In the Senate, Steve served as the Secretary of the Senate, a position that he held from 1984 to 1999. Under his direction, the Senate Stationery Room was transformed into a modern, self-service facility. Steve's expertise in administrative and business functions was instrumental in the development and implementation of an inventory control system that supervised the installation and testing of new computer equipment. His dedication and commitment to the Senate's operations earned him the respect and admiration of his colleagues.

Steve's contributions extended beyond his work in the Senate. He was a leader in the computer industry, overseeing the transition from a corner-office operation to a multi-million dollar one serving about 240 offices in the Senate. He oversaw the installation and testing of a new Y2K compliant computer system, ensuring the high-tech and traditional needs of these offices were met.

In recognition of Steve's service, the Senate passed a resolution in November 1999, expressing its utmost gratitude and respect for his contributions. The resolution commended Steve for his dedication and excellence, and acknowledged his role in maintaining the Senate's high standards and traditions.

The resolution also noted Steve's exceptional service and his unselfish dedication, emphasizing his commitment to the Senate and the nation. It highlighted his work in overseeing the transition to a self-service facility, which included sixteen Congresses. Steve's ability to transform a corner-office operation into a complex, modern service facility was a hallmark of his leadership.

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The resolution further acknowledged Steve's role in ensuring the Senate's official functions were carried out with the highest standards and traditions. His efforts in modernizing the Senate's operations and ensuring the smooth transition to Y2K compliance were praised.

Steve's contributions to the Senate and the nation are a testament to his dedication and service. His legacy continues to inspire those who follow in his footsteps, reminding them of the importance of dedicated service and the value of traditions in maintaining the integrity of the Senate's operations.
the IG’s report and DOT has yet to articulate a definitive action plan to implement all of the IG’s recommendations. I do not believe we can risk the consequences of ignoring any of these recommendations and accordingly, H.R. 3419 would require concrete action to eliminate the identified safety gaps at DOT. It also gives DOT authority to establish an advisory committee to assist the Secretary in the timely completion of rulemakings and other matters.

This legislation is also designed to improve the Commercial Driver’s License program. It would ensure a commercial motor vehicle driver has only one driver record. This uniform driving record would include all traffic violation convictions, whether those violations are committed in a passenger vehicle or a commercial vehicle. Legislation would also require DOT to initiate a rulemaking to combine driver medical records with the commercial licenses.

Mr. President, the legislative actions initiated by this Administration has revealed the need to improve the safety data. We must have accurate data if we are going to be able to target enforcement action against unsafe carriers and get them off our roads. Consequently, H.R. 3419 directs the Secretary to carry out a program to improve the collection and analysis of commercial motor vehicle crash data, including accident causation. The National Highway Traffic Safety Administration (NHSTA), in cooperation with the newly established Motor Carrier Safety Administration, would administer the data improvement program.

The legislation also addresses problems identified by the DOT Inspector General concerning foreign truck companies. The Subcommittee has concluded that the expansion of commercial zones along the U.S.-Mexico Border unless the boundaries of a commercial zone extend beyond the zone of conflicts of interest in research contracts, and therefore be a more acceptable consumer affairs.

The managers note the bill does not establish any specific offices of the FMCSA because the Secretary is best positioned to determine the specific organizational structure of the FMCSA. The Congress intends for the Secretary to organize the new agency in a manner and structure that adequately reflects the unique demands of passenger vehicle safety, international affairs, and commercial motor vehicle safety; a Deputy Administrator with professional experience in Federal resources is essential to the Department of Transportation’s ability to improve its research, rulemaking, oversight, and enforcement efforts.

SEC. 4. PURPOSES

The provision lists the purposes of this Act as improving the administration of the Federal motor carrier safety program by establishing a Federal Motor Carrier Safety Administration in the Department of Transportation and by enacting measures to reduce the number and severity of large truck-involved crashes through increased inspections and compliance reviews, stronger enforcement measures, expedited rulemakings, scientifically sound research, and improvements to the commercial driver’s license program.

TITLE I—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 101. ESTABLISHMENT OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Subsection 101(b) adds a new section 113 to title 49, United States Code, to establish, as a separate administration within the Department of Transportation, the Federal Motor Carrier Safety Administration (FMCSA).

The managers note that Section 101 provides that ‘‘in carrying out its duties, the Administrator shall consider the assignment and implementation of high 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. 40101(a)(1) and (d) and 49 U.S.C. 47109(a)(1). The Managers intend that new section 101 be interpreted and implemented in the same manner as the above-listed provisions in the laws governing aviation.

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 all powers related to motor carriers and motor carrier safety set forth in chapters 5, 51, 55, 57, 59, 133 through 149, 311, 313, 315, and 317 of title 49, United States Code, 4917, 327, 4921, and 4922.

Subsection (b) provides dedicated funding for the administrative and research expenses of the FMCSA. This subsection increases the Federal Highway Administration’s (FHWA) revenue aligned budget authority to include the motor carrier safety assistance program (MCSAP) in the group of programs for which

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to improve the motor carrier safety research, rulemaking, and enforcement activities transferred to the FMCSA.

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

Subsection (e) caps the employment level currently at the Office of Motor Carrier Safety at its headquarters location in fiscal year 2000, except for staff that are transferred from the Office from the Federal Highway Administration, for fiscal year 2000. The cap includes Office of Motor Carrier Safety staff and FHWA transferred employees who were already dedicated to motor carrier safety matters when the Office of Motor Carrier Safety was established in December 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 government regulation, at 48 C.F.R. 209-70, on the disclosure of conflicts of interest in research contracts, and to include the text of such regulation in each such contract. This requirement is Department wide. This subsection also calls for a study to determine the effectiveness of this requirement. Eliminating or mitigating conflicts of interest will increase the likelihood that the research results will be more widely accepted and therefore be a more acceptable basis for policy decisions.

The managers note the bill does not establish any specific offices of the FMCSA because the Secretary is best positioned to determine the specific organizational structure of the FMCSA. The Congress authorizes the Secretary to organize the new agency in a manner and structure that adequately reflects the unique demands of passenger vehicle safety, international affairs, and consumer affairs.

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 group of programs for which
funding is annually adjusted to correspond to Highway Trust Fund receipts.

Section (b) makes a number of technical and conforming amendments, including the relocation of a second section 116, concerning uniform transferability of Federal-aid highway funds, to section 126 of title 23, United States Code.

SEC. 102. 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 403 of the Transportation 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 highway safety programs for MCSAP activities for fiscal years 1997, 1998, and 1999.

Subsection (c) establishes a maintenance of effort for States receiving MCSAP funds under this section. Each State must maintain its spending for MCSAP-eligible activities at a level equal to the average annual level of such activities for each of fiscal years 1997, 1998, and 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 the commercial driver's license program and is in danger of having its program suspended due to noncompliance.

Subsection (e) provides that if a State is not in substantial compliance with each requirement of section 31311 of title 49, concerning commercial driver's license, the Secretary shall withhold any allocation of MCSAP funds authorized under this section. This subsection also provides that if, 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 31311 of title 49, 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 improving 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 of crashes, injuries, and fatalities involving commercial motor vehicles, (2) improving enforcement and compliance programs, (3) identifying and targeting the enforcement at high-risk carrier vehicles, and drivers, and (4) improving research.

Subsection (b) requires that goals be established for the fiscal year in which the strategy is developed and for subsequent years, and that the projections be developed in consultation with the Advisory Committee. Subsection (c) requires that the Secretary provide an annual report on the status of implementing the strategy and that estimates be developed concerning the funding and staffing resources needed to accomplish the goals. By working with the Advisory Committee and with other stakeholders, the Administration will also be progressing toward the strategic goals.

Subsection (e) requires the submission of the strategic 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, the following officials shall enter into annual performance agreements between: (1) the Secretary and the Federal Motor Carrier Safety Administrator; (2) the Administrator and 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 incorporates measurable, noncompliance 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 achievement awards are determined, consistent with the Department's established performance appraisal system.

Subsection (e) requires that the Secretary and the Administrator assess the progress of the Administration toward achieving the goals set out in subsection (a) no less frequently than semiannually. The progress shall be conveyed to the employees of the FMCSA, and deficiencies identified. The Secretary is required to report to the Congress the results of the individual and Administration progress assessments annually.

Subsection (f) requires the Administrator of the FMCSA to designate a regulatory ombudsman to expedite rulemakings in order to continue the functions and performances of the Federal Motor Carrier Safety Administration. The committee will reexamine the provisions of Motor Carrier Safety or its employees, in order to determine the authority of officials of the Motor Carrier Safety Administration; and (4) the Administration progress assessments annually.

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 late enforcement agencies from allied States and other individuals affected by the rulemaking. No one interest may constitute a majority. If the Secretary establishes the advisory committee, it should provide advice on commercial motor vehicle safety regulations in areas that are critical to the public interest or that would significantly improve the efficiency of the FMCSA.

Subsection (d) establishes that for each of the fiscal years 2001 through 2003, the following officials shall enter into annual performance agreements between: (1) the Secretary and the Federal Motor Carrier Safety Administrator; (2) the Administrator and 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 incorporates measurable, noncompliance 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 achievement awards are determined, consistent with the Department's established performance appraisal system.

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violation if a driver cited for operating a CMV without a CDL in the state of his or her home registration can 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 (a) amends section 31311(a)(6) of title 49, United States Code, to require a State to request, before renewing an individual’s CDL, a check of the driver’s 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 such title to require a State, when notifying the Secretary, the operator of CDLIS, and the issuing State of the disqualification, revocation, or cancellation of Federal commercial driver’s license, to also notify such entities of the underlying violation that resulted in such disqualification, revocation, or cancellation.

Subsection (c) revises 31311(a)(9) of such title to require a State to notify any State that has issued a commercial driver’s license (non-CDL) to an individual of such individual’s CDL effectiveness study, whereby a State that has issued a non-CDL to a driver currently holding a valid CDL applies for a non-CDL to a non-State to request, before renewing an individual’s CDL, a check of the driver’s record of such individual.

SEC. 203. STATE NONCOMPLIANCE

Subsection (a) amends subsection 31305(b)(1) of such title to require each State before issuing or renewing any motor vehicle operator’s license to make a record of each violation of motor vehicle laws committed by any person and governmental entity having access to such record. This provision also amends subsection 31311(a)(6) of title 49 to require that before issuing or renewing a commercial driver’s license, the State shall request a copy of the record of such individual.

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

Section 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 ensure that the State captures all violations involving a commercial motor vehicle. The subsection also requires the Secretary to notify any State that has issued a commercial driver’s license (non-CDL) to an individual of such violation committed while the individual is operating a CMV.

Subsection (d) amends section 31311(a)(10) of such title to provide that a State may not issue any form of special license or permit, including a provisional or temporary license, to a CDL holder who has previously violated Federal commercial driver’s license laws.

Subsection (e) revises 31311(a)(13) of title 49 to provide that a State may establish penalties, with the Secretary’s approval, that are consistent with 31311(a)(10), for violations committed by an individual operating a commercial motor vehicle.

SEC. 205. REGISTRATION ENFORCEMENT

The provision adds new subsection 13092(e) to authorize the Secretary to extend the period of time in which a State may be required to register a carrier if it fails to pay a penalty or fails to establish and abide by a payment plan, within 90 days of the date of such order by the Secretary.

SEC. 206. DELINQUENT PAYMENT OF PENALTIES

Subsection (a) amends section 31305(c) of title 49, United States Code, to provide that a State may establish penalties, with the Secretary’s approval, for violations committed by an individual operating a commercial motor vehicle.

SEC. 207. STATE COOPERATION IN REGISTRATION ENFORCEMENT

The provision amends section 31305(d) of title 49, United States Code, to clarify that the Secretary may require a State to cooperate in enforcement of registration and financial responsibility requirements.
vans. First, the definition of passenger vans was added to the 1999 Transportation Equity Act of 1995 with the intent of applying safety regulations to these carriers. However, the Department took no action based on this statutory requirement. Due to the lack of action by the Department to regulate these vehicles, the Congress again directed the Department to apply certain motor carrier safety regulations, including those vans in the Transportation Equity Act for the 21st Century (TEA 21). The TEA 21 provision required that all commercial vans carrying more than 8 passengers be covered by such regulations. Federal motor carrier safety rules by June 1999, except to the extent DOT exempted operations as it determined appropriate through rulemaking. The Department took no action to even initiate the statutory rulemaking by the June deadline. On September 3, 1999, the Department finally issued a rule but it actually exempted the entire class of vehicles from regulation until further notice. The managers find the Department’s blatant misinterpretation of the statute unacceptable. This provision has been included in this bill directing the Secretary to finally address this identified safety problem.

SEC. 213. 24-HOUR STAFFING OF TELEPHONE HOTLINE

The provision amends section 407 of TEA 21 to require that the Department’s toll-free telephone hotline for reporting safety violations be staffed 24 hours a day, 7 days a week, by individuals knowledgeable about Federal motor carrier safety regulations and procedures. This section also increases the funding authorization for the hotline to the level of 26 percent of the Department’s estimate of the cost of 24-hour coverage.

SEC. 214. CDL SCHOOL BUS ENDORSEMENT

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 endorsement (1) include a driving skills test, (2) be included in this bill directing the Secretary to finally address this identified safety problem.

SEC. 215. MEDICAL CERTIFICATE

The provision requires the Secretary to conduct a rulemaking to establish a special CDL endorsement for drivers of school buses. The provision has been included in this bill directing the Secretary to finally address this identified safety problem.

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 to which such recommendations are specifically addressed in sections 206, 208, 217, and 222 of this Act. These recommendations, found on pages 17, 18, 26, and 27 of the IG report, are as follows:

Recommendations to Improve the Effectiveness of Motor Carrier Safety Enforcement:

1. Strengthen its enforcement policy by establishing written policy and operating procedures to take strong action against motor carriers that violate DOT’s safety regulations of the same acute or critical regulation. Strong enforcement actions would include assessing fines at the statutory maximum amount, the issuance of out-of-service orders, and initiating reduced assessments, and when necessary, placing motor carriers out of service.

2. Remove all administrative restrictions from the Federal Motor Carrier Safety Program and maximizes the number of inspections conducted by the Department.

3. Establish stiffer fines that cannot be reduced or modified and, if necessary, seek legitimate investigations raising statutory penalty ceilings.

4. Implement a rule to remiss the operating authority from motor carriers that fail to pay civil penalties within 90 days after final orders are issued or settlement agreements are reached.

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

6. Require for all accidents involving fatalities or injuries, the probability 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 require timely response times for closing enforcement cases, including the current backlog.

Recommendations for Data Enhancement:

1. Require applicants requesting operating authority to prove the number of commercial vehicles they operate and the number of drivers and motor carriers to periodically update this information.

2. Revise the grant formula and provide incentives through MSCPAs grants for states to provide accurate, complete and timely motor carrier vehicle reports, vehicle and driver inspection reports and traffic violation data.

3. Withhold funds from MSCPAs grants for those States that continue to report inaccurate and incomplete and untimely commercial vehicle crash data, vehicle and driver inspection data and traffic violation data within a reasonable notification period such as one year.

4. Initiate a program to train local enforcement agencies for reporting of crashes, roadside inspection data including associated traffic violations.

5. Standardize OMC and NHTSA crash data requirements, crash data collection procedures, and reporting.

6. Obtain and analyze crash causes and fault data as a result of comprehensive crash evaluations to evaluate safety improvements.

7. The provision requires that every 90 days, beginning 90 days after enactment, the Secretary provide status reports on the implementation of recommendations. The IG would also be directed to provide the Committee with assessments of the Secretary’s progress. The IG report shall include an analysis of the number of violations cited by safety inspectors, the level of fines assessed and collected for such violations, the number of cases in which there are findings of extraordinary circumstances under section 222(c) of the Act, and the circumstances in which such findings are made.

SEC. 217. PERIODIC REFILEING OF MOTOR CARRIER IDENTIFICATION REPORTS

The provision requires periodic updating, but no more frequently than once every two years, of the Motor Carrier Identification Report. Form a database of each motor carrier conducting operations in interstate or foreign commerce. An initial updating of the information is required within 12 months from enactment. The information is required within 12 months from enactment.

SEC. 218. BORDER STAFFING STANDARDS

Subsection (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 volumes of traffic, hours of operation, types of facilities, types of regulations commercial motor vehicles (including passengers and cargo) and the capabilities and responsibilities of Federal and State inspectors.

Subsection (c) prohibits the United States and any State from reducing its respective level of staffing for international border areas below the level of such inspectors in fiscal year 2000.

Subsection (d) provides that if, by October 1, 2001, and each fiscal year thereafter, the Secretary has not ensured 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 and disqualifications for foreign motor carriers that operate, before implementation of the land transportation provisions of NAFTA, without authority outside of a commercial zone.

Subsection (b) provides that the civil penalty for an intentional violation shall not be more than $10,000 and may include disqualification from operating in U.S. for not more than 6 months.

Subsection (c) provides that the civil penalty for an intentional violation shall not be more than $25,000; the carrier shall be disqualified from operating in the U.S., and that such disqualification may be permanent.

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 acts committed by foreign motor carriers, even with knowledge of the carrier or committed, unintentionally are not grounds for penalty or disqualification.

SEC. 220. TRAFFIC LAW INITIATIVE

The provision permits the Secretary to carry out a program with one or more States to develop innovative methods of improving motor carrier traffic law compliance, including the use of photography and other imaging technologies.

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

The provision requires the Secretary to develop a uniform system to support the electronic transmission of data State-to-State on violations of all motor vehicle traffic control laws by individuals possessing a commercial driver’s license.

SEC. 222. MINIMUM AND MAXIMUM ASSESSMENTS

Subsection (a) directs the Secretary to ensure that motor carriers operate safely by imposing civil penalties at a level calculated to ensure prompt and sustained compliance with Federal motor carrier safety and commercial driver’s license laws.

Subsection (b) recommends the Secretary establish and assess minimum civil penalties
for Federal motor carrier safety and CDL violations.

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

Subsection (c) requires the Secretary to issue a report to Congress on the study within two years.

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 agreements 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.

When the Office of Motor Carrier Safety finds evidence of egregious criminal violations of motor carrier safety regulations through their routine investigations, 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 Matter of the Search of Northland Trucking Inc. (D.C. Arizona), finding that the motor carrier involved was not a grantee or 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 assistance.

Mr. HOLLINGS. Mr. President, I rise in support of H.R. 3419 the Motor Carrier Safety Improvement Act of 1999. This bill creates a separate modal administration, the Federal Motor Carrier Safety Administration, to administer the commercial motor vehicle safety laws and make needed improvements to our highway safety programs.

To secure enactment of this important legislation, Senator MCCAIN and I worked with our colleagues in the House to craft a compromise bill. I would like to commend Chairman SEN- STER and Ranking Democrat OBERSTAR of the House Transportation and Infrastructure Committee for their efforts on this compromise proposal. The Administration supports this legislation and the Secretary of Transportation has requested that the Senate complete consideration of this legislation prior to the adjournment of the first session of the 106th Congress.

As many of you may know, I introduced legislation in the 1980s to establish a separate modal administration within the Department of Transportation for the motor carrier industry. Since safety oversight was moved from the Interstate Commerce Commission in 1966, truck and bus safety oversight has been a part of the Federal Highway Administration. H.R. 3419 proposes the bifurcation of motor carrier economic and safety regulation. The economic regulatory authority will still be vested at the Surface Transportation Board, and the safety regulatory authority will be designated to the new Administration. Under the current regulatory structure there is a separate regulatory authority for rail, transit, air, and maritime transportation, but no primary agency for the largest mode of commercial transportation—the trucking industry. Establishing a separate agency with the stated responsibility for making the highways safer would be an important step forward in highlighting the importance of truck and bus safety, as well as improving regulatory efficiency. I am pleased that members of the Senate and House have agreed to establish a new modal administration; we have high expectations this change will lead to tougher standards, more expeditious rule makings, and a greater degree of enforcement than has been the norm in recent years.

The trucking industry generates over 80% of the revenues derived from the domestic transportation of cargo. The industry has undergone fantastic growth in the past five years. The number of carriers operating in the trucking industry has closed to double since 1994 alone. Overall, the volume of truck traffic on the highways in this country is astounding, and clearly has an impact on safety. As many of you know, I was not a supporter of deregulating the trucking industry, and I question whether this policy has contributed to our present safety concerns.

The Senate Commerce, Science, and Transportation Committee has held several hearings on the subject of motor carrier safety in the last year. These hearings have included testimony from a number of organizations, including the Department of Transportation’s Inspector General, the Chairman of the National Transportation Board and consumer groups all expressing concern about the Office of Motor Carriers and stating the need for reform. Chairman MCCAIN and I have worked to incorporate many of the recommendations by these groups into the legislation we are considering today.

I would like to briefly summarize some of the major provisions and important consequences of H.R. 3419. This legislation undoubtedly will increase the overall number of safety inspections by requiring that all new entrants to the truck and bus industry undergo a safety review. The bill also requires parties with violations similar with motor carrier safety regulations and undergo a safety review in order to obtain operating authority. Currently 25,000 to 40,000 new carriers enter into...
interstate commerce annually. In order to obtain operating authority under the present system, new operators must submit proof of insurance and send for a form attesting that they are familiar with safety regulations. This new provision would require that new carriers be designated as “new entrants” until the completion of a successful safety review. The intent of this provision is to make sure that new operators have basic safety management practices in place. During their first eighteen months of operation, they would need to show that they have critical safety elements in place—for example, drug testing, maintenance plans, and driving records such as logbooks. This safety review is not intended to be a time-consuming investigation of the property and drivers, nor is it intended to be a barrier to entry for往上找的. In fact we have stipulated that the Secretary should take into consideration the needs of small businesses when conducting the rulemaking on new entrant safety reviews. However, there is broad consensus that safety reviews are necessary to ensure a minimum level of safety and compliance with federal safety regulations.

I am pleased that this bill increases the number of motor carrier safety inspectors by requiring that DOT certify private contractors to perform safety audits. I would also like to commend Senator BREAUX for his leadership on the issue of third party inspectors. His introduction of S. 1524, the Motor Carrier Safety Specialist Certification Act, following the Mother’s Day bus accident in New Orleans was instrumental in demonstrating the need for additional qualified inspectors. These third party auditors will be required to conduct at least a new review on the new carriers and are likely to lead to an increasing number of inspections and audits overall. These auditors will be certified by DOT to perform safety audits and inspections, however DOT will retain the authority to grant operating authority and issue ratings—we have no plans to delegate this vital enforcement authority to the private sector. The Secretary is directed to complete a rulemaking to establish how third party inspectors are to be certified and their role is to assist with the collection of data, not supersede the existing authority of the DOT.

This legislation authorizes an additional $140 million a year for motor carrier safety and data improvements over the levels established in TEA-21, the federal safety transportation bill that was passed in the last year. Of that money $65 million is guaranteed under the budgetary firewalls established in TEA-21. The bulk of this funding will go directly to the states through the Motor Carrier Safety Assistance Program (MCSAP). This grant program to the states is the underpinning for the enforcement of commercial motor vehicle safety laws and I am pleased that we are more than doubling the funding authorized for this important safety program. I look forward to working the Department Transportation to ensure this new agency will have adequate personnel to achieve the important safety objectives set forth in this bill.

H.R. 3419 also requires many data improvements, including periodic refilling of motor carrier information, which means that safety statistics on trucks and buses are soon to be more up to date and that improvement data will be available to the public. Currently, only twenty percent of the carriers operating in interstate commerce have been inspected or audited in relation to the safety of the Department of Transportation—this number is insufficient. In order to increase the number of safety rated carriers, accurate data is required. H.R. 3419 directs the National Highway Traffic Safety Administration (NHTSA), in cooperation with Federal Motor Carrier Safety Administration, to carry out a program to improve the collection and analysis of data on commercial motor vehicle crashes, including crash causation and requires NHTSA to establish a database of crashes involving commercial motor vehicles—all interested parties, including victims and safety groups, should be consulted in designing the study.

The legislation also requires the Department of Transportation to disclose potential conflicts of interest, and reinforce enforcement policy by increasing penalties. The Secretary’s exercise of discretion under the previous abuses in motor carrier enforcement and the perpetuation of the new agency. In assessing penalties for violations, the Secretary exercise discretion under extraordinary circumstances. The goal of this provision is to provide administrative flexibility while ensuring that the previous abuses in motor carrier enforcement are not perpetuated by the new agency. In assessing penalties for violations, the Secretary’s exercise of discretion under extraordinary circumstances to reduce or eliminate fines should only be used in rare and unusual conditions and this legislation requires that the Secretary document the justification for such a situation. In addition, the bill will require the Secretary of Transportation and the IG to periodically report to the Congress on their progress implementing not only the applicability of civil penalties but all of the IG’s recommendations.

Additionally, the legislation addresses the issue concerning truck inspections at the US-Mexico border. Currently, far too few trucks are being inspected at the US-Mexico border and far too few inspected trucks comply with U.S. safety standards. I should note that I do not support Mexican truckers operating in the United States, because this policy ultimately threatens public safety. For example, according to the DOT Inspector General, at the border crossing in El Paso, Texas, an average of 1,300 trucks enter...
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daily, yet only one inspector is on duty allowing for only 10 to 14 truck inspections daily. At other crossings, there are no inspectors at all. Of those Mexican
trucks inspected, about 44 percent were
placed out of service because of serious
safety violations. This contrasts with a
25 percent out-of-service rate for US
trucks and 17 percent for Canadian
trucks. This safety record is unaccept-
able.

The DOT’s Inspector General con-
formed last year that 68 Mexican trucks
were found operating beyond the bor-
der commercial zones, where they are
legally allowed to work and are prob-
ably involved in US cabotage reserved
for US truckers. H.R. 3419 would reaf-
firm the prohibition on foreign motor
 carriers operating outside the bound-
aries of a commercial zone along the
U.S.-Mexico border. Foreign trucks
that are found to be operating outside
the commercial zones without author-
y will be subject to civil penalties.

In conclusion, I would like to ask my
colleagues for their support in the pas-
sage of this legislation. I would like to
thank the following Senate staff for
their work on this bill; Debbie
Hersman, Carl Bentzel, Kevin Kayes
and Moses Boyd. These
staffers all worked hard to help reach a
bipartisan compromise.

H.R. 3419 is a good bill. I strongly
support the passage of H.R. 3419 and
look forward to its enactment.

Ms. COLLINS. Mr. President, I ask
unanimous consent that the bill be
read a third time and passed, the mo-
ton to reconsider be laid upon the
Table, and that any statements relating
the bill be printed in the RECORD.

The PRESIDING OFFICER. Without
objection, it is so ordered.

The bill (H.R. 3419) was read the third
time and passed.

MILTON FRIEDMAN CONGRES-
SIONAL GOLD MEDAL ACT

Ms. COLLINS. Mr. President, I ask
unanimous consent that the Banking
Committee be discharged from further
consideration of S. 1971 and the Senate
proceed to its immediate consider-
ation.

The PRESIDING OFFICER. Without
objection, it is so ordered. The clerk
will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1971) to authorize the President
to award a gold medal on behalf of the Con-
gress to Milton Friedman, in recognition of
his outstanding and enduring contributions
to individual freedom and opportunity in
American society through his exhaustive re-
search and teaching of economics, and his
extensive writings on economics and public
policy.

There being no objection, the Senate
proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask
unanimous consent that the bill be
read a third time and passed, the motion
to reconsider be laid upon the table, and
any statements relating to the bill be
printed in the RECORD.

The PRESIDING OFFICER. Without
objection, it is so ordered.

The bill (S. 1971) was read the third
time and passed.

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

SECTION 1. SHORT TITLE.
This Act may be cited as the “Milton
Friedman Congressional Gold Medal Act”.

SEC. 2. FINDINGS.
The Congress finds that—
(1) Milton Friedman, born July 31, 1912 in
New York, New York, is acclaimed as one of
the great original thinkers of this century;
(2) Milton Friedman is a living American
success story born from poverty in an
immigrant family to realize the American
dream;
(3) Milton Friedman is the world’s most re-
nowned economist;
(4) Milton Friedman was awarded the
Nobel Memorial Prize for Economic Service
in 1976;
(5) Milton Friedman is a Paul Snowden
Russell Distinguished Service Professor Emeritus of Economies at the University of
Chicago, where he taught from 1946 to 1976,
and where he is regarded as the leader of
the Chicago school of monetary econom-
ics;
(6) Milton Friedman has been a senior re-
search fellow at the Hoover Institute since
1977, and a member of the research staff of
the National Bureau of Economic Research
from 1937 to 1961;
(7) Milton Friedman has selflessly served
his country on several occasions, serving as
an informal economic advisor to Presidents
Richard Nixon and Jimmy Carter;
(8) Milton Friedman has been awarded hon-
orary degrees by universities in the United
States, Japan, Israel, and Guatemala, as well
as the Grand Cordon of the First Class Order
of the Sacred Treasure by the Japanese gov-
ernment in 1986; and
(9) Milton Friedman is known throughout
the world as a champion of freedom, oppor-
tunity, free markets, and capitalism.

SEC. 3. CONGRESSIONAL GOLD MEDAL.
(a) PRESENTATION AUTHORIZED.—The Presi-
dent is authorized to present, on behalf of
the Congress, the gold medal of appropriate
design to Milton Friedman in recognition of
his outstanding and enduring contributions
to individual freedom and opportunity in
American society through his exhaustive re-
search and teaching of economics, and his
extensive writings on economics and public
policy.
(b) DESIGN AND STRIKING.—For the pur-
pose of the award referred to in subsection
(a), the Secretary of the Treasury (hereafter
in this Act referred to as the “Secretary”)
shall strike a gold medal with the design,
portraits, devices, and inscriptions, to be deter-
mined by the Secretary.

SEC. 4. DUPLICATE MEDALS.
The Secretary may strike and sell dupli-
cates of the gold medal struck pur-
suant to section 3, under such regulations as
the Secretary may prescribe, and at a price
sufficient to cover the costs thereof, includ-
ing labor, materials, dies, use of machinery,
and overhead expenses, and the cost of the
gold medal.

SEC. 5. STATUS AS NATIONAL MEDALS.
The medals struck pursuant to this Act are
national medals for purposes of chapter 51 of
title 31, United States Code.

SEC. 6. FUNDING.
(a) AUTHORITY TO USE FUND AMOUNTS.—There
is authorized to be charged against the United
States Mint Public Enterprise Fund an
amount not to exceed $30,000 to pay for
the cost of the medals authorized by this Act.
(b) PROCEEDS OF SALE.—Amounts received
from the sale of duplicate bronze medals
under section 4 shall be deposited in the
United States Mint Public Enterprise Fund.