

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4778

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## AN ACT

To codify without substantive change recent laws related to transportation and to improve the United States Code.

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

3 **SECTION 1. TITLE 11, UNITED STATES CODE.**

4 Section 365 of title 11, United States Code, is amended as follows:

5 (1) In subsection (d)(6)(C), strike “section 101 of the Federal Avia-  
6 tion Act of 1958 (49 App. U.S.C. 1301)” and substitute “section  
7 40102(a) of title 49”.

8 (2) In subsection (p), strike “section 101(3) of the Federal Aviation  
9 Act of 1958” and substitute “section 40102(a) of title 49”.

1 **SEC. 2. TITLE 18, UNITED STATES CODE.**

2 Title 18, United States Code, is amended as follows:

3 (1) In section 2333(b), strike “section 902(i), (k), (l), (n), or (r) of  
4 the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(i), (k), (l), (n),  
5 or (r))” and substitute “section 46314, 46502, 46505, or 46506 of title  
6 49”.

7 (2) In section 2340(3), strike “section 101(38) of the Federal Avia-  
8 tion Act of 1958 (49 U.S.C. App. 1301(38))” and substitute section  
9 46501(2) of title 49”.

10 **SEC. 3. TITLE 23, UNITED STATES CODE.**

11 Title 23, United States Code, is amended as follows:

12 (1) In section 103(i)(3), strike “the Federal Transit Act” and sub-  
13 stitute “chapter 53 of title 49”.

14 (2) In section 108(d)(2)(F), strike “section 4(f) of the Department  
15 of Transportation Act” and substitute “section 303 of title 49”.

16 (3) In section 127(d)(2)(A), strike “sections 411, 412, and 416 of  
17 the Surface Transportation Assistance Act of 1982 (49 U.S.C. App.  
18 2311, 2312, and 2316)” and substitute “sections 31111–31114 of title  
19 49”.

20 (4) In section 133(b)(2), strike “the Federal Transit Act” and sub-  
21 stitute “chapter 53 of title 49”.

22 (5) Section 134 is amended as follows:

23 (A) In subsections (h)(5) and (i)(3) and (4), strike “the Federal  
24 Transit Act” and substitute “chapter 53 of title 49”.

25 (B) In subsection (i)(5), strike “section 9 of the Federal Transit  
26 Act” wherever it appears and “section 8(o) of the Federal Transit  
27 Act” and substitute “section 5336 of title 49” and “section  
28 5306(a) of title 49”, respectively.

29 (C) In subsections (k)–(m), strike “the Federal Transit Act”  
30 wherever it appears” and substitute “chapter 53 of title 49”.

31 (D) In subsection (k), strike “Federal Transit Act funds” and  
32 substitute “chapter 53 funds”.

33 (6) Section 135 is amended as follows:

34 (A) In subsection (f)(2), strike “the Federal Transit Act” and  
35 substitute “chapter 53 of title 49”.

36 (B) In subsection (h), strike “section 8 of the Federal Transit  
37 Act, United States Code” and “section 8 of such Act” and sub-  
38 stitute “sections 5303–5306 and 5323(k) of title 49” and “sec-  
39 tions 5303–5306 and 5323(k)”, respectively.

1 (7) in section 141(b), strike “section 411(j) of the Surface Transpor-  
2 tation Assistance Act of 1982 (49 U.S.C. App. 2311(j))” and sub-  
3 stitute “section 31112 of title 49”.

4 (8) In section 303(c), strike “the Federal Transit Act” and sub-  
5 stitute “chapter 53 of title 49”.

6 (9) In section 303(d), strike “the Federal Transit Act” and “such  
7 Act” and substitute “chapter 53 of title 49” and “chapter 53”, respec-  
8 tively.

9 (10) In section 307(e)(13), strike “section 26(a)(I) of the Federal  
10 Transit Act” and substitute “section 5313(a) of title 49”.

11 **SEC. 4. TITLE 26, UNITED STATES CODE.**

12 Section 9503(e)(3)(A) of the Internal Revenue Code of 1986 (26 U.S.C.  
13 9503(e)(3)(A)) is amended by striking “paragraph (1) or (3) of subsection  
14 (a), or paragraph (1) or (3) of subsection (b), of section 21 of the Federal  
15 Transit Act” and substituting “section 5338(a)(1) or (b)(1) of title 49”.

16 **SEC. 5. TITLE 39, UNITED STATES CODE.**

17 Section 5402(g)(1)(A) of title 39, United States Code, is amended by  
18 striking “section 401 of the Federal Aviation Act of 1958 (49 U.S.C.  
19 1371)” and substituting “section 41102(a) of title 49”.

20 **SEC. 6. TITLE 49, UNITED STATES CODE.**

21 Title 49, United States Code, is amended as follows:

22 (1) In section 112(e), strike “the date of the enactment of this sec-  
23 tion” and substitute “October 24, 1992”.

24 (2) In section 321, strike “, respectively”.

25 (3) Section 5103(b)(2) is amended as follows:

26 (A) Strike “include” and substitute “be conducted under section  
27 553 of title 5, including”.

28 (B) Strike “presentations” and substitute “presentation”.

29 (4) In section 5104(a)(1), insert “applicable” after “each”.

30 (5) In section 5115(b)(1)(C), strike “126” and substitute “126(g)”.

31 (6) In section 5125(a) and (b)(1), insert “and unless authorized by  
32 another law of the United States” after “section”.

33 (7) Section 5307(d) is amended as follows:

34 (A) In clause (1)(D), strike “chapter” and substitute “section”.

35 (B) In clause (1)(E)(iii), strike “Buy-American” and substitute  
36 “Buy America”.

37 (8) In section 5318(e), insert “Uniform” before “Relocation”.

38 (9) In section 5320(g)(2), strike “paragraph (1)(C) of this section”  
39 and substitute “paragraph (1)(C) of this subsection”.

40 (10) Section 5323 is amended as follows:

1 (A) in the catchline for subsection (j), strike “AMERICAN” and  
2 substitute “AMERICA”.

3 (B) Add at the end of the section the following:

4 “(l) PREAWARD AND POSTDELIVERY REVIEW OF ROLLING STOCK PUR-  
5 CHASE.—The Secretary of Transportation shall prescribe regulations requir-  
6 ing a preaward and postdelivery review of a grant under this chapter to buy  
7 rolling stock to ensure compliance with Government motor vehicle safety re-  
8 quirements, subsection (j) of this section, and bid specifications require-  
9 ments of grant recipients under this chapter. Under this subsection, inde-  
10 pendent inspections and review are required, and a manufacturer certifi-  
11 cation is not sufficient.”.

12 (11) In section 5326(a)(3), strike “regulations” and substitute  
13 “guidelines”.

14 (12) In section 5327(c)(1), strike “of that Act” and substitute “or  
15 that Act”.

16 (13) In section 5331(a)(3), strike “subchapter III of chapter 201 or  
17 section 31306” and substitute “section 20140 or 31306”.

18 (14) In section 5337(a)(4), strike “section 5336(B)(2)(A)” and sub-  
19 stitute “section 5336(b)(2)(A) of this title”.

20 (15) In the catchline of section 5565, insert “**certain**” after “**con-**  
21 **verting**”.

22 (16) In section 11301(b)(1), strike “subchapter I of chapter 2A,  
23 chapter 2B, and subchapter I of chapter 2D of title 15” and substitute  
24 “the Securities Act of 1933 (15 U.S.C. 77a *et seq.*), the Securities Ex-  
25 change Act of 1934 (15 U.S.C. 78a *et seq.*), and the Investment Com-  
26 pany Act of 1940 (15 U.S.C. 80a–1 *et seq.*)”.

27 (17) In section 11348(a), strike “(l)(1)” and substitute “(m)(1)”.

28 (18) In section 11706(d), strike “that limitation periods” and sub-  
29 stitute “those limitation periods”.

30 (19) In section 20136(2), strike “subsection” and substitute “sec-  
31 tion”.

32 (20) In section 22108(a)(3), insert “under this subsection” after  
33 “appropriated”.

34 (21) Section 24501 is amended as follows:

35 (A) In subsection (f), strike “(f) EXEMPTION FROM ADDI-  
36 TIONAL TAXES.—(1)” through the end of paragraph (1) and sub-  
37 stitute the following:

38 “(f) EXEMPTION FROM ADDITIONAL TAXES.—(1) In this subsection—

39 “(A) ‘additional tax’ means a tax or fee—

40 “(i) on the acquisition, improvement, ownership, or operation of  
41 personal property by Amtrak Commuter; and

1           “(ii) on real property, except a tax or fee on the acquisition of  
2           real property or on the value of real property not attributable to  
3           improvements made, or the operation of those improvements, by  
4           Amtrak Commuter.

5           “(B) ‘Amtrak Commuter’ includes a rail carrier subsidiary of Am-  
6           trak Commuter and a lessor or lessee of Amtrak Commuter or one of  
7           its rail carrier subsidiaries.”.

8           (B) In subsection (f)(2), insert “, even if that use is indirect”  
9           after “transportation”.

10          (22) In section 24904(a)(2), insert “, by condemnation or other-  
11          wise,” after “acquire”.

12          (23) Sections 30141(c)(4)(A) and 30165(a) are amended as follows:

13           (A) Strike “section 30112” and substitute “any of sections  
14           30112”.

15           (B) Insert “any of” before “those sections” each place it ap-  
16           pears.

17          (24) In section 30166(h), strike “the judicial” and substitute “any  
18          judicial”.

19          (25) In section 30308(b), strike “appropriated” and substitute “au-  
20          thorized”.

21          (26) In section 31501(l), strike “section 203(f)” and substitute “sec-  
22          tion 3(f)”.

23          (27) In section 32101, the matter before clause (1) is amended to  
24          read as follows:

25          “In this part (except chapter 329 and except as provided in section  
26          33101)—”.

27          (28) Item 32309 in the analysis of chapter 323 is amended to read  
28          as follows:

“32309. Civil penalty for labeling violations.”.

29          (29) Section 32304(a)(11) is amended to read as follows:

30           “(11) ‘passenger motor vehicle’ has the same meaning given that  
31           term in section 32101(10) of this title, except that it includes any  
32           multi-purpose vehicle or light duty truck when that vehicle or truck is  
33           rated at not more than 8,500 pounds gross vehicle weight.”.

34          (30) Section 32304(a)(14) is amended as follows:

35           (A) Insert “the Northern Mariana Islands,” after “Puerto  
36           Rico,”.

37           (B) Strike “the Canal Zone,”.

38          (31) In the catchline of section 32309, strike “**Criminal**” and sub-  
39          stitute “**Civil**”.

1 (32) In section 32505(b)(3), strike “the judicial” and “was con-  
2 ducted” and substitute “any judicial” and “is conducted”, respectively.

3 (33) In section 32703(3), strike “public”.

4 (34) Section 32705(c)(2)(A) is amended to read as follows:

5 “(A) the lessee’s mileage disclosure requirements under paragraph  
6 (1) of this subsection; and”.

7 (35) In section 32706(e)(3), strike “the judicial” and “was con-  
8 ducted” and substitute “any judicial” and “is conducted”, respectively.

9 (36) Section 32904(b) is amended as follows:

10 (A) Redesignate paragraphs (3)–(6) as paragraphs (5)–(8), re-  
11 spectively.

12 (B) Strike “(b) SEPARATE CALCULATIONS FOR PASSENGER  
13 AUTOMOBILES MANUFACTURED DOMESTICALLY AND NOT DO-  
14 MESTICALLY.—(1)” through the end of paragraph (2) and sub-  
15 stitute the following:

16 “(b) SEPARATE CALCULATIONS FOR PASSENGER AUTOMOBILES MANU-  
17 FACTURED DOMESTICALLY AND NOT DOMESTICALLY.—(1)(A) Except as  
18 provided in paragraphs (6) and (7) of this subsection, the Administrator  
19 shall make separate calculations under subsection (a)(1)(B) of this section  
20 for—

21 “(i) passenger automobiles manufactured domestically by a manufac-  
22 turer (or included in this category under paragraph (5) of this sub-  
23 section); and

24 “(ii) passenger automobiles not manufactured domestically by that  
25 manufacturer (or excluded from this category under paragraph (5) of  
26 this subsection).

27 “(B) Passenger automobiles described in subparagraph (A)(i) and (ii) of  
28 this paragraph are deemed to be manufactured by separate manufacturers  
29 under this chapter.

30 “(2) In this subsection (except as provided in paragraph (3)), a passenger  
31 automobile is deemed to be manufactured domestically in a model year if  
32 at least 75 percent of the cost to the manufacturer is attributable to value  
33 added in the United States or Canada, unless the assembly of the auto-  
34 mobile is completed in Canada and the automobile is imported into the  
35 United States more than 30 days after the end of the model year.

36 “(3)(A) In this subsection, a passenger automobile is deemed to be manu-  
37 factured domestically in a model year, as provided in subparagraph (B) of  
38 this paragraph, if at least 75 percent of the cost to the manufacturer is at-  
39 tributable to value added in the United States, Canada, or Mexico, unless  
40 the assembly of the automobile is completed in Canada or Mexico and the

1 automobile is imported into the United States more than 30 days after the  
2 end of the model year.

3 “(B) Subparagraph (A) of this paragraph applies to automobiles manu-  
4 factured by a manufacturer and sold in the United States, regardless of the  
5 place of assembly, as follows:

6 “(i) A manufacturer that began assembling automobiles in Mexico  
7 before model year 1992 may elect, during the period from January 1,  
8 1997, through January 1, 2004, to have subparagraph (A) of this  
9 paragraph apply to all automobiles manufactured by that manufacturer  
10 beginning with the model year that begins after the date of the elec-  
11 tion.

12 “(ii) For a manufacturer that began assembling automobiles in Mex-  
13 ico after model year 1991, subparagraph (A) of this paragraph applies  
14 to all automobiles manufactured by that manufacturer beginning with  
15 the model year that begins after January 1, 1994, or the model year  
16 beginning after the date the manufacturer begins assembling auto-  
17 mobiles in Mexico, whichever is later.

18 “(iii) A manufacturer not described in clause (i) or (ii) of this sub-  
19 paragraph that assembles automobiles in the United States or Canada,  
20 but not in Mexico, may elect, during the period from January 1, 1997,  
21 through January 1, 2004, to have subparagraph (A) of this paragraph  
22 apply to all automobiles manufactured by that manufacturer beginning  
23 with the model year that begins after the date of the election. However,  
24 if the manufacturer begins assembling automobiles in Mexico before  
25 making an election under this subparagraph, this clause does not apply,  
26 and the manufacturer is subject to clause (ii) of this subparagraph.

27 “(iv) For a manufacturer that does not assemble automobiles in the  
28 United States, Canada, or Mexico, subparagraph (A) of this paragraph  
29 applies to all automobiles manufactured by that manufacturer begin-  
30 ning with the model year that begins after January 1, 1994.

31 “(v) For a manufacturer described in clause (i) or (iii) of this sub-  
32 paragraph that does not make an election within the specified period,  
33 subparagraph (A) of this paragraph applies to all automobiles manu-  
34 factured by that manufacturer beginning with the model year that be-  
35 gins after January 1, 2004.

36 “(C) The Secretary of Transportation shall prescribe reasonable proce-  
37 dures for elections under subparagraph (B) of this paragraph.

38 “(4) In this subsection, the fuel economy of a passenger automobile that  
39 is not manufactured domestically is deemed to be equal to the average fuel  
40 economy of all passenger automobiles manufactured by the same manufac-  
41 turer that are not manufactured domestically.”.

1 (C) In paragraph (5)(B), as redesignated by subparagraph (A)  
 2 of this paragraph, strike “paragraph (2)(A)(i) and exclude under  
 3 paragraph (2)(A)(ii)” and substitute “paragraph (1)(A)(i) and ex-  
 4 clude under paragraph (1)(A)(ii)”.

5 (D) In paragraph (6)(A), as redesignated by subparagraph (A)  
 6 of this paragraph, strike “paragraph (2)(A)” and substitute  
 7 “paragraph (1)(A)”.

8 (37) In Section 32908(b)(1), insert “on the automobile” after  
 9 “maintain the label”.

10 (38) In section 32909(a)(1), strike “section 32901–32904” and sub-  
 11 stitute “any of sections 32901–32904”.

12 (39) In section 32910(b), strike “the judicial” and “was conducted”  
 13 and substitute “any judicial” and “is conducted”, respectively.

14 (40) In section 32911(a), strike “, and 32917(b)” and substitute “,  
 15 32917(b), and 32918”.

16 (41) Section 32913(b)(1) is amended as follows:

17 (A) In the catchline, strike “PENALTY REDUCTION” and sub-  
 18 stitute “CERTIFICATION”.

19 (B) Strike “the penalty should be reduced” and substitute “a  
 20 reduction in the penalty is necessary”.

21 (42) Section 32916(b) is amended as follows:

22 (A) In paragraph (1), in the matter before clause (A), strike  
 23 “section 32904(b)(4)” each place it appears and substitute “sec-  
 24 tion 32904(b)(6)”.

25 (B) In paragraph (1)(E), strike “section 32904(b)(1)(A)” and  
 26 substitute “section 32904(b)(2)”.

27 (C) In paragraph (2), strike “section 32904(b)(4)” and sub-  
 28 stitute “section 32904(b)(6)”.

29 (43)(A) Section 32918 is redesignated as section 32919.

30 (B) Insert after section 32917 the following:

31 **“§ 32918. Retrofit devices**

32 “(a) DEFINITION.—In this section, the term ‘retrofit device’ means any  
 33 component, equipment, or other device—

34 “(1) that is designed to be installed in or on an automobile (as an  
 35 addition to, as a replacement for, or through alteration or modification  
 36 of, any original component, equipment, or other device); and

37 “(2) that any manufacturer, dealer, or distributor of the device rep-  
 38 represents will provide higher fuel economy than would have resulted with  
 39 the automobile as originally equipped,

1 as determined under regulations of the Administrator of the Environmental  
2 Protection Agency. The term also includes a fuel additive for use in an  
3 automobile.

4 “(b) EXAMINATION OF FUEL ECONOMY REPRESENTATIONS.—The Fed-  
5 eral trade Commission shall establish a program for systematically examin-  
6 ing fuel economy representations made with respect to retrofit devices.  
7 Whenever the Commission has reason to believe that any representation  
8 may be inaccurate, the Commission shall request the Administrator to  
9 evaluate, in accordance with subsection (c) of this section, the retrofit device  
10 with respect to which the representation was made.

11 “(c) EVALUATION OF RETROFIT DEVICES.—(1) On application of any  
12 manufacturer of a retrofit device (or prototype of a retrofit device), on re-  
13 quest of the Commission under subsection (b) of this section, or on the mo-  
14 tion of the Administrator, the Administrator shall evaluate, in accordance  
15 with regulations prescribed under subsection (e) of this section, any retrofit  
16 device to determine whether the retrofit device increases fuel economy and  
17 to determine whether the representations, if any, made with respect to the  
18 retrofit device are accurate.

19 “(2) If under paragraph (1) of this subsection, the Administrator tests,  
20 or causes to be tested, any retrofit device on the application of a manufac-  
21 turer of the device, the manufacturer shall supply, at the manufacturer’s  
22 expense, one or more samples of the device to the administrator and shall  
23 be liable for the costs of testing incurred by the Administrator. The proce-  
24 dures for testing retrofit devices so supplied may include a requirement for  
25 preliminary testing by a qualified independent testing laboratory, at the ex-  
26 pense of the manufacturer of the device.

27 “(d) RESULTS OF TESTS AND PUBLICATION IN FEDERAL REGISTER.—  
28 (1) The Administrator shall publish in the Federal Register a summary of  
29 the results of all tests conducted under this section, together with the Ad-  
30 ministrator’s conclusions as to—

31 “(A) the effect of any retrofit device on fuel economy;

32 “(B) the effect of the device on emissions of air pollutants; and

33 “(C) any other information the Administrator determines to be rel-  
34 evant in evaluating the device.

35 “(2) The summary and conclusions shall also be submitted to the Sec-  
36 retary of Transportation and the Commission.

37 “(e) REGULATIONS ESTABLISHING TESTS AND PROCEDURES FOR EVAL-  
38 UATION OF RETROFIT DEVICES.—The Administrator shall prescribe regula-  
39 tions establishing—

40 “(1) testing and other procedures for evaluating the extent to which  
41 retrofit devices affect fuel economy and emissions of air pollutants; and

1           “(2) criteria for evaluating the accuracy of fuel economy representa-  
2           tions made with respect to retrofit devices.”.

3           (C) In the analysis of chapter 329, strike item 32918 and sub-  
4           stitute—

“32918. Retrofit devices.

“32919. Preemption.”.

5           (44) Section 33101(2) is amended as follows:

6                   (A) Strike “sections 33102(c)(1) and” and substitute “section”.

7                   (B) Add at the end “of this title”.

8           (45) In section 33106(b)(3), strike “subparagraph (2)(B) or (C) of  
9           this paragraph” and substitute “paragraph (2)(B) or (C) of this sub-  
10           section”.

11           (46) In section 40102(a)(30), strike “subparts I and III” and sub-  
12           stitute “this subpart and subpart III”.

13           (47) Section 40104 is amended as follows:

14                   (A) Insert at the beginning of the text of the section the follow-  
15                   ing:

16                   “(a) DEVELOPING CIVIL AERONAUTICS AND AIR COMMERCE.—”.

17                   (B) Strike “section” and substitute “subsection”.

18                   (C) Add at the end the following:

19                   “(b) DEVELOPING AND CONSTRUCTING CIVIL SUPERSONIC AIRCRAFT.—  
20           The Secretary of Transportation may develop and construct a civil super-  
21           sonic aircraft.”.

22           (48) Section 40110(a) is amended as follows:

23                   (A) In the matter before clause (1), strike “may”.

24                   (B) In clause (1)—

25                           (i) strike “acquire,”; and

26                           (ii) strike “services or” and substitute “may acquire serv-  
27                           ices, or, by condemnation or otherwise,”.

28                   (C) In clause (2), insert “may” before “dispose”.

29                   (D) In clause (3), insert “may” before “construct”.

30           (49) In section 41103(a), strike “all-property” and substitute “all-  
31           cargo”.

32           (50) Section 41110(e) is amended to read as follows:

33           “(e) CONTINUING REQUIREMENTS.—(1) hold a certificate issued under  
34           section 41102 of this title, an air carrier must continue to be fit, willing,  
35           and able to provide the transportation authorized by the certificate and to  
36           comply with this part and regulations of the Secretary.

37           “(2) After notice and an opportunity for a hearing, the Secretary shall  
38           amend, modify, suspend, or revoke any part of a certificate issued under  
39           section 41102 of this title if the Secretary finds that the air carrier—

1 “(A) is not fit, willing, and able to provide the transportation author-  
2 ized by the certificate and to comply with this part and regulations of  
3 the Secretary; or

4 “(B) does not file reports necessary for the Secretary to decide if  
5 the carrier is complying with the requirements of clause (A) of this  
6 paragraph.”.

7 (51)(A) Chapter 413 is amended by adding immediately after section  
8 41311 the following:

9 **“§ 41312. Ending or suspending foreign air transportation**

10 “(a) GENERAL.—An air carrier holding a certificate issued under section  
11 41102 of this title to provide foreign air transportation—

12 “(1) may end or suspend the transportation to a place under the cer-  
13 tificate only when the carrier gives at least 90 days notice of its inten-  
14 tion to end or suspend the transportation to the Secretary, any commu-  
15 nity affected by that decision, and the State authority of the State in  
16 which a community is located; and

17 “(2) if it is the only air carrier holding a certificate to provide non-  
18 stop or single-plane foreign air transportation between 2 places, may  
19 end or suspend the transportation between those places only when the  
20 carrier gives at least 60 days notice of its intention to end or suspend  
21 the transportation to the Secretary and each community directly af-  
22 fected by that decision.

23 “(b) TEMPORARY SUSPENSION.—The Secretary may authorize the tem-  
24 porary suspension of foreign air transportation under subsection (a) of this  
25 section when the Secretary finds the suspension is in the public interest.”.

26 (B) The analysis of chapter 413 is amended by adding immediately  
27 after item 41311 the following:

“41312. Ending or suspending foreign air transportation.”.

28 (52) The chapter heading for chapter 417 is amended to read as fol-  
29 lows:

30 **“CHAPTER 417—OPERATIONS OF CARRIERS”.**

31 (53) In section 41715(d)(1), strike “41731(a)(3)” and substitute  
32 “41731(a)(4)”.

33 (54) In section 44502(b), insert “Government” before “money may  
34 be expended”.

35 (55) In section 44701(d) and (e), strike “section 44702–44716” and  
36 substitute “any of sections 44702–44716”.

37 (56) In sections 44711(a)(2)(B), (5), and (7) and 46310(b), insert  
38 “any of sections” before “44702–44716”.

39 (57) In section 44937, strike “44906(a)(1) or (b)” and substitute  
40 “44906”.

1 (58) In section 45105(a), strike “section 45102(a)(1)(A)” and sub-  
2 stitute “section 45102(a)(1)”.

3 (59) Section 45302 is amended by adding at the end the following:

4 “(e) EFFECTIVE DATE.—A fee may not be imposed under this section be-  
5 fore the date on which the regulations prescribed under sections 44111(d),  
6 44703(f)(2), and 44713(d)(2) of this title take effect.”.

7 (60) In section 46301—

8 (A) in subsection (a)(1)(A), strike “section 41301–41306” and  
9 “section 44701(a)” and substitute “any of sections 41301/41306”  
10 and “any of sections 44701(a)”, respectively;

11 (B) in subsections (a)(1)(A), (d)(2), and (f)(1)(A)(i), strike  
12 “section 44701(a)” and substitute “any of sections 44701(a)”;  
13 and

14 (C) in subsection (c)(1)(A), strike “section 41301–41306” and  
15 substitute “any of sections 41301–41306”.

16 (61) In section 46502(a)(2)(B) and (b)(1)(B), insert “notwithstand-  
17 ing section 3559(b) of title 18,” before “if the death”.

18 (62) In section 47101(a)(12), strike “Act” and substitute “sub-  
19 chapter”.

20 (63) Section 47104(c) is amended to read as follows:

21 “(c) EXPIRATION OF AUTHORITY.—After September 30, 1996, the Sec-  
22 retary may not incur obligations under subsection (b) of this section, except  
23 for obligations of amounts—

24 “(1) remaining available after that date under section 47117(b) of  
25 this title; or

26 “(2) recovered by the United States Government from grants made  
27 under this chapter if the amounts are obligated only for increases  
28 under section 47108(b)(2) and (3) of this title in the maximum amount  
29 of obligations of the Government for any other grant made under this  
30 title.”.

31 (64) Section 47110(b)(2) is amended to read as follows:

32 “(2)(A) if the cost is incurred after the grant agreement is executed  
33 and is for airport development or airport planning carried out after the  
34 grant agreement is executed;

35 “(B) if the cost is incurred after June 1, 1989, by the airport opera-  
36 tor (regardless of when the grant agreement is executed) as part of a  
37 Government-approved noise compatibility program (including project  
38 formulation costs) and is consistent with all applicable statutory and  
39 administrative requirements; or

1           “(C) if the Government’s share is paid only with amounts appor-  
2           tioned under section 47114(c)(1)(A) and (2) of this title and if the cost  
3           is incurred—

4                   “(i) during the fiscal year ending September 30, 1994;

5                   “(ii) before a grant agreement is executed for the project but  
6           according to an airport layout plan the Secretary approves before  
7           the cost is incurred and all applicable statutory and administrative  
8           requirements that would apply to the project if the agreement had  
9           been executed; and

10                   “(iii) for work related to a project for which a grant agreement  
11           previously was executed during the fiscal year ending September  
12           30, 1994.”.

13           (65) In section 47113(a)(2), strike “section 8(c) of the Act (15  
14           U.S.C. 637(c))” and “under section 8(c)” and substitute “section 8(d)  
15           of the Act (15 U.S.C. 637(d))” and “under section 8(d)”, respectively.

16           (66) Section 47114(c) is amended as follows:

17                   (A) in paragraph (1)(B), strike “\$400,000” and substitute  
18           “\$500,000”.

19                   (B) In paragraph (3)—

20                           (i) insert “(A)” after “(3)”;

21                           (ii) strike “The” and substitute “Except as provided in  
22           subparagraph (B) of this paragraph, the”;

23                           (iii) strike “44” each place it appears and substitute  
24           “49.5”;

25                           (iv) strike “paragraph” and substitute “subparagraph”;

26                           and

27                           (v) insert after subparagraph (A) the following new sub-  
28           paragraph:

29                   “(B) If a law limits the amount subject to apportionment to less than  
30           \$1,900,000,000 for a fiscal year, the total of all amounts apportioned under  
31           paragraphs (1) and (2) of this subsection may not be more than 44 percent  
32           of the amount subject to apportionment for that fiscal year. If this subpara-  
33           graph requires reduction of an amount that otherwise would be apportioned  
34           under this subsection, the Secretary shall reduce proportionately the amount  
35           apportioned to each sponsor of an airport under paragraphs (1) and (2)  
36           until the 44 percent limit is achieved.”.

37           (67) Section 47115 is amended by adding at the end the following:

38                   “(f) MINIMUM AMOUNT TO BE CREDITED.—(1) In a fiscal year, at least  
39           \$325,000,000 of the amount made available under section 48103 of this  
40           title shall be credited to the fund. The amount credited is exclusive of

1 amounts that have been apportioned in a prior fiscal year under section  
2 47114 of this title and that remain available for obligation.

3 “(2) In a fiscal year in which the amount credited under subsection (a)  
4 of this section is less than \$325,000,000, the total amount calculated under  
5 paragraph (3) of this subsection shall be reduced by an amount that, when  
6 credited to the fund, together with the amount credited under subsection  
7 (a), equals \$325,000,000.

8 “(3) For a fiscal year, the total amount available to reduce to carry out  
9 paragraph (2) of this subsection is the total of the amounts determined  
10 under sections 47114(c)(1)(A) and (2) and (d) and 47117(e) of this title.  
11 Each amount shall be reduced by an equal percentage to achieve the reduc-  
12 tion.”.

13 (68) Section 47117(e) is amended as follows:

14 (A) In paragraph (1)(A), strike “10” and substitute “5”.

15 (B) In paragraph (1)(C), strike “2.5” and substitute “1.5”.

16 (C) In paragraph (1)(D), strike “5” and substitute “.75”.

17 (D) In paragraph (2), strike “2.5” and substitute “1.5”.

18 (69) Section 47119(b) is amended as follows:

19 (A) Redesignate clause (3) as clause (4).

20 (B) Strike clause (2) and substitute the following:

21 “(2) on approval of the Secretary, not more than \$200,000 of the  
22 amount that may be distributed for the fiscal year from the discre-  
23 tionary fund established under section 47115 of this title—

24 “(A) to a sponsor of a nonprimary commercial service airport  
25 to pay project costs allowable under section 47110(d) of this title;  
26 and

27 “(B) to a sponsor of a reliever airport for the types of project  
28 costs allowable under section 47110(d), including project costs al-  
29 lowable for a commercial service airport that each year does not  
30 have more than .05 percent of the total boarding in the United  
31 States;

32 “(3) for use by a primary airport that each year does not have more  
33 than .05 percent of the total boardings in the United States, any part  
34 of amounts that may be distributed for the fiscal year from the discre-  
35 tionary fund and small airport fund to pay project costs allowable  
36 under section 47110(d) of this title; or”.

37 (70) In section 47128(c), strike “subsection (b)(2) or (3)” and sub-  
38 stitute “subsection (b)(1)(B) or (C)”.

39 (71) Section 47504(c) is amended as follows:

40 (A) in Paragraph (1)(A), add “and” after the semicolon.

1 (B) In paragraph (1)(B), strike the semicolon and substitute a  
2 period.

3 (C) Redesignate paragraph (1)(C) and (D) as paragraph (2)(C)  
4 and (D).

5 (D) In paragraph (2)(A)(iii), strike “and”.

6 (E) In paragraph (2)(B)(iii), strike the period and substitute a  
7 semicolon.

8 (F) In paragraph (2)(C) and (D), as redesignated, strike “an  
9 airport operator or unit of local government referred to in clause  
10 (A) or (B) of this paragraph” and substitute “to an airport opera-  
11 tor and unit of local government referred to in paragraph (1)(A)  
12 or (1)(B) of this subsection”.

13 (72)(A) Chapter 475 is amended by inserting after section 47509 the  
14 following:

15 **“§ 47510. Tradeoff allowance**

16 “Notwithstanding another law or a regulation prescribed or order issued  
17 under that law, the tradeoff provisions contained in appendix C of part 36  
18 of title 14, Code of Federal Regulations, apply in deciding whether an air-  
19 craft complies with subpart 1 of part 91 of title 14.”.

20 (B) The analysis of chapter 475 is amended by inserting immediately  
21 after item 47509 the following:

“47510. Tradeoff allowance.”.

22 (73) Section 47531 is amended as follows:

23 (A) Strike “sections 47528” and substitute “section 47528”.

24 (B) Insert “any of” before “those”.

25 (C) Insert “any of sections” before “44702–44716”.

26 (74) In section 47532, insert “any of” before “sections”.

27 (75) In section 60109(a)(2), strike “60102(c)” and substitute  
28 “60102(e)”.

29 (76) In section 60112(d), add “, including suspended or restricted  
30 use of the facility physical inspection, testing, repair, replacement, or  
31 other appropriate action” after “action”.

32 (77) Section 60117(i) is amended as follows:

33 (A) Insert “(1)” before “After”.

34 (B) Add at the end the following:

35 “(2) In consultation with the Occupational Safety and Health administra-  
36 tion, the Secretary shall establish procedures to notify the Administration  
37 of any pipeline accident in which an excavator that has caused damage to  
38 a pipeline may have violated a regulation of the Administration.”.

39 (78) The chapter heading for chapter 701 is amended to read as fol-  
40 lows:

1           **“CHAPTER 701—COMMERCIAL SPACE LAUNCH**  
 2                                   **ACTIVITIES”.**

3           (79) The chapter heading for chapter 801 is amended to read as fol-  
 4 lows:

5                           **“CHAPTER 801—BILLS OF LADING”.**

6           (80) In section 40110(b)(2)(A), insert “notwithstanding section  
 7 1341(a)(1) of title 31,” before “lease”.

8           (81) Section 41734(g)(2) is amended to read as follows:

9           “(2) the authority to be transferred is being used to provide air serv-  
 10 ice to another eligible place.”.

11       **SEC. 7. TECHNICAL CHANGES TO OTHER LAWS.**

12       (a) Effective July 5, 1994—

13           (1) Section 708 of the Railroad Revitalization and Regulatory Re-  
 14 form Act of 1976 (Public Law 94–210, 90 Stat. 31) is repealed.

15           (2) Section 232A of the Act of October 12, 1984 (Public Law 98–  
 16 473, 98 Stat. 2031), is repealed.

17           (3) Section 4 of the Act of July 5, 1994 (Public Law 103–272, 108  
 18 Stat. 1360), is amended as follows:

19                   (A) In subsection (f)(1)(H), insert “of the 2d sentence” after  
 20 “end”.

21                   (B) Subsection (f)(1)(N) is repealed.

22                   (C) Subsection (j)(5)(B) is amended to read as follows:

23                   “(B) In the analysis of chapter 1, strike the 2 items 110 and item  
 24 111 and substitute—

“110. Saint Lawrence Seaway Development Corporation.

“111. Bureau of Transportation Statistics.”.

25                   (D) Subsection (k)(3) is amended to read as follows:

26                   “(3) In section 41902(b)—

27                           “(A) strike clause (2);

28                           “(B) redesignate clauses (3) and (4) as clauses (2) and (3), re-  
 29 spectively; and

30                           “(C) in clause (2), as redesignated, strike ‘clauses (1) and (2)’  
 31 and substitute ‘clause (1)’.”.

32                   (E) Subsection (r)(1) is amended by striking “the Urban Mass  
 33 Transportation Act of 1964,” and substituting “the Federal Tran-  
 34 sit Act.”.

35           (4) Section 5 of the Act of July 5, 1994 (Public Law 103–272, 108  
 36 Stat. 1374), is amended as follows:

37                   (A) In subsection (e)(11), strike “‘section’ and” and substitute  
 38 “‘section 1679a(c)(2)’ and”.

1 (B) In subsection (f)(1), strike “the Urban Mass Transpor-  
 2 tation Act of 1964” wherever it appears and substitute “the Fed-  
 3 eral Transit Act”.

4 (C) In subsection (f)(2), strike “the Urban Mass Transportation  
 5 Act of 1964,” wherever it appears and substitute “the Federal  
 6 Transit Act.”.

7 (D) In subsection (m)(25)(A), strike “the Urban Mass Trans-  
 8 portation Act of 1964” and substitute “the Federal Transit Act”.

9 (5) The schedule of laws repealed contained in section 7(b) of the  
 10 Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1395), related  
 11 to the Act of December 22, 1987 (Public Law 100–202), is amended  
 12 by striking out—

13 (A) “, 106” in the Section column;

14 (B) “, 1329–433” in the Statutes at Large Page column; and

15 (C) “, 2311” in the U.S. Code Section column.

16 Except with respect to the provisions of law restated as section 31111  
 17 of title 49, United States Code, as enacted by the Act of July 5, 1994  
 18 (Public Law 103–272, 108 Stat. 993), the provisions of law within the  
 19 purview of section 106 of the Act of December 22, 1987 (Public Law  
 20 100–202, 101 Stat. 1329–433), shall be effective as if Public Law  
 21 103–272 had not been enacted.

22 (b) Effective August 23, 1994, section 101 of the Airport Improvement  
 23 Program Temporary Extension Act of 1994 (Public Law 103–260, 108  
 24 Stat. 698) is repealed.

25 (c) Effective August 26, 1994, section 119(d) (2) and (3) of the Hazard-  
 26 ous Materials Transportation Authorization Act of 1994 (Public Law 103–  
 27 311, 108 Stat. 1680) is amended to read as follows:

28 “(2) Section 5116(i)(1) is amended by striking ‘and section 5107(e)  
 29 of this title’.

30 “(3) Section 5116(i)(3) is amended by striking ‘5107(e),  
 31 5108(g)(2),’ and substituting ‘5108(g)(2)’.”

32 (d) Section 9001(1)(D) of the Solid Waste Disposal Act (42 U.S.C.  
 33 6991(1)(D)) is amended to read as follows:

34 “(D) pipeline facility (including gathering lines)—

35 “(i) which is regulated under chapter 601 of title 49, Unit-  
 36 ed States Code, or

37 “(ii) which is an intrastate pipeline facility regulated under  
 38 State laws as provided in chapter 601 of title 49, United  
 39 States Code,

1           and which is determined by the Secretary to be connected to a  
2           pipeline or to be operated or intended to be capable of operating  
3           at pipeline pressure or as an integral part of a pipeline.”.

4           (e) The Comprehensive Environmental Response, Compensation, and Li-  
5           ability Act of 1980 (42 U.S.C. 9601 et seq.) is amended as follows:

6           (1) In section 101(26), strike “pipeline” and substitute “a hazardous  
7           liquid pipeline facility”.

8           (2) In section 107(c)(1)(C), strike “pipeline” and substitute “haz-  
9           ardous liquid pipeline facility”.

10       **SEC. 8. REPEAL OF OTHER LAWS.**

11       (1) The last proviso of the 1st paragraph and the words after the last  
12       semicolon in the 2d paragraph under the heading “Civil Aeronautics Admin-  
13       istration” in section 301 of the Act of June 3, 1948 (ch. 400, 62 Stat. 323,  
14       324), are repealed.

15       (2) The 1st paragraph related to the transfer of aircraft and equipment  
16       and the last proviso of the 2d paragraph under the heading “Civil Aero-  
17       nautics Administration” in section 301 of the Act of July 20, 1949 (ch.  
18       354, 63 Stat. 464), are repealed.

19       (3) The 1st paragraph related to the transfer of aircraft and equipment  
20       and the last proviso of the 2d paragraph under the heading “Civil Aero-  
21       nautics Administration”, and the proviso of the paragraph under the head-  
22       ing “Civil Aeronautics Board”, in section 301 of the Act of September 6,  
23       1950 (ch. 896, 64 Stat. 621, 622, 624), are repealed.

24       (4) The 1st paragraph related to the transfer of aircraft and equipment  
25       and the last proviso of the 2d paragraph under the heading “Civil Aero-  
26       nautics Administration”, and the proviso of the paragraph under the head-  
27       ing “Civil Aeronautics Board”, in section 301 of the Act of Oct. 22, 1951  
28       (ch. 533, 65 Stat. 587, 588, 589), are repealed.

29       (5) the 1st paragraph related to the transfer of aircraft and equipment  
30       and the last proviso of the 2d paragraph under the heading “Civil Aero-  
31       nautics Administration” in section 301 of the Act of July 10, 1952 (ch.  
32       651, 66 Stat. 562), are repealed.

33       (6) Sections 404(f), 814, 815, and 901 of the Rail Passenger Service Act  
34       (Public Law 91–518, 84 Stat. 1327, 1341) are repealed.

35       (7) Section 7(c) of the Noise Control Act of 1972 (Public Law 92–574,  
36       86 Stat. 1241) is repealed.

37       (8) Section 46 of the Airline Deregulation Act of 1978 (Public Law 95–  
38       504, 92 Stat. 1754) is repealed.

39       (9) Section 316 of the Surface Transportation Assistance Act of 1978  
40       (Public Law 95–599, 92 Stat. 2751) is repealed.

1 (10) Sections 207 and 210 of the National Driver Register Act of 1982  
2 (Public Law 97-364, 96 Stat. 1745, 1747) are repealed.

3 (11) Section 144 of the Surface Transportation Assistance Act of 1982  
4 (Public Law 97-424, 96 Stat. 2129) is repealed.

5 (12) Section 8 of the Civil Aeronautics Board Sunset Act of 1984 (Public  
6 Law 98-443, 98 Stat. 1706) is repealed.

7 (13) The Act of October 11, 1984 (Public Law 98-466, 98 Stat. 1825),  
8 is repealed.

9 (14) Sections 108(c) and 307 of the Pipeline Safety Reauthorization Act  
10 of 1988 (Public Law 100-561, 102 Stat. 2809, 2817) are repealed.

11 (15) Sections 1 and 15(a), (c), (e), (f), and (g)(2) of the Sanitary Food  
12 Transportation Act of 1990 (Public Law 101-500, 104 Stat. 1213, 1218,  
13 1219, 1220, 1221) are repealed.

14 (16) Sections 1, 8, and 10 of the Independent Safety Board Act Amend-  
15 ments of 1990 (Public Law 101-641, 104 Stat. 4654, 4657, 4658) are re-  
16 pealed.

17 (17) Sections 11 and 13 of the Amtrak Authorization and Development  
18 Act (Public Law 102-533, 106 Stat. 3520, 3522) are repealed.

19 (18) Section 319 of the Department of Transportation and Related Agen-  
20 cies Appropriations Act, 1994 (Public Law 103-122, 107 Stat. 1222) is re-  
21 pealed.

22 **SEC. 9. EFFECTIVE DATE.**

23 The amendments made by sections 6(2)-(15), (19)-(35), (37)-(39), (41),  
24 (44)-(52), (54)-(62), (65), (66)(B), (70), (73)-(76), and (78)-(81) of this  
25 Act shall take effect on July 5, 1994.

26 **SEC. 10. LEGISLATIVE PURPOSE AND CONSTRUCTION.**

27 (a) NO SUBSTANTIVE CHANGE.—This Act restates, without substantive  
28 change, laws enacted before September 26, 1994, that were replaced by this  
29 Act. This Act may not be construed as making a substantive change in the  
30 laws replaced. Laws enacted after September 25, 1994, that are inconsistent  
31 with this Act supersede this Act to the extent of the inconsistency.

32 (b) REFERENCES.—A reference to a law replaced by this Act, including  
33 a reference in a regulation, order, or other law, is deemed to refer to the  
34 corresponding provision enacted by this Act.

35 (c) CONTINUING EFFECT.—An order, rule, or regulation in effect under  
36 a law replaced by this Act continues in effect under the corresponding provi-  
37 sion enacted by this Act until repealed, amended, or superseded.

38 (d) ACTIONS AND OFFENSES UNDER PRIOR LAW.—An action taken or  
39 an offense committed under a law replaced by this Act is deemed to have  
40 been taken or committed under the corresponding provision enacted by this  
41 Act.

1 (e) INFERENCES.—An inference of a legislative construction is not to be  
2 drawn by reason of the location in the United States Code of a provision  
3 enacted by this Act or by reason of a caption or catch line of the provision.

4 (f) SEVERABILITY.—If a provision enacted by this Act is held invalid, all  
5 valid provisions that are severable from the invalid provision remain in ef-  
6 fect. If a provision enacted by this Act is held invalid in any of its applica-  
7 tions, the provision remains valid for all valid applications that are severable  
8 from any of the invalid applications.

9 **SEC. 11. REPEALS.**

10 (a) INFERENCES OF REPEAL.—The repeal of a law by this Act may not  
11 be construed as a legislative inference that the provision was or was not in  
12 effect before its repeal.

13 (b) REPEALER SCHEDULE.—The laws specified in the following schedule  
14 are repealed, except for rights and duties that matured, penalties that were  
15 incurred, and proceedings that were before the date of enactment of this  
16 Act:

Schedule of Laws Repealed  
Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code	
			Volume	Page	Title	Section
1972 Oct. 20.	92-513 .	503, 511 .....	.....	.....	15	2003, 2011
1975 Dec. 22.	94-163 .	301 "Sec. 511" .....	89	915 .....	15	2011
1980 Feb. 18.	96-193 .	305 .....	94	57 .....	49 App.	2125
1982 Sept. 3.	97-248 .	505, 507, 508, 513 .....	96	677, 679, 682, 689.	49 App.	2204, 2206, 2207, 2212
1992 Oct. 24.	102-508	304(c) .....	106	3308 .....	49	1682(note)
1993 Dec. 8.	103-182	371 .....	107	2127 .....	15	2003
1994 May 26.	103-260	102-107, 109 .....	108	698, 700 .....	49 App.	2204, 2204(note), 2206(note), 2207, 2212
July 5 ...	103-272	4(c) .....	108	1361 .....	.....	.....

Passed the House of Representatives October 4, 1994.

Attest:

*Clerk.*

103d CONGRESS  
2D SESSION

**H.R. 4778**

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**AN ACT**

To codify without substantive change recent laws related to transportation and to improve the United States Code.