November 18, 1999

CONGRESSIONAL RECORD—HOUSE 30769

attended Harvard University and earned three degrees, including a doctorate in economics. In the 1930s and 1940s, Dr. Weaver was involved in many government agencies, where he advocated racial equality.

In the early 1960s, President Kennedy appointed Dr. Weaver administrator of the Housing and Home Financing Agency, the predecessor to the Department of Housing and Urban Development. President Johnson designated HUD a Cabinet-level agency. Following service in the Federal Government, Mr. Weaver became a professor of numerous colleges.

Dr. Weaver passed away in July of 1997. This is a fitting designation. I support the bill and urge my colleagues to support it.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I too rise in support of S. 67 to designate the HUD headquarters as the Robert C. Weaver Federal Building.

I have had the privilege, as a member of the staff of my predecessor, to meet Bob Weaver: and I have only the highest respect for his professional accomplishments and for Dr. Weaver as a very decent, warm, caring, energetic, hard working, and visionary human being.

Dr. Robert Clifton Weaver has been one of the most instrumental and influential Americans in directing and administering federal housing policies. Dr. Weaver was a native Washingtonian, a graduate of Dunbar High School, and Harvard University in 1929. In 1931 he received his Masters degree, and in 1934 his Ph.D. in economics from Harvard.

He entered government in 1933, as one of the young professionals who were drawn to Washington because of the “New Deal” programs of President Roosevelt.

He quickly became a leader in promoting opportunities and efforts to increase minority participation in government projects and policy development. During the 1940’s and 1950’s, Dr. Weaver held a variety of prestigious positions, including Director of the Opportunity Fellowship Program of the John Hay Whitney Foundation, consultant to the Ford Foundation, State of New York Rent Administrator, and in 1960 he became the Vice Chairman of the New York City Housing and Redevelopment Board.

In 1961, President Kennedy named Dr. Weaver as the Administrator of the Housing and Home Finance Agency, then a loose collection of agencies including the mortgage-insurance Federal Housing Administration.

Dr. Weaver worked tirelessly to mold the agency into a single organization with a unified goal. In 1966, when the Department of Housing and Urban Development (HUD) was formed by President Johnson, Dr. Weaver was designated its first Secretary, the first African-American to hold a cabinet-level position.

After his service at HUD, Dr. Weaver returned to academia and served as the President of Baruch College in New York City.

Dr. Weaver was the recipient of numerous awards and honors, including the NAACP’s Springarn Medal, the Albert Einstein Commemorative Award, the New York City Urban League Frederick Douglass Award, and New York University’s Robert F. Wagner Public Service Award.

Dr. Weaver led a rich, full life marked by professional accomplishments and excellence. His legacy in public service is a model for all of us. It is fitting and proper to honor Dr. Weaver with this designation and I join with the Gentleman from New York, Mr. Rangel, the sponsor of the House’s companion bill, in supporting S. 67.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 67
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ROBERT C. WEAVER FEDERAL BUILDING.

In honor of the first Secretary of Housing and Urban Development, the headquarters building of the Department of Housing and Urban Development located at 451 Seventh Street, S.W., in Washington, District of Columbia, shall be known and designated as the “Robert C. Weaver Federal Building”.

S. C. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the “Robert C. Weaver Federal Building”.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COOKSEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to review the remarks and include extraneous material on S. 1595 and S. 67, the measures just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 3419) to amend title 49, United States Code, to establish the Federal Motor Carrier Safety Administration, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, I would ask the chairman of the committee for an explanation of the bill.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

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

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding to me.

This bill creates a new Federal Motor Carrier Safety Administration within the Department of Transportation and makes significant safety improvements. It is a good bipartisan bill that will improve safety on our Nation’s highways.

Mr. Speaker, this bill will make our roads safer for everyone. We owe it to the driving public to ensure that the trucks with which they share the road are safe.

Without hampering honest operators, this bill will ensure that the authorities will have the resources they need to correct unsafe Mexican trucks coming into the U.S.—that is to say, to ensure that they are safe for the driving public and that they share the road are safe.

This bill doubles the number of State truck inspectors and puts more inspectors on the road. This is a good, long overdue bill to stop buses and trucks off the road. It closes loopholes and imposes tough penalties on repeat offenders.

This bill will ensure that the authorities will have the resources they need to keep unsafe buses and trucks off the road.

Mr. SHUSTER. Mr. Speaker, will the
Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I am very pleased with this bill. The Motor Carrier Safety Improvement Act of 1999 is a good bill. It preserves all the strong provisions of the bill that passed the House and adds provisions from the Senate bill that will further enhance safety. A strong House bill has been made even stronger.

I just want to express my great appreciation to my chairman, my partner, and the chairman of the subcommittee, the gentleman from Wisconsin (Mr. PETRI), and the ranking member, the gentleman from West Virginia (Mr. RAHALL), but especially to our chairman for championing this legislation. It is a good legislation. It will only add to the gentleman’s distinguished record of achievement in this House, especially one in the safety arena where he has been so strong an advocate.

Mr. SHUSTER. Mr. Speaker, if the gentleman would further yield, I am also submitting an explanatory statement of the bill to be printed in the Record. This document has been worked out by the Members on the House and Senate sides, by myself, the gentleman from Wisconsin (Mr. PETRI), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from West Virginia (Mr. RAHALL), as well as Senators MCCAIN and HOLLINGS.

I would particularly like to emphasize that the gentleman from Virginia (Mr. Wolf) certainly played a key role in serving as a catalyst to bring this legislation to our attention, and I certainly want to commend him for that.

Mr. OBERSTAR. Reclaiming my time, under my reservation, Mr. Speaker, I thank the gentleman and concur in that observation.

Mr. SHUSTER. Mr. Speaker, if the gentleman will yield once again, I would be derelict in not noting the tremendous contribution of our staff, Jack Schenendorf, Mike Strachn, Roger Nober, Chris Bertram, Patti Doersch, Jess Sharp; and on the gentleman’s side, Clyde Woodle, Rosalyn Millman, who is now acting administrator of NHTSA.

Everyone worked so hard to bring this bill to where it is today, and I want to commend the gentleman and thank him once again for the tremendous bipartisan support which we have based on our record.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time under my reservation of objection, I thank the gentleman and am certainly glad he cited the staff, because they certainly have worked hard and cooperatively all the way through this legislation.

The gentleman’s statement underscores the success of the Committee on Transportation and Infrastructure. In a Congress that has been getting a bad rap for gridlock, this committee has worked together and achieved an extraordinary record of accomplishment. Just before the August break, it was 26 percent of all the bills that have passed the House enacted into law were bills from this committee.

Our percentage has dropped only because other committees have awakened and have risen to the game and the examples set by the Committee on Transportation and Infrastructure. But again, it is due to the partnership and the cooperation we have achieved, I think, at the level of the chairman and ranking members.

Mr. Speaker, I rise in strong support of the Motor Carrier Safety Improvement Act of 1999. We originally passed this bill on October 14, but the Other Body has not completed work on its version of the bill. In order to make it possible to send a bill to the President before we adjourn, we have worked with the Senate Commerce Committee on a bipartisan basis to develop a bill that combines the best features of our bill and the companion motor carrier safety bill introduced in the Other Body.

Our aim is to pass this compromise legislation in both Houses promptly and send it to the President for his signature.

I am very pleased with the Motor Carrier Safety Improvement Act of 1999. This is a good bill. It preserves all the strong safety provisions in the House bill, and adds provisions from the Senate bill that will further enhance safety. A strong House bill has been made even stronger.

I want to commend our Committee Chairman, Mr. SHUSTER, Chairman PETRI of the House Transportation and Infrastructure, to his credit, has taken important steps toward making the bill better. He has worked with the Senate Commerce Committee on a bipartisan basis to develop a bill that combines the best features of our bill and the companion motor carrier safety bill introduced in the Other Body.

Our aim is to pass this compromise legislation in both Houses promptly and send it to the President for his signature.

I am very pleased with the Motor Carrier Safety Improvement Act of 1999. This is a good bill. It preserves all the strong safety provisions in the House bill, and adds provisions from the Senate bill that will further enhance safety. A strong House bill has been made even stronger.

I want to commend our Committee Chairman, Mr. SHUSTER. Chairman PETRI of the Ground Transportation Subcommittee, and Subcommittee Ranking Member RAHALL for their diligent efforts in developing this bill. This important legislation will give federal government the direction, the incentives, and the resources needed to improve the safety of large trucks on our highways. Every year, crashes involving large trucks kill more than 5,300 people and injure about 130,000 people. On average, there are 14 deaths and 350 injuries every day of the year. Unless the federal safety program is significantly improved, there will be more deaths and injuries as the number of miles traveled by large trucks increases. This is not acceptable.

The Inspector General of the Department of Transportation, the General Accounting Office, and Norm Mineta, a former Chairman of our Surface Transportation Subcommittee and Full Committee, have concluded that the federal government’s program to ensure the safety of motor carriers has improved significantly. Their hard work and dedication have paid off.

DOT’s databases are incomplete and unreliable; DOT lacks adequate personnel and facilities at our borders; and perceived conflicts of interest have undermined the credibility of DOT’s research program.

There are four principles, I believe, that any good motor carrier safety bill should include—safety as the primary mission; sound credible research as the foundation for policy; vigorous oversight and enforcement, and adequate resources. This bill addresses each of these principles.

The bill creates a new Administration, the Federal Motor Carrier Safety Administration, without DOT. The bill gives the new Administration the direction, the incentives, and the resources it will need to improve motor carrier safety. The new Administration will also include a regulatory ombudsman, with authority to expedite rulemaking by assigning the necessary staff and resolving disagreements within the agency.

The bill follows the model of the Federal Aviation Act of 1958, which established the Federal Aviation Administration to improve aviation safety. The bill directs the new Federal Motor Carrier Safety Administration to consider the assignment and maintenance of safety duties to other agencies. The bill requires the Secretary to develop a long-term strategy for improving motor carrier safety. Specific measurable goals must be established to carry out the strategy, and estimates of funds and staff resources needed to accomplish the goals must be submitted to Congress annually.

The three top officials of the new Administration (the Administrator, Deputy Administrator, Chief Safety Officer) and the Administration’s regulatory ombudsman are each required to sign a performance agreement with the Secretary. Each official is responsible for ensuring that DOT has not been conducting enough commercial vehicle and driver inspections; and that the penalties imposed for violations are too low to deter future violations.

The studies also found that DOT rarely completes needed safety regulations on time. More than 20 motor carrier safety rulemakings have been in process for between three and nine years. These rulemakings involve important safety issues such as hours-of-service limits, motor carrier permits for carrying hazardous materials, and training standards for entry-level drivers.

DOT’s databases are incomplete and unreliable; DOT lacks adequate personnel and facilities at our borders; and perceived conflicts of interest have undermined the credibility of DOT’s research program.

There are four principles, I believe, that any good motor carrier safety bill should include—safety as the primary mission; sound credible research as the foundation for policy; vigorous oversight and enforcement, and adequate resources. This bill addresses each of these principles.

The bill creates a new Administration, the Federal Motor Carrier Safety Administration, without DOT. The bill gives the new Administration the direction, the incentives, and the resources it will need to improve motor carrier safety. The new Administration will also include a regulatory ombudsman, with authority to expedite rulemaking by assigning the necessary staff and resolving disagreements within the agency.

The bill follows the model of the Federal Aviation Act of 1958, which established the Federal Aviation Administration to improve aviation safety. The bill directs the new Federal Motor Carrier Safety Administration to consider the assignment and maintenance of safety duties to other agencies. The bill requires the Secretary to develop a long-term strategy for improving motor carrier safety. Specific measurable goals must be established to carry out the strategy, and estimates of funds and staff resources needed to accomplish the goals must be submitted to Congress annually.

The three top officials of the new Administration (the Administrator, Deputy Administrator, Chief Safety Officer) and the Administration’s regulatory ombudsman are each required to sign a performance agreement with the Secretary. Each official is responsible for ensuring that DOT has not been conducting enough commercial vehicle and driver inspections; and that the penalties imposed for violations are too low to deter future violations.

The studies also found that DOT rarely completes needed safety regulations on time. More than 20 motor carrier safety rulemakings have been in process for between three and nine years. These rulemakings involve important safety issues such as hours-of-service limits, motor carrier permits for carrying hazardous materials, and training standards for entry-level drivers.

DOT’s databases are incomplete and unreliable; DOT lacks adequate personnel and facilities at our borders; and perceived conflicts of interest have undermined the credibility of DOT’s research program.

There are four principles, I believe, that any good motor carrier safety bill should include—safety as the primary mission; sound credible research as the foundation for policy; vigorous oversight and enforcement, and adequate resources. This bill addresses each of these principles.

The bill creates a new Administration, the Federal Motor Carrier Safety Administration, without DOT. The bill gives the new Administration the direction, the incentives, and the resources it will need to improve motor carrier safety. The new Administration will also include a regulatory ombudsman, with authority to expedite rulemaking by assigning the necessary staff and resolving disagreements within the agency.

The bill follows the model of the Federal Aviation Act of 1958, which established the Federal Aviation Administration to improve aviation safety. The bill directs the new Federal Motor Carrier Safety Administration to consider the assignment and maintenance of safety duties to other agencies. The bill requires the Secretary to develop a long-term strategy for improving motor carrier safety. Specific measurable goals must be established to carry out the strategy, and estimates of funds and staff resources needed to accomplish the goals must be submitted to Congress annually.

The three top officials of the new Administration (the Administrator, Deputy Administrator, Chief Safety Officer) and the Administration’s regulatory ombudsman are each required to sign a performance agreement with the Secretary. Each official is responsible for ensuring that DOT has not been conducting enough commercial vehicle and driver inspections; and that the penalties imposed for violations are too low to deter future violations.

The studies also found that DOT rarely completes needed safety regulations on time. More than 20 motor carrier safety rulemakings have been in process for between three and nine years. These rulemakings involve important safety issues such as hours-of-service limits, motor carrier permits for carrying hazardous materials, and training standards for entry-level drivers.
progress toward meeting the goals is to be given substantial weight when bonuses and other achievement awards are dispensed with in the Department.

The bill will give the Administration the resources it will need to do a better job. The bill provides a significant increase in guaranteed and authorized funding for motor carrier safety programs. Funding for personnel and resources of the new Administration will be 70 percent higher (an average of $38 million per year) than current staffing for the Office of Motor Carrier Safety. The additional funding will enable the Motor Carrier Administration to hire more federal inspectors, and more attorneys to complete rulemakings. The bill also provides an additional $55 million per year of guaranteed funding for motor carrier safety grants. In addition, the bill authorizes $75 million per year, subject to appropriation, for motor carrier safety grants above the guaranteed level.

The bill makes numerous programmatic changes to improve safety by keeping dangerous drivers off the roads and enhancing oversight. The bill improves the consistency of Commercial Driver’s Licenses by closing loopholes in establishing tougher penalties for crimes that cause fatalities, and authorizing DOT to decertify the CDL programs of States that do not comply with national requirements.

Trucks entering the United States will face more comprehensive oversight when DOT implements new staffing standards for inspectors at our international borders. Violators of safety laws and regulations will face penalties high enough to promote future compliance. Maximum fines will be assessed for repeat offenders as well as a pattern of violations of our safety laws and regulations.

A comprehensive study of crash causation along with an enhanced data collection effort will help DOT and the States target their education, oversight, and enforcement activities to address the most serious contributors to crashes.

I want to again commend Chairmen Shuster and Petri, and Ranking Democratic Member Rahall, for their efforts to develop this strong motor carrier safety bill. I urge my colleagues to support the bill.

Mr. Speaker, I include for the RECORD the following statement from Secretary Slater supporting the committee’s action and supporting this bill.

Sec. 1. Short Title; Table of contents

The provision defines the term “Secretary” to mean the Secretary of Transportation.
and compliance reviews, stronger enforce-
ment and compliance measures, scientifically sound research, and improvements
to the commercial driver's license program.

TITLE I—FEDERAL MOTOR CARRIER SAFETY

Sec. 101. Establishment of Federal Motor Carrier Safety Administration

Subsection 101(a) adds a new section 113 to title 49, United States Code, to establish, as a separate department within the Federal Highway Administration, the Federal Motor Carrier Safety Administration (FMCSA). The managers note that Section 101 provides that the Secretary of Transportation shall consider the assignment and maintenance of safety as the highest priority. This subsection is modeled on provisions which govern the activities of the Federal Aviation Administration and the Secretary of Transportation's responsibilities for the regulation of air transportation. See 49 U.S.C. 44101(a)(1). The Managers intend that new section 101 be interpreted and implemented in the same manner as the above-listed provisions of Title 49, United States Code.

The Administration is headed by a Presidentially appointed, Senate-confirmed Administrator, with professional experience in motor carrier safety; a Deputy Administrator appointed by the Secretary with the approval of the President, and a Chief Safety Officer appointed in the competitive service. In addition to any duties and powers prescribed by the Secretary, the Administrator shall carry out the duties and powers related to motor carriers and motor carrier safety set forth in chapters 5, 51, 55, 57, 59, 133 and 4917 of title 49, United States Code, and 42 U.S.C. 4917.

Subsection (b) provides dedicated funding for the administrative and research expenses of the FMCSA. This subsection increases funding 70 percent (an average of $38 million per year) above the level currently provided within the Federal Highway Administration, to improve the motor carrier safety research, rulemaking, oversight, and enforcement activities of the FMCSA.

Subsections (c) and (d) make conforming amendments to titles 5 and 49, United States Code.

Subsection (e) caps the employment level at the Office of Motor Carrier Safety at its headquarters location in fiscal year 2000, except for staff transferred to the Office from the Federal Highway Administration, for fiscal year 2000. The cap includes Office of Motor Carrier Safety staff and PHWA transferred employees (PETEs) who were already dedicated to motor carrier safety matters when the Office of Motor Carrier Safety was established in October 1999. It does not preclude further transfers from the FHWA to the FMCSA during fiscal year 2000.

The Congress has provided additional motor carrier safety funding and expects those resources to be dedicated toward increased motor carrier safety enforcement and inspection activities and to expedite rulemakings. The cost of unnecessary headquarter operations or overhead expenses, including public affairs officers, congressional liaison representatives and other non-safety-related positions, is not a proper use of the appropriated funding. These headquarters' officials are not involved in carrying out safety responsibilities such as developing policies and regulations to enforce safety laws and regulations.

Subsection (e) requires the Secretary to report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the specific FMCSA personnel requested for each of fiscal years 2001, 2002, and 2003. The Secretary's justifications for any additional FMSCA headquarters' administrative or oversight personnel shall include detailed descriptions of the specific needs to be addressed by the additional personnel. Such justifications must be submitted to allow sufficient time for the Committees to review the Secretary's request.

Subsection (f) provides that the authority to provide emergency grants under section 210 of title 49, United States Code, to Federal motor carriers and equipment subject to motor carrier safety funding and expects FHWA to the FMCSA during fiscal year 2000. The cap includes funding 70 percent (an average of $38 million per year) above the level currently provided for fiscal year 2000, except for staff transferred to the FMCSA. This subsection increases the annual level of expenditures for MCSAP activities for fiscal years 1997, 1998, and 1999. The cap increases the annual level of expenditures for MCSAP activities for fiscal years 2001 through 2003 for the relocation of a second section 110, conformity and technical and conforming amendments, including the relocation of a second section 110, concerning uniform transferability of Federal-aid highway funds, to a section 126 of title 23, United States Code.

Sec. 102. Revenue aligned budget authority

Subsection 102(a) amends section 110 of title 23, United States Code, concerning revenue aligned budget authority, to include the motor carrier safety assistance program (MCSAP) in the formula for which funding is annually adjusted to correspond to Highway Trust Fund receipts.

Subsection (b) provides a number of technical and conforming amendments, including the relocation of a second section 110, concerning uniform transferability of Federal-aid highway funds, to a section 126 of title 23, United States Code.

Sec. 103. Additional funding for Motor Carrier Safety Grant Program

Subsection 103(a) authorizes an additional $75 million from the Highway Trust Fund for each of fiscal years 2001 through 2003 for the motor carrier safety assistance program.

Subsection (b) amends section 4003 of the Transportation Equity Act for the 21st Century (TEA-21) to increase the amount of guaranteed funding provided in TEA 21 for the motor carrier safety assistance program by the following amounts: $65 million for each of fiscal years 2001 through 2003. This subsection also amends section 1102 of TEA 21 to reduce the obligation ceiling for Federal-aid highways and highway safety construction programs, as applicable, for each of fiscal years 2001 through 2003.

Subsection (c) establishes a maintenance of effort requirement for States receiving grants under section 210 of title 49, United States Code, as authorized by section 501 of title 50, United States Code, to ensure that States maintain their spending for MCSAP projects and activities at a level equal to the average annual level of expenditures for MCSAP activities prior to November 18, 1999.

Subsection (d) permits the Secretary to provide emergency grants of up to $1 million to a State that is having difficulties in meeting the requirements associated with any allocation of MCSAP funds authorized under this section. This subsection also provides that it, before June 30 of the fiscal year in which it was found in noncompliance, a State is found by the Secretary to be in substantial compliance with each requirement of section 3311 of such title, the Secretary shall allocate to the State the funds withheld under this subsection.

Sec. 104. Motor carrier safety strategy

Subsection 104(a) requires the Secretary of Transportation, as part of the Department's existing federally required strategic planning efforts required under GPRA, to develop and implement a long-term strategy, including an annual plan and schedule for improvement of commercial motor vehicle, operator, and carrier safety, and sets forth four goals to be included in the strategy. The goals are: (1) reducing the number and rates of crashes, injuries, and fatalities involving commercial motor vehicles; (2) improving enforcement and compliance programs; (3) identifying and targeting enforcement at a high-risk carriers, vehicles, and drivers; and (4) improving research.

Subsection (b) requires that goals be established that are designed to accomplish the safety strategy and that strategies be developed concerning the funding and staffing resources needed to accomplish the goals. By working toward the measurable goals, the Administration will also be progressing toward the strategic goals.

Subsection (c) requires the submission of the strategy and annual plan with the President's annual budget submission, starting with fiscal year 2001.

Subsection (d) establishes that for each of the fiscal years 2001 through 2003 and following years, the Secretary shall enter into annual performance agreements with the Secretaries of Transportation and the States, including the following:

(1) the Secretary and the Federal Motor Carrier Safety Administrator; (2) the Deputy Federal Motor Carrier Safety Administrator; (3) the Administrator and the Chief Safety Officer of the Federal Motor Carrier Safety Administration; and (4) the Administrator and the regulatory ombudsman designated by the Administrator. Each of these officials shall enter into a performance agreement that contains the appropriate numeric or measurable goals of the Administration's motor carrier safety strategy.

The provision requires that the Secretary assess the progress of the officials toward achieving their respective goals, and that the Secretary convey the assessments to the officials, identifying possible future performance improvements. An official's progress toward meeting the goals of a performance agreement is to be given substantial weight by the Secretary when bonuses or other benefits are awarded, and is critical in collaboration with the Department's established performance appraisal system.

Subsection (e) requires that the Secretary and the Administrator, in consultation with the FMCSA, assess the progress of the Administration toward achieving the goals set out in subsection (a) no less frequently than semiannually. The reviews should be conducted for all employees of the FMCSA, and deficiencies identified. The Secretary is required to report to the

November 18, 1999
the Congress the results of the individual and administration progress assessment annually.

Subsection (f) requires the Administrator of the FMCSA to designate a regulatory ombudsman to receive complaints in the 50 States and the District of Columbia. The ombudsman must meet statutory, and internal departmental deadlines.

Sec. 105. Commercial motor vehicle safety advisory committee

The provision permits the establishment of a commercial motor vehicle safety advisory committee to provide advice and recommendations on a range of commercial motor vehicle safety issues. Members are appointed by the Secretary and include representatives of industry, drivers, safety advocates, manufacturers, safety enforcement officials, representatives of law enforcement agencies from border States, and other individuals affected by rulemakings. No one interest may constitute a majority. If the Secretary establishes the advisory committee, it should provide advice to the Secretary on commercial motor vehicle safety regulations and other matters relating to activities and functions of the Federal Motor Carrier Safety Administration. The committee will remain in effect until September 30, 2003.

Sec. 106. Savings provision

The savings provision is intended to provide for the orderly transfer of personnel and property of the Office of Motor Carrier Safety and Administration to the FMCSA. The provision is also intended to ensure that legal documents and requirements that had been in effect on the date of the transfer, and proceedings in effect, will continue as if the Act had not been enacted. The savings provision also provides that lawsuits commenced against the Office of Motor Carrier Safety and Administration in their official function, continue as if this Act had not been enacted. Further the provision assures the authority of officials of the FMCSA to continue the functions and performances that had been previously performed by officials of the Office of Motor Carrier Safety, and deems any reference to the Office of Motor Carrier Safety or its predecessors, to apply to the FMCSA.

Sec. 107. Effective date

Subsection 107(a) provides that this Act shall take effect on the date of its enactment; except that the amendments made by section 101 which establish the Federal Motor Carrier Safety Administration, shall take effect on January 1, 2000.

Subsection (b) requires that the President's budget submission for fiscal year 2001 and each fiscal year thereafter reflect the establishment of the Federal Motor Carrier Safety Administration in accordance with this Act.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

Sec. 201. Disqualifications

Subsection 201(a) amends section 31310 of title 49, United States Code, to make a single violation of driving a commercial motor vehicle with a revoked, suspended, or canceled commercial driver's license, or driving while disqualified, a one-year disqualifying offense, and to make a conviction for causing a fatal injury through the negligent or criminal operation of a commercial motor vehicle a one-year disqualifying offense. This subsection also makes the commission of more than one violation of driving a commercial motor vehicle with a revoked, suspended, or canceled commercial driver's license, or driving while disqualified, a lifetime disqualifying offense, and to make a conviction of more than one offense of causing a fatal injury through the negligence of an individual on a commercial motor vehicle a lifetime disqualifying offense.

Subsection (b) amends section 31310 to give the Secretary discretionary disqualification authority to revoke the commercial driving privileges of an individual upon a determination by the Secretary that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard. The Secretary can disqualify an individual under this provision for no more than 30 days without notice and an opportunity for a hearing.

Subsection (b) also amends section 31310 to require the Secretary to issue regulations establishing criteria for disqualifying from operating a commercial motor vehicle an individual who holds a commercial driver's license and has been convicted of a serious offense involving a vehicle other than a commercial motor vehicle (CMV) resulting in the revocation, cancellation, or suspension of the individual's license, or has been convicted of a drug or alcohol-related offense involving a motor vehicle other than a commercial motor vehicle. The behavior of a CDL holder other than another CMV is relevant to the CDL holder's fitness to operate a commercial motor vehicle; therefore the Secretary is directed to construct a rulemaking that appoints minimum time periods for which a CDL holder should be disqualified, but in no case shall the time periods for which CDL holders are disqualified for such offenses be more stringent than the disqualification periods for offenses involving a commercial motor vehicle.

Subsection (c) amends section 31301 of title 49, United States Code, to add three offenses to the list of serious traffic violations for which a CDL holder can be disqualified under subsection 31310(e). The new offenses are: driving a CMV without obtaining a CDL; driving a CMV in the absence of a valid CDL; and driving without a required endorsement. But it shall not be a serious traffic violation if a driver cited for operating a CMV without a required endorsement can prove produce proof, before the time to appear or pay the fine for such citation, that he or she did have a valid CDL at the time of the citation.

Subsection (d) makes clarifying amendments to section 31305(b)(1) of title 49, United States Code.

Sec. 202. Requirements for State participation

Subsection 202(a) amends section 31311(a)(6) of title 49, United States Code, to require a State to request, before renewing an individual's CDL, all information about the driving record of such individual from any other State that has issued a driver's license to the individual.

Subsection (b) amends section 31311(a)(8) of title 49, United States Code, to notify the Secretary, the operator of CDLIS, and the issuing State of the disqualification, revocation, suspension, or cancellation of a CDL holder's commercial driver's license, to also notify such entities of the underlying violation that resulted in such disqualification, revocation, suspension, or cancellation.

Subsection (c) amends section 31311(a)(9) of title 49, United States Code, to notify the Secretary of a State to notify a CDL holder's home State of any violation of traffic control law committed by an individual who holds a CDL and who has committed one or more of the violations identified in the Department of Transportation's CDL Effectiveness Study, whereby a driver currently holding a valid CDL applies for a non-CDL without revealing or surrendering the CDL. Without a check of both NDR and CDLIS, the fact that a driver already holds a CDL at the time of application for a non-CDL can go undetected, thus defeating the fundamental “one driver, one license” principle behind the CDL program that prevents drivers from spreading multiple convictions over multiple licenses.

Subsection (d) amends section 31311(a)(10) of title 49, United States Code, to require a State to notify the Secretary of a State to notify a CDL holder that will not issue any form of special license or permit, including a provisional or temporary license, to a CDL holder that will permit the CDL holder to operate a CMV during a period in which the CDL holder has revoked, suspended, or canceled, or the CDL holder is disqualified from operating a CMV.

Subsection (e) amends section 31311(a)(13) of title 49 to provide that a State may establish penalties, with the Secretary's approval, that are consistent with chapter 313, for violations committed by an individual operating a commercial motor vehicle.

Subsection (f) adds a new paragraph 31311(a)(18) to title 49 to require the State to maintain, as part of its driver information system, a record of each violation of motor vehicle traffic control laws committed by a CDL holder, and to make such record available to all authorized persons and governmental entities having access to such record. This provision provides that a State may not allow information regarding such violations to be masked or withheld in any way from the record of a CDL holder.

Subsection (g) amends section 31311(a)(19) to title 49 to require a State to provide that a State may not allow information regarding such violations to be masked or withheld in any way from the record of a CDL holder.

Subsection (h) makes clarifying amendments to section 31305(b)(1) of title 49, United States Code.

Sec. 203. State noncompliance

Section 203 clarifies the Secretary's authority to shut down a State CDL program if a State is not substantially complying with Federal CDL requirements. The section permits a CDL holder or applicant to go to another State for licensing if his/her home state program has been shut down for noncompliance. This provision does not invalidate or otherwise affect commercial motor vehicle traffic control laws (including CMV and non-CMV violations) by any individual to whom it has issued a CDL, and to make such each complete driving record available to all authorized persons and governmental entities having access to such record. This provision provides that a State may not allow information regarding such violations to be masked or withheld in any way from the record of a CDL holder.

Sec. 204. Checks before issuance of driver's licenses

Subsection 204 amends section 30304 of title 49, United States Code, to require a State, before issuing or renewing any motor vehicle operator's license to an individual, to query both the National Driver Register (NDR) and the commercial driver's license information system (CDLIS). The intent of this provision is to close a loophole in the CDL program identified in the Department of Transportation's CDL Effectiveness Study, whereby a driver currently holding a valid CDL applies for a non-CDL without revealing or surrendering the CDL. Without a check of both NDR and CDLIS, the fact that a driver already holds a CDL at the time of application for a non-CDL can go undetected, thus defeating the fundamental “one driver, one license” principle behind the CDL program that prevents drivers from spreading multiple convictions over multiple licenses.
a driver's license to the individual all information about the driving record of the individual.

Sec. 205. Registration enforcement

The provision adds subsection 13902(e) to authorize the Secretary to put a carrier out of service upon finding that the carrier is operating within thirty days of the issuance of a notification of noncompliance, and to require the carrier to operate only under the supervision of the Secretary until such time as the Secretary determines that the carrier is operating in accordance with the applicable regulations.

Sec. 206. Delinquent payment of penalties

Subsection (a) amends section 13905(c) of title 49, United States Code, to provide that the Secretary may refuse to issue a license to a person who fails to pay an assessed civil penalty within eighteen months of the assessment.

Subsection (b) amends section 13905(c) of title 49, United States Code, to provide that an owner or operator of a commercial motor vehicle who fails to pay an assessed civil penalty may not operate a vehicle on a highway within a state unless the Secretary, in his discretion, determines that such operator is operating the vehicle in accordance with the applicable regulations.

Sec. 207. State cooperation in registration enforcement

The provision amends section 31072(b) of title 49, United States Code, to clarify that the Secretary may not refuse to issue a license to a person who fails to pay an assessed civil penalty until the person has received notice of such assessment.

Sec. 208. Imminent hazard

Subsection (a) amends section 13905(c) of title 49, United States Code, to provide that an owner or operator of a commercial motor vehicle who fails to pay an assessed civil penalty may not operate a vehicle on a highway within a state unless the Secretary, in his discretion, determines that such operator is operating the vehicle in accordance with the applicable regulations.

Subsection (b) amends section 13905(c) of title 49, United States Code, to provide that an owner or operator of a commercial motor vehicle who fails to pay an assessed civil penalty may not operate a vehicle on a highway within a state unless the Secretary, in his discretion, determines that such operator is operating the vehicle in accordance with the applicable regulations.

Sec. 209. Household goods amendments

Subsection (a) amends section 13905(c) of title 49, United States Code, to require the Secretary to provide for the certification of motor carriers and to require the Secretary to issue a certificate of compliance to each carrier that is operating in interstate commerce.

Subsection (b) amends section 13905(c) of title 49, United States Code, to require the Secretary to provide for the certification of motor carriers and to require the Secretary to issue a certificate of compliance to each carrier that is operating in interstate commerce.

Sec. 210. New motor carrier entrant requirements

This provision requires the Secretary to initiate a rulemaking to establish minimum requirements for new motor carriers to ensure that applicant carriers are knowledgeable about the Federal motor carrier safety standards. It requires motor carrier owners and operators who have granted new operating authority to be reviewed by a safety inspector before the issuance of a new certificate of authority. It also requires the Secretary to establish a system of ongoing compliance monitoring operations. The provision requires the Secretary, in establishing the elements of the safety review, to consider the impact of small motor carriers in establishing alternative locations for conducting such reviews. It also allows the new entrant review requirements to be phased in over time, to take into account the availability of qualified safety inspectors and other resources.

Sec. 211. Certification of safety auditors

The provision requires the Secretary to conduct a rulemaking within one year of enactment to improve training and provide for the certification of motor carrier safety auditors, including private contractors, to conduct safety inspection audits. The provision prohibits private contractors from conducting safety inspection audits, including State motor carrier plans, and authorizes the Secretary to determine if a motor carrier safety auditor.

Sec. 212. Commercial van rulemaking

This provision requires the Secretary to complete a rulemaking within one year of enactment to improve training and provide for the certification of motor carrier safety auditors, including private contractors, to conduct safety inspection audits. The provision prohibits private contractors from conducting safety inspection audits, including State motor carrier plans, and authorizes the Secretary to determine if a motor carrier safety auditor.

Sec. 213. 24-hour staffing of telephone hotline

The provision amends section 4017 of TEA 21 to require the Department to operate a toll-free telephone hotline for reporting safety violations to be staffed 24 hours a day, 7 days a week, by individuals knowledgeable about the Federal motor carrier safety regulations and procedures. This section also increases the funding authorization for the hotline to the level of the Department of Transportation’s estimate of the cost of 24-hour coverage.

 Sec. 214. CDL, school bus endorsements

The provision requires the Secretary to conduct a rulemaking to establish a special CDL endorsement for drivers of school buses. The section requires, at a minimum, that the driver must have a valid CDL and a valid school bus endorsement and that the driver must complete a test in a school bus, and address proper safety procedures for loading and unloading children, using emergency exits, and traversing intersections.

Sec. 215. Medical certificate

The provision requires the Secretary to initiate a rulemaking to provide for the Federal medical qualification certificate to be made part of the commercial driver’s license.

Sec. 216. Implementation of inspector general recommendations

The provision requires the Secretary to implement all the DOT Inspector General’s recommendations contained in the IG’s April 1999 report assessing the effectiveness of DOT’s motor carrier safety program, except to the extent that the recommendations are specifically addressed in sections 206, 208, 217, and 222 of this Act. These recommendations, found on pages 17, 26, and 27 of the IG report, address:

1. Strengthen its enforcement policy by establishing written policy and operating procedures to take strong action against motor carriers with repeat violations of the same or similar regulations. The enforcement actions would include assessing fines at the statutory maximum amount, the issuance of compliance orders, not negotiating reduced assessments, and if necessary, placing motor carriers out of service.

2. Remove all administrative restrictions on fines placed in the Uniform Fine Assessment program and increase the maximum fines to the level authorized by TEA–21.

3. Establish stiffer fines that cannot be considered a cost of doing business and, if necessary, seek appropriate legislation raising statutory penalty ceilings.

4. Implement a procedure that removes the operation of a motor carrier from the list of carriers that fail to pay civil penalties within 90 days after final orders are issued or settlement agreements are completed.

5. Establish criteria for determining when a motor carrier poses an imminent hazard.

6. Require follow-up visit and monitoring of those motor carriers with a less-than-satisfactory safety rating, at varying intervals, to ensure that safety improvements are sustained, or if safety has deteriorated that appropriate sanctions are invoked.

7. Establish a control mechanism that requires written justification by the OMC State Director when compliance reviews of high-risk carriers are not performed.

8. Establish a written policy and operating procedures that identify criteria and time frames for closing enforcement cases, including the current backlog.

Recommendations for Data Enhancement:

1. Require applicants requesting operating authority to provide the number of commercial vehicles they operate and the number of drivers they employ as part of the application process to periodically update this information.

2. Revise the grant formula and provide incentive to states through MSCP grants for states to provide accurate, complete and timely commercial vehicle crash reports, vehicle and accident data to the Secretary.
Section 216. Periodic refiling of motor carrier, identification reports

The provision requires periodic updating, but not more frequently than once every two years, not later than September 30, of the Motor Carrier Identification Report, Form MCS-150, filed by each motor carrier conducting operations in interstate or foreign commerce. An initial updating of the information is required within 12 months from enactment of the Act.

Sec. 218. Border staffing standards

Subsection 218(a) requires the Secretary to develop and implement appropriate staffing standards for Federal and State motor carrier safety inspectors in international border areas.

Subsection (b) lists the factors to be considered in developing the staffing standards. These include the volume of traffic, hours of operation of the border facilities, types of commercial motor vehicles, the number of violations, the number of carriers and commercial driver's license holders, and the responsibilities of Federal and State inspectors.

Subsection (c) prohibits the United States and any State from reducing its respective level of motor carrier safety inspectors in an international border area below the level of such inspectors in fiscal year 2000, unless the Secretary determines that such a reduction is necessary.

Subsection (d) provides that if, by October 1, 2001, and each fiscal year thereafter, the Secretary has not determined that appropriate levels of staffing consistent with the staffing standards are deployed in international border areas, the Secretary should allocate five percent of motor carrier safety assistance program funds for border commercial motor vehicle and safety enforcement programs.

Sec. 219. Foreign motor carrier penalties and disqualifications

Subsection (a) provides for civil penalties for foreign motor carriers that operate, before implementation of the land transportation provisions of NAPA, without authority outside of a commercial zone.

Subsection (b) provides that the civil penalty for an intentional violation shall not be more than $20,000, and any violation of this section and any State from reducing its respective level of motor carrier safety inspectors in international border areas.

Subsection (c) provides that the civil penalty for an intentional violation of any other carrier to transport property in interstate or foreign commerce from the leasing of its motor vehicles to any other carrier to transport property in the U.S. during any period in which a suspension, condition, restriction, or limitation imposed under 49 U.S.C. 13902(c) applies to the foreign carrier.

Subsection (d) prohibits any foreign motor carrier from leasing its motor vehicles to any other carrier to transport property in the U.S. during any period in which a suspension, condition, restriction, or limitation imposed under 49 U.S.C. 13902(c) applies to the foreign carrier.

Subsection (e) provides that no provision may be enforced if inconsistent with international agreements.

Subsection (f) provides that the civil penalty shall be imposed under 49 U.S.C. 13902(c) applies to the foreign carrier.

Subsection (g) provides that the civil penalty shall not be more than $20,000, and any violation of this section and any State from reducing its respective level of motor carrier safety inspectors in international border areas.

Subsection (h) prohibits the United States and any State from reducing its respective level of motor carrier safety inspectors in an international border area below the level of such inspectors in fiscal year 2000.

Subsection (i) provides that if, by the Secretary determines that such a reduction is necessary.

Subsection (j) lists the factors to be considered in developing the staffing standards. These include the volume of traffic, hours of operation of the border facilities, types of commercial motor vehicles, the number of violations, the number of carriers and commercial driver's license holders, and the responsibilities of Federal and State inspectors.

Subsection (k) prohibits the United States and any State from reducing its respective level of motor carrier safety inspectors in an international border area below the level of such inspectors in fiscal year 2000, unless the Secretary determines that such a reduction is necessary.

Subsection (l) provides that if, by October 1, 2001, and each fiscal year thereafter, the Secretary has not determined that appropriate levels of staffing consistent with the staffing standards are deployed in international border areas, the Secretary should allocate five percent of motor carrier safety assistance program funds for border commercial motor vehicle and safety enforcement programs.

Subsection (m) requires the Secretary to conduct a study of the effectiveness of revised civil penalties established in TEA 21 and this Act in ensuring compliance with Federal motor carrier safety and commercial driver's license laws.

Subsection (n) lists the areas of expertise that the IG is required to consult in conducting the study.

Subsection (o) requires the Secretary to provide for public comment on various aspects of the study.

Subsection (p) provides $5 million in contract authority to carry out this section.

Sec. 223. DOT authority

This provision directs the Secretary to conduct a study on the feasibility and merits of having medical review officers or employers report positive drug tests of CDL holders to the State that issued the CDL and requiring all prospective employers, before hiring any driver, to query the State that issued the driver's CDL on whether the State has on record any verified positive controlled substances test on such driver.

Subsection (q) lists factors to be considered in the study. These factors include: safeguarding confidentiality of test results; costs, benefits and safety impacts; and whether a process should be established to allow drivers to contest errors and expunge information from their records after a reasonable time.

Subsection (r) requires the Secretary to conduct and submit to Congress a study of the Department's progress in achieving its goals of reducing motor carrier fatalities by 50 percent by 2009.

Sec. 224. Study of commercial motor vehicle crash causation

Subsection (a) requires the Secretary to conduct a comprehensive study to determine the causes of, and contributing factors to, commercial motor vehicle accidents, including vehicles defined in section 31132(1)(B) of title 49, United States Code, and to identify the data requirements needed to improve the Department's and the States' ability to evaluate crashes and crash trends, identify crash causes and contributing factors, and develop safety measures to reduce such crashes.

Subsection (b) addresses the design of the study, requiring that it yield information to help the Department and the States identify areas likely to lead to reductions in commercial motor vehicle-involved crashes including crashes by commercial vans.

Subsection (c) provides that the costs of such studies shall not be more than $25,000, and any violation of this section and any State from reducing its respective level of motor carrier safety inspectors in international border areas.

Subsection (d) prohibits the United States and any State from reducing its respective level of motor carrier safety inspectors in an international border area below the level of such inspectors in fiscal year 2000.

Subsection (e) lists the factors to be considered in developing the staffing standards. These include the volume of traffic, hours of operation of the border facilities, types of commercial motor vehicles, the number of violations, the number of carriers and commercial driver's license holders, and the responsibilities of Federal and State inspectors.

Subsection (f) prohibits the United States and any State from reducing its respective level of motor carrier safety inspectors in an international border area below the level of such inspectors in fiscal year 2000, unless the Secretary determines that such a reduction is necessary.

Subsection (g) provides that if, by October 1, 2001, and each fiscal year thereafter, the Secretary has not determined that appropriate levels of staffing consistent with the staffing standards are deployed in international border areas, the Secretary should allocate five percent of motor carrier safety assistance program funds for border commercial motor vehicle and safety enforcement programs.

Subsection (h) provides for civil penalties for foreign motor carriers that operate, before implementation of the land transportation provisions of NAPA, without authority outside of a commercial zone.

Subsection (i) provides that the civil penalty for an intentional violation shall not be more than $20,000, and any violation of this section and any State from reducing its respective level of motor carrier safety inspectors in international border areas.

Subsection (j) prohibits any foreign motor carrier from leasing its motor vehicles to any other carrier to transport property in the U.S. during any period in which a suspension, condition, restriction, or limitation imposed under 49 U.S.C. 13902(c) applies to the foreign carrier.

Subsection (k) provides that no provision may be enforced if inconsistent with international agreements.

Subsection (l) provides that the civil penalty shall be imposed under 49 U.S.C. 13902(c) applies to the foreign carrier.

Subsection (m) provides that the civil penalty shall not be more than $20,000, and any violation of this section and any State from reducing its respective level of motor carrier safety inspectors in international border areas.

Subsection (n) prohibits the United States and any State from reducing its respective level of motor carrier safety inspectors in an international border area below the level of such inspectors in fiscal year 2000.

Subsection (o) provides that if, by October 1, 2001, and each fiscal year thereafter, the Secretary has not determined that appropriate levels of staffing consistent with the staffing standards are deployed in international border areas, the Secretary should allocate five percent of motor carrier safety assistance program funds for border commercial motor vehicle and safety enforcement programs.

Subsection (p) requires the Secretary to conduct a comprehensive study to determine the causes of, and contributing factors to, commercial motor vehicle crashes, including vehicles defined in section 31132(1)(B) of title 49, United States Code, and to identify the data requirements needed to improve the Department's and the States' ability to evaluate crashes and crash trends, identify crash causes and contributing factors, and develop safety measures to reduce such crashes.

Subsection (q) addresses the design of the study, requiring that it yield information to help the Department and the States identify areas likely to lead to reductions in commercial motor vehicle-involved crashes including crashes by commercial vans.

Subsection (r) lists the areas of expertise that the IG is required to consult in conducting the study.

Subsection (s) requires the Secretary to provide for public comment on various aspects of the study.

Subsection (t) provides $5 million in contract authority to carry out this section.

Sec. 225. Data collection and analysis

This provision directs the Secretary to carry out a program to improve the collection and analysis of data on commercial motor vehicle crashes, including crash causation. NHTSA, in cooperation with the new Federal Motor Carrier Safety Administration, is required to administer the program. It requires NHTSA to integrate driver citation data and conviction information into the FMCSA's administrative take-down fund to fund this program. This section also provides $5 million in contract authority for information systems under 49 U.S.C. 31106.

Sec. 226. Drug test results study

Subsection 226(a) directs the Secretary to conduct a study on the feasibility and merits of having medical review officers or employers report positive drug tests of CDL holders to the State that issued the CDL and requiring all prospective employers, before hiring any driver, to query the State that issued the driver's CDL on whether the State has on record any verified positive controlled substances test on such driver.

Subsection (b) lists factors to be considered in the study. These factors include: safeguarding confidentiality of test results; costs, benefits and safety impacts; and whether a process should be established to allow drivers to contest errors and expunge information from their records after a reasonable time.

Subsection (c) requires the Secretary to conduct and submit to Congress a study of the Department's progress in achieving its goal of reducing motor carrier fatalities by 50 percent by 2009.

Sec. 227. Approval of agreements

Section 227 amends section 13703 of title 49, United States Code, by adding a new requirement to require the Surface Transportation Board to review every five years any agreement for any activities approved under section 13703. The provision also provides for the continuation of any pending cases before the Board, but prohibits certain nationwide agreements.

Sec. 228. DOT authority

This section clarifies Congressional intent with respect to the criminal investigative authority of the Department of Transportation Inspector General (IG).

When the Office of Motor Carrier Safety finds evidence of egregious criminal violations of the commercial motor carrier regulations through their regulatory compliance efforts, it refers these cases to the IG’s Office of Investigations. Recently, a U.S. District Court concluded that an investigation undertaken by the IG exceeded its jurisdiction, see In the Matter of the Search of Northland Trucking Inc. (D.C. Arizona), finding that the motor carrier involved was not a contractor or a contractor of the Department, nor was there evidence of collusion with DOT employees.
This narrow construction of the IG’s authority is not well grounded in law, and the managers are concerned about the adverse impacts the Order could have on IG operations. This provision, therefore, clarifies Congressional intent with respect to the authority of the IG, reaffirming the IG’s ability and authority to continue to conduct criminal investigations of parties subject to DOT laws or regulations, whether or not such parties receive Federal funds from the Department.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 3419, which incorporates H.R. 2679, the Motor Carrier Safety Act. I am specially pleased to see that this bill includes provisions for Foreign Motor Carrier penalties and disqualifications.

Mexican-domiciled trucks are operating improperly in the United States and violate U.S. statutes by either not obtaining operating authority or operating beyond the scope of their authority. About 98% of these trucks are limited to operate within the commercial zones along the four southern border states, but Mexican trucks have been found as far away as Washington, New York and my home state of Illinois.

Mr. Speaker, in FY98, there were almost 24,000 safety inspections performed on drivers and/or vehicles of Mexico domiciled trucks. Forty one percent of these trucks failed to meet U.S. safety requirements, and were placed out of service for safety violations. Clearly, it is imperative that we keep these unsafe trucks off our highways.

Current law provides for only a $500 fine for those trucks operating where they are not suppose to. This bill will increase penalties for those trucks that operate without authority, raising the fines to a $10,000 fine and six month suspension maximum for the first offense and a $25,000 fine and possibly permanent suspension for subsequent offenses, a measure I strongly support.

I believe that this will minimize the number of unsafe trucks on our highways, ensuring safer roads for all.

By moving the Office of Motor Carriers from the Federal Highway Administration, it is my hope that the Office will have the power to enforce compliance to this legislation.

I urge my colleagues to join me in supporting this bill.

Mr. WOLF. Mr. Speaker, I rise in support of the bill offered by the gentleman from Pennsylvania. The Motor Carrier Safety Improvement Act of 1999 forms a new motor carrier safety administration that is charged with improving motor carrier safety from its current deplorable condition.

This bill also includes a number of needed changes to the commercial driver’s license program and motor carrier operations along our southern border. This is a good beginning.

For the past year, the House Appropriations Committee, and the Transportation and Infrastructure Committee, have been reviewing a variety of truck safety issues. What we found was appalling. The Office of Motor Carriers, which until recently has been housed within the Federal Highway Administration, has allowed motor carrier safety to decline dramatically. Last year 5,374 people died in truck-related accidents. The year before that, 5,398 people died—a decade high. During this same period, safety reviews on trucking companies dropped from 5 per month to one per month, and civil penalties declined to $1,600. Because of this and other problems, the Department of Transportation Inspector General, the chairman of the National Transportation Safety Board, trucking representatives, the law enforcement community, and safety advocates all agree that the Office of Motor Carriers has been ineffective in reducing trucking accidents and fatalities.

The bill before you will address many of the problems found by Congress and these groups. It will strengthen truck safety activities both at the federal and at the state levels. As noted, it creates a new safety administration, which as its name implies, will be focused on safety. It is critical Mr. Speaker, that the Secretary appoint a good and decent person to the position of administrator, who will focus on safety first, making it their daily goal to reduce the number of fatalities on our nation’s highways. This person should not only be knowledgeable in the area of truck safety but be free of any conflicts of interest.

Finally, Mr. Speaker, I’d like to express my appreciation, and that of the nation, to the gentleman from Wisconsin, Minnesota and West Virginia, thousands of families across the country will be spared that terrible phone call informing them that a relative has been involved in an accident. I want the world to know Mr. Speaker, that because of Mr. Shruster’s leadership on this issue, America’s highways will be safer. He deserves our thanks.

Mr. MENENDEZ. Mr. Speaker, this bill makes our roads for drivers, passengers, and pedestrians. For too long, the Department of Transportation has neglected commercial passenger van safety. When the Transportation Equity Act for the 21st Century passed, I thought the DOT would address this issue because that was the intent of Section 4008 in the bill. Unfortunately, the DOT did not meet this intent since they chose to delay the application of Federal Motor Carrier Safety regulations to for-profit commercial passenger vans. I am pleased that the bill forces the Department of Transportation to complete its rule-making and not exempt all for-profit commercial passenger van operators from the final rule when it is issued.

Another problem we have and that the bill addresses is the lack of data and information on the causes of and contributing factors to crashes involving commercial motor vehicles, specifically for-profit commercial passenger vans, regardless of where they originate. We have provided the DOT with the resources and guidance to complete a comprehensive study on this issue. It is my hope that this national study will give special attention to metropolitan areas like northern New Jersey.

I want to thank the Chairman, Mr. Shuster, and the Ranking Member, Mr. Oberstar, on these two important provisions which will lead to safer travel for all those who use our roads.

Mr. PETRI. Mr. Speaker, H.R. 3419—the Motor Carrier Safety Improvement Act of 1999—is a comprehensive bill that will improve truck safety by strengthening Federal and State safety programs.

The bill creates a new Federal Motor Carrier Safety Administration within the U.S. Department of Transportation (DOT) on January 1, 2000, increases funding from the Highway Trust Fund for Federal and State safety efforts, and closes loopholes in the Commercial Driver’s License (CDL) program.

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

The Federal Motor Carrier Safety Administration is given increased funding for safety to allow for growth in the number of safety inspectors and in safety research.

The bill guarantees $195 million over the next three years from the Highway Trust Fund for motor carrier safety grants. 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.

I am submitting a Joint Explanatory Statement on the bill that explains the provisions of the bill in more detail.

It is critical that Congress enact this legislation before the end of the session since trucking safety functions of the Department are temporarily housed in the Office of the Secretary.

If we don’t pass this legislation, I am afraid that this organizational limbo will continue.

The bill is very similar to the bill that passed the House earlier this year by a vote of 415 to 5, which had bipartisan support in Committee.

This is an important bill, that truly will improve highway safety. I urge passage of this legislation.

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the House bill, as follows:

H.R. 3419
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 Improvement Act of 1999”.

(b) TABLE OF CONTENTS.—
Sec. 1. Short title; table of contents.
Sec. 2. Secretary defined.
Sec. 3. Findings.
Sec. 4. Purposes.

TITLE I—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
Sec. 102. Revenue aligned budget authority.

TITLE II—COMMERCIAL MOTOR VEHICLE SAFETY ADMINISTRATION
Sec. 201. Disqualifications.
congressional record—house

sec. 203. state noncompliance.
sec. 204. check the issuance of driver’s licenses.
sec. 205. registration enforcement.
sec. 206. delinquent payment of penalties.
sec. 207. state coordination in registration enforcement.
sec. 208. imminent hazard.
sec. 209. hazardous goods amendments.
sec. 211. certification of safety auditors.
sec. 212. commercial van rulemaking.
sec. 213. 24-hour staffing of telephone hotline.
sec. 214. cdl, school bus endorsement.
sec. 215. medical certificate.
sec. 216. implementation of inspector general recommendations.
sec. 217. periodic reporting of motor carrier identification reports.
sec. 218. border staffing standards.
sec. 219. foreign motor carrier penalties and disqualifications.
sec. 220. traffic law initiative.
sec. 221. state-to-state notification of violation data.
sec. 222. minimum and maximum assessment.
sec. 223. motor carrier safety progress report.
sec. 224. study of commercial motor vehicle crash causation.
sec. 225. data collection and analysis.
sec. 226. drug test results study.
sec. 227. approval of agreements.
sec. 228. dot authority.
sect. 2. secretary designated.

in this act, the term "secretary" means the secretary of transportation.
sect. 3. 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 operators and carrier inspections is insufficient and civil penalties for violations must be utilized to deter future violations.
(3) the department of transportation is failing to meet statutorily mandated deadlines for completing rulemaking proceedings on motor carrier safety and, in some significant safety areas, 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) additional safety inspectors and inspection facilities are needed 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 federally funded research.
(7) meaningful measures to improve safety must be implemented expeditiously to prevent increased motor carrier crashes, injuries, and fatalities.
(8) proper use of federal resources is essential to the department’s ability to improve its rulemaking, oversight, and enforcement activities related to commercial motor vehicles, operators, and carriers.
sect. 4. purposes.
the purposes of this act are—
(1) to improve the administration of the federal motor carrier safety program and to establish a federal motor carrier safety 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, scientific research, and effective commercial driver’s license testing, recordkeeping and sanctions.

title i—federal motor carrier safety administration
sect. 101. establishment of federal motor carrier safety administration.
sec. (a) in general.—chapter 1 of title 49, united states code, is amended by adding at the end the following:
"§ 113. federal motor carrier safety administration.
"(a) in general.—the federal motor carrier safety 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, and shall be an individual with professional experience in motor carrier safety. 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 administrator, who shall carry out duties and powers prescribed by the administrator.
"(e) chief safety officer.—the administration shall have an assistant federal motor carrier safety administration appointed in the competitive service by the secretary, with the approval of the president, who shall be the chief safety officer of the administration.
"(f) 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 chapter 5, sections 301, 311, 313, 315, 317, 319, 321, 323, 325, 327, and 341 and by section 13 of the noise control act of 1972 (42 u.s.c. 4901 et seq.); 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; and
"(2) additional duties and powers prescribed by the secretary.
"(g) limitation on transfer of powers and duties.—duties and powers specified in subsection (f)(1) may only be transferred to another part of the department when specifically provided by law.
"(h) error and certain decisions.—a decision of the administrator involving a duty or power specified in subsection (f)(1) and involving notice and hearing required by law is—
"(1) consultation.—the administrator shall consult with the national traffic safety administration and the national highway traffic safety administration on matters relating to highways and motor carrier safety.
"(b) administrative expenses.—section 104(a)(1) of title 23, united states code, is amended by adding at the end the following:
"(1) by redesignating subparagraphs (a) and (b) as clauses (i) and (ii), respectively, and by inserting the text of such clauses 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) 1½ percent of all sums so made available, as the secretary determines necessary—
"(b) ½ of 1 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.
"(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 the following:
"(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 federal motor carrier safety administration.

sect. 102. federal highway administration.
sec. 104(a)(1) of title 23, united states code, is amended by inserting after "traffic administration) at its headquarters location in d.c.," the following:
"section 113. federal motor carrier safety administration.
sect. 104. chapter analysis.—the analysis for chapter 1 of title 49, united states code, is amended by adding at the end the following:
"section 113. federal motor carrier safety administration.
sect. 105. high speed limitation.
section 101 of title 49, united states code, is amended by inserting after "the national highway traffic safety administration," the following:
"section 113. federal motor carrier safety administration.
sect. 106. deputy administrator.
section 5314 of title 5, united states code, is amended by inserting after "assistant federal motor carrier safety administrator." the following:
"section 113. federal motor carrier safety administration.
sect. 107. airport safety.
section 5316 of title 5, united states code, is amended by inserting after "national traffic safety administration," the following:
"section 113. federal motor carrier safety administration.
sect. 108. personal levels.
section 3316 of title 5, united states code, is amended by inserting after "deputy administrator of the federal highway traffic safety administration," the following:
"assistant federal motor carrier safety administrator.
sect. 109. highway safety.
section 3317 of title 5, united states code, is amended by inserting after "deputy administrator of the national highway traffic safety administration," the following:
"assistant federal motor carrier safety administrator.
sect. 110. personnel levels.
section 3318 of title 5, united states code, is amended by inserting after "deputy administrator of the federal highway traffic safety administration (and, beginning on january 1, 2000, the federal motor carrier safety administration) at its headquarters location in d.c.," the following:
"section 113. federal motor carrier safety administration."
Carrier Safety. The Secretary shall provide detailed reports to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives for the personnel of the States that were funded for fiscal years 2001, 2002, and 2003 for the Federal Motor Carrier Safety Administration when the President submits his budget, including a justification for increasing personnel at headquarters above the levels so transferred.

(f) Authority To Promulgate Safety Standards and Reporting.—The authority under title 49, United States Code, to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture is vested in the Secretary and may be delegated.

(g) Conflicts of Interest.—

1. Compliance with Regulation.—In awarding any contract for research, the Secretary shall comply with section 1252.209-70 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section. The Secretary shall require that the text of such section be included in any request for proposal and contract for research made by the Secretary.

2. Consultation.—In conducting the study under this paragraph, the Secretary 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.

3. Report.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study conducted under this paragraph.

SEC. 102 revenue aligned budget authority.

(a) In General.—Chapter 1 of title 21, United States Code, is amended—

(1) by redesignating the first section 119, 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 119, relating to revenue aligned budget authority—

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

(B) in subsection (b)(1)A by inserting “and the motor carrier safety grant program” after “program”;

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

(iii) by inserting “, and chapter 1 of section 311 of title 49, after “21st Century”,

(B) Conforming Amendment.—The analysis for such chapter is amended—

1. by striking “119. 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. 103. 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 to conduct a study to determine whether or not the Secretary shall transmit the Committee on Transportation and Infrastructure of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives for the personnel of the State that was funded for fiscal years 2001, 2002, and 2003 for the Federal Motor Carrier Safety Administration when the President submits his budget, including a justification for increasing personnel above the levels so transferred.

(b) Increased authorizations for motor carrier safety grants.—

1. In General.—Section 4003 of the Transportation Equity Act for the 21st Century (112 Stat. 935-397, as amended by adding at the end the following:

“(1) Increased authorizations for motor carrier safety grants.—The amount made available to the Secretary for the incurrence of obligations to carry out section 31102 of title 49, United States Code, by section 31108(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. 107 (44 U.S.C. 3211-32111)) 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 with respect to the implementation of State regulations, standards, and compatible State regulations, standards, and orders will be maintained at a level at least equal to the average level of such orders for the period of 1998 and 1999. For fiscal years 2001 through 2003, grants to a State made by the Secretary shall be reduced by $65,000,000 for each fiscal year if the State fails to carry out section 31102 of title 49, United States Code, by section 31108(a) of such title for each of fiscal years 2001 through 2003.

(d) Emergency CDL grants.—Section 31107 of title 49, United States Code, is amended by adding at the end the following:

“Emergency CDL grants.—From amounts made available by subsection (a) for a fiscal year, the Secretary of Transportation may make a grant of up to $1,000,000 to a State whose commercial driver’s license program may fail to meet the compliance requirements of section 31311(a).”

(e) State compliance with CDL requirements.—

(1) Withholding of allocation for noncompliance.—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 have been 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 allocation are to remain available for allocation to a State under paragraph (2), the Secretary shall determine that the State is in substantial compliance with each requirement of section 31311 of title 49, United States Code, the Secretary shall allocate those funds to the entitled State from funds made available by or under this section.

(f) 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 shall be released to the Secretary for reallocation.

(g) 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. 104. Motor carrier safety strategy.

(a) Safety Goals.—In conjunction with existing federally required strategic plans, the Secretary 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 vehicle operators, and carriers.

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

(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 needs for timely and effective accomplishment of each goal.

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

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

(d) **ANNUAL PERFORMANCE.**—

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

(A) The Secretary and the Federal Motor Carrier Safety Administrator.

(B) The Administrator and the Deputy Federal Motor Carrier Safety Administrator.

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

(D) The Administrator and the regulatory ombudsman of the Administration designated by the Administrator under subsection (f).

(2) **GOALS.**—Each annual performance agreement entered into under paragraph (1) shall include the appropriate numeric or measurable goals of subsection (b).

(e) **PERFORMANCE ASSESSMENT.**—Consistent with the current performance appraisal system of the Department of Transportation, the Secretary shall assess the progress of each official as provided in the Section 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.

(f) **ADMINISTRATION.**—In deciding whether or not to award a bonus or other achievement award to an official of the Administration who is a party to a performance agreement required by this subsection, the Secretary shall have substantial weight as to whether the official has made satisfactory progress toward meeting the goals of his or her performance agreement.

(g) **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 submit to Congress the official periodic performance reports required by subsection (d) with respect to the performance of that function to the extent the suit involves functions transferred to the Federal Motor Carrier Safety Administrator by this Act; and

(2) that are in effect on the effective date of such transfer until modified, terminated, superseded, set aside, or revoked in accordance with law by the Administration, any other authorized official, a court of competent jurisdiction, or operation of law.

(h) **PROCEEDINGS.**—

(i) **IN GENERAL.**—The provisions of this Act shall not affect any proceedings or any application for any license pending before the Office at the time this Act takes effect, insofar as those functions are transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, set aside, or revoked in accordance with law by the Administration, any other authorized official, a court of competent jurisdiction, or by operation of law.

(2) **STATUTORY CONSTRUCTION.**—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding described in paragraph (1) under the same terms and conditions and to the same extent as such proceeding could have been discontinued or modified if this Act had not been enacted.

(i) **ORDERLY TRANSFER.**—The Secretary is authorized to provide for the orderly transfer of pending proceedings from the Office.

(j) **SUITS.**—

(1) **IN GENERAL.**—This Act shall not affect any suit or other proceeding commenced before the date of enactment of this Act, except as provided in paragraphs (2) and (3). In all such suits, proceeding shall be had, appeals taken, and judgments rendered as if the Act had been enacted with the same effect as if this Act had not been enacted.

(2) **SUITS BY OR AGAINST OMCs.**—Any suit by or against the Office begun before January 1, 2000, shall be continued, insofar as it involves a function retained and transferred under this Act, with the Administration (to the extent the suit involves functions transferred to the Administration under this Act) substituted for the Office.

(k) **REMEDIES.**—If the court in a suit described in paragraph (1) finds that the Administration, subsequent proceedings related to such case shall proceed in accordance with applicable law and regulations as in effect at the time of such subsequent proceedings.

(l) **CONTINUANCE OF ACTIONS AGAINST OFFICIALS.**—No suit, action, or other proceeding commenced before against any official in official capacity as an officer of the Office shall abate by reason of the enactment of this Act. No cause of action by or against the Office, or by or against any officer thereof in his official capacity, shall abate by reason of enactment of this Act.

(m) **WaIVER OF AUTHORITY.**—Except as otherwise provided by law, an officer or employee of the Administration may, for purposes of performing a function transferred by this Act or the amendments made by this Act, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the extent the suit involves functions transferred to the Administration under this Act)

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

(b) **BUDGET SUBMISSIONS.**—The President's budget submission for fiscal year 2001 and each fiscal year thereafter shall include provisions for the establishment of the Federal Motor Carrier Safety 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) **VIOLATION.**—Section 31310(b)(1) of title 49, United States Code, is amended—

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

(2) by striking the period at the end of subparagraph (C) and inserting a semicolon; and
(C) by adding at the end the following:

(D) prohibiting, suspending, or canceling based on the

(E) disqualifying from operating a commercial motor

(F) by redesigning subparagraph (D) as subparagraph (F);

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

(H) 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;

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

(J) in subparagraph (F) as redesignated by paragraph (1) of this subsection by striking “(b) through (g)” and inserting “(b)” through “(g)”;

(K) Enterprise Traffic Violations.—Section 31316(c) of such title is amended—

(L) N Reese.—Section 31311(a)(10) of such title is amended

(M) by adding to the end the following:

(N) PENALTIES.—Section 31311(a)(13) of such title is amended—

(O) by adding at the end the following:

(P) The State may not issue a special commercial driver’s license (including a temporary or provisional license) to an individual who holds a commercial driver’s license that permits the individual to drive a commercial motor vehicle during a period in which the individual—

(Q) the individual’s license is revoked, suspended, or canceled.

(R) by striking “subparagraphs (A) through (E)”.

(S) by inserting “subparagraphs (A) through (E)”.

(T) by adding “(ii) under section 31305(a)(5) for the type of cargo the vehicle is carrying; and”.

(U) by adding “(ii) under section 31305(a)(5) for the type of cargo the vehicle is carrying; and”.

(V) by striking “if the Secretary determines that a State is in substantial noncompliance with this chapter; and”.

(W) by striking “in section 31301(12) of such title is amended by inserting “, other than a violation to which section 31310(c)(1) or 31316(b)(3)(E) applies” after “a fatality”.”.

(X) by striking “consistent with this chapter”.

(Y) by striking “the vehicle” and inserting “vehicle.”

(Z) by adding “vehicle.”.

(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 violation by the individual involving a commercial motor vehicle (other than 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 the State receives a parking violation, as the case may be. The State may not allow information regarding such violations to be withheld or masked in any way from the record of an individual possessing a commercial driver’s license.”.

(h) NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—Section 31311(a) of such title is further amended by adding at the end the following:

(i) The State shall—

(a) in General.—Chapter 313 of title 49, United States Code, is amended—

(b) by striking “or” at the end of paragraph (a) and inserting “and”;

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

(d) by striking “through negligent or criminal operation of a commercial motor vehicle”.

(e) Enterprise Traffic Violations.—Section 31316(c) of such title is amended—

(f) Commercial Traffic Violations.—Section 31316(b) of such title is amended—

(g) by striking “commercial” the second place it appears.

(h)企業交通違反.—Section 31316(b) of such title is amended—

(i) by striking “enterprise traffic” and inserting “traffic”;

(j) by inserting before the period at the end the following:

(k) N Reese.—Section 31311(a)(10) of such title is amended

(l) by inserting “commercial” the second place it appears.

(m) by inserting after the period at the end the following:

(n) by striking “commercial” and inserting “commercial”;

(o) by adding “vehicle.”.

(p) by striking “the vehicle” and inserting “vehicle.”

(q) by adding “vehicle.”.

(r) by adding “vehicle.”.

(s) by adding “vehicle.”.

(t) by adding “vehicle.”.

(u) by adding “vehicle.”.

(v) by adding “vehicle.”.

(w) by adding “vehicle.”.

(x) by adding “vehicle.”.

(y) by adding “vehicle.”.

(z) by adding “vehicle.”.

(aa) by adding “vehicle.”.

(bb) by adding “vehicle.”.

(cc) by adding “vehicle.”.

(dd) by adding “vehicle.”.

(ee) by adding “vehicle.”.

(ff) by adding “vehicle.”.

(gg) by adding “vehicle.”.

(hh) by adding “vehicle.”.

(ii) by adding “vehicle.”.

(jj) by adding “vehicle.”.

(kk) by adding “vehicle.”.

(ll) by adding “vehicle.”.

(nn) by adding “vehicle.”.

(oo) by adding “vehicle.”.

(pp) by adding “vehicle.”.

(qq) by adding “vehicle.”.

(rr) by adding “vehicle.”.

(ss) by adding “vehicle.”.

(tt) by adding “vehicle.”.

( uu) by adding “vehicle.”.

(vv) by adding “vehicle.”.

(ww) by adding “vehicle.”.

(xx) by adding “vehicle.”.

(yy) by adding “vehicle.”.

(zz) by adding “vehicle.”.

(aa) by adding “vehicle.”.

(bb) by adding “vehicle.”.

(cc) by adding “vehicle.”.

(dd) by adding “vehicle.”.

(ee) by adding “vehicle.”.

(ff) by adding “vehicle.”.

(gg) by adding “vehicle.”.

(hh) by adding “vehicle.”.

(ii) by adding “vehicle.”.

(jj) by adding “vehicle.”.

(kk) by adding “vehicle.”.

(ll) by adding “vehicle.”.

(nn) by adding “vehicle.”.

(oo) by adding “vehicle.”.

(pp) by adding “vehicle.”.

(qq) by adding “vehicle.”.

(rr) by adding “vehicle.”.

(ss) by adding “vehicle.”.

(tt) by adding “vehicle.”.

(uu) by adding “vehicle.”.

(vv) by adding “vehicle.”.

(ww) by adding “vehicle.”.

(xx) by adding “vehicle.”.

(yy) by adding “vehicle.”.

(zz) by adding “vehicle.”.

(aa) by adding “vehicle.”.

(bb) by adding “vehicle.”.

(cc) by adding “vehicle.”.

(dd) by adding “vehicle.”.

(ee) by adding “vehicle.”.

(ff) by adding “vehicle.”.

(gg) by adding “vehicle.”.

(hh) by adding “vehicle.”.

(ii) by adding “vehicle.”.

(jj) by adding “vehicle.”.

(kk) by adding “vehicle.”.

(ll) by adding “vehicle.”.

(nn) by adding “vehicle.”.

(oo) by adding “vehicle.”.

(pp) by adding “vehicle.”.

(qq) by adding “vehicle.”.

(rr) by adding “vehicle.”.

(ss) by adding “vehicle.”.

(tt) by adding “vehicle.”.

(uu) by adding “vehicle.”.

(vv) by adding “vehicle.”.

(ww) by adding “vehicle.”.

(xx) by adding “vehicle.”.

(yy) by adding “vehicle.”.

(zz) by adding “vehicle.”.
CONGRESSIONAL RECORD—HOUSE

November 18, 1999

30781

the Secretary determines such State is in substantial compliance with this chapter and the nonresident licensing requirements of the issuing State.

"(c) PREVIOUSLY ISSUED LICENSES.—Nothing in this section shall be construed as invalidating any effecting any commercial driver's licenses issued by a State before the date of issuance of an order under subsection (a) with respect to the State.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 313 of title 49 is amended by inserting after the item relating to section 31311 the following:

"31312. Decertification authority.

SEC. 204. CHECKS BEFORE ISSUANCE OF DRIVER'S LICENSES.

Section 39364 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 who resides outside of the United States, a State shall request from the Secretary information from the National Driver Register under section 39362 and the commercial driver's license information system under section 31309 on the individual's driving record.

SEC. 205. REGISTRATION ENFORCEMENT.

Section 31002 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 in interstate commerce in the United States of America shall—

(1) be required 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 90 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 because such person is a debtor in a case under chapter 11 of title 11.

"(2) REGULATIONS.—Not later than 12 months after the date of the 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).

"(b) PROHIBITED TRANSPORTATION BY COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 521(b) of such title is amended—

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

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

"(8) PROHIBITION ON 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 chapter 51, 149, or 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 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 because such person is a debtor in a case under chapter 11 of title 11.

"(B) REGULATIONS.—Not later than 12 months after the date of enactment of this paragraph, the Secretary, after notice and an opportunity for public comment, shall issue regulations setting forth procedures for ordering commercial motor vehicle owners and operators delinquent in paying civil penalties to cease operations until payment has been made.

SEC. 207. 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 (B) and inserting the following:

"(B) ensures that the State will cooperate in the enforcement of registration requirements under section 31002 and financial responsibility regulations issued under sections 13906, 13138, and 31139 and requirements issued thereunder.

SEC. 208. IMMINENT HAZARD.

Section 521(b)(3)(B) of title 49, United States Code, is amended by striking "'likelihood'" after the date of enactment of this section.

SEC. 209. HOUSEHOLD GOODS AMENDMENTS.

(a) DEFINITION OF HOUSEHOLD GOODS.—Section 13102(10)(A) of title 49, United States Code, is amended by striking "'likelihood', including the likelihood of'' and inserting "'likelihood', except such term does not include property moving from a factory or store, other than property that the household goods mover acquired or purchased in his or her dwelling and transported at the request of, and the transportation charges are paid to the carrier by, the household goods mover and is not primarily for the household goods mover's personal use.

(b) ARBITRATION REQUIREMENTS.—Section 14708(b)(6) of such title is amended by striking "$1,000" each place it appears and inserting "$1,500".

(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. 210. NEW MOTOR CARRIER ENTRANT REQUIREMENTS.

(a) SAFETY REVIEWS.—Section 31144 of title 49, United States Code, is amended by adding at the end the following:

"(c) SAFETY REVIEWS OF NEW OPERATORS.—

(1) IN GENERAL.—The Secretary shall require, by regulation, each owner and each operator granted new operating authority, after the date on which section 31144(b) is first implemented, to undergo a safety review within the first 18 months after the owner or operator, as the case may be, begins operations under such authority.

(2) ELEMENTS.—In the regulations issued pursuant to paragraph (1), the Secretary shall establish the elements of the safety review, including basic safety management controls. In establishing such elements, the Secretary shall consider their effects on small businesses and shall consider establishing alternate locations where such reviews may be conducted for the convenience of small businesses.

"(3) PHASE-IN REQUIREMENT.—The Secretary shall phase in the requirements of paragraphs (1) in a manner that takes into account the availability of certified motor carrier safety auditors.

"(4) NEW ENTRANT AUTHORITY.—Notwithstanding any other provision of this title, any new entrant authority after the date on which section 31144(b) is first implemented shall be designated as new entrant authority until the safety review required by paragraph (1) is completed.

(b) MINIMUM REQUIREMENTS.—The Secretary shall initiate a rulemaking to establish minimum requirements for applicant motor carriers, including foreign motor carriers, seeking Federal interstate operating authority to ensure applicant carriers are knowledgeable about applicable Federal motor carrier safety standards. As part of that rulemaking, the Secretary shall consider the establishment of a proficiency examination for applicant motor carriers as well as whether requirements ensure such applicants understand applicable safety regulations before being granted operating authority.

SEC. 211. CERTIFICATION OF SAFETY AUDITORS.

(a) IN GENERAL.—Chapter 311 of title 49, United States Code, is amended by adding at the end the following:

"31148. Certified motor carrier safety auditors.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section,
the Secretary of Transportation shall complete a rulemaking to improve and provide for the certification of motor carrier safety auditors, including private contractors, to conduct safety inspection audits and reviews prescribed under subsection (b).

‘‘(b) CERTIFIED INSPECTION AUDIT REQUIREMENT.—Not later than 1 year after completion of the rulemaking required by subsection (a), the Secretary shall have authority to establish an examination for motor carrier safety auditors and an exam view required by, or based on the authority of, this chapter or chapter 5, 313, or 315 of this title and performed after December 31, 2002, shall be—

‘‘(1) a motor carrier safety auditor certified under subsection (a); or

‘‘(2) a Federal or State employee who, on the date of enactment of this section, was qualified to perform such an audit or review.

‘‘(c) EXTENSION.—If the Secretary determines that subsection (b) cannot be implemented within the 1-year period established by that subsection and notifies the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination and the reasons therefor, the Secretary may extend the deadline for compliance with subsection (b) for not more than 12 months.

‘‘(d) APPLICATION WITH OTHER AUTHORITY.—The Secretary may not delegate the Secretary’s authority to private contractors to issue ratings or operating authority, and nothing in this section authorizes any private contractor to issue ratings or operating authority.

‘‘(e) OVERSIGHT RESPONSIBILITY.—The Secretary shall have authority over any motor carrier safety auditor certified under subsection (a) as to the authority to decertify a motor carrier safety auditor.’’.

(3) in subsection (e) (as redesignated by paragraph (1) of this section) —

(A) by striking ‘‘(a)’’ and inserting ‘‘(a)(2)(A)’’; and

(B) by striking ‘‘for each of fiscal years 1999 and 2000’’ and inserting ‘‘for each of fiscal years 1999 and 2000’’.

SEC. 214. CDL SCHOOL BUS ENDORSEMENT.

The Secretary shall conduct a rulemaking to establish a special commercial driver’s license endorsement for drivers of school buses. The endorsement shall, at a minimum—

(i) include a driving skills test in a school bus;

(ii) address proper safety procedures for—

(A) loading and unloading children;

(B) using emergency exits; and

(C) traversing highway railroad grade crossings.

SEC. 215. MEDICAL CERTIFICATE.

The Secretary shall initiate a rulemaking to provide for a Federal medical qualification certificate to be made a part of commercial driver’s licenses.

SEC. 216. IMPLEMENTATION OF INSPECTOR GENERAL RECOMMENDATIONS.

(a) In General.—The Secretary shall implement the safety improvement recommendations provided for in the Department of Transportation Inspector General’s Report TB-1998-012, except to the extent that such recommendations are specifically addressed in sections 206, 208, 217, and 222 of this Act, including any amendments made by such sections.

(b) REPORTS TO CONGRESS.—

(1) REPORTS BY THE SECRETARY.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until this Act expires, the Secretary shall transmit to the Committees referred to in subsection (a) a report on the specific actions taken to implement such recommendations.

(2) REPORTS BY THE INSPECTOR GENERAL.—

The Inspector General shall periodically prepare and transmit to the Committees referred to in subsection (a) a report on the Secretary’s progress in implementing the recommendations referred to in subsection (a) that have been implemented, including, but not limited to—

(i) findings taken to implement such recommendations;

(ii) the number of cases in which there are recommendations referred to in subsection (a) that are not implemented; and

(iii) the number of cases in which the inspector general recommends a deferral.

The Inspector General shall periodically prepare and transmit to the Committees referred to in subsection (a) a report on the Secretary’s progress in implementing the recommendations referred to in subsection (a) that have been implemented, including, but not limited to—

(i) findings taken to implement such recommendations;

(ii) the number of cases in which there are recommendations referred to in subsection (a) that are not implemented; and

(iii) the number of cases in which the inspector general recommends a deferral.

(3) LIMITATION.—If the Secretary makes a designation of an amount under paragraph (1), such amount shall be allocated by the Secretary to State agencies, local governments, and other persons for carrying out commercial motor vehicle safety programs and enforcement activities and projects.

(4) ALLOCATION.—If the Secretary makes a designation of an amount under 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 for States, local governments, and other persons for carrying out commercial motor vehicle safety programs and enforcement activities and projects.

(b) FACTORS TO BE CONSIDERED.—In developing standards, the Secretary shall consider—

(i) the 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 required 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 the amount made available under section 31104(f)(2)(B) of title 49, United States Code, for such fiscal year for States, local governments, and other persons for carrying out commercial motor vehicle safety programs and enforcement activities and projects.

(2) ALLOCATION.—If the Secretary makes a designation of an amount under paragraph (1), such amount shall be allocated by the Secretary to State agencies, local governments, and other persons for carrying out commercial motor vehicle safety programs and enforcement activities and projects.

(3) LIMITATION.—If the Secretary makes a designation of an amount under 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. 219. FOREIGN MOTOR CARRIER PENALTIES AND DISQUALIFICATIONS.

(a) GENERAL RULE.—Subject to subsections (b) and (c) of this section, a foreign motor carrier (as such terms are defined under section 13102 of title 49, United States Code) that carries passengers or freight in international commerce shall be liable to the United States-Mexico border to 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 OR SERIES OF VIOLATIONS.—The penalty for a pattern or series of violations of subsection (a) by a carrier shall not be more than $50,000 and the carrier shall be disqualified from operating a commercial motor vehicle anywhere within the United States for a period of not more than 6 months.
under section 13902(c) of title 49, United States Code, or a motor carrier (as defined in section 13902(e) of such title), that motor carrier may not lease a commercial motor vehicle to another motor carrier or a motor private carrier to transport property in the United States.

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

(6) 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. 220. TRAFFIC LAW INITIATIVE.

(a) IN GENERAL.—In cooperation with one or more States, the Secretary may carry out a program to develop innovative methods of improving motor carrier compliance with traffic laws. Such methods may include the use of photography and other imaging technology.

(b) REPORT.—The Secretary shall transmit to Congress a report on the results of any program conducted under this section, together with any recommendations as the Secretary determines appropriate.

SEC. 221. STATE-TO-STATE NOTIFICATION OF VIOLATIONS DATA.

(a) DEVELOPMENT.—In cooperation with the States, the Secretary shall develop a uniform system to support the electronic transmission of data State-to-State on convictions for all motor vehicle traffic control law violations by individuals possessing a commercial drivers’ licenses as required by paragraphs (9) and (19) of section 33131(a) of title 49, United States Code.

(b) STATUS REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the implementation of this section.

SEC. 222. MINIMUM AND MAXIMUM ASSESSMENTS.

(a) IN GENERAL.—The Secretary of Transportation 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 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.

(c) EXTRAORDINARY CIRCUMSTANCES.—If the Secretary determines that extraordinary circumstances exist which merit the assessment of any civil penalty lower than any level established under subsection (a) or (b), the Secretary may assess such lower penalty. 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 such a law referred to in subsection (a), extraordinary circumstances may be found to exist when the Secretary determines that repetition of such violations likely demonstrate a failure to take appropriate remedial action.

(d) REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretary shall conduct a study of the effectiveness of the required 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 submit to Congress the results of such study and any recommendations to Congress by September 30, 2002.

SEC. 223. MOTOR CARRIER SAFETY PROGRESS REPORT.

Not later than May 25, 2000, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the United States, the Secretary shall develop a uniform system to support the electronic transmission of data State-to-State on convictions for all motor vehicle traffic control law violations by individuals possessing a commercial drivers’ licenses as required by paragraphs (9) and (19) of section 33131(a) of title 49, United States Code.

(b) STATUS REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the House of Representatives a report on the status of the implementation of this section.

SEC. 224. STUDY OF COMMERCIAL MOTOR VEHICLE CRASHES.

(a) OBJECTIVES.—The Secretary 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 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 measures likely to lead to significant reductions in the frequency, severity, and rate per mile traveled of crashes involving commercial motor vehicles, including vehicles described in section 13902(e) of title 49, United States Code. 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, including passenger carriers;

(3) highways and noncommercial motor vehicles and drivers; Committee on Transportation and Infrastructure of the House of Representatives; the National Highway Traffic Safety Administration; the States, motor carriers, and other interested parties for problem identification, program evaluation, planning, and other safety-related activities.

(d) REPORT.—Not later than 3 years after the date on which the improved data program begins, the Secretary shall transmit a report to Congress on the program, together with any recommendations the Secretary finds appropriate.

(e) FUNDING.—Of the amounts deducted under section 104(a)(1)(B) of title 23, United States Code, for each of fiscal years 2001, 2002, and 2003 $5,000,000 per fiscal year shall be available only to carry out this section.

(f) ADDITIONAL FUNDING FOR INFORMATION SYSTEMS.

(1) IN GENERAL.—Of the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 31107 of title 49, United States Code.

(2) AMOUNTS AS ADDITIONAL.—The amounts made available under paragraph (1) shall be in addition to amounts made available under section 31107 of title 49, United States Code.

SEC. 225. DRUG TEST RESULTS STUDY.

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

(1) requiring medical review officers or employers to report all verified positive control results and on-site 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 results.

(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;
CONGRESSIONAL RECORD—HOUSE
November 18, 1999

(2) the costs, benefits, and safety impacts of requiring States to maintain records of verified positive control of substances test results; and
(3) whether a process should be established to allow States—
(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.

SEC. 227. APPROVAL OF AGREEMENTS.

(a) REVIEW.—Section 13703(c) of title 49, United States Code, is amended—

(1) by redesigning paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(2) by striking “The Board” and inserting the following:

‘‘(1) IN GENERAL.—The Board’’;

(b) EXEMPTION.—Section 3003(d) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66) is amended—

(1) by striking “Agreements” and inserting “Agreements’’;

(c) EXISTING AGREEMENTS.—Section 13703(e) of such title is amended—

(1) by striking “Agreements’’ and inserting “Agreements’’;

(b) EXEMPTION.—Section 3003(d) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66) is amended—

(1) by striking “Agreements’’ and inserting “Agreements’’;

(c) EXISTING AGREEMENTS.—Section 13703(e) of such title is amended—

(1) by striking “Agreements’’ and inserting “Agreements’’;

SEC. 228. DOT AUTHORITY.

(a) IN GENERAL.—The statutory authority of the Inspector General of the Department of Transportation includes authority to conduct, pursuant to Federal criminal statutes, investigations of allegations that a person or entity has engaged in fraudulent or other criminal activity relating to the programs and operations of the Department or its operating administrations.

(b) REGULATED ENTITIES.—The authority to conduct investigations referred to in sub-section (a) extends to any person or entity subject to the laws and regulations of the Department or its operating administrations, whether or not they are recipients of funds from the Department or its operating administrations.

The House bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONTINUING REPORTING REQUIREMENTS OF SECTION 2519 OF TITLE 18, U.S.C., BEYOND DECEMBER 21, 1999

Mr. COBLE. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the Senate bill (S. 1769) to continue the reporting requirements of section 2519 of title 18, United States Code, beyond December 21, 1999, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Ms. LOFGREN. Mr. Speaker, reserving the right to object, I yield to the gentleman from North Carolina (Mr. COBLE), the chairman of the subcommittee, for a brief explanation of the bill.

Mr. COBLE. Mr. Speaker, I thank the gentlewoman from California (Ms. LOFGREN) for yielding.

Mr. Speaker, the Federal Reports Elimination and Sunset Act of 1995 provided that all periodic reports provided to Congress will sunset on December 21, 1999, unless reauthorized by the Congress. The intent of the Act was to spur Congress to reexamine all periodic reports it receives and eliminate the obsolete ones.

After careful review, the Committee on the Judiciary determined that about 40 reports out of the thousands of reports subject to sunset are required for the committee to perform its legislative and oversight duties.

Examples include the United States Department of Justice’s annual report on crime statistics and the Immigration and Naturalization Service’s annual statistical report.

The bill passed the House on the suspension calendar and asks for its immediate consideration in the Senate.

After careful review, the Committee on the Judiciary determined that about 40 reports out of the thousands of reports subject to sunset are required for the committee to perform its legislative and oversight duties.

The bill will provide information important to legislative and to oversight processes and, in particular, that we could be here today on this bipartisan basis to make sure that this is enacted.

Mr. COBLE. Mr. Speaker, if the gentleman will continue to yield, I also commented about staff. I want to add the name of Jim Wilson. Jim did great work on this matter, as well.

Ms. LOFGREN. Mr. Speaker, I withdraw my reservation and object to the request of the gentleman from North Carolina.

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1769

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Continued Reporting of Intercepted Wire, Oral, and Electronic Communications Act”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Section 2519(3) of title 18, United States Code, requires the Administrative Office of the United States Courts to transmit to Congress a full and complete annual report concerning the number of applications for authority or approving the interception of wire, oral, or electronic communications. This report is required to include information specified in section 2519(3).

(2) The Federal Reports Elimination and Sunset Act of 1995 provides for the termination of certain laws requiring submittal to Congress of annual, semiannual, and regular periodic reports as of December 21, 1999, 4 years from the effective date of that Act.

(3) Due to the Federal Reports Elimination Act and Sunset Act of 1995, the Administrative Office of United States Courts is not required to submit the annual report described in section 2519(3) of title 18, United States Code, as of December 21, 1999.

SEC. 3. CONTINUED REPORTING REQUIREMENTS.

(a) CONTINUED REPORTING REQUIREMENTS.

Section 2519 of title 18, United States Code, is amended by adding at the end the following:

‘‘(4) The reports required to be filed by subsection (3) are exempted from the termination provisions of section 2003(a) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66).’’.