the pattern of illegal operations that we are seeing across the country.

What is important here is that we have legislation that for the first time is going to provide some real teeth, being able to take people who have a pattern of illegal operation in this country, in many cases they are unsafe and environmentally not sound, being able to take these operations out of service. There is an opportunity now to strengthen the provisions so that we make sure that the civil penalties that sometimes people are simply ignoring can in fact be enforced, and a pattern of offenses can result in a significant fine of \$25,000 and that they will be disqualified.

I do not think that this is an issue necessarily that deals with free trade or not. I think this is one area where people on both sides of NAFTA, for instance, can come together. This is simple, common-sense enforcement of our motor carrier laws, standing up for what is important for our motorists, for the environment. In fact, I think that people who had supported NAFTA have even more reason to stand up, because if we are not providing this type of enforcement, it makes a sham out of the representations that are made that are in good faith on this floor in bringing this legislation forward.

Last but not least, I like the notion of disarming people who are not appropriately operating vehicles in this country. I feel that if we take this philosophy further, I think nothing would solve the problem of repeat drunk drivers more than taking the cars away, selling them, getting their attention, the same way that taking these trucks out of service, taking these vehicles out of service will get their attention. It is a simple, common-sense approach that I think the American public would

support, with broad application, and I hope that it will prove to be effective here and will be able to be used in other areas of making our highways safer and making sure that people obey our laws.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I rise today in strong support of the bill put forth by the gentleman from Pennsylvania and the gentleman from Minnesota as well as the chairman and ranking member of the subcommittee to bring increased truck safety on our highways and to rein in those commercial motor carriers that are attempting to operate with a loose regard for safety. In my district in the Houston, Texas area, many major highway routes in and around the city and Harris County have increasingly become the scene of horrendous accidents involving tractor-trailers and small passenger vehicles.

Just this month, a criminal trial has concluded involving a truck driver who, while operating an 18-wheeler with faulty brakes and also driving while intoxicated, killed four members of the Groten family of the city of West University which is in the 25th District. Lisa Groten managed to escape the crash but was forced to watch as her husband was unable to extricate himself from the wreckage and died as well as her three children who were killed instantly. I think that it is highly incumbent upon the Congress to move quickly as the chairman and ranking member have chosen to do so in bringing this bill forward and saying that we are going to crack down on this type of activity.

Second of all, I want to associate myself with the remarks both of the gentleman from Oregon and the gentleman from Illinois on the problem of illegal truck activity from Mexico and, for that matter, Canada as well. I do support NAFTA, but I think the gentleman from Illinois is correct and, that is, that the laws and the agreements made in NAFTA must be enforced. We have consistently found, the General Accounting Office has found, that the inspections at the border have been wholly insufficient and until such time as there is adequate inspection at the border, I do not believe we can expand access to trucks coming in from Mexico, ensuring that they are meeting the safety requirements and the road requirements that we require American trucks to meet. I commend the ranking member and the chairman for that. But most of all let me say in conclusion that I think this is a good bill and it puts safety first. That is what we owe our constituents.

Mr. SHUSTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me this time and would like to engage him in a colloquy on the important subject of railroad mitigation.

As the gentleman well knows in my district, the Dakota, Minnesota and Eastern Railroad has proposed a \$1.4 billion upgrade of its current line which will transform the railroad from a sleepy, couple-of-trains-a-day to a modern, high-speed, busy railroad. Needless to say, many of my constituents are concerned about what this means to them.

The West probably would not have been opened without the help of railroads. Many of our first towns were built to provide water and coal to the early trains. Some railroads do not serve the communities they travel through today. They are only interested in the cargo traffic moving between major cities. There are benefits to large regional and national railroads. Americans enjoy cheaper products, quicker delivery from coast to coast and much more.

In dealing with the railroads, communities must build safety crossings, viaducts and more. These things cost a lot of money. A simple railroad crossing with gates for a two-lane road costs about \$150,000. Minnesota, my State, receives \$4.5 million from the Federal Government for railroad mitigation. That is enough for 30 crossings. The DM&E will have 300 crossings in Minnesota alone.

Because the Federal railroad mitigation account is underfunded, many mitigation projects are funded by the local taxpayers, even though those taxpayers will receive minimal benefit from the railroad. This is not right. A strong economy rides on a good transportation system which must include modern railroads. However, if our national policy is such that it promotes railroads at the expense of our local folks, then problems will arise.

I hope the gentleman will agree that the American people would support helping out communities negatively affected by railroads which does not really help the community. As a matter of fact, the Federal Government should help these communities.

I believe the gentleman's committee and the subcommittee chaired by the gentleman from Wisconsin (Mr. PETRI) will be holding hearings on this topic, and I would appreciate if he could examine some particular concerns that I have. And, if possible, I would appreciate the opportunity to testify about the specific problems communities in my district are facing.

Mr. SHUSTER. If the gentleman will yield, I want to assure the gentleman that we will be looking at this important safety issue. We will be very pleased to have him involved in the process, and if we hold hearings, as I expect we will, to have him testify.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume for the purpose of addressing, supplementing the excellent statement the gentleman from Minnesota (Mr. GUTKNECHT) has just raised.

The matter of the DM&E Railroad is a very serious one for the city of Rochester, Minnesota, where the world renowned Mayo Clinic is located. The DM&E expanded service will mean as many as 30 trains a day rumbling within a quarter of a mile or less of the heart of the Mayo Clinic and right next to one of its main hospitals. That amount of vibration and attendant noise is very disconcerting to the medical staff and the administration of the Mayo Clinic.

□ 1315

It is a very serious matter. The best way it can be addressed, I think, is to completely relocate the railroad at a cost of several hundreds of millions of dollars. There are other mitigation efforts, though, that can be taken at less cost that can and should be taken; and I am delighted to work with my colleague who represents the Rochester area with distinction in this body and with the mayor of Rochester and the Mayo Clinic board. We must do all that we can to assure that this medical institution with an international reputation is not demeaned in any way by the necessary railroad service that must also go through the community.

I know this is a very thorny issue that the gentleman has attempted to address, and it is a statewide matter. It is not just a local matter.

Mr. GUTKNECHT. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Chairman, I just want to thank my colleague from Minnesota who does such a good job for us on the Committee on Transportation and Infrastructure.

This is a major issue, and frankly I think Rochester is one example; but it really is an example that we are going to be facing around the rest of the country. We certainly need railroads. We need to upgrade many of the railroads that are out there, but I think it has got to be taken into account in terms of our overall transportation strategy and what level of support the Federal Government should provide.

The one thing I think we should all agree, and that is that local taxpayers should not be held responsible to pay enormous costs for a new railroad upgrade from which they get very little benefit, and I think there is a big public policy question here, the issue of the Mayo Clinic is certainly a big one as well, and I want to thank the gentleman from Minnesota in joining with me to work with local communities to help solve these problems.

Mr. OBERSTAR. Mr. Chairman, additionally I would point out this instant

case plus an additional one in the district of our colleague from near Cleveland, Ohio (Mr. KUCINICH) where the CSX merger has increased, and let me take that word back, has doubled rail traffic to 110 trains a day through his little town of Berea, Ohio.

The vibration, the noise, the safety whistles of the trains going through have disrupted to an unacceptable level the lives of the people who for years have lived peaceably along that track. The situation is parallel to that of the gentleman from Minnesota, and the Surface Transportation Board has to take into account these adverse consequences on communities in its consideration of requests for service expansion and mergers of the Nation's railroads. This is an instant case of the failure of the Surface Transportation Board adequately to consider the adverse impacts on people, business, and people and other businesses in the communities served by the very important rail service of our Nation.

Mr. WOLF. Mr. Chairman, let me just say that I appreciate the gentleman from Pennsylvania, Mr. SHUSTER, for bringing up H.R. 2679 on the floor of the House today. Truck safety is a topic in which we both have an interest and it is important that this House continue to address it.

The current structure of motor carrier enforcement is just not working. It has allowed trucks to operate on the road that are unsafe and has resulted in over 5300 deaths for several years. In short, the status of truck safety is not good.

This bill, while not perfect is a good first step towards improving safety in the trucking industry. For the record, most truck drivers and trucking companies operate in a safe manner. They care not only about making the delivery on time, but making it safely. But there are those on the margins who unfortunately operate unsafely. It is those that this bill focuses on.

I would like to bring to the House's attention a letter from safety groups that has recommendations to improve truck safety and I believe the Congress and Administration should address these recommendations as this bill moves toward enactment.

The letter follows:

URGENT—VOTE TODAY

Public Citizen Advocates for Highway and Auto Safety.

Trauma Foundation.

Citizens for Reliable and Safe Highways (CRASH).

Parents Against Tired Truckers.

Consumer Federation of America.

SAFETY GROUPS AND TRUCK CRASH SURVIVORS URGE MEMBERS OF CONGRESS TO STRENGTHEN SAFETY PROVISIONS IN H.R. 2679

OCTOBER 14, 1999.

DEAR REPRESENTATIVE: Today the House is expected to vote on H.R. 2679, a bill to establish a National Motor Carrier Administration in the U.S. Department of Transportation. This legislation is an outgrowth of a number of reports from the Inspector General of the U.S. Department of Transportation and the General Accounting Office as well as hearings held by the National Trans-

portation Safety Board and the Congress documenting the failures of the Federal Motor Carrier Safety program: failure to conduct inspections, failure to impose penalties, failure to issue safety standards, failure to collect and analyze accurate data, failure to conduct important scientific research, and failure to maintain an appropriate arms length relationship with the regulated industry. Taxpayer dollars have been squandered and safety has been seriously compromised.

Every year, more than 5,300 people die in crashes involving motor carriers and 127,000 are injured. Although big trucks account for only 3% of registered vehicles, they are involved in 9% of all fatal crashes and 12% of all highway deaths. Additionally, more than one out of five (22%) of passenger vehicle occupant deaths on our highways result from crashes with large trucks. Not surprisingly, in crashes involving a truck and passenger car, 98% of the fatalities are passenger car occupants. The fatalities are the equivalent of a major fatal airline crash every two weeks. It is a national disgrace that our federal regulatory and enforcement agency has failed to protect our American families on the highway.

We commend the House for moving swiftly in this session to enact motor carrier legislation. H.R. 2679 makes some important improvements in truck safety with provisions such as detailed attention to strengthening the Commercial Driver License Program. We also appreciate the emphasis in H.R. 2679 on "safety as highest priority." In addition, the Manager's amendments of October 13, 1999, appropriately devote extra attention in a new provision to the problem of illegal operations by foreign carriers which can pose a growing problem to highway safety if not checked, although we are concerned with the requirement that the violation be "intentional."

However, H.R. 2679, even with these and other provisions, can only be regarded at best as a tentative first step towards comprehensive motor carrier safety reform. Not only does the bill fail to address numerous, major areas of need to ensure significantly improved federal regulation and enforcement, but it essentially compromises the basic safety mission of a new independent motor carrier agency by charging it with oversight of economic laws and regulations, including responsibilities only recently assigned to the new Surface Transportation Board (STB) by the Interstate Commerce Commission (ICC) Termination Act of 1995.

This commingling of economic administrative duties with safety stewardship creates potentially conflicting missions which could lead to safety policy choices that are inevitably balanced with issues affecting the productivity and economic health of the trucking industry. In fact, H.R. 2679 actually increases the likelihood of economic considerations adversely influencing agency safety policy decisions because it places the administration of several sections of 49 United States Code in the new agency which had formerly been assigned, first, to the old ICC and, more recently, to the new STB. It is clear that, if enacted in its present form, H.R. 2679 would permit the agency to subvert the goals of safety regulation and enforcement by weighing them in a scale balanced explicitly with the economic needs of industry.

We are also concerned that the major problems identified by the Inspector General, the Government Accounting Office, and numerous witnesses are not addressed in this legis-

lation, yet this legislation is an unprecedented opportunity to change the course of truck safety. With the addition of the following provisions recommended as well on many occasions by the safety organizations and survivors of truck crashes, the legislation would go a long way towards stemming this carnage on our highways.

We encourage members of Congress to propose amendments that address the following key deficiencies in H.R. 2679 to achieve strong legislation that will make our highways safer:

There is no direct charge to the new motor carrier agency explicitly to implement the findings and recommendations in the comprehensive report issued by the U.S. Department of Transportation's Office of the Inspector General in April 1999 which delineates the multiple failures of the Office of Motor Carriers and Highway Safety (OMCHS). The early provisions of the bill, such as Section 102, which simply consign important motor carrier safety enhancement goals to the discretion of the Secretary, cannot substitute for specific legislated targets and is essentially hortatory rather than prescriptive for agency compliance.

The bill fails to assign appropriate shared jurisdiction with the National Highway Traffic Safety Administration (NHTSA) for data acquisition and evaluation, including violation records and crash causation analysis, and for regulating retrofitted safety features, safety component maintenance, and safety equipment performance of in-service commercial motor vehicles, a responsibility which could substantially improve on-the-road motor carrier safety. The NHTSA issues new truck safety standards and should be responsible for concurrent issuance of requirements to maintain these standards in trucks on the road.

There have been significant conflict of interest problems involving research contracts at the OMC. The agency is ignoring general regulations that direct government agencies to avoid conflicts of interest in the awarding of contracts. As the Teamsters testified, OMC has awarded numerous contracts to the regulated industry to develop safety standards governing that industry. This is unacceptable and the bill should prohibit such conflicts.

A number of major areas of need regarding the qualifications of both new commercial drivers and of entrant motor carriers are not addressed. Among these are the pressing need for commercial driver entry-level and advanced training and certification as conditions for taking the basic CDL and advanced endorsement examinations, and for a proficiency examination requiring demonstrated understanding of the Federal Motor Carrier Safety Regulations by new drivers and by applicant carriers seeking interstate operating authority.

Specific reform of data needs such as mandating that the States maintain certain violation records, including traffic and felony violations, as well as a 10-year calendar governing Out of Service order violations, is not contained in H.R. 2679, although it is widely acknowledged that the Commercial Driver Licensing Information System is poorly administered and has either mistaken, outdated, or missing data entries needed to track commercial drivers for potential license suspension and driver disqualification.

H.R. 2679 not only fails to mandate specific minimum penalties that must be imposed by the Secretary, it weakens its direction to the Secretary in Section 208 to impose "civil penalties at a level calculated to ensure

prompt and sustained compliance" by providing blanket discretion to the Secretary not only to lower the amount of such penalties but even to forgive repeated violations of safety law and regulation without penalty.

Other legislative initiatives, such as the need to consider extending the CDL requirements downward to commercial vehicles less than 26,000 pounds, closing the gap between federal motor carrier safety standards and the often far weaker state standards which nevertheless pass muster for securing Motor Carrier Safety Assistance Program (MCSAP) funds, and addressing the growing problem of high rates of deaths and injuries inflicted by intrastate-only motor carriers, are simply absent in H.R. 2679.

These deficiencies are far from a comprehensive listing of the missing provisions and failed approach of H.R. 2679 in dealing with a large and growing problem of weak federal safety oversight, widespread scofflaw conduct by drivers and carriers, systematic falsification of commercial driver paper logbooks, the need to strengthen federal enforcement mechanisms and insulate a new motor carrier agency from industry influence. Also, as the Administration's letter points out, the word "safety" should be in the name of the new agency, since that is its mission. If taxpayer dollars are going to be spent on the creation of a new agency to regulate and enforce motor carrier safety, it should be equipped with the authority to address all recognized problems and not just a few of them.

The American public is virtually unanimous that large trucks are a source of great danger on the highway and that action should be taken to make them safer. In two very recent polls, when asked whether they would pay more for goods shipped by trucks in exchange for truck safety improvements, 78% of the public said "yes." An overwhelming 93% said that allowing truck drivers to drive longer hours is less safe and 80% said it is much less safe. A large 81% favors installation of new technology such as driver warning systems and black boxes in trucks to improve enforcement. On that point, the National Transportation Safety Board has recommended again and again for over 15 years that black boxes be installed in trucks yet the Office of Motor Carriers has never initiated such a requirement.

The proposals listed above are reasonable and modest. If 5,300 people were killed every year and 127,000 people injured in airline crashes, the House would be enacting a bill addressing all facets of the problem. It would be holding emergency hearings condemning airline operations, the newspapers would put it on the front page, and it would be the lead story on the evening news. The trauma, the heartbreak, and the government responsibility are no less because these deaths are occurring one by one, community by community across America. This legislation is literally a matter of life and death. It is time to set things right and assure the public the kind of vigorous federal action which will be measured in crashes avoided and deaths prevented.

Your constituents are expecting leadership from their elected officials to tackle this problem. We urge you to fulfill this obligation.

Sincerely,

Judith L. Stone, President, Advocates for Highway and Auto Safety, Washington, DC.

Andrew McGuire, Executive Director, Trauma Foundation, San Francisco General Hospital, San Francisco, CA.

Joan Claybrook, President, Public Citizen, Washington, DC.

Daphne Izer, Parents Against Tired Truckers, Lisbon Falls, ME.

Michael Scippa, Executive Director, Citizens for Reliable and Safe Highways, Tiburon, CA.

Ellen Smead, Consumer Coalitions Coordinator, Consumer Federation of America, Washington, DC.

Mr. TRAFICANT. Mr. Chairman, I rise in support of H.R. 2679. This bill makes significant changes in how motor carrier safety rules are enforced. These changes will save lives and strengthen safety on our roads.

While I support the bill, I want to continue working with Chairman SHUSTER, Chairman PETRI and Ranking Member OBERSTAR and Ranking Member RAHALL to develop a consensus on how to address the inadequacies in current law relative to the commercial drivers license program for the school transportation industry.

While the bill before us today makes an earnest effort to resolve these issues, I think it falls short of what is needed to address the key problems facing the school transportation industry. These are the recruitment and retention of highly qualified and dedicated school bus drivers nationwide, and sustaining the remarkable safety record of so-called "yellow" school buses.

State directors of pupil transportation across the country are concerned about chronic school bus driver shortages. It is a serious problem in school districts across the country. The school transportation industry has always experienced a high turnover rate. Unfortunately, the current CDL program encourages prospective school bus drivers to avail themselves of the free CDL training the school transportation industry provides only to accept employment elsewhere. In many instances, these drivers never get behind the wheel of a school bus.

The school transportation industry has wasted millions of dollars training drivers who use their CDL to drive commercial vehicles other than school buses. This is senseless drain on the precious resources of school districts and small businesses. It has also exacerbated the school driver shortage problem which is forcing many school districts to adjust class schedules—often forcing young children to leave for school as early as 7:15 in the morning.

I hope to continue working with the committee to develop legislation that incorporates the following principles:

Every new school bus driver should be administered, as part of their CDL training, both written and skills tests that more closely assess the knowledge and skills required to operate a school bus. The Department of Transportation should promulgate minimum testing standards that States must use in their testing. States should then be required to provide a school-bus specific CDL.

That school bus-specific CDL should also be restricted, so as to require a holder desiring to operate another commercial vehicle in the same or a higher class to retest for that vehicle type. Illinois and Connecticut have implemented such a system, and have experienced a decline in wasted training costs and significantly higher school bus driver retention rates.

It is true that under current law there is nothing preventing more states from emulating Illinois and Connecticut. Unfortunately, over the 12-year history of the CDL law, most states have been slow to address this widespread and vexing problem.

It is also true that the school bus industry has an exceptional safety record. However, I echo the concern of the school transportation industry that, unless Congress takes action to encourage the retention and recruitment of highly qualified and dedicated school bus drivers, safety will be compromised.

There needs to be uniformity among the states when it comes to certifying school bus drivers—the same type of uniformity the original CDL law was intended to foster. Since 1997, Congress has been presented with testimony from the states that this is a problem that continues to grow.

Once again, I hope to continue working with the committee to develop a consensus legislative remedy to this problem as soon as possible.

Mr. QUINN. Mr. Chairman, first of all, I would like to thank the distinguished Chairman of the Transportation Committee, Mr. SHUSTER, for his diligent work on this issue.

He, along with Subcommittee Chairman PETRI and Ranking Members OBERSTAR and RAHALL, have done a magnificent job in crafting a bill that will comprehensively improve truck and bus safety.

The Motor Carrier Safety Act is not just a "quick fix" to the problem of truck related accidents and deaths on our nation's highways.

This legislation creates a new National Motor Carrier Administration that is directed to consider the assignment and maintenance of safety as its highest priority.

H.R. 2679 makes reforms and closes loopholes in federal motor carrier safety programs and in the Commercial Driver's License program.

And one section of the Manager's Amendment addresses another serious highway safety concern involving the presence of Mexican trucks operating illegally on our nation's highways.

The Department of Transportation's Inspector General recently reported that 68 Mexican motor carriers have been found operating illegally in 24 different states.

These trucks have been found as far north as my home state of New York—obviously well beyond the designated commercial zones.

The presence of these trucks on our highways poses a serious threat to the safety of American travelers because they do not have to abide by our safety regulations.

This legislation makes all illegally operating foreign carriers liable for a civil penalty and disqualification.

I am proud to have co-authored this section with my colleague and good friend from Illinois, Mr. LIPINSKI.

I feel we have adequately addressed the safety concerns of our highway users and I thank Chairman SHUSTER for including the language in the Manager's Amendment.

Mr. OBERSTAR. Mr. Chairman, I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment printed in Part A of House Report 106-381 is adopted. The bill, as amended, shall be considered under the 5-minute rule by title, and each title shall be considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in Part B of the report if offered by the gentleman from Pennsylvania (Mr. SHUSTER) or his designee. That amendment shall be considered read, may amend portions of the bill not yet read for amendment and shall not be subject to the demand for division of the question.

During consideration of the bill for further amendment the Chair may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business providing that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that the entire bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of H.R. 2679, as amended, is as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Motor Carrier Safety Act of 1999".

(b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purposes.

TITLE I—NATIONAL MOTOR CARRIER ADMINISTRATION

- Sec. 101. Establishment of National Motor Carrier Administration.
- Sec. 102. Motor carrier safety strategy.
- Sec. 103. Revenue aligned budget authority.
- Sec. 104. Additional funding for motor carrier safety grant program.
- Sec. 105. Motor carrier safety advisory committee.
- Sec. 106. Effective date.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

- Sec. 201. Disqualifications.
- Sec. 202. CDL school bus endorsement.
- Sec. 203. Requirements for State participation.
- Sec. 204. State noncompliance.
- Sec. 205. 24-hour staffing of telephone hotline.

Sec. 206. Checks before issuance of driver's licenses.

Sec. 207. Border staffing standards.

Sec. 208. Minimum and maximum assessments.

Sec. 209. Study of commercial motor vehicle crash causation and data improvement.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The current rate, number, and severity of crashes involving motor carriers in the United States are unacceptable.

(2) The number of Federal and State commercial motor vehicle and operator inspections is too low and the number and size of civil penalties for violators must be sufficient to establish a credible deterrent to future violations.

(3) The Department of Transportation takes too long to complete statutorily mandated rulemaking proceedings on motor carrier safety and, in some significant safety rulemaking proceedings, including driver hours-of-service regulations, extensive periods have elapsed without progress toward resolution or implementation.

(4) Too few motor carriers undergo compliance reviews and the Department's data bases and information systems require substantial improvement to enhance the Department's ability to target inspection and enforcement resources toward the most serious safety problems and to improve States' ability to keep dangerous drivers off the roads.

(5) There needs to be a substantial increase in appropriate facilities and personnel in international border areas to ensure that commercial motor vehicles, drivers, and carriers comply with United States safety standards.

(6) The Department should rigorously avoid conflicts of interest in research awards in Federally funded research.

(7) Unless meaningful measures to improve safety are implemented expeditiously, projected increases in vehicle-miles traveled will raise the number of crashes, injuries, and fatalities even higher.

(8) Wisely used additional funding and personnel are essential to the Department's ability to improve its research, rulemaking, oversight, and enforcement activities related to commercial motor vehicles, operators, and carriers.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to improve the administration of the Federal motor carrier safety program and to establish a National Motor Carrier Administration in the Department of Transportation; and

(2) to reduce the number and severity of large-truck involved crashes through more commercial motor vehicle and operator inspections and motor carrier compliance reviews, stronger enforcement measures against violators, expedited completion of rulemaking proceedings, scientifically sound research, and effective commercial driver's license testing, recordkeeping and sanctions.

TITLE I—NATIONAL MOTOR CARRIER ADMINISTRATION

SEC. 101. ESTABLISHMENT OF NATIONAL MOTOR CARRIER ADMINISTRATION.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"§ 113. National Motor Carrier Administration

"(a) IN GENERAL.—The National Motor Carrier Administration shall be an administration of the Department of Transportation.

"(b) SAFETY AS HIGHEST PRIORITY.—In carrying out its duties, the Administration shall consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in motor carrier transportation.

"(c) ADMINISTRATOR.—The head of the Administration shall be the Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall report directly to the Secretary of Transportation.

"(d) DEPUTY ADMINISTRATOR.—The Administration shall have a Deputy Administrator appointed by the Secretary, with the approval of the President. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

"(e) CHIEF SAFETY OFFICER.—The Administration shall have an Assistant National Motor Carrier Administrator appointed in the competitive service by the Secretary, with the approval of the President. The Assistant Administrator shall be the Chief Safety Officer of the Administration. The Assistant Administrator shall carry out the duties and powers prescribed by the Administrator.

"(f) REGULATORY OMBUDSMAN.—The Administration shall have a Regulatory Ombudsman appointed by the Administrator. The Secretary and the Administrator shall each delegate to the Ombudsman such authority as may be necessary for the Ombudsman to expedite rulemaking proceedings to comply with statutory and internal departmental deadlines, including authority to—

"(1) make decisions to resolve disagreements between officials in the Administration who are participating in a rulemaking process; and

"(2) ensure that sufficient staff are assigned to rulemaking projects to meet all deadlines.

"(g) OFFICES OF PASSENGER VEHICLE SAFETY, CONSUMER AFFAIRS, AND INTERNATIONAL AFFAIRS.—The Administration shall have an Office of Passenger Vehicle Safety, an Office of Consumer Affairs, and an Office of International Affairs.

"(h) POWERS AND DUTIES.—The Administrator shall carry out—

"(1) duties and powers related to motor carriers or motor carrier safety vested in the Secretary by chapters 5, 51, 55, 57, 59, 133 through 149, 311, 313, and 315; and

"(2) additional duties and powers prescribed by the Secretary.

"(i) LIMITATION ON TRANSFER OF POWERS AND DUTIES.—A duty or power specified in subsection (h)(1) may only be transferred to another part of the Department when specifically provided by law.

"(j) EFFECT OF CERTAIN DECISIONS.—A decision of the Administrator involving a duty or power specified in subsection (h)(1) and involving notice and hearing required by law is administratively final.

"(k) CONSULTATION.—The Administrator shall consult with the Federal Highway Administrator and with the National Highway Traffic Safety Administrator on matters related to highway and motor carrier safety."

(b) ADMINISTRATIVE EXPENSES.—Section 104(a)(1) of title 23, United States Code, is amended—

(1) in paragraph (1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and by moving the text of such clauses 2 ems to the right;

(2) in paragraph (1) by striking "exceed 1½ percent of all sums so made available, as the

Secretary determines necessary—" and inserting "exceed—

"(A) 1% percent of all sums so made available, as the Secretary determines necessary—";

(3) by striking the period at the end of paragraph (1)(A)(ii) (as redesignated by paragraphs (1) and (2) of this subsection) and inserting ";; and" and the following:

"(B) ½ of one percent of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research."; and—

(4) by adding at the end the following:

"(4) LIMITATION ON TRANSFERABILITY.—Unless expressly authorized by law, the Secretary may not transfer any sums deducted under paragraph (1) to a Federal agency or entity other than the Federal Highway Administration and the National Motor Carrier Administration."

(c) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following: "113. National Motor Carrier Administration."

(2) FEDERAL HIGHWAY ADMINISTRATION.—Section 104 of title 49, United States Code, is amended—

(A) in subsection (c)—

(i) by striking the semicolon at the end of paragraph (1) and inserting ";; and";

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2);

(B) by striking subsection (d); and

(C) by redesignating subsection (e) as subsection (d).

(d) POSITIONS IN EXECUTIVE SERVICE.—

(1) ADMINISTRATOR.—Section 5314 of title 5, United States Code, is amended by inserting after

"Administrator of the National Highway Traffic Safety Administration,"

the following:

"Administrator of the National Motor Carrier Administration."

(2) DEPUTY AND ASSISTANT ADMINISTRATORS.—Section 5316 of title 5, United States Code, is amended by inserting after

"Deputy Administrator of the National Highway Traffic Safety Administration,"

the following:

"Deputy Administrator of the National Motor Carrier Administration."

"Assistant National Motor Carrier Administrator."

(e) CONFLICTS OF INTEREST.—

(1) COMPLIANCE WITH REGULATION.—In awarding any contract for research, the National Motor Carrier Administrator shall comply with section 1252.209-70 of title 48, Code of Federal Regulations, as in effect on the date of enactment of this section. The Administrator shall require that the text of such section be included in any request for proposal and contract for research made by the Administrator.

(2) STUDY.—

(A) IN GENERAL.—The Administrator shall conduct a study to determine whether or not compliance with the section referred to in paragraph (1) is sufficient to avoid real or perceived conflicts of interest in contracts for research awarded by the Administrator and to evaluate whether or not compliance with such section unreasonably delays or burdens the awarding of such contracts.

(B) CONSULTATION.—In conducting the study under this paragraph, the Administrator shall consult, as appropriate, with the

Inspector General of the Department of Transportation, the Comptroller General, the heads of other Federal agencies, research organizations, industry representatives, employee organizations, safety organizations, and other entities.

(C) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study conducted under this paragraph.

SEC. 102. MOTOR CARRIER SAFETY STRATEGY.

(a) SAFETY GOALS.—In conjunction with existing strategic planning efforts, the Secretary of Transportation shall develop a long-term strategy for improving commercial motor vehicle, operator, and carrier safety. The strategy shall include an annual plan and schedule for achieving, at a minimum, the following goals:

(1) Reducing the number and rates of crashes, injuries, and fatalities, involving commercial motor vehicles.

(2) Improving the consistency and effectiveness of commercial motor vehicle, operator, and carrier enforcement and compliance programs.

(3) Identifying and targeting enforcement efforts at high-risk commercial motor vehicles, operators, and carriers.

(4) Improving research efforts to enhance and promote commercial motor vehicle, operator, and carrier safety and performance.

(b) CONTENTS OF STRATEGY.—

(1) MEASURABLE GOALS.—The strategy and annual plans under subsection (a) shall include, at a minimum, specific numeric or measurable goals designed to achieve the strategic goals of subsection (a). The purposes of the numeric or measurable goals are as follows:

(A) To increase the number of inspections and compliance reviews to ensure that all high-risk commercial motor vehicles, operators, and carriers are examined.

(B) To eliminate, with meaningful safety measures, the backlog of rulemakings.

(C) To improve the quality and effectiveness of data bases by ensuring that all States and inspectors accurately and promptly report complete safety information.

(D) To eliminate, with meaningful civil and criminal penalties for violations, the backlog of enforcement cases.

(E) To provide for a sufficient number of Federal and State safety inspectors, and provide adequate facilities and equipment, at international border areas.

(2) RESOURCE NEEDS.—In addition, the strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each activity. Such estimates shall also include the staff skills and training needed for timely and effective accomplishment of each goal.

(c) SUBMISSION WITH THE PRESIDENT'S BUDGET.—Beginning with fiscal year 2001 and each fiscal year thereafter, the Secretary shall submit to Congress the strategy and annual plan at the same time as the President's budget submission.

(d) ANNUAL PERFORMANCE.—

(1) ANNUAL PERFORMANCE AGREEMENT.—For each of fiscal years 2001 through 2003, the following officials shall enter into annual performance agreements:

(A) The Secretary and the National Motor Carrier Administrator.

(B) The Administrator and the Deputy National Motor Carrier Administrator.

(C) The Administrator and the Chief Safety Officer of the National Motor Carrier Administration.

(D) The Administrator and the Regulatory Ombudsman of the Administration.

(2) GOALS.—

(A) IN GENERAL.—Each annual performance agreement shall set forth measurable organization and individual goals for each lower ranking official referred to in paragraph (1).

(B) ADMINISTRATOR, DEPUTY ADMINISTRATOR, AND CHIEF SAFETY OFFICER.—The performance agreements entered into under paragraphs (1)(A), (1)(B), and (1)(C) shall include the numeric or measurable goals of subsection (b).

(C) REGULATORY OMBUDSMAN.—The performance agreement entered into under paragraph (1)(D) shall include goals in key operational areas, including promptly completing rulemaking proceedings and complying with statutory and internal departmental deadlines.

(3) PROGRESS ASSESSMENT.—No less frequently than semiannually, the Secretary shall assess the progress of each lower ranking official referred to in paragraph (1) toward achieving the goals in his or her performance agreement. The Secretary shall convey the assessment to such official, including identification of any deficiencies that should be remediated before the next progress assessment.

(4) REVIEW AND RENEGOTIATION.—Each agreement entered into under paragraph (1) shall be subject to review and renegotiation on an annual basis.

(5) PERFORMANCE DIVIDENDS.—

(A) GENERAL AUTHORITY.—The Secretary may award to the Administrator, and the Administrator may award to each of the Deputy Administrator, Chief Safety Officer, and Regulatory Ombudsman, an annual performance dividend of not to exceed \$15,000.

(B) CRITERIA FOR AWARD.—If the Secretary finds that the Administrator has, and if the Administrator finds that one or more of the Deputy Administrator, Chief Safety Officer, and Regulatory Ombudsman have, made substantial progress toward meeting the goals of his or her performance agreement, the Secretary or Administrator, as the case may be, may award a performance dividend under this paragraph commensurate with such progress.

(C) LIMITATION.—Notwithstanding subparagraph (A), no performance dividend may be awarded to an official under this paragraph until the Administrator has submitted to the Office of Management and Budget regulations issued, after the date of enactment of this Act, to implement the safety fitness requirements of section 31144 of title 49, United States Code. The Secretary may waive the applicability of the preceding sentence (i) upon a finding of extraordinary circumstances, or (ii) for an official who has served in his or her position for less than 365 days.

(e) ACHIEVEMENT OF GOALS.—

(1) PROGRESS ASSESSMENT.—No less frequently than semiannually, the Secretary and the Administrator shall assess the progress of the Administration toward achieving the strategic goals of subsection (a). The Secretary and the Administrator shall convey their assessment to the employees of the Administration and shall identify any deficiencies that should be remediated before the next progress assessment.

(2) BONUS DISTRIBUTION.—In conjunction with the existing performance appraisal process, the Secretary and the Administrator shall award bonuses to all employees and officials of the Administration (other than officials to which subsection (d) applies) if the Secretary and the Administrator determine that the performance of the Administration merits the awarding of such bonuses. The Secretary and the Administrator

shall determine the size of bonuses to be awarded under this paragraph based solely on the performance of the Administration in its entirety and not on the performance of any individual employee or official.

(f) MISCELLANEOUS PROVISIONS.—

(1) FUNDING.—The Secretary may use amounts deducted under section 104(a)(1)(B) of title 23, United States Code, to make awards of performance dividends and bonuses under this section.

(2) RELATIONSHIP TO OTHER LAWS.—The authority to award performance dividends and bonuses under this section shall be in addition to any authority providing for bonuses or other incentives under title 5, United States Code.

(g) REPORT TO CONGRESS.—The Secretary shall report annually to Congress the contents of each performance agreement entered into under subsection (d), the official's performance relative to the goals of the performance agreement, and the performance dividends awarded or not awarded based on the performance of the official. In addition, the Secretary shall report to Congress on the performance of the Administration relative to the goals of the motor carrier safety strategy and annual plan under subsection (a) and the bonuses awarded or not awarded based on the performance of the Administration. The fiscal year 2002 annual report shall include an assessment of the effectiveness of the performance dividends and agencywide bonuses in improving the Administration's performance.

SEC. 103. REVENUE ALIGNED BUDGET AUTHORITY.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended—

(1) by redesignating the first section 110, relating to uniform transferability of Federal-aid highway funds, as section 126 and moving and inserting such section after section 125 of such chapter; and

(2) in the remaining section 110, relating to revenue aligned budget authority—

(A) in subsection (a)(2) by inserting “and the motor carrier safety grant program” after “relief”; and

(B) in subsection (b)(1)(A)—

(i) by inserting “and the motor carrier safety grant program” after “program”;

(ii) by striking “title and” and inserting “title.”; and

(iii) by inserting “, and subchapter I of chapter 311 of title 49” after “21st Century”.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended—

(1) by striking
“110. Uniform transferability of Federal-aid highway funds.”;

(2) by inserting after the item relating to section 125 the following:

“126. Uniform transferability of Federal-aid highway funds.”;

and

(3) in the item relating to section 163 by striking “Sec.”.

SEC. 104. ADDITIONAL FUNDING FOR MOTOR CARRIER SAFETY GRANT PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to carry out section 31102 of title 49, United States Code, \$75,000,000 for each of fiscal years 2001 through 2003.

(b) INCREASED AUTHORIZATIONS FOR MOTOR CARRIER SAFETY GRANTS.—

(1) IN GENERAL.—Section 4003 of the Transportation Equity Act for the 21st Century (112 Stat. 395-398) is amended by adding at the end the following:

“(i) INCREASED AUTHORIZATIONS FOR MOTOR CARRIER SAFETY GRANTS.—The amount made available to incur obligations to carry out section 31102 of title 49, United States Code, by section 31104(a) of such title for each of fiscal years 2001 through 2003 shall be increased by \$65,000,000.”.

(2) CORRESPONDING REDUCTION TO OBLIGATION CEILING.—Section 1102 of such Act (23 U.S.C. 104 note; 112 Stat. 1115-1118) is amended by adding at the end the following:

“(j) REDUCTION IN OBLIGATION CEILING.—The limitation on obligations imposed by subsection (a) for each of fiscal years 2001 through 2003 shall be reduced by \$65,000,000.”.

(c) MAINTENANCE OF EFFORT.—The Secretary may not make, from funds made available by or under this section (including any amendment made by this section), a grant to a State unless the State first enters into a binding agreement with the Secretary that provides that the total expenditures of amounts of the State and its political subdivisions (not including amounts of the United States) for the development or implementation of programs for improving motor carrier safety and enforcement of regulations, standards, and orders of the United States on commercial motor vehicle safety, hazardous materials transportation safety, and compatible State regulations, standards, and orders will be maintained at a level at least equal to the level of such expenditures for fiscal year 1999.

(d) STATE COMPLIANCE WITH CDL REQUIREMENTS.—

(1) WITHHOLDING OF ALLOCATION FOR NON-COMPLIANCE.—If a State is not in substantial compliance with each requirement of section 31311 of title 49, United States Code, the Secretary shall withhold all amounts that would be allocated, but for this paragraph, to the State from funds made available by or under this section (including any amendment made by this section).

(2) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—Any funds withheld under paragraph (1) from any State shall remain available until June 30 of the fiscal year for which the funds are authorized to be appropriated.

(3) ALLOCATION OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds are withheld under paragraph (1) from allocation are to remain available for allocation to a State under paragraph (2), the Secretary determines that the State is in substantial compliance with each requirement of section 31311 of title 49, United States Code, the Secretary shall allocate to the State the withheld funds.

(4) PERIOD OF AVAILABILITY OF SUBSEQUENTLY ALLOCATED FUNDS.—Any funds allocated pursuant to paragraph (3) shall remain available for expenditure until the last day of the first fiscal year following the fiscal year in which the funds are so allocated. Sums not expended at the end of such period are released to the Secretary for reallocation.

(5) EFFECT OF NONCOMPLIANCE.—If, on June 30 of the fiscal year in which funds are withheld from allocation under paragraph (1), the State is not substantially complying with each requirement of section 31311 of title 49, United States Code, the funds are released to the Secretary for reallocation.

SEC. 105. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish in the National Motor Carrier Administration a motor carrier safety advisory committee to advise, consult with, and make recommendations to the National Motor Carrier Administrator on

matters relating to activities and functions of the Administration.

(b) COMPOSITION.—The advisory committee shall be composed of representatives of the motor carrier industry, drivers and manufacturers of commercial motor vehicles, employee and safety organizations, enforcement agencies, insurance industry, and the public.

(c) TERMINATION DATE.—The advisory committee shall remain in effect until September 30, 2003.

SEC. 106. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall take effect on the date of enactment of this Act; except that the amendments made by section 101 shall take effect on October 1, 2000.

(b) IMPLEMENTATION.—

(1) AUTHORITY OF SECRETARY.—The Secretary of Transportation may take such action as may be necessary before October 1, 2000, to ensure the orderly transfer of duties and powers related to motor carrier safety, and employees carrying out such duties and powers, from the Federal Highway Administration to the National Motor Carrier Administration.

(2) BUDGET SUBMISSIONS.—The President's budget submission for fiscal year 2001 and each fiscal year thereafter shall reflect the establishment of the National Motor Carrier Administration in accordance with this Act.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

SEC. 201. DISQUALIFICATIONS.

(a) DRIVING WHILE DISQUALIFIED AND CAUSING A FATALITY.—

(1) FIRST VIOLATION.—Section 31310(b)(1) of title 49, United States Code, is amended—

(A) by striking “or” at the end of subparagraph (B);

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

(C) by adding at the end the following:

“(D) committing a first violation of driving a commercial motor vehicle when the individual's commercial driver's license is revoked, suspended, or canceled based on the individual's operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual's operation of a commercial motor vehicle; or

“(E) convicted of causing a fatality through negligent or criminal operation of a commercial motor vehicle.”.

(2) SECOND AND MULTIPLE VIOLATIONS.—Section 31310(c)(1) of such title is amended—

(A) by striking “or” at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (F);

(C) by inserting after subparagraph (C) the following:

“(D) committing more than one violation of driving a commercial motor vehicle when the individual's commercial driver's license is revoked, suspended, or canceled based on the individual's operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual's operation of a commercial motor vehicle;

“(E) convicted of more than one offense of causing a fatality through negligent or criminal operation of a commercial motor vehicle; or”;

(D) in subparagraph (F) (as redesignated by subparagraph (B) of this paragraph) by striking “clauses (A)-(C) of this paragraph” and inserting “subparagraphs (A) through (E)”.

(3) CONFORMING AMENDMENT.—Section 31301(12)(C) of such title is amended by inserting “, other than a violation to which

section 31310(b)(1)(E) or 31310(c)(1)(E) applies" after "a fatality".

(b) **EMERGENCY DISQUALIFICATION AND NON-COMMERCIAL MOTOR VEHICLE CONVICTIONS.**—Section 31310 of such title is amended—

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

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

"(f) **EMERGENCY DISQUALIFICATION.**—

"(1) **LIMITED DURATION.**—The Secretary shall disqualify an individual from operating a commercial motor vehicle for not to exceed 30 days if the Secretary determines that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 5102).

"(2) **AFTER NOTICE AND HEARING.**—The Secretary shall disqualify an individual from operating a commercial motor vehicle for more than 30 days if the Secretary determines, after notice and an opportunity for a hearing, that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 5102).

"(g) **NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations providing for the disqualification by the Secretary from operating a commercial motor vehicle of an individual who holds a commercial driver's license and who has been convicted of serious offenses involving a motor vehicle other than a commercial motor vehicle. Such regulations shall establish the offenses and minimum periods for which such disqualifications shall be in effect, but in no case shall the types of disqualifying noncommercial motor vehicle offenses or the time periods for disqualification for noncommercial motor vehicle violations be more stringent than those for offenses or violations involving a commercial motor vehicle. The Secretary shall determine such periods based on the seriousness of the offenses on which the convictions are based."; and

(3) in subsection (h) (as redesignated by paragraph (1) of this subsection) by striking "(b)–(e)" each place it appears and inserting "(b) through (g)".

(c) **SERIOUS TRAFFIC VIOLATIONS.**—Section 31301(12) of such title is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (G); and

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

"(D) driving a commercial motor vehicle when the individual has not obtained a commercial driver's license;

"(E) driving a commercial motor vehicle when the individual does not have in his or her possession a commercial driver's license unless the individual provides, by the date that the individual must appear in court or pay any fine with respect to the citation, to the enforcement authority that issued the citation proof that the individual held a valid commercial driver's license on the date of the citation;

"(F) driving a commercial motor vehicle when the individual has not met the minimum testing standards—

"(i) under section 31305(a)(3) for the specific class of vehicle the individual is operating; or

"(ii) under section 31305(a)(5) for the type of cargo the vehicle is carrying; and".

(d) **CONFORMING AMENDMENTS.**—Section 31305(b)(1) of such title is amended—

(1) by striking "to operate the vehicle"; and

(2) by inserting before the period at the end "to operate the vehicle and has a commercial driver's license to operate the vehicle".

SEC. 202. CDL SCHOOL BUS ENDORSEMENT.

Section 31305(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8)(B) and inserting "; and"; and

(3) by adding at the end the following:

"(9) shall prescribe minimum testing standards for the operation of a school bus (that is a vehicle described in section 31301(4)(B)) in a State that elects to issue a commercial driver's license school bus endorsement and may prescribe different minimum testing standards for different classes of school buses.".

SEC. 203. REQUIREMENTS FOR STATE PARTICIPATION.

(a) **NOTIFICATION OF STATE OFFICIALS.**—Section 31311(a)(9) of title 49, United States Code, is amended—

(1) by striking "operating a commercial motor vehicle"; and

(2) by inserting "commercial" before "driver's license".

(b) **PROVISIONAL LICENSES.**—Section 31311(a)(10) of such title is amended by inserting after "commercial driver's license" the following: "(including a provisional or temporary commercial driver's license)".

(c) **RECORDKEEPING.**—Section 31311(a) of such title is amended by striking paragraph (13) and inserting the following:

"(13) The State shall (A) record in the driving record of an individual who has a commercial driver's license issued by the State, and (B) make available to all authorized persons and governmental entities having access to such record, all information the State receives under paragraph (9) with respect to the individual and every conviction by the State of the individual for a violation involving a motor vehicle (including a commercial motor vehicle) of a State or local law on traffic control (except a parking violation), not later than 10 days after the date of receipt of such information or the date of such conviction.".

(d) **NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.**—Section 31311(a) of title 49, United States Code, is amended by adding at the end the following:

"(18) The State shall revoke, suspend, or cancel, for a period determined in accordance with regulations issued by the Secretary under section 31310(g), the commercial driver's license of an individual who has been convicted of serious offenses involving a motor vehicle other than a commercial motor vehicle.".

(e) **CONFORMING AMENDMENT.**—Section 31311(a)(15) of such title is amended by striking "subsections (b)–(e), (g)(1)(A), and (g)(2) of".

SEC. 204. STATE NONCOMPLIANCE.

(a) **IN GENERAL.**—Section 31314 of title 49, United States Code, is amended—

(1) in the section heading by striking "**Withholding amounts for**"; and

(2) by adding at the end the following:

"(d) **COMMERCIAL DRIVER'S LICENSES.**—

"(1) **STATE NOT IN SUBSTANTIAL COMPLIANCE.**—If the Secretary determines that a State is not in substantial compliance with a requirement of section 31311(a), the Secretary shall issue an order declaring that all commercial driver's licenses issued by the State after the date of the order are not valid and the State may not issue any com-

mercial driver's licenses after the date of such order.

"(2) **PREVIOUSLY ISSUED LICENSES.**—Nothing in this subsection shall be construed as invalidating or otherwise affecting commercial driver's licenses issued by a State before the date of issuance of an order under paragraph (1) with respect to the State.

"(3) **STATE IN SUBSTANTIAL COMPLIANCE.**—A State subject to an order under paragraph (1) may not resume issuing commercial driver's licenses until the Secretary determines that the State is in substantial compliance with all of the requirements of subsection 31311(a).

"(4) **NONRESIDENT CDLS.**—Any State other than a State subject to an order under paragraph (1) shall issue a nonresident commercial driver's license to any individual domiciled in a State subject to such an order who meets all of the requirements of this chapter and any applicable State licensing requirements.".

(b) **CONFORMING AMENDMENT.**—The analysis for chapter 313 of such title is amended by striking the item relating to section 31314 and inserting the following:

"31314. State noncompliance.".

SEC. 205. 24-HOUR STAFFING OF TELEPHONE HOTLINE.

Section 4017 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31143 note; 112 Stat. 413) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

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

"(c) **STAFFING.**—The toll-free telephone system shall be staffed 24 hours a day 7 days a week by individuals knowledgeable about Federal motor carrier safety regulations and procedures."; and

(3) in subsection (e) (as redesignated by paragraph (1) of this section) by striking "for each of fiscal years 1999" and inserting "for fiscal year 1999 and \$375,000 for each of fiscal years 2000".

SEC. 206. CHECKS BEFORE ISSUANCE OF DRIVER'S LICENSES.

Section 30304 of title 49, United States Code, is amended by adding at the end the following:

"(e) **DRIVER RECORD INQUIRY.**—Before issuing a motor vehicle operator's license to an individual, a State shall request from the Secretary information from the National Driver Register under section 30302 and the commercial driver's license information system under section 31309 on the individual's driving record.".

SEC. 207. BORDER STAFFING STANDARDS.

(a) **DEVELOPMENT AND IMPLEMENTATION.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall develop and implement appropriate staffing standards for Federal and State motor carrier safety inspectors in international border areas.

(b) **FACTORS TO BE CONSIDERED.**—In developing standards under subsection (a), the Secretary shall consider volume of traffic, hours of operation of the border facility, types of commercial motor vehicles, types of cargo, delineation of responsibility between Federal and State inspectors, and such other factors as the Secretary determines appropriate.

(c) **MAINTENANCE OF EFFORT.**—The standards developed and implemented under subsection (a) shall ensure that the United States and each State will not reduce its respective level of staffing of motor carrier safety inspectors in international border areas from its average level staffing for fiscal year 2000.

(d) BORDER COMMERCIAL MOTOR VEHICLE AND SAFETY ENFORCEMENT PROGRAMS.—

(1) ENFORCEMENT.—If, on October 1, 2001, and October 1 of each fiscal year thereafter, the Secretary has not ensured that the levels of staffing required by the standards developed under subsection (a) are deployed, the Secretary shall designate 5 percent of amounts made available for allocation under section 31104(f)(1) of title 49, United States Code, for such fiscal year for States, local governments, and other persons for carrying out border commercial motor vehicle safety programs and enforcement activities and projects.

(2) ALLOCATION.—The amounts designated pursuant to this subsection shall be allocated by the Secretary to State agencies, local governments, and other persons that use and train qualified officers and employees in coordination with State motor vehicle safety agencies.

(3) LIMITATION.—If the Secretary makes a designation pursuant to paragraph (1) for a fiscal year, the Secretary may not make a designation under section 31104(f)(2)(B) of title 49, United States Code, for such fiscal year.

SEC. 208. MINIMUM AND MAXIMUM ASSESSMENTS.

(a) IN GENERAL.—The Secretary of Transportation should ensure that motor carriers operate safely by imposing civil penalties at a level calculated to ensure prompt and sustained compliance with Federal motor carrier safety and commercial driver's license laws.

(b) ESTABLISHMENT.—The Secretary—

(1) should establish and assess minimum civil penalties for each violation of a law referred to in subsection (a); and

(2) shall assess the maximum civil penalty for each violation of a law referred to in subsection (a) by any person who has previously been found to have committed the same violation or a related violation.

(c) EXTRAORDINARY CIRCUMSTANCES.—If the Secretary determines and documents that extraordinary circumstances exist which merit the assessment of any civil penalty lower than any level established under subsection (b), the Secretary may assess such lower penalty.

(d) REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretary shall conduct a study of the effectiveness of the revised civil penalties established in the Transportation Equity Act for the 21st Century and this Act in ensuring prompt and sustained compliance with Federal motor carrier safety and commercial driver's license laws.

(2) SUBMISSION TO CONGRESS.—The Secretary shall transmit the results of such study and any recommendations to Congress by September 30, 2002.

(e) SEMI-ANNUAL AUDIT BY INSPECTOR GENERAL.—The Inspector General of the Department of Transportation shall conduct a semiannual audit of the National Motor Carrier Administration's enforcement activities, including an analysis of the number of violations cited by safety inspectors and the level of fines assessed and collected for such violations, and of the number of cases in which there are findings of extraordinary circumstances under subsection (c) and the circumstances in which these findings are made and shall promptly submit the results of each such audit to Congress.

SEC. 209. STUDY OF COMMERCIAL MOTOR VEHICLE CRASH CAUSATION AND DATA IMPROVEMENT.

(a) OBJECTIVES.—The Secretary of Transportation shall conduct a comprehensive

study to determine the causes of, and contributing factors to, crashes that involve commercial motor vehicles. The study shall also identify data requirements and collection procedures, reports, and other measures that will improve the Department of Transportation's and States' ability to—

(1) evaluate future crashes involving commercial motor vehicles;

(2) monitor crash trends and identify causes and contributing factors; and

(3) develop effective safety improvement policies and programs.

(b) DESIGN.—The study shall be designed to yield information that will help the Department and the States identify activities and other measures likely to lead to significant reductions in the frequency, severity, and rate per mile traveled of crashes involving commercial motor vehicles. As practicable, the study shall rank such activities and measures by the reductions each would likely achieve, if implemented.

(c) CONSULTATION.—In designing and conducting the study, the Secretary shall consult with persons with expertise on—

(1) crash causation and prevention;

(2) commercial motor vehicles, drivers, and carriers;

(3) highways and noncommercial motor vehicles and drivers;

(4) Federal and State highway and motor carrier safety programs;

(5) research methods and statistical analysis; and

(6) other relevant topics.

(d) PUBLIC COMMENT.—The Secretary shall make available for public comment information about the objectives, methodology, implementation, findings, and other aspects of the study.

(e) REPORT.—The Secretary shall promptly transmit the results of the study, together with any legislative recommendations, to Congress. The Secretary shall review the study at least once every 5 years and update the study and report as necessary.

(f) DATA IMPROVEMENTS.—Based on the findings of the study, the Secretary shall work with the States, and other appropriate entities, to standardize crash data requirements, collection procedures, and reports.

(g) ELIGIBILITY.—Notwithstanding section 104(a)(4) of title 23, United States Code, activities under this section shall be eligible for funding under section 104(a) of such title and may be carried out by any entity within the Department that the Secretary designates.

AMENDMENT OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment offered by Mr. SHUSTER:

Page 7, line 8, before the semicolon insert the following:

and by section 18 of the Noise Control Act of 1972 (42 U.S.C. 4917; 86 Stat. 1249-1250); except as otherwise delegated by the Secretary to any agency of the Department of Transportation other than the Federal Highway Administration, as of October 8, 1999

Page 13, after line 21, insert the following:

(3) SAVINGS CLAUSE.—In developing and assessing progress toward meeting the measurable goals set forth in this subsection, the Secretary and the Administrator shall not take any action that would impinge on the due process rights of motor carriers and drivers.

Page 22, line 9, insert "average" before "level".

Page 22, line 9, strike "fiscal year" and insert "fiscal years 1997, 1998, and".

Page 24, line 9, after "industry," insert "representatives from law enforcement agencies of border States,".

Page 35, line 1, insert "or renewing" after "issuing".

Page 36, line 10, strike "5 percent of amounts" and insert "the amount".

Page 36, line 11, strike "(1)" and insert "(2)(B)".

Page 37, line 15, strike "has previously" and all that follows through line 17 and insert the following:

is found to have committed a pattern of violations of critical or acute regulations issued to carry out such a law or to have previously committed the same or a related violation of critical or acute regulations issued to carry out such a law.

Page 37, line 22, after the period insert the following:

In cases where a person has been found to have previously committed the same or a related violation of critical or acute regulations issued to carry out a law referred to in subsection (a), extraordinary circumstances may be found to exist when the Secretary determines that repetition of such violation does not demonstrate a failure to take appropriate remedial action.

Page 40, after line 23, add the following:

SEC. 210. REGISTRATION ENFORCEMENT.

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

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

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

"(e) PENALTIES FOR FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS.—In addition to other penalties available under law, motor carriers that fail to register their operations as required by this section or that operate beyond the scope of their registrations may be subject to the following penalties:

"(1) OUT-OF-SERVICE ORDERS.—If, upon inspection or investigation, the Secretary determines that a motor vehicle providing transportation requiring registration under this section is operating without a registration or beyond the scope of its registration, the Secretary may order the vehicle out-of-service. Subsequent to the issuance of the out-of-service order, the Secretary shall provide an opportunity for review in accordance with section 554 of title 5; except that such review shall occur not later than 10 days after issuance of such order.

"(2) PERMISSION FOR OPERATIONS.—A person domiciled in a country contiguous to the United States with respect to which an action under subsection (c)(1)(A) or (c)(1)(B) is in effect and providing transportation for which registration is required under this section shall maintain evidence of such registration in the motor vehicle when the person is providing the transportation. The Secretary shall not permit the operation in interstate commerce in the United States of any motor vehicle in which there is not a copy of the registration issued pursuant to this section."

SEC. 211. REVOCATION OF REGISTRATION.

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

(1) by inserting "(1) IN GENERAL.—" before "On application";

(2) by inserting "(A)" before "suspend";

(3) by striking the period at the end of the second sentence and inserting “; and (B) suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder (i) for failure to pay a civil penalty imposed under chapter 5, 51, 149, or 311 of this title, or (ii) for failure to arrange and abide by an acceptable payment plan for such civil penalty, within 180 days of the time specified by order of the Secretary for the payment of such penalty. Subparagraph (B) shall not apply to any person who is unable to pay a civil penalty due to bankruptcy reorganization.

“(2) REGULATIONS.—Not later than 12 months after the date of enactment of this paragraph, the Secretary, after notice and opportunity for public comment, shall issue regulations to provide for the suspension, amendment, or revocation of a registration under this part for failure to pay a civil penalty as provided in paragraph (1)(B).”; and

(4) by indenting paragraph (1) (as designated by paragraph (1) of this section) and aligning such paragraph with paragraph (2) of such section (as added by paragraph (3) of this section).

SEC. 212. STATE COOPERATION IN REGISTRATION ENFORCEMENT.

Section 31102(b)(1) of title 49, United States Code, is amended—

(1) by aligning subparagraph (A) with subparagraph (B) of such section; and

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

“(R) ensures that the State will cooperate in the enforcement of registration requirements under section 13902 and financial responsibility requirements under sections 13906, 31138, and 31139 and regulations issued thereunder;”

SEC. 213. EXPIRATION OF APPROVALS.

Section 13703 of title 49, United States Code, is amended—

(1) by striking subsection (d); and
(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g) respectively

SEC. 214. IMMINENT HAZARD.

Section 521(b)(5)(B) of title 49, United States Code, is amended by striking “is likely to result in” and inserting “substantially increases the likelihood of”.

SEC. 215. PROHIBITED TRANSPORTATION BY COMMERCIAL MOTOR VEHICLE OPERATORS.

Section 521(b) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (8) through (13) as paragraphs (9) through (14), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) PROHIBITION OPERATION IN INTERSTATE COMMERCE AFTER NONPAYMENT OF PENALTIES.—

“(A) IN GENERAL.—An owner or operator of a commercial motor vehicle against whom a civil penalty is assessed under this chapter or chapters 51, 149, 311 of this title and who does not pay such penalty or fails to arrange and abide by an acceptable payment plan for such civil penalty may not operate in interstate commerce beginning on the 181st day after the date specified by order of the Secretary for payment of such penalty. This paragraph shall not apply to any person who is unable to pay a civil penalty due to bankruptcy reorganization.

“(B) REGULATIONS.—Not later than 12 months after the date of enactment of the Motor Carrier Safety Act of 1999, the Secretary, after notice and an opportunity for public comment, shall issue regulations set-

ting forth procedures for ordering commercial motor vehicle owners and operators delinquent in paying civil penalties to cease operations until payment has been made.”.

SEC. 216. HOUSEHOLD GOODS AMENDMENTS.

(a) DEFINITION OF HOUSEHOLD GOODS.—Section 13102(10)(A) of title 49, United States Code, is amended by striking “, including” and all that follows through “dwelling,” and inserting “, except such term does not include property moving from a factory or store, other than property that the householder has purchased with the intent to use in his or her dwelling and is transported at the request of, and the transportation charges are paid to the carrier by, the householder;”.

(b) ARBITRATION REQUIREMENTS.—Section 14708(b)(6) of such title is amended by striking “\$1,000” each place it appears and inserting “\$5,000”.

(c) STUDY OF ENFORCEMENT OF CONSUMER PROTECTION RULES IN THE HOUSEHOLD GOODS MOVING INDUSTRY.—The Comptroller General shall conduct a study of the effectiveness of the Department of Transportation’s enforcement of household goods consumer protection rules under title 49, United States Code. The study shall also include a review of other potential methods of enforcing such rules, including allowing States to enforce such rules.

SEC. 217. REGISTRATION OF MOTOR CARRIERS.

(A) REGISTRATION OF MOTOR CARRIERS BY A STATE.—

(1) INTERIM RULE.—Section 14504(b) of title 49, United States Code, is amended—

(A) in the first sentence by striking “The” and inserting “Until January 1, 2002, the”; and

(B) in the second sentence by striking “When” and inserting “Until January 1, 2002, when”.

(2) REPEAL.—Effective January 1, 2002, section 14504 of such title and the item relating to such section in the analysis for chapter 145 of such title are repealed.

(b) COMPREHENSIVE REGISTRATION.—Section 13908 of such title is amended—

(1) in the first sentence of subsection (a) by inserting “the requirements of section 13304,” after “this chapter,”;

(2) by striking the last sentence of subsection (a);

(3) in subsection (b)—

(A) by striking paragraphs (1), (2), and (3); and

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (1), (2), and (3), respectively;

(4) in subsection (c) by striking “cover” and inserting “equal as nearly as possible”; and

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

“(d) STATE REGISTRATION PROGRAMS.—Effective January 1, 2002, it shall be an unreasonable burden on interstate commerce for any State or political subdivision thereof, or any political authority of 2 or more States, to require a motor carrier operating in interstate commerce and providing transportation in such State or States to, or to collect fees to—

“(1) register its interstate operating authority;

“(2) file information on its interstate Federal financial responsibility; or

“(3) designate its service of process agent.”.

(c) DEADLINE.—Section 13908(e) of such title is amended—

(1) by striking “Not later than 24 months after January 1, 1996,” and inserting “By January 1, 2002,”;

(2) by inserting “and” after the semicolon at the end of paragraph (1);

(3) by striking paragraph (2); and

(4) by redesignating paragraph (3) as paragraph (2).

(d) CONFORMING AMENDMENT.—Section 13304(a) of such title is amended by striking “and each State” and all that follows through “filed with it”.

SEC. 218. FOREIGN MOTOR CARRIER PENALTIES AND DISQUALIFICATIONS.

(a) GENERAL RULE.—Subject to subsections (b) and (c), a foreign motor carrier or foreign motor private carrier (as such terms are defined under section 13102 of title 49, United States Code) that operates without authority, before the implementation of the land transportation provisions of the North American Free Trade Agreement, outside the boundaries of a commercial zone along the United States-Mexico border (as such zones were defined on December 31, 1995) shall be liable to the United States for a civil penalty and shall be disqualified from operating a commercial motor vehicle anywhere within the United States as provided in subsections (b) and (c).

(b) PENALTY FOR INTENTIONAL VIOLATION.—The civil penalty for an intentional violation of subsection (a) by a carrier shall not be more than \$10,000 and may include a disqualification from operating a commercial motor vehicle anywhere within the United States for a period of not more than 6 months.

(c) PENALTY FOR PATTERN OF INTENTIONAL VIOLATIONS.—The civil penalty for a pattern of intentional violations of subsection (a) by a carrier shall not be more than \$25,000 and the carrier shall be disqualified from operating a commercial motor vehicle anywhere within the United States and the disqualification may be permanent.

(d) SAVINGS CLAUSE.—No provision of this section may be enforced if it is inconsistent with any international agreement of the United States.

(e) ACTS OF EMPLOYEES.—The actions of any employee driver of a foreign motor carrier or foreign motor private carrier committed without the knowledge of the carrier or committed unintentionally shall not be grounds for penalty or disqualification under this section.

SEC. 219. TEST RESULTS STUDY.

(a) IN GENERAL.—The Secretary of Transportation shall conduct a study of the feasibility and merits of—

(1) requiring medical review officers to report all verified positive controlled substances test results on any driver subject to controlled substances testing under part 382 of title 49, Code of Federal Regulations, including the identity of each person tested and each controlled substance found, to the State that issued the driver’s commercial driver’s license; and

(2) requiring all prospective employers, before hiring any driver, to query the State that issued the driver’s commercial driver’s license on whether the State has on record any verified positive controlled substances test on such driver.

(b) STUDY FACTORS.—In carrying out the study under this section, the Secretary shall assess—

(1) methods for safeguarding the confidentiality of verified positive controlled substances test results;

(2) the costs, benefits, and safety impacts of requiring States to maintain records of verified positive controlled substances test results; and

(3) whether a process should be established to allow drivers—

(A) to correct errors in their records; and
 (B) to expunge information from their records after a reasonable period of time.

(C) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study carried out under this section, together with such recommendations as the Secretary determines appropriate.

Conform the table of contents of the bill accordingly.

Mr. SHUSTER. Mr. Chairman, this manager's amendment makes a number of technical changes and includes some additional programmatic provisions. The amendment increases safety enforcement by including the following: it authorizes the Department of Transportation to revoke the registration for a trucking company that has refused to pay its fines. It authorizes the Secretary to put out of service a truck that is not properly registered. That gives the Secretary the power to shut down a driver, truck or motor carrier upon finding that they are an imminent hazard to highway safety. It creates a unified registration system that will allow the Motor Carrier Administration to target unsafe trucking companies. It gives the Secretary enforcement authority over Mexican trucks operating illegally in the United States. The amendment also includes provisions including consumers' rights that have disputes involving the household goods moving industry.

I urge adoption of the amendment.

Mr. OBERSTAR. Madam Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chairman, I just want to observe that the issues in this manager's amendment have been very carefully worked out with cooperation on both sides on a bipartisan basis. We support the amendment in its entirety.

Mr. RAHALL. Madam Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Madam Chairman, I would ask of the distinguished chairman, the gentleman from Pennsylvania, a provision in the pending manager's amendment would eliminate the requirement that agreements entered into pursuant to section 13703 of title 49 are subject to a mandatory 3-year review by the Surface Transportation Board. In effect, this provision would make the STB's review discretionary rather than mandatory and return the process for reviewing these arguments to what it was prior to the enactment of the ICC Termination Act of 1995.

In this regard is it the gentleman's intention that the basis of the public interest test used to review these agreements shall continue to be limited to the national transportation policy set forth in section 13101-a of title 49?

Mr. SHUSTER. The gentleman is correct. In this regard the national transportation policy has been recognized as defining the public interest objectives for many years. It is certainly our intent that the Surface Transportation Board shall not deviate from this practice by entertaining issues plainly not within its purview and not within the scope of the national transportation policy.

Mr. RAHALL. Madam Chairman, I thank the gentleman, and as a point of further clarification, last year the STB seemed to question whether the uniform bill of lading is regarded as part of the classification process. This clearly came as surprise because in doing so the STB ignored well-established precedent regarding relationship of the UBL to classification.

Is it the gentleman's intention that the uniform bill of lading should continue to be part of the national motor freight classification?

Mr. SHUSTER. Madam Chairman, the uniform bill of lading has always been presumed to be part and parcel classification that is based on well-established precedent, and the Congress anticipated no changes in this arrangement with enacting either the Trucking Industry Regulatory Reform Act of 1994 or the ICC Termination Act of 1995.

Mr. RAHALL. Madam Chairman, I thank the gentleman.

The CHAIRMAN pro tempore (Mrs. EMERSON). The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BALDACCI

Mr. BALDACCI. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BALDACCI:

Page 2, in the item relating to title I of the table of contents following line 4, insert "SAFETY" after "CARRIER".

Page 2, in the item relating to section 101 of the table of contents following line 4, insert "Safety" after "Carrier".

Page 4, line 12, insert, "Safety" after "Carrier".

Page 5, line 2, insert, "SAFETY" after "CARRIER".

Page 5, line 3, insert, "SAFETY" after "CARRIER".

Page 5, strike line 8 and insert the following:

"§ 113. National Motor Carrier Safety Administration."

Page 5, line 9, insert, "Safety" after "Carrier".

Page 6, line 4, insert, "Safety" after "Carrier".

Page 9, line 3, insert, "Safety" after "Carrier".

Page 10, line 2, insert, "Safety" after "Carrier".

Page 10, line 11, insert, "Safety" after "Carrier".

Page 10, line 12, insert, "Safety" after "Carrier".

Page 10, line 17, insert, "Safety" after "Carrier".

Page 14, line 9, insert, "Safety" after "Carrier".

Page 14, line 11, insert, "Safety" after "Carrier".

Page 14, line 13, insert, "Safety" after "Carrier".

Page 23, line 25, insert, "Safety" after "Carrier".

Page 24, line 3, insert, "Safety" after "Carrier".

Page 24, line 23, insert, "Safety" after "Carrier".

Page 25, line 4, insert, "Safety" after "Carrier".

Page 38, line 12, insert, "Safety" after "Carrier".

Amend the title so as to read "To amend title 49, United States Code, to establish the National Motor Carrier Safety Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes."

Mr. BALDACCI (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. BALDACCI. Madam Chairman, I offer an amendment today, and first of all I want to commend the chairman of the committee, the gentleman from Pennsylvania (Mr. SHUSTER); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for bringing this important bill to the floor today and also to thank the gentleman from Wisconsin (Mr. PETRI) and the gentleman from West Virginia (Mr. RAHALL) for their leadership in bringing this legislation which is very important to our Nation today; and I rise to offer a simple amendment that will serve to buttress the spirit of this important legislation.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. BALDACCI. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, we examined the gentleman's amendment, and we accept it. We think it is a good one.

Mr. BALDACCI. Madam Chairman, I thank the gentleman from Pennsylvania.

Mr. OBERSTAR. Madam Chairman, will the gentleman yield?

Mr. BALDACCI. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chairman, the gentleman's amendment enhances the safety purpose of this legislation, and we accept it.

Mr. BALDACCI. Madam Chairman, I thank the ranking member and the chairman.

I have a statement, and I ask that it be entered into the RECORD at this point and representing our communities and the people that have had devastating losses in Lisbon, Maine, and particularly Steve and Daphne Izer, and this very important legislation is a significant step in the right direction.

I commend Chairman SHUSTER and Ranking Member OBERSTAR for bringing this important bill to the floor today.

I rise to offer a simple but important amendment. My amendment would add one word to the title of the new National Motor Carrier Administration—"Safety." It will serve to buttress the spirit of this important legislation.

Madam Chairman, we must ask ourselves why it is that we are creating a new Motor Carrier Administration. Why are we taking the Office of Motor Carriers out of the Federal Highway Administration? The simple answer is to ensure safety. We are making this change to strengthen the administration, promulgation and effectiveness of motor carrier regulations. Safety is at the heart of what we are doing here today.

I am privileged to represent Steve and Daphne Izer, residents to Lisbon, Maine, who tragedy has thrust into the national spotlight. On October 10, 1993, their son, Jeff, and 3 other teenagers sat in the breakdown lane on an interstate in Maine waiting for help with their disabled car. Before help could arrive, the car was stuck by a commercial truck that drifted into the breakdown lane when the driver fell asleep. All four children were killed.

Steve and Daphne Izer were devastated by this loss. I commend them for funneling their grief into an on-going effort to make our roads safer. They founded the now nationally recognized advocacy group, Parents Against Tried Truckers. For six years, they have brought attention to the many issues that must be dealt with if we are to ensure the safety of the traveling public. They recognize that Safety must be our top priority. I couldn't agree more.

I am confident that all Members support making our highways safer for both automobiles and commercial trucks. We must continue to explore ways to combat trucker fatigue which is at the root of so many of our safety concerns. We must also continue to explore new technologies and business practices that might mitigate problems contributing to accidents. I am confident that this bill is a significant step in the right direction.

Madam Chairman, we owe it to our truckers and to all of the traveling public to ensure that this body is taking all the necessary measures to promote safety on our nation's roads. Adding "safety" to the title of the new administration will set the tone for the operations of the whole agency, create a positive atmosphere and lend to the credibility of this new entity. It will send a clear message that Safety is the primary focus and objective of this agency. I believe this is an amendment message, and I hope that all of my colleagues will support this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Maine (Mr. BALDACCIO).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill, add the following:

SEC. 220. USE OF RECORDING DEVICES IN COMMERCIAL MOTOR VEHICLES.

(a) FINDING.—Congress finds that the use of electronic control modules in commercial motor vehicles may prove useful to law enforcement officials investigating crashes on the Nation's highways and roads and may prevent the future loss of life.

(b) STANDARDS.—

(1) IN GENERAL.—The Administrator of the National Motor Carrier Administration shall work with interested parties to develop standards regarding access to, and the relevant data to be recorded by, electronic control modules in commercial motor vehicles.

(2) PRIVACY.—In developing standards under this section the Administrator shall ensure that the privacy of data recorded by electronic control modules is protected to the highest standard.

Conform the table of contents of the bill accordingly.

Ms. JACKSON-LEE of Texas (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from West Virginia (Mr. RAHALL), the gentleman from Pennsylvania (Mr. SHUSTER) very much. I thank the Committee on Transportation and Infrastructure for creating this very important agency, the Motor Carrier Administration Agency, to oversee motor vehicle safety on this Nation's highway.

My amendment would add a section to the end of the bill to direct the administrator or the agency to work with the trucking industry and interested parties to decrease the number of trucking accidents causing serious bodily harm. In particular, it would work to provide the opportunity for electronic control modules in investigating crashes on the Nation's highways and roads and may prevent future loss.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, we have examined this amendment. We think it is a good one, and we accept it.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the gentleman from Pennsylvania very much, and I would simply like to add that we have a letter from the American Trucking Association which in part says, "We welcome your assistance in directing the National Motor Carrier Administration to move forward in aggressive fashion to accomplish this directive regarding devices."

I will conclude by just noting that my district, Madam Chairman, has a number of interstate highways. We have already heard mention of Mrs. Groten who lost her husband and three

children in a tragic trucking accident that involved speed and drinking. This amendment that I have will help protect truckers as well as those on our highways and byways, and it will prevent the number of truck-related deaths that reached 5,000 in 1997.

In addition, I want to thank both of my colleagues for providing for the coverage of illegal trucks coming in from Mexico as well. I am delighted to have their support.

Mr. OBERSTAR. Madam Chairman, will the gentleman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chairman, we are happy to accept the gentleman's amendment that will add to and enhance safety and will provide the means for reaching the desired objective.

Ms. JACKSON-LEE of Texas. I thank the gentleman very much.

I ask to have my complete statement in the RECORD, and additionally in an appropriate time I would like to put the American Truckers Association letter dated October 14 in the RECORD as well, supporting this amendment:

Madam Chairman, nearly 5,000 people are killed in truck related accidents in each of the past three years on our nation's highways. There are many agencies within our government that have a shared responsibility for safety on our nation's highways, including the Transportation Department, the NTSB and the Federal Highway Administration. Nearly all the parties involved in this debate agree that change needs to occur has the GAO estimates that without action to improve trucking safety, fatalities will continue to climb. But despite much talk and discussion, several hearings, and meetings over improving trucking safety we have had little action aimed at improving safety.

What we do have is accident after accident involving truck drivers who are too tired and even drunk. A total of 5,374 people died in accidents involving large trucks which represents 13 percent of all the traffic fatalities in 1998 and in addition 127,000 were injured in those crashes.

I want to pause a moment to tell the American people about a remarkable woman from Houston, Texas. Ms. Groten has like too many Americans experienced the pain of losing her loved ones in a horrific trucking accident. She witnessed her entire family's death as they were burned alive as a result of a trucking accident. She lost her husband Kurt Groten (38 years old), and her three children David (5), Madeline (3) and Adam (1). Mrs. Groten was the only survivor of the crash and as she stated during the criminal proceeding ". . . I remember standing there and screaming, My life is over! All of my children are dead!"

I am hopeful that Mrs. Groten's loss will not be in vain as we currently have the technology to address the frequency of trucking accidents on our roads. Truck related deaths reached a decade high of 5,398 in 1997. Last year, truck deaths were 5,374 roughly equivalent to a major airplane crash every other week. In less than three months, trucks from Mexico will be

able to drive on every road in America yet 44 percent of those trucks crossing the border today are in such poor condition that they would be immediately taken out of service if inspected. Though commercial trucks represent 3 percent of all registered vehicles they are still involved in 13 percent of the total traffic fatalities.

My amendment/resolution would require the Administrator of the National Motor Carrier Administration to work with interested parties to explore a standard of protocol for access to, and the relevant data to be recorded, from the electronic control modules in commercial motor vehicles. The NTSB has pushed for this technology as a means of verifying the hours drivers work since 1990. Currently truck drivers must comply with the federal government's 60-year-old rule that they take eight hours of rest for every 10 behind the wheel.

Truckers are required to maintain logbooks for their hours of service. But truckers have routinely falsified records, and many industry observers say, to the point that they are often referred to as "comic books." In their 1995 findings the National Transportation Safety Board found driver fatigue and lack of sleep were factors in up to 30 percent of truck crashes that resulted in fatalities. In 1992 report the NTSB reported that an astonishing 19 percent of truck drivers surveyed said they had fallen asleep at the wheel while driving. Recorders on trucks can provide a tamper-proof mechanism that can be used for accident investigation and to enforce the hours-of-service regulations, rather than relying on the driver's handwritten logs.

Madam Chairman, I know that the trucking industry is concerned by the added cost of the recorders as well as privacy issues. I also appreciate the fact that close to eighty percent of this country's goods move by truck and that the industry has a major impact on our economy.

As a result of the number of trucking accidents causing serious bodily injury and death and the industries concern over the privacy issues of black boxes being installed in trucks, I am offering an amendment stating that Congress may find the use of electronic control modules in commercial motor vehicles useful to law enforcement officials investigating crashes on our Nation's highways and roads.

My amendment would also direct the Administrator of the National Motor Carrier Administration to work with the trucking industry and interested parties to develop standards regarding the access to, and relevant data to be recorded by the electronic modules in commercial motor vehicles.

Madam Chairman there is no good reason that we should adhere to the advice of the NTSB and require these recorders on the trucks that navigate our highways.

I would like to thank Chairmen SHUSTER and PETRI, and Ranking Members OBERSTAR and RAHALL for working with me in moving forward on this very important legislation.

Putting our wallets before safety is simply foolish when the technology exists today which could save the lives of the constituents we represent.

AMERICAN TRUCKING ASSOCIATIONS,
Washington, DC, 14 October 1999.

Hon. SHEILA JACKSON-LEE,
U.S. House of Representatives, Washington, DC.

DEAR MS. JACKSON-LEE: On behalf of the American Trucking Associations, I compliment you on your commitment to highway safety through your interest in ensuring trucks operate in a safer and more efficient manner.

The American Trucking Associations has had the opportunity to review your amendment regarding electronic control modules and the need for a single standard of protocol for their operation.

As you know, the industry has been working with the National Highway Traffic Safety Administration and the engine manufacturing industry to accomplish your goal. We welcome your assistance in directing the National Motor Carrier Administration to move forward in an aggressive fashion to accomplish this objective.

The American Trucking Associations looks forward to continuing to work with you on highway safety.

Sincerely,

JIM WHITTINGHILL,
Senior Vice President for Legislative
and Intergovernmental Affairs.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

□ 1330

Mr. MENENDEZ. Madam Chairman, I move to strike the last word.

I rise to engage the gentleman from Minnesota (Mr. OBERSTAR), the ranking Democratic member of the Committee on Transportation and Infrastructure, in a colloquy.

I am extremely concerned about commercial passenger van safety as a result of what is happening in my own district, one of the most densely populated in the country.

Section 4008 of the Transportation Equity Act of the 21st century, TEA 21, enacted in June of 1998, provides that vehicles carrying more than eight passengers for compensation shall be subject to Federal Motor Carrier Safety regulations, except to the extent that within 1 year of enactment of TEA 21, the Secretary of Transportation specifically determines through a rule-making proceeding to exempt any of these operators from these regulations.

In September of 1999, the Secretary issued two rules regarding commercial van safety. Neither of these rules immediately applies safety regulations to small passenger-carrying commercial vans. DOT proposes to require that these vehicles file a motor carrier identification report, mark their commercial motor vehicles with a U.S. DOT identification number, and maintain an accident register. If this proposal is made final, DOT would collect data for an unspecified period of time, and then presumably begin proceedings to consider whether the vehicles should be subject to Federal regulations.

Thus, today, 16 months after TEA 21 was signed into law, commercial opera-

tors are still not subject to motor carrier safety regulations; and DOT has just started proceedings to finally determine this issue.

I yield to the gentleman from Minnesota to see if he can give me some perspective.

Mr. OBERSTAR. Madam Chairman, I thank the gentleman for yielding.

I want to compliment him on his determination and especially his persistence on this issue which began during our consideration of TEA 21. TEA 21 did require the Department of Transportation to complete this important safety rulemaking within 1 year of enactment. As the gentleman from New Jersey has pointed out, it is now 16 months since TEA 21 was enacted, and small passenger-carrying commercial vehicles are still exempt from Federal motor carrier safety regulations. I am deeply disappointed in DOT's failure to act appropriately.

The Senate bill, as introduced by the chairman of the Commerce, Science and Transportation Committee, Mr. MCCAIN, includes a provision to apply Federal safety standards to these vehicles. This matter will be an issue, therefore, in any conference on this bill, and I look forward to working closely with the gentleman as we proceed to and through the conference.

I thank the gentleman for his concern.

Mr. MENENDEZ. Madam Chairman, I thank the gentleman for his information, and I look forward to working with the ranking member and the chairman of the full committee in hopefully trying to make some progress on this matter.

AMENDMENT OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MENENDEZ:

At the end of the bill, add the following:

SEC. 210. PASSENGER VAN SAFETY.

(a) OBJECTIVES.—The Secretary of Transportation shall conduct a comprehensive study to determine the causes of, and contributing factors to, crashes occurring in the State of New Jersey that involve vehicles designed to carry 9 or more passengers. The study shall also identify data, requirements, collection procedures, reports, and other measures that will help the Department of Transportation's and States' develop effective safety improvement policies and programs and identify activities and other measures likely to lead to significant reductions in the frequency, severity, and rate-per-mile traveled of crashes involving such vehicles.

(b) CONSULTATION.—In designing and conducting the study, the Secretary shall consult with persons with expertise on—

- (1) crash causation and prevention;
- (2) commercial motor vehicles, drivers and their representatives, and carriers;
- (3) highways and noncommercial motor vehicles and drivers;
- (4) Federal and State highway and motor carrier safety programs; and
- (5) research methods and statistical analysis.

(c) PUBLIC COMMENT.—The Secretary shall make available for public comment information about the objectives, methodology, implementation, findings, and other aspects of the study.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress the results of the study, together with any legislative recommendations.

Conform the table of contents of the bill accordingly.

Mr. MENENDEZ (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MENENDEZ. Madam Chairman, I rise to offer this amendment. Thousands of passengers ride in commercial passenger vans daily. I know because I see them driving throughout my district, one of the most heavily traveled and populated districts in the country. Currently, commercial passenger vans carrying less than 16 passengers do not have to meet Federal Motor Carrier Safety standards.

As a consequence, in New Jersey we have seen increasing violations of safety guidelines by commercial van operators that carry less than 16 passengers. Now, these are not typical van pools or church vans or limousines. That is not what we are concerned about. Rather, they are for-profit entities providing transportation services, hundreds of them over the same route, damaging each other. Two of them have hit pedestrians just within the last year.

So while many operators act in good faith and comply with safety guidelines, there are some who risk the lives of their passengers, pedestrians, and other vehicles on the road around them. They do not meet safety standards.

According to the Department of Transportation, however, there is still not enough data available to justify forcing these companies to comply with the Federal Motor Carrier Safety Regulations. That is why I am offering my amendment.

My amendment would have the DOT carry out a comprehensive study of commercial vans carrying more than eight passengers and submit the report to Congress in a year.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, we have studied this amendment, and we are prepared to accept it.

Mr. MENENDEZ. Madam Chairman, I appreciate the Chairman's support; and I know when to cease and desist.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ:

Page 34, strike line 6 and all that follows through the end of line 21, and insert the following:

SEC. 205. SAFETY VIOLATION TELEPHONE HOTLINE.

(a) STAFFING.—Section 4017 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31143 note; 112 Stat. 413) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

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

“(c) STAFFING.—The toll-free telephone system shall be staffed 24 hours a day 7 days a week by individuals knowledgeable about Federal motor carrier safety regulations and procedures.”; and

(3) in subsection (e) (as redesignated by paragraph (1) of this section) by striking “for each of fiscal years 1999” and inserting “for fiscal year 1999 and \$375,000 for each of fiscal years 2000”.

(b) DISPLAY OF TELEPHONE NUMBER.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue regulations requiring all commercial motor vehicles (as defined in section 31101 of title 49, United States Code) traveling in the United States, including such vehicles registered in foreign countries, to display the telephone number of the hotline for reporting safety violations established by the Secretary under section 4017 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31143 note).

Mr. GONZALEZ (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Madam Chairman, with the understanding that I will be withdrawing the amendment subject to discussions with the chairman and ranking member, the amendment I am offering today addresses a very important safety issue, and that is the reporting of unsafe tractor-trailer drivers and their equipment. I know that every Member of this House has been driving down the road with his or her family and seen one of the big commercial trucks speeding, weaving in and out of lanes and cutting people off. Also, we have seen trucks that appear to be in unsafe conditions operating on our highways.

My amendment would take a step in addressing this issue. My amendment would address and require that all trucks display the Department of Transportation hotline number, the 1-800 number, so that ordinary citizens, as they view the unsafe drivers or the unsafe equipment on our highways, would be able to simply get on their cell phones, because that is the condition of society today, and that is we all have cell phones in our cars, for the

most part, to report these violations, or the unsafe conditions.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, we have examined this amendment, and while I understand the gentleman is going to withdraw it, we will be happy to work with the gentleman as we move to conference on this to see if we may accommodate his interest.

Mr. OBERSTAR. Madam Chairman, if the gentleman will yield, I concur in the chairman's statement. We are very pleased to hear the gentleman's appeal. It is a very sound and sensible one. There are 1-800 numbers in other sectors of transportation. This matter needs further elaboration and we will work with the gentleman as we proceed through conference.

Mr. GONZALEZ. Madam Chairman, I appreciate looking to leadership on this issue, which is a very practical approach to a very complicated problem, but I appreciate my colleagues' assistance as we work through this.

Madam Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Are there further amendments to the bill? There being no further amendments to the bill, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CALVERT) having assumed the chair, Mrs. EMERSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2679) to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes, pursuant to House Resolution 329, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. CALVERT). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 5, not voting 11, as follows:

[Roll No. 501]

YEAS—415

Abercrombie	Deal	Hookey
Ackerman	DeFazio	Horn
Aderholt	DeGette	Hostettler
Allen	DeLahunt	Houghton
Archer	DeLauro	Hoyer
Army	DeLay	Hulshof
Bachus	DeMint	Hunter
Baird	Deutsch	Hutchinson
Baker	Diaz-Balart	Hyde
Baldacci	Dickey	Insee
Baldwin	Dicks	Isakson
Ballenger	Dingell	Istook
Barcia	Dixon	Jackson (IL)
Barr	Doggett	Jackson-Lee
Barrett (NE)	Dooley	Jackson-Lee
Barrett (WI)	Doolittle	(TX)
Bartlett	Doyle	Jenkins
Barton	Dreier	Johnson (CT)
Bass	Duncan	Johnson, E. B.
Bateman	Dunn	Johnson, Sam
Becerra	Edwards	Jones (NC)
Bentsen	Ehlers	Jones (OH)
Bereuter	Ehrlich	Kanjorski
Berkley	Emerson	Kaptur
Berman	Engel	Kasich
Berry	English	Kelly
Biggart	Eshoo	Kennedy
Bilbray	Etheridge	Kildee
Bilirakis	Evans	Kilpatrick
Bishop	Everett	Kind (WI)
Blagojevich	Ewing	King (NY)
Bliley	Farr	Kleczka
Blumenauer	Fattah	Klink
Blunt	Filmer	Knollenberg
Boehrlert	Fletcher	Kolbe
Boehner	Foley	Kucinich
Bonilla	Forbes	Kuykendall
Bonior	Ford	LaFalce
Bono	Fossella	LaHood
Borski	Fowler	Lampson
Boswell	Frank (MA)	Lantos
Boucher	Franks (NJ)	Largent
Boyd	Frelinghuysen	Larson
Brady (PA)	Frost	Latham
Brady (TX)	Gallegly	LaTourette
Brown (FL)	Ganske	Lazio
Brown (OH)	Gejdenson	Leach
Bryant	Gekas	Lee
Burr	Gephardt	Levin
Burton	Gibbons	Lewis (CA)
Callahan	Gilchrest	Lewis (GA)
Calvert	Gillmor	Lewis (KY)
Camp	Gilman	Linder
Campbell	Gonzalez	Lipinski
Canady	Goode	LoBiondo
Cannon	Goodlatte	Lofgren
Capps	Goodling	Lowey
Capuano	Gordon	Lucas (KY)
Cardin	Goss	Lucas (OK)
Castle	Graham	Luther
Chabot	Granger	Maloney (CT)
Chambliss	Green (WI)	Maloney (NY)
Clay	Greenwood	Manzullo
Clayton	Gutierrez	Markey
Clement	Gutknecht	Martinez
Clyburn	Hall (OH)	Mascara
Coble	Hall (TX)	Matsui
Coburn	Hansen	McCarthy (MO)
Collins	Hastings (FL)	McCarthy (NY)
Combest	Hastings (WA)	McCollum
Condit	Hayes	McCreery
Cook	Hayworth	McDermott
Cooksey	Hefley	McGovern
Costello	Herger	McHugh
Coyne	Hill (IN)	McInnis
Cramer	Hill (MT)	McIntosh
Crane	Hilleary	McIntyre
Crowley	Hilliard	McKeon
Cubin	Hinches	McKinney
Cummings	Hinojosa	McNulty
Cunningham	Hobson	Meehan
Danner	Hoefel	Meek (FL)
Davis (FL)	Hoekstra	Meeks (NY)
Davis (IL)	Holden	Menendez
Davis (VA)	Holt	Mica

Millender-McDonald	Reyes
Miller (FL)	Reynolds
Miller, Gary	Riley
Miller, George	Rivers
Minge	Rodriguez
Mink	Roemer
Moakley	Rogan
Mollohan	Rogers
Moore	Rohrabacher
Moran (KS)	Ros-Lehtinen
Moran (VA)	Rothman
Morella	Roukema
Murtha	Roybal-Allard
Myrick	Rush
Nadler	Ryan (WI)
Napolitano	Ryun (KS)
Neal	Sabo
Nethercutt	Salmon
Ney	Sanchez
Northup	Sanders
Norwood	Sandlin
Nussle	Sawyer
Oberstar	Saxton
Obey	Schaffer
Olver	Schakowsky
Ortiz	Scott
Ose	Sensenbrenner
Owens	Serrano
Oxley	Sessions
Packard	Shadegg
Pallone	Shaw
Pascarell	Shays
Pastor	Sherman
Payne	Sherwood
Pease	Shimkus
Pelosi	Shows
Peterson (MN)	Shuster
Peterson (PA)	Simpson
Petri	Sisisky
Phelps	Skeen
Pickering	Skelton
Pickett	Slaughter
Pitts	Smith (MI)
Pombo	Smith (NJ)
Pomeroy	Smith (TX)
Porter	Smith (WA)
Portman	Snyder
Price (NC)	Souder
Pryce (OH)	Spence
Quinn	Spratt
Radanovich	Stabenow
Rahall	Stark
Ramstad	Stearns
Rangel	Stenholm
	Strickland

NAYS—5

Chenoweth-Hage	Paul	Sanford
Metcalfe	Royce	

NOT VOTING—13

Andrews	Green (TX)	Scarborough
Buyer	Jefferson	Tauscher
Carson	John	Young (AK)
Conyers	Kingston	
Cox	Regula	

□ 1359

Mr. METCALF changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "To amend title 49, United States Code, to establish the National Motor Carrier Safety Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes."

A motion to reconsider was laid on the table.

Stated for:

Mr. REGULA. Mr. Speaker, during the vote on H.R. 2679, the Motor Carrier Safety Act of 1999, I was unavoidably delayed. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, on roll call votes numbered 500 and 501, I was unavoidably detained because I was tending to family medical concerns, and I was unable to cast my vote. Had I been present, I would have voted "aye" on both of these votes.

□ 1400

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Ms. JACKSON-LEE of Texas. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. HANSEN). The Clerk will report the motion.

The Clerk read as follows:

Ms. JACKSON-LEE of Texas moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed to insist that—

(1) the committee of conference should immediately have its first substantive meeting to offer amendments and motions, including gun safety amendments and motions, and

(2) the committee of conference report a conference substitute by October 20, the six month anniversary of the tragedy at Columbine High School in Littleton, Colorado, and with sufficient opportunity for both the House and the Senate to consider gun safety legislation prior to adjournment.

The SPEAKER pro tempore. The gentlewoman from Texas (Ms. JACKSON-LEE) will be recognized for 30 minutes, and the gentleman from Indiana (Mr. PEASE) will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would think this House of Representatives and the United States Senate would want to be known to the American people as a Congress that works, a Congress that is responsive, a Congress that is sensitive to the needs of the American people.

I would prefer not standing here today. I would prefer actually being in conference to discuss H.R. 1501, the Juvenile Justice Reform Act, that includes gun safety measures that have been debated for a long time in the United States House of Representatives and, in fact, was passed out of the United States Senate. Yet now, it is October 14 and our conference has not yet had an additional meeting.

Next week, October 20, we will find ourselves 6 months in the anniversary or the commemoration of the tragedy at Columbine High School in Littleton, Colorado. I believe it is imperative that the Committee of the Conference report a conference substitute by that date, the 6-month anniversary of the tragedy at Columbine.

If we were to report a conference substitute, which we are perfectly able to