

103RD CONGRESS
2^D SESSION

H. R. 2178

AMENDMENT

In the Senate of the United States,

August 11, 1994.

Resolved, That the bill from the House of Representatives (H.R. 2178) entitled “An Act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1994, 1995, 1996, and 1997, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***TITLE I—HAZARDOUS MATE-***
2 ***RIALS TRANSPORTATION ACT***
3 ***AMENDMENTS***

4 ***SEC. 101. SHORT TITLE.***

5 *This title may be cited as the “Hazardous Materials*
6 *Transportation Authorization Act of 1994”.*

7 ***SEC. 102. AMENDMENT OF TITLE 49, UNITED STATES CODE.***

8 *Except as otherwise expressly provided, whenever in*
9 *this title an amendment or repeal is expressed in terms of*
10 *an amendment to, or a repeal of, a section or other provi-*
11 *sion, the reference shall be considered to be made to a section*
12 *or other provision of title 49, United States Code.*

13 ***SEC. 103. AUTHORIZATION OF APPROPRIATIONS.***

14 *Section 5127(a) (relating to authorization of appro-*
15 *priations) is amended by striking out “the fiscal year end-*

1 *ing September 30, 1993,” and inserting “fiscal year 1993,*
2 *\$18,000,000 for fiscal year 1994, \$18,540,000 for fiscal year*
3 *1995, \$19,100,000 for fiscal year 1996, and \$19,670,000 for*
4 *fiscal year 1997”.*

5 **SEC. 104. EXEMPTIONS FROM REQUIREMENT TO FILE REG-**
6 **ISTRATION STATEMENT.**

7 *Section 5108(a) (relating to persons required to file)*
8 *is amended by adding at the end the following new para-*
9 *graph:*

10 *“(4) The Secretary may waive the filing of a*
11 *registration statement, or the payment of a fee, re-*
12 *quired under this subsection, or both, for any person*
13 *not domiciled in the United States who solely offers*
14 *hazardous materials for transportation to the United*
15 *States from a place outside the United States if the*
16 *country of which such person is a domiciliary does*
17 *not require persons domiciled in the United States*
18 *who solely offer hazardous materials for transpor-*
19 *tation to the foreign country from places in the Unit-*
20 *ed States to file registration statements, or to pay*
21 *fees, for making such an offer.”.*

22 **SEC. 105. PLANNING GRANTS FOR INDIAN TRIBES.**

23 *(a) AUTHORITY TO MAKE GRANTS.—Section*
24 *5116(a)(1) (relating to planning grants) is amended—*

1 (1) by inserting “and Indian tribes” after
2 “States” the first place it appears; and

3 (2) by striking “in a State and between States”
4 and inserting “on lands under the jurisdiction of a
5 State or Indian tribe, and between lands under the
6 jurisdiction of a State or Indian tribe and lands of
7 another State or Indian tribe”.

8 (b) MAINTENANCE OF EFFORT.—Section 5116(a)(2)
9 (relating to planning grants) is amended—

10 (1) by inserting “or Indian tribe” after “State”
11 the first and third places it appears;

12 (2) by striking “the State” the second place it
13 appears;

14 (3) by inserting “the State or Indian tribe” be-
15 fore “certifies”; and

16 (4) by inserting “the State” before “agrees”.

17 (c) COORDINATION OF PLANNING.—Section 5116(a)
18 (relating to planning grants in general) is amended by add-
19 ing at the end the following new paragraph:

20 “(3) A State or Indian tribe receiving a grant
21 under this subsection shall ensure that planning
22 under the grant is coordinated with emergency plan-
23 ning conducted by adjacent States and Indian
24 tribes.”.

1 **SEC. 106. TRAINING CRITERIA FOR SAFE HANDLING AND**
2 **TRANSPORTATION.**

3 *Section 5107(d) (relating to coordination of training*
4 *requirements) is amended—*

5 *(1) by inserting “or duplicate” after “conflict*
6 *with”; and*

7 *(2) by striking “hazardous waste operations*
8 *and” and inserting “hazard communication, and haz-*
9 *ardous waste operations, and”.*

10 **SEC. 107. DISCLOSURE OF FEES LEVIED BY STATES, POLITI-**
11 **CAL SUBDIVISIONS, AND INDIAN TRIBES.**

12 *Section 5125(g) (relating to fees) is amended—*

13 *(1) by inserting “(1)” after “(g) FEES.—”; and*

14 *(2) by adding at the end the following:*

15 *“(2) A State or political subdivision thereof or*
16 *Indian tribe that levies a fee in connection with the*
17 *transportation of hazardous materials shall, upon the*
18 *Secretary’s request, report to the Secretary on—*

19 *“(A) the basis on which the fee is levied*
20 *upon persons involved in such transportation;*

21 *“(B) the purposes for which the revenues*
22 *from the fee are used;*

23 *“(C) the annual total amount of the reve-*
24 *nues collected from the fee; and*

25 *“(D) such other matters as the Secretary re-*
26 *quests.”.*

1 **SEC. 108. ANNUAL REPORT.**

2 *Section 5121(e) (relating to annual report) is amend-*
3 *ed—*

4 *(1) by striking “Annual” in the subsection head-*
5 *ing, and*

6 *(2) by striking the first sentence and inserting*
7 *the following: “The Secretary shall, once every 2*
8 *years, prepare and submit to the President for trans-*
9 *mittal to the Congress a comprehensive report on the*
10 *transportation of hazardous materials during the pre-*
11 *ceding 2 calendar years.”.*

12 **SEC. 109. INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.**

13 *(a) IN GENERAL.—In implementing the Intelligent Ve-*
14 *hicle-Highway Systems Act of 1991 (23 U.S.C. 307 note),*
15 *the Secretary of Transportation shall ensure that the Na-*
16 *tional Intelligent Vehicle-Highway Systems Program ad-*
17 *dresses, in a comprehensive and coordinated manner, the*
18 *use of intelligent vehicle-highway system technologies to*
19 *promote hazardous materials transportation safety. The*
20 *Secretary of Transportation shall ensure that 2 or more*
21 *operational tests funded under such Act shall promote such*
22 *safety and advance technology for providing information to*
23 *persons who provide emergency response to hazardous mate-*
24 *rials transportation incidents.*

25 *(b) GRANTS FOR CERTAIN EMERGENCY RESPONSE IN-*
26 *FORMATION TECHNOLOGIES.—*

1 (1) *In carrying out one of the operational tests*
2 *under subsection (a), the Secretary of Transportation*
3 *may make grants to one or more persons, including*
4 *a State or local government or department, agency, or*
5 *instrumentality thereof, to demonstrate the feasibility*
6 *of establishing and operating computerized tele-*
7 *communications emergency response information*
8 *technologies that are used—*

9 (A) *to identify the contents of shipments of*
10 *hazardous materials transported by motor car-*
11 *riers;*

12 (B) *to permit retrieval of data on shipments*
13 *of hazardous materials transported by motor car-*
14 *riers;*

15 (C) *to link systems that identify, store, and*
16 *allow the retrieval of data for emergency re-*
17 *sponse to incidents and accidents involving*
18 *transportation of hazardous materials by motor*
19 *carrier; and*

20 (D) *to provide information to facilitate re-*
21 *sponses to accidents and incidents involving haz-*
22 *ardous materials shipments by motor carriers ei-*
23 *ther directly or through linkage with other sys-*
24 *tems.*

1 (2) Any project carried out with a grant under
2 this subsection must involve two or more motor car-
3 riers of property. One of the motor carriers selected to
4 participate in the project must be a carrier that
5 transports mostly hazardous materials. The other
6 motor carrier selected must be a regular-route com-
7 mon carrier that specializes in transporting less-than-
8 truckload shipments. The motor carriers selected may
9 be engaged in multimodal movements of hazardous
10 materials with other motor carriers, rail carriers, or
11 water carriers.

12 (3) To the maximum extent practicable, the Sec-
13 retary of Transportation shall coordinate a project
14 under this subsection with any existing Federal,
15 State, and local government projects and private
16 projects which are similar to the project under this
17 subsection. The Secretary may require that a project
18 under this subsection be carried out in conjunction
19 with such similar Federal, State, and local govern-
20 ment projects and private projects.

21 **SEC. 110. RAIL TANK CAR SAFETY.**

22 Not later than 1 year after the date of enactment of
23 this Act, the Secretary of Transportation shall issue final
24 regulations under the following:

1 (1) *The rulemaking proceeding under Docket*
2 *HM-175A entitled “Crashworthiness Protection Re-*
3 *quirements for Tank Cars”.*

4 (2) *The rulemaking proceeding under Docket*
5 *HM-201 entitled “Detection and Repair of Cracks,*
6 *Pits, Corrosion, Lining Flaws, Thermal Protection*
7 *Flaws and Other Defects of Tank Car Tanks”.*

8 **SEC. 111. SAFE PLACEMENT OF TRAIN CARS.**

9 *The Secretary of Transportation shall conduct a study*
10 *of existing practices regarding the placement of cars on*
11 *trains, with particular attention to the placement of cars*
12 *that carry hazardous materials. In conducting the study,*
13 *the Secretary shall consider whether such placement prac-*
14 *tices increase the risk of derailment, hazardous materials*
15 *spills, or tank ruptures or have any other adverse effect on*
16 *safety. The results of the study shall be submitted to Con-*
17 *gress within 1 year after the date of enactment of this Act.*

18 **SEC. 112. GRADE CROSSING SAFETY.**

19 *The Secretary of Transportation shall, within 6*
20 *months after the date of enactment of this Act, amend regu-*
21 *lations—*

22 (1) *under chapter 51 of title 49, United States*
23 *Code, (relating to transportation of hazardous mate-*
24 *rials) to prohibit the driver of a motor vehicle trans-*
25 *porting hazardous materials in commerce, and*

1 (2) under chapter 315 of such title (relating to
2 motor carrier safety) to prohibit the driver of any
3 commercial motor vehicle,
4 from driving the motor vehicle onto a highway-rail grade
5 crossing without having sufficient space to drive completely
6 through the crossing without stopping.

7 **SEC. 113. DRIVER'S RECORD OF DUTY STATUS.**

8 (a) *IN GENERAL.*—

9 (1) The Secretary of Transportation shall pre-
10 scribe regulations amending part 395 of title 49, Code
11 of Federal Regulations, to improve—

12 (A) compliance by commercial motor vehicle
13 drivers and motor carriers with hours of service
14 requirements; and

15 (B) the effectiveness and efficiency of Fed-
16 eral and State enforcement officers reviewing
17 such compliance.

18 (2) Such regulations shall be proposed not later
19 than 12 months after the date of enactment of this Act
20 and shall be issued and become effective not later than
21 18 months after such date of enactment. In prescrib-
22 ing the regulations, the Secretary of Transportation
23 shall ensure that compliance can be achieved at a cost
24 that is reasonable to drivers and motor carriers.

1 (b) *CONTENTS OF REGULATIONS.*—Such regulations
2 shall include the following:

3 (1) *A description of identification items (which*
4 *include either driver name or vehicle number) that*
5 *shall be part of a written or electronic document to*
6 *enable such written or electronic document to be used*
7 *by a motor carrier or by an enforcement officer as a*
8 *supporting document to verify the accuracy of a driv-*
9 *er's record of duty status.*

10 (2) *A provision specifying the number, type, and*
11 *frequency of supporting documents that must be re-*
12 *tained by a motor carrier so as to allow verification*
13 *of the accuracy of such documents at a reasonable*
14 *cost, to the driver and the motor carrier, of record ac-*
15 *quisition and retention.*

16 (3) *A provision specifying the period during*
17 *which supporting documents shall be retained by the*
18 *motor carrier. The period shall be at least 6 months*
19 *from the date of a document's receipt.*

20 (4) *A provision to authorize, on a case-by-case*
21 *basis, motor carrier self-compliance systems that en-*
22 *sure driver compliance with hours of service require-*
23 *ments and allow Federal and State enforcement offi-*
24 *cers the opportunity to conduct independent audits of*
25 *such systems to validate compliance with section*

1 395.8(k) of title 49, Code of Federal Regulations (or
2 successor regulations thereto). Such authorization
3 may also be provided by the Secretary to a group of
4 motor carriers that meet specific conditions that may
5 be established by regulation by the Secretary and that
6 are subject to audit by Federal and State enforcement
7 officers.

8 (5) A provision to allow a waiver, on a case-by-
9 case basis, of certain requirements of section 395.8(k)
10 of title 49, Code of Federal Regulations (or successor
11 regulations thereto), when sufficient supporting docu-
12 mentation is provided directly and at a satisfactory
13 frequency to enforcement personnel by an intelligent
14 vehicle-highway system, as defined by section 6059 of
15 the Intelligent Vehicle-Highway Systems Act of 1991
16 (23 U.S.C. 307 note). Such waiver may also be al-
17 lowed for a group of motor carriers that meet specific
18 conditions that may be established by regulation by
19 the Secretary.

20 (c) *SUPPORTING DOCUMENT DEFINED.*—For purposes
21 of this section, a supporting document is any document that
22 is generated or received by a motor carrier or commercial
23 motor vehicle driver in the normal course of business that
24 could be used, as produced or with additional identifying

1 *information, to verify the accuracy of a driver's record of*
2 *duty status.*

3 **SEC. 114. SAFETY PERFORMANCE HISTORY OF NEW DRIV-**
4 **ERS.**

5 (a) *AMENDMENT OF REGULATIONS.*—*Within 18*
6 *months after the date of enactment of this Act, the Secretary*
7 *of Transportation shall amend section 391.23 of title 49,*
8 *Code of Federal Regulations (or successor regulations there-*
9 *to), to—*

10 (1) *specify the safety information that must be*
11 *sought under that section by a motor carrier with re-*
12 *spect to a driver;*

13 (2) *require that such information be requested*
14 *from former employers and that former employers*
15 *furnish the requested information within 30 days*
16 *after receiving the request; and*

17 (3) *ensure that the driver to whom such informa-*
18 *tion applies has a reasonable opportunity to review*
19 *and comment on the information.*

20 (b) *SAFETY INFORMATION.*—*The safety information*
21 *required to be specified under subsection (a)(1) shall include*
22 *information on—*

23 (1) *any motor vehicle accidents in which the*
24 *driver was involved during the preceding 3 years;*

1 (2) any failure of the driver, during the preced-
2 ing 3 years, to undertake or complete a rehabilitation
3 program under section 31302 of title 49, United
4 States States Code (relating to limitation on the
5 number of driver's licenses) after being found to have
6 used, in violation of law or Federal regulation, alco-
7 hol or a controlled substance;

8 (3) any use by the driver, during the preceding
9 3 years, in violation of law or Federal regulation, of
10 alcohol or a controlled substance subsequent to com-
11 pleting such a rehabilitation program; and

12 (4) any other matters determined by the Sec-
13 retary of Transportation to be appropriate and useful
14 for determining the driver's safety performance.

15 (c) *FORMER EMPLOYER.*—For purposes of this section,
16 a former employer is any person who employed the driver
17 in the preceding 3 years.

18 **SEC. 115. RETENTION OF SHIPPING PAPERS.**

19 Section 5110 (relating to shipping papers and disclo-
20 sure) is amended by adding at the end the following new
21 subsection:

22 “(e) *RETENTION OF PAPERS.*—After the hazardous
23 material to which a shipping paper provided to a carrier
24 under subsection (a) applies is no longer in transportation,
25 the person who provided the shipping paper and the carrier

1 *required to maintain it under subsection (a) shall retain*
2 *the paper or electronic image thereof for a period of 1 year*
3 *to be accessible through their respective principal places of*
4 *business. Such person and carrier shall, upon request, make*
5 *the shipping paper available to a Federal, State, or local*
6 *government agency at reasonable times and locations.”.*

7 **SEC. 116. TOLL FREE NUMBER FOR REPORTING.**

8 *The Secretary of Transportation shall designate a toll*
9 *free telephone number for transporters of hazardous mate-*
10 *rials and other individuals to report to the Secretary pos-*
11 *sible violations of chapter 51 of title 49, United States Code,*
12 *or any order or regulation issued under that chapter.*

13 **SEC. 117. TECHNICAL CORRECTIONS.**

14 *(a) AMENDMENTS RELATING TO PACKAGING.—*

15 *(1) Sections 5102(3)(C)(ii) and 5102(4)(A)(iii)*
16 *are each amended by striking “packages” and insert-*
17 *ing “packagings”.*

18 *(2) Sections 5103(b)(1)(A)(iii), 5121(c)(1)(A),*
19 *5125(b)(1)(E), and 5126(a) are each amended by*
20 *striking “a package or” and inserting “a packaging*
21 *or a”.*

22 *(3) Section 5108(a)(1)(D) is amended—*

23 *(A) by striking “a bulk package” and in-*
24 *serting in lieu thereof “a bulk packaging”; and*

1 (B) by striking “the package” and inserting
2 “the bulk packaging”.

3 (b) *OTHER.*—Section 5104(a)(1) is amended by strik-
4 ing “or package” each place it appears and inserting “,
5 package, or packaging (or a component of a container,
6 package, or packaging)”.

7 **SEC. 118. HOURS OF SERVICE RULEMAKING FOR FARMERS**
8 **AND RETAIL FARM SUPPLIERS.**

9 Not later than 3 months after the date of enactment
10 of this Act the Secretary of Transportation shall initiate
11 a rulemaking proceeding to determine whether or not the
12 requirements of section 395.3 of title 49, Code of Federal
13 Regulations, relating to hours of service, may be waived for
14 farmers and retail farm suppliers when such farmers and
15 retail farm suppliers are transporting crops or farm sup-
16 plies for agricultural purposes within a 50-mile radius of
17 their distribution point or farm.

18 **SEC. 119. TRAINING.**

19 (a) *SUPPLEMENTAL PUBLIC SECTOR TRAINING*
20 *GRANTS.*—Section 5116 (relating to planning and training
21 grants, monitoring, and review) is amended by adding at
22 the end the following new subsections:

23 “(j) *SUPPLEMENTAL TRAINING GRANTS.*—

24 “(1) In order to further the purposes of sub-
25 section (b), the Secretary shall, subject to the avail-

1 *ability of funds, make grants to national nonprofit*
2 *employee organizations engaged solely in fighting*
3 *fires for the purpose of training instructors to conduct*
4 *hazardous materials response training programs for*
5 *individuals with statutory responsibility to respond*
6 *to hazardous materials accidents and incidents.*

7 *“(2) For the purposes of this subsection the Sec-*
8 *retary, after consultation with interested organiza-*
9 *tions, shall—*

10 *“(A) identify regions or locations in which*
11 *fire departments or other organizations which*
12 *provide emergency response to hazardous mate-*
13 *rials transportation accidents and incidents are*
14 *in need of hazardous materials training; and*

15 *“(B) prioritize such needs and develop a*
16 *means for identifying additional specific train-*
17 *ing needs.*

18 *“(3) Funds granted to an organization under*
19 *this subsection shall only be used—*

20 *“(A) to train instructors to conduct hazard-*
21 *ous materials response training programs;*

22 *“(B) to purchase training equipment used*
23 *exclusively to train instructors to conduct such*
24 *training programs; and*

1 “(C) to disseminate such information and
2 materials as are necessary for the conduct of
3 such training programs.

4 “(4) The Secretary may only make a grant to an
5 organization under this subsection in a fiscal year if
6 the organization enters into an agreement with the
7 Secretary to train instructors to conduct hazardous
8 materials response training programs in such fiscal
9 year that will use—

10 “(A) a course or courses developed or identi-
11 fied under subsection)(g); or

12 “(B) other courses which the Secretary de-
13 termines are consistent with the objectives of this
14 subsection;

15 for training individuals with statutory responsibility
16 to respond to accidents and incidents involving haz-
17 ardous materials. Such agreement also shall provide
18 that training courses shall be open to all such indi-
19 viduals on a nondiscriminatory basis.

20 “(5) The Secretary may impose such additional
21 terms and conditions on grants to be made under this
22 subsection as the Secretary determines are necessary
23 to protect the interests of the United States and to
24 carry out the objectives of this subsection.

1 “(k) *REPORTS.*—Not later than September 30, 1997,
2 the Secretary shall submit to Congress a report on the allo-
3 cation and uses of training grants authorized under sub-
4 section (b) for fiscal year 1993 through fiscal year 1996
5 and grants authorized under subsection (j) and section 5107
6 for fiscal years 1995 and 1996. Such report shall identify
7 the ultimate recipients of training grants and include a de-
8 tailed accounting of all grant expenditures by grant recipi-
9 ents, the number of persons trained under the grant pro-
10 grams, and an evaluation of the efficacy of training pro-
11 grams carried out.”.

12 (b) *FUNDING.*—Section 5127(b) (relating to appro-
13 priations for hazmat employee training) is amended—

14 (1) by inserting “(1)” after “*TRAINING.*—”, and

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

16 “(2)(A) There shall be available to the Secretary
17 for carrying out section 5116(j), from amounts in the
18 account established pursuant to section 5116(i),
19 \$250,000 for each of fiscal years 1995, 1996, 1997,
20 and 1998.

21 “(B) In addition to amounts made available
22 under subparagraph (A), there is authorized to be ap-
23 propriated to the Secretary for carrying out section
24 5116(j) \$1,000,000 for each of the fiscal years 1995,
25 1996, 1997, and 1998.”.

1 (c) *HAZMAT EMPLOYEE TRAINING PROGRAM.*—

2 (1) *The first sentence of section 5107(e) (relating*
3 *to hazmat employee training requirements and*
4 *grants) is amended to read as follows: “The Secretary*
5 *shall, subject to the availability of funds under section*
6 *5127(c)(3), make grants for training instructors to*
7 *train hazmat employees under this section.”.*

8 (2) *The second sentence of such section is amend-*
9 *ed by inserting “hazmat employee” after “nonprofit”.*

10 (3) *Section 5107 (relating to hazmat employee*
11 *training requirements and grants) is amended by*
12 *adding at the end thereof the following new sub-*
13 *section:*

14 “(g) *EXISTING EFFORT.*—*No grant under subsection*
15 *(e) shall supplant or replace existing employer-provided*
16 *hazardous materials training efforts or obligations.”.*

17 (4) *Section 5127(b)(1) (relating to hazmat em-*
18 *ployee training funding) is amended to read as fol-*
19 *lows:*

20 “(b) *TRAINING OF HAZMAT EMPLOYEE INSTRUC-*
21 *TORS.*—*(1) There is authorized to be appropriated to the*
22 *Secretary \$3,000,000 for each of fiscal years 1995, 1996,*
23 *1997, and 1998 to carry out section 5107(e).”.*

24 (d) *CONFORMING AMENDMENTS.*—

1 (1) *Section 5108(g)(2)(A)(viii) is amended by*
2 *striking “5107(e).”.*

3 (2) *Section 5116(i)(1) is amended by striking*
4 *“and section 5107(e)”.*

5 (3) *Section 5116(i)(3) is amended by striking*
6 *“and section 5107(e)”.*

7 ***SEC. 120. TIME FOR SECRETARIAL ACTION.***

8 (a) *EXEMPTIONS.—Section 5117 (relating to exemp-*
9 *tions and exclusions) is amended—*

10 (1) *by redesignating subsections (c) and (d) as*
11 *(d) and (e) respectively, and*

12 (2) *by inserting after subsection (b) the follow-*
13 *ing:*

14 “*(c) APPLICATIONS TO BE DEALT WITH PROMPTLY.—*
15 *The Secretary shall issue or renew the exemption for which*
16 *an application was filed or deny such issuance or renewal*
17 *within 180 days after the first day of the month following*
18 *the date of the filing of such application, or the Secretary*
19 *shall publish a statement in the Federal Register of the rea-*
20 *son why the Secretary’s decision on the exemption is de-*
21 *layed, along with an estimate of the additional time nec-*
22 *essary before the decision is made.”.*

23 (b) *DECISIONS ON PREEMPTION.—Section 5125(d) (re-*
24 *lating to decisions on preemption) is amended by inserting*
25 *immediately after the second sentence the following: “The*

1 *Secretary shall issue a decision on an application for a de-*
2 *termination within 180 days after the date of the publica-*
3 *tion of the notice of having received such application, or*
4 *the Secretary shall publish a statement in the Federal Reg-*
5 *ister of the reason why the Secretary's decision on the appli-*
6 *cation is delayed, along with an estimate of the additional*
7 *time necessary before the decision is made."*

8 **SEC. 121. STUDY OF HAZARDOUS MATERIALS TRANSPOR-**
9 **TATION BY MOTOR CARRIERS NEAR FEDERAL**
10 **PRISONS.**

11 (a) *STUDY.*—*The Secretary of Transportation shall*
12 *conduct a study to determine the safety considerations of*
13 *transporting hazardous materials by motor carriers in close*
14 *proximity to Federal prisons, particularly those housing*
15 *maximum security prisoners. Such study shall include an*
16 *evaluation of the ability of such facilities and the designated*
17 *local planning agencies to safely evacuate such prisoners*
18 *in the event of an emergency and any special training,*
19 *equipment, or personnel that would be required by such fa-*
20 *cility and the designated local emergency planning agencies*
21 *to carry out such evacuation. Such study shall not apply*
22 *to or address issues concerning rail transportation of haz-*
23 *ardous materials.*

24 (b) *REPORT.*—*Not later than 1 year after the date of*
25 *the enactment of this Act, the Secretary of Transportation*

1 shall transmit to Congress a report on the results of the
2 study conducted under this section, along with the Sec-
3 retary's recommendations for any legislative or regulatory
4 changes to enhance the safety regarding the transportation
5 of hazardous materials by motor carriers near Federal pris-
6 ons.

7 **SEC. 122. USE OF FIBER DRUM PACKAGING.**

8 (a) *INITIATION OF RULEMAKING PROCEEDING.*—Not
9 later than the 60th day following the date of enactment of
10 this Act, the Secretary of Transportation shall initiate a
11 rulemaking proceeding to determine whether the require-
12 ments of section 5103(b) of title 49, United States Code (re-
13 lating to regulations for safe transportation) as they per-
14 tain to open head fiber drum packaging can be met for the
15 domestic transportation of liquid hazardous materials (with
16 respect to those classifications of liquid hazardous materials
17 transported by such drums pursuant to regulations in effect
18 on September 30, 1991) with standards other than the per-
19 formance-oriented packaging standards adopted under
20 docket number HM-181 contained in part 178 of title 49,
21 Code of Federal Regulations.

22 (b) *ISSUANCE OF STANDARDS.*—If the Secretary of
23 Transportation determines, as a result of the rulemaking
24 proceeding initiated under subsection (a), that a packaging
25 standard other than the performance-oriented packaging

1 *standards referred to in subsection (a) will provide an equal*
2 *or greater level of safety for the domestic transportation of*
3 *liquid hazardous materials than would be provided if such*
4 *performance-oriented packaging standards were in effect,*
5 *the Secretary shall issue regulations which implement such*
6 *other standard and which take effect before October 1, 1996.*

7 (c) *COMPLETION OF RULEMAKING PROCEEDING.—The*
8 *rulemaking proceeding initiated under subsection (a) shall*
9 *be completed before October 1, 1995.*

10 (d) *LIMITATIONS.—*

11 (1) *The provisions of subsections (a), (b), and (c)*
12 *shall not apply to packaging for those hazardous ma-*
13 *terials regulated by the Department of Transportation*
14 *as poisonous by inhalation under chapter 51 of title*
15 *49, United States Code.*

16 (2) *Nothing in this section shall be construed to*
17 *prohibit the Secretary of Transportation from issuing*
18 *or enforcing regulations for the international trans-*
19 *portation of hazardous materials.*

20 **SEC. 123. BUY AMERICA.**

21 (a) *COMPLIANCE WITH BUY AMERICAN ACT.—None of*
22 *the funds made available under this title may be expended*
23 *in violation of sections 2 through 4 of the Act of March*
24 *3, 1933 (41 U.S.C. 10a–10c; popularly known as the “Buy*
25 *American Act”), which are applicable to those funds.*

1 (b) *SENSE OF CONGRESS; REQUIREMENT REGARDING*
2 *NOTICE.*—

3 (1) *In the case of any equipment or products*
4 *that may be authorized to be purchased with finan-*
5 *cial assistance provided under this title, it is the sense*
6 *of Congress that entities receiving such assistance*
7 *should, in expending such assistance, purchase only*
8 *American-made equipment and products.*

9 (2) *In providing financial assistance under this*
10 *title, the Secretary of Transportation shall provide to*
11 *each recipient of the assistance a notice describing the*
12 *statement made in paragraph (1) by Congress.*

13 (c) *PROHIBITION OF CONTRACTS.*—*If it has been fi-*
14 *nally determined by a court or Federal agency that any*
15 *person intentionally affixed a label bearing a “Made in*
16 *America” inscription, or any inscription with the same*
17 *meaning, to any product sold in or shipped to the United*
18 *States that is not made in the United States, such person*
19 *shall be ineligible to receive any contract or subcontract*
20 *made with funds provided pursuant to this title, pursuant*
21 *to the debarment, suspension, and ineligibility procedures*
22 *described in sections 9.400 through 9.409 of title 48, Code*
23 *of Federal Regulations.*

24 (d) *RECIPROCITY.*—

1 (1) *Except as provided in paragraph (2), no con-*
2 *tract or subcontract may be made with funds author-*
3 *ized under this title to a company organized under*
4 *the laws of a foreign country unless the Secretary of*
5 *Transportation finds that such country affords com-*
6 *parable opportunities to companies organized under*
7 *laws of the United States.*

8 (2)(A) *Secretary of Transportation may waive*
9 *the provisions of paragraph (1) if the products or*
10 *services required are not reasonably available from*
11 *companies organized under the laws of the United*
12 *States. Any such waiver shall be reported to Congress.*

13 (B) *Paragraph (1) shall not apply to the extent*
14 *that to do so would violate the General Agreement on*
15 *Tariffs and Trade or any other international agree-*
16 *ment to which the United States is a party.*

17 **TITLE II—TRUCKING INDUSTRY**
18 **REGULATORY REFORM**

19 **SEC. 201. SHORT TITLE.**

20 *This title may be cited as the “Trucking Industry Reg-*
21 *ulatory Reform Act of 1994”.*

22 **SEC. 202. AMENDMENT OF TITLE 49, UNITED STATES CODE.**

23 *Except as otherwise expressly provided, whenever in*
24 *this title an amendment or repeal is expressed in terms of*
25 *an amendment to, or repeal of, a section or other provision,*

1 *the reference shall be considered to be made to a section or*
2 *other provision of title 49, United States Code.*

3 **SEC. 203. PURPOSE.**

4 *The purpose of this title is to enhance competition,*
5 *safety, and efficiency in the motor carrier industry and to*
6 *enhance efficiency in government.*

7 **SEC. 204. TRANSPORTATION POLICY.**

8 *Section 10101(a)(2) (relating to transportation policy)*
9 *is amended—*

10 *(1) by redesignating subparagraphs (A) through*
11 *(I) as subparagraphs (C) through (K), respectively,*
12 *and*

13 *(2) by inserting before subparagraph (C) (as so*
14 *redesignated) the following: “(A) encourage fair com-*
15 *petition, and reasonable rates for transportation by*
16 *motor carriers of property; (B) promote Federal regu-*
17 *latory efficiency in the motor carrier transportation*
18 *system and to require fair and expeditious regulatory*
19 *decisions when regulation is required;”.*

20 **SEC. 205. EXEMPTIONS.**

21 *(a) IN GENERAL.—Section 10505 (relating to author-*
22 *ity to exempt rail carrier transportation) is amended—*

23 *(1) by inserting “, or a motor carrier providing*
24 *transportation of property other than household*
25 *goods, or in non-contiguous domestic trade,” after*

1 *“rail carrier providing transportation” in subsection*
2 *(a),*

3 *(2) by inserting “section 10101 or” before “sec-*
4 *tion 10101a” in subsection (a)(1) and subsection (d),*

5 *(3) by inserting “; or a motor carrier providing*
6 *transportation of property other than household*
7 *goods, or in non-contiguous domestic trade,” after*
8 *“rail carrier” in subsection (f), and*

9 *(4) by striking out “or” in subsection (g), and*
10 *inserting after “subtitle” the following: “; (3) to re-*
11 *lieve a motor carrier of property or other person from*
12 *the application or enforcement of the provisions of*
13 *sections 10706, 10761, 10762, 10927, and 11707 of*
14 *this title, or (4) to exempt a motor carrier of property*
15 *from the application of, and compliance with, any*
16 *law, rule, regulation, standard, or order pertaining to*
17 *cargo loss and damage; insurance; antitrust immu-*
18 *nity for joint line rates and routes, classification of*
19 *commodities (including uniform packaging rules),*
20 *uniform bills of lading, or standardized mileage*
21 *guides; or safety fitness.”.*

22 *(b) DEFINITION.—Section 10102 (relating to defini-*
23 *tions) is amended by redesignating paragraphs (18)*
24 *through (31) as (19) through (32), respectively, and by in-*
25 *serting after paragraph (17) the following:*

1 “(18) ‘non-contiguous domestic trade’ means
2 *motor-water transportation subject to the jurisdiction*
3 *of the Commission under chapter 105 of this title in-*
4 *volving traffic originating in or destined to Alaska,*
5 *Hawaii, or a territory or possession of the United*
6 *States.”.*

7 (c) *CLERICAL AMENDMENTS.*—

8 (1) *The caption of section 10505 is amended by*
9 *inserting “and motor carrier” after “rail carrier”.*

10 (2) *The chapter analysis for chapter 105 is*
11 *amended by inserting “and motor carrier” after “rail*
12 *carrier” in the item relating to section 10505.*

13 **SEC. 206. TARIFF FILING.**

14 (a) *AUTHORITY TO ESTABLISH RATES.*—Section
15 *10702(b) (relating to authority for carriers to establish*
16 *rates, classifications, rules, and practices) is amended by*
17 *inserting “, except a motor contract carrier of property,”*
18 *after “A contract carrier”.*

19 (b) *PROHIBITION OF TRANSPORTATION WITHOUT TAR-*
20 *IFF.*—Section 10761(a) (relating to transportation prohib-
21 *ited without tariff) is amended—*

22 (1) *by inserting “(excluding a motor common*
23 *carrier providing transportation of property, other*
24 *than household goods, under an individually deter-*
25 *mined rate, classification, rule, or practice, as defined*

1 *in section 10102(13) or in noncontiguous domestic*
2 *trade)” after “chapter 105 of this title”, and*

3 *(2) by striking out “That carrier” in the second*
4 *sentence and inserting “A carrier subject to this sub-*
5 *section”,*

6 *(3) by inserting before the period at the end of*
7 *the first sentence the following: “, except that a motor*
8 *carrier of property the application of whose rates is*
9 *determined or governed by a tariff on file with the*
10 *Commission cannot collect its rates unless the carrier*
11 *is a participant in those tariffs”, and*

12 *(4) by inserting before the period at the end of*
13 *the second sentence the following: “, except that a*
14 *motor carrier of property the application of whose*
15 *rates are determined or governed by a tariff on file*
16 *with the Commission shall issue a power of attorney*
17 *to the tariff publishing agent of such tariff and, upon*
18 *its acceptance, the agent shall issue a notice to the*
19 *participating carrier certifying its continuing par-*
20 *ticipation in such tariff, which certification shall be*
21 *kept open for public inspection”.*

22 *(c) GENERAL TARIFF REQUIREMENT.—Section*
23 *10762(a) (relating to general tariff requirement) is amend-*
24 *ed—*

1 (1) by inserting “(excluding a motor common
2 carrier providing transportation of property, other
3 than household goods, under an individually deter-
4 mined rate, classification, rule, or practice, as defined
5 in section 10102(13), or in noncontiguous domestic
6 trade)” after “A motor common carrier” in the second
7 sentence of paragraph (1),

8 (2) by inserting “(excluding a motor common
9 carrier providing transportation of property, other
10 than household goods, under an individually deter-
11 mined rate, classification, rule, or practice, as defined
12 in section 10102(13), or in noncontiguous domestic
13 trade)” after “carriers” in the third sentence of para-
14 graph (1),

15 (3) by striking the last sentence of paragraph (1)
16 and inserting the following: “A motor contract carrier
17 of property is not required to publish or file actual
18 or minimum rates under this subtitle. Except as pro-
19 vided in the Negotiated Rates Act of 1993 and the
20 amendments made by that Act, nothing in the Truck-
21 ing Industry Regulatory Reform Act of 1994 (and the
22 amendments made by that Act) creates any obligation
23 for a shipper based solely on a rate that was on file
24 with the Commission or elsewhere on the date of en-
25 actment of such Act.”, and

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

2 “(3) A motor common carrier of property (other
3 than a motor common carrier providing transpor-
4 tation of household goods or in noncontiguous domes-
5 tic trade) shall provide to the shipper, on request of
6 the shipper, a written or electronic copy of the rate,
7 classification, rules, and practices, upon which any
8 rate agreed to between the shipper and carrier may
9 have been based. When the applicability or reason-
10 ableness of the rates and related provisions billed by
11 a motor common carrier is challenged by the person
12 paying the freight charges, the Commission shall de-
13 termine whether such rates and provisions are reason-
14 able or applicable based on the record before it. In
15 those cases where a motor common carrier (other than
16 a motor common carrier providing transportation of
17 household goods or in noncontiguous domestic trade)
18 seeks to collect charges in addition to those billed and
19 collected which are contested by the payor, the carrier
20 may request that the Commission determine whether
21 any additional charges over those billed and collected
22 must be paid. A carrier must issue any bill for
23 charges in addition to those originally billed within
24 180 days of the original bill in order to have the right
25 to collect such charges.

1 “(4) If a shipper seeks to contest the charges
2 originally billed, the shipper may request that the
3 Commission determine whether the charges originally
4 billed must be paid. A shipper must contest the origi-
5 nal bill within 180 days in order to have the right
6 to contest such charges.

7 “(5) Any tariff on file with the Commission on
8 the date of enactment of the Trucking Industry Regu-
9 latory Reform Act of 1994 not required to be filed
10 with the Commission after the enactment of that Act
11 is null and void beginning on that date.”.

12 (d) *PROPOSED RATE CHANGES.*—

13 (1) *COMMON CARRIERS.*—Section 10762(c)(1)
14 (relating to proposed rate changes) is amended by in-
15 sserting “(excluding a motor common carrier provid-
16 ing transportation of property other than household
17 goods, under an individually determined rate, classi-
18 fication, rule, or practice defined in section
19 10102(13), or in a noncontiguous domestic trade)”
20 after “common carrier”.

21 (2) *CONTRACT CARRIERS.*—Section 10762(c)(2)
22 (relating to proposed rate changes) is amended by in-
23 sserting “(except a motor contract carrier of prop-
24 erty)” after “contract carrier”.

1 (e) *EFFECT ON NEGOTIATED RATES ACT.*—Section
2 10762 (relating to general tariff requirements) is amended
3 by adding at the end thereof the following new subsection:

4 “(j) Nothing in this section shall affect the application
5 of the provisions of the Negotiated Rates Act of 1993 (or
6 the amendments made by that Act) to undercharge claims
7 for transportation provided prior to the date of enactment
8 of the Trucking Industry Regulatory Reform Act of 1994.”.

9 (f) *DEFINITION.*—Section 10102 (relating to defini-
10 tions) is amended—

11 (1) by redesignating paragraphs (13) through
12 (31) as (14) through (32), and

13 (2) by inserting after paragraph (12) the follow-
14 ing:

15 “(13) ‘individually determined rate, classifica-
16 tion, rule, or practice’ means a rate, classification,
17 rule, or practice established by—

18 “(A) a single motor common carrier for ap-
19 plication to transportation that it can provide
20 over its line; or

21 “(B) 2 or more interlining carriers without
22 participation in an organization established or
23 continued under an agreement approved under
24 section 10706(b) for application to transpor-

1 *tation that the interlining carriers can provide*
2 *jointly over their lines.”.*

3 **SEC. 207. MOTOR COMMON CARRIER LICENSING.**

4 *(a) IN GENERAL.—Section 10922 (relating to certifi-*
5 *cation of motor and water carriers) is amended—*

6 *(1) by redesignating subsections (b) through (l)*
7 *as (c) through (m), respectively, and by inserting*
8 *after subsection (a) the following new subsection:*

9 *“(b)(1) Except as provided in this section, the Com-*
10 *mission shall issue a certificate to a person authorizing that*
11 *person to provide transportation subject to the jurisdiction*
12 *of the Commission under subchapter II of chapter 105 of*
13 *this title as a motor common carrier of property if the Com-*
14 *mission finds that the person is able to comply with—*

15 *“(A) this subtitle, the regulations of the*
16 *Commission, and any safety requirements im-*
17 *posed by the Commission,*

18 *“(B) the safety fitness requirements estab-*
19 *lished by the Secretary of Transportation in con-*
20 *sultation with the Commission under section*
21 *31144 of this title, and*

22 *“(C) the minimum financial responsibility*
23 *requirements established by the Commission pur-*
24 *suant to section 10927 of this title.*

1 “(2) In making a finding under paragraph (1),
2 the Commission shall consider and, to the extent ap-
3 plicable, make findings on, any evidence demonstrat-
4 ing that the applicant is unable to comply with the
5 requirements of subparagraph (A), (B), or (C) of that
6 paragraph.

7 “(3) The Commission shall find any applicant
8 for authority to operate as a motor carrier under this
9 section to be unfit if the applicant does not meet the
10 safety and safety fitness requirements under para-
11 graph (1)(A) or (1)(B) of this subsection and shall
12 deny the application.

13 “(4) A person may protest an application under
14 this subsection to provide transportation only on the
15 ground that the applicant fails or will fail to comply
16 with this subtitle, the regulations of the Commission,
17 the safety requirements of the Commission, or the
18 safety fitness or minimum financial responsibility re-
19 quirements of paragraph (1) of this subsection.”.

20 (b) *PUBLIC CONVENIENCE AND NECESSITY*.—Section
21 10922(c) (relating to public convenience and necessity) as
22 redesignated by subsection (a), is amended—

23 (1) by striking “carrier of property” in para-
24 graph (1) and inserting “carrier of household goods”,

1 (2) by striking paragraphs (4) and (6) and re-
2 designating paragraphs (5), (7), (8), and (9) as (4),
3 (5), (6), and (7), respectively,

4 (3) by striking “carrier holding authority under
5 paragraph (4)(D) of this subsection” in paragraph
6 (4) (as redesignated) and inserting “motor carrier
7 providing transportation of shipments weighing 100
8 pounds or less transported in a motor vehicle in
9 which no one package exceeds 100 pounds”,

10 (4) by striking “of property” in paragraph (5)
11 (as redesignated) and inserting “of household goods”,

12 (5) by striking “of property” in paragraph (6)
13 (as redesignated) and inserting “of household goods”,
14 and

15 (6) by striking “Notwithstanding the provisions
16 of paragraph (4) of this subsection, the provisions” in
17 paragraph (7) (as redesignated) and inserting “The
18 provisions”.

19 (c) CERTIFICATE SPECIFICATIONS.—Section
20 10922(f)(1) (relating to specifications for certificate), as re-
21 designated by subsection (a) of this section, is amended by
22 inserting “of household goods or passengers” after “motor
23 common carrier”.

24 (d) PUBLIC CONVENIENCE AND NECESSITY.—Section
25 10922(h)(1) (relating to public convenience and necessity),

1 *as redesignated by subsection (a) of this section, is amended*
2 *by inserting “of household goods or passengers” after*
3 *“motor common carrier”.*

4 **SEC. 208. MOTOR CONTRACT CARRIER LICENSING.**

5 (a) *AUTHORITY TO ISSUE PERMITS.—Section*
6 *10923(a) (relating to authority to issue permits) is amend-*
7 *ed by inserting “of household goods or passengers” after*
8 *“motor contract carrier”.*

9 (b) *MOTOR CONTRACT CARRIER PERMITS.—Section*
10 *10923 (relating to permits of motor and water contract car-*
11 *riers and household goods freight forwarders) is amended*
12 *by redesignating subsections (b) through (e) as (c) through*
13 *(f), respectively, and by inserting after subsection (a) the*
14 *following new subsection:*

15 “(b)(1) *Except as provided in this section and section*
16 *10930 of this title, the Commission shall issue a permit to*
17 *a person authorizing the person to provide transportation*
18 *subject to the jurisdiction of the Commission under sub-*
19 *chapter II of chapter 105 of this title as a motor contract*
20 *carrier of property other than household goods if the Com-*
21 *mission finds that the person is able to comply with—*

22 “(A) *this subtitle, the regulations of the Commis-*
23 *sion, and any safety requirements imposed by the*
24 *Commission,*

1 “(B) the safety fitness requirements established
2 by the Secretary of Transportation in consultation
3 with the Commission pursuant to section 31144 of
4 this title, and

5 “(C) the minimum financial responsibility re-
6 quirements established by the Commission pursuant
7 to section 10927 of this title.

8 “(2) In deciding whether to approve the application
9 of a person for a permit as a motor contract carrier of prop-
10 erty other than household goods the Commission shall con-
11 sider any evidence demonstrating that the applicant is un-
12 able to comply with this subtitle, the regulations of the Com-
13 mission, safety requirements of the Commission, or the safe-
14 ty fitness and minimum financial responsibility require-
15 ments of subsection (b)(1).

16 “(3) The Commission shall find any applicant for au-
17 thority to operate as a motor carrier of property other than
18 household goods under this subsection to be unfit if the ap-
19 plicant does not meet the safety and safety fitness require-
20 ments of paragraph (1)(A) or (1)(B) of this subsection and
21 shall deny the application.

22 “(4) A person may protest an application under this
23 subsection to provide transportation only on the ground
24 that the applicant fails or will fail to comply with this sub-
25 title, the regulations of the Commission, safety requirements

1 *of the Commission, or the safety fitness or minimum finan-*
2 *cial responsibility requirements of paragraph (1).”.*

3 (c) *APPLICATION FILING REQUIREMENTS.*—Section
4 *10923(c) (relating to application filing requirements), as*
5 *redesignated by subsection (b) of this section, is amended—*

6 (1) *by striking “motor contract carrier of prop-*
7 *erty” in paragraphs (3) and (4) and inserting “motor*
8 *contract carrier of household goods”,*

9 (2) *by striking paragraph (5) and redesignating*
10 *paragraphs (6) and (7) as (5) and (6), respectively,*
11 *and*

12 (3) *by striking “motor contract carriers of prop-*
13 *erty” in paragraph (5) (as redesignated) and insert-*
14 *ing “motor contract carriers of household goods”.*

15 (d) *CONDITIONS OF TRANSPORTATION OR SERVICE.*—
16 *Section 10923(e) (relating to conditions of transportation*
17 *or service), as redesignated by subsection (b) of this section,*
18 *is amended—*

19 (1) *by inserting “of passengers or household*
20 *goods” after “contract carrier” in paragraph (1), and*

21 (2) *by striking “each person or class of persons*
22 *(and, in the case of a motor contract carrier of pas-*
23 *sengers, the number of persons)” in paragraph (2)*
24 *and inserting “in the case of a motor contract carrier*
25 *of passengers, the number of persons,”.*

1 **SEC. 209. REVOCATION OF MOTOR CARRIER AUTHORITY.**

2 *Section 10925(d)(1) (relating to effective period of cer-*
3 *tificates, permits, and licenses) is amended—*

4 *(1) by striking “if a motor carrier or broker” in*
5 *subparagraph (A) and inserting “if a motor carrier*
6 *of passengers, motor common carrier of household*
7 *goods, or broker”;*

8 *(2) by striking “and” at the end of subpara-*
9 *graph (A),*

10 *(3) by redesignating subparagraph (B) as (D)*
11 *and inserting after subparagraph (A) the following*
12 *new subparagraphs:*

13 *“(B) if a motor contract carrier of property,*
14 *for failure to comply with safety requirements of*
15 *the Commission or the safety fitness require-*
16 *ments pursuant to section 10701, 10924(e),*
17 *10927 (b) or (d), or 31144, of this title;*

18 *“(C) if a motor common carrier of property*
19 *other than household goods, for failure to comply*
20 *with safety requirements of the Commission or*
21 *the safety fitness requirements pursuant to sec-*
22 *tion 10701, 10702, 10924(e), 10927 (b) or (d), or*
23 *31144 of this title; and”.*

1 **SEC. 210. STUDY OF INTERSTATE COMMERCE COMMISSION**

2 **FUNCTIONS.**

3 (a) *INTERSTATE COMMERCE COMMISSION REPORT.*—

4 *The Interstate Commerce Commission shall prepare and*
5 *submit to the Secretary of Transportation and to each com-*
6 *mittee of the Congress having jurisdiction over legislation*
7 *affecting the Commission a report identifying and analyz-*
8 *ing all regulatory responsibilities of the Commission. The*
9 *Commission shall make recommendations concerning spe-*
10 *cific statutory and regulatory functions of the Commission*
11 *that could be eliminated or restructured. The Commission*
12 *shall submit the report within 60 days after the date of en-*
13 *actment of this Act.*

14 (b) *SECRETARY OF TRANSPORTATION STUDY.*—*The*
15 *Secretary of Transportation shall study the feasibility and*
16 *efficiency of merging the Interstate Commerce Commission*
17 *into the Department of Transportation as an independent*
18 *agency, combining it with other Federal agencies, retaining*
19 *the Interstate Commerce Commission in its present form,*
20 *eliminating the agency and transferring all or some of its*
21 *functions to the Department of Transportation or other*
22 *Federal agencies, and other organizational changes that*
23 *lead to government, transportation, or public interest effi-*
24 *ciencies. The study shall consider the cost savings that*
25 *might be achieved, the efficient allocation of resources, the*
26 *elimination of unnecessary functions, and responsibility for*

1 *regulatory functions. The Secretary shall solicit comments*
2 *from the public with respect to both the Department's and*
3 *the Commission's findings. The Secretary shall submit the*
4 *results of such study together with any recommendations*
5 *to the Congress within 4 months after the date of the sub-*
6 *mission of the Interstate Commerce Commission report re-*
7 *quired in subsection (a).*

8 **SEC. 211. LIMITATION ON STATE REGULATION OF INTRA-**
9 **STATE TRANSPORTATION OF PASSENGERS BY**
10 **BUS.**

11 *(a) IN GENERAL.—Chapter 109 (relating to licensing)*
12 *is amended by adding at the end thereof the following new*
13 *section:*

14 **“§ 10936. Limitation on State regulation of intrastate**
15 **passengers by bus**

16 *“A State or political subdivision of a State may not*
17 *enforce any law or regulation relating to intrastate fares*
18 *for the transportation of passengers by bus by an interstate*
19 *motor carrier of passengers over a route authorized by the*
20 *Commission.”.*

21 *(b) CONFORMING AMENDMENTS.—*

22 *(1) Section 10521(b)(1) is amended by inserting*
23 *“10936,” after “10935,”*

24 *(2) Section 11501(e) is amended—*

25 *(A) by striking all but paragraph (5),*

1 (B) by redesignating paragraph (5) as sub-
2 section (e), and

3 (C) by striking “paragraph” and inserting
4 “subsection”.

5 (3) The table of sections for subchapter IV of
6 chapter 109 is amended by adding at the end the fol-
7 lowing new item:

 “10936. Limitation on State regulation of intrastate passengers by bus.”.

8 **SEC. 212. EFFECTIVE DATE.**

9 This title and the amendments made by this title shall
10 take effect upon the enactment of this Act, except for sections
11 207 and 208, which shall take effect on January 1, 1995.

 Attest:

Secretary.

HR 2178 EAS1S—2

HR 2178 EAS1S—3

HR 2178 EAS1S—4

HR 2178 EAS1S—5