

106TH CONGRESS
1ST SESSION

H. R. 3419

To amend title 49, United States Code, to establish the Federal Motor Carrier Safety Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 1999

Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. RAHALL) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to establish the Federal Motor Carrier Safety Administration, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Motor Carrier Safety Improvement Act of 1999”.

6 (b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Secretary defined.
- Sec. 3. Findings.
- Sec. 4. Purposes.

TITLE I—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

- Sec. 101. Establishment of Federal Motor Carrier Safety Administration.
- Sec. 102. Revenue aligned budget authority.
- Sec. 103. Additional funding for motor carrier safety grant program.
- Sec. 104. Motor carrier safety strategy.
- Sec. 105. Commercial motor vehicle safety advisory committee.
- Sec. 106. Saving provisions.
- Sec. 107. Effective date.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

- Sec. 201. Disqualifications.
- Sec. 202. Requirements for State participation.
- Sec. 203. State noncompliance.
- Sec. 204. Checks before issuance of driver's licenses.
- Sec. 205. Registration enforcement.
- Sec. 206. Delinquent payment of penalties.
- Sec. 207. State cooperation in registration enforcement.
- Sec. 208. Imminent hazard.
- Sec. 209. Household goods amendments.
- Sec. 210. New motor carrier entrant requirements.
- Sec. 211. Certification of safety auditors.
- Sec. 212. Commercial van rulemaking.
- Sec. 213. 24-hour staffing of telephone hotline.
- Sec. 214. CDL school bus endorsement.
- Sec. 215. Medical certificate.
- Sec. 216. Implementation of Inspector General recommendations.
- Sec. 217. Periodic refiling of motor carrier identification reports.
- Sec. 218. Border staffing standards.
- Sec. 219. Foreign motor carrier penalties and disqualifications.
- Sec. 220. Traffic law initiative.
- Sec. 221. State-to-State notification of violations data.
- Sec. 222. Minimum and maximum assessments.
- Sec. 223. Motor carrier safety progress report.
- Sec. 224. Study of commercial motor vehicle crash causation.
- Sec. 225. Data collection and analysis.
- Sec. 226. Drug test results study.
- Sec. 227. Approval of agreements.
- Sec. 228. DOT authority.

1 **SEC. 2. SECRETARY DEFINED.**

2 In this Act, the term “Secretary” means the Sec-
3 retary of Transportation.

4 **SEC. 3. FINDINGS.**

5 Congress makes the following findings:

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

1 (2) The number of Federal and State commer-
2 cial motor vehicle and operator inspections is insuffi-
3 cient and civil penalties for violators must be utilized
4 to deter future violations.

5 (3) The Department of Transportation is fail-
6 ing to meet statutorily mandated deadlines for com-
7 pleting rulemaking proceedings on motor carrier
8 safety and, in some significant safety rulemaking
9 proceedings, including driver hours-of-service regula-
10 tions, extensive periods have elapsed without
11 progress toward resolution or implementation.

12 (4) Too few motor carriers undergo compliance
13 reviews and the Department's data bases and infor-
14 mation systems require substantial improvement to
15 enhance the Department's ability to target inspec-
16 tion and enforcement resources toward the most se-
17 rious safety problems and to improve States' ability
18 to keep dangerous drivers off the roads.

19 (5) Additional safety inspectors and inspection
20 facilities are needed in international border areas to
21 ensure that commercial motor vehicles, drivers, and
22 carriers comply with United States safety standards.

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

1 (7) Meaningful measures to improve safety
2 must be implemented expeditiously to prevent in-
3 creases in motor carrier crashes, injuries, and fatali-
4 ties.

5 (8) Proper use of Federal resources is essential
6 to the Department's ability to improve its research,
7 rulemaking, oversight, and enforcement activities re-
8 lated to commercial motor vehicles, operators, and
9 carriers.

10 **SEC. 4. PURPOSES.**

11 The purposes of this Act are—

12 (1) to improve the administration of the Fed-
13 eral motor carrier safety program and to establish a
14 Federal Motor Carrier Safety Administration in the
15 Department of Transportation; and

16 (2) to reduce the number and severity of large-
17 truck involved crashes through more commercial
18 motor vehicle and operator inspections and motor
19 carrier compliance reviews, stronger enforcement
20 measures against violators, expedited completion of
21 rulemaking proceedings, scientifically sound re-
22 search, and effective commercial driver's license test-
23 ing, recordkeeping and sanctions.

1 **TITLE I—FEDERAL MOTOR CAR-**
2 **RIER SAFETY ADMINISTRA-**
3 **TION**

4 **SEC. 101. ESTABLISHMENT OF FEDERAL MOTOR CARRIER**
5 **SAFETY ADMINISTRATION.**

6 (a) IN GENERAL.—Chapter 1 of title 49, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 **“§ 113. Federal Motor Carrier Safety Administration**

10 “(a) IN GENERAL.—The Federal Motor Carrier Safe-
11 ty Administration shall be an administration of the De-
12 partment of Transportation.

13 “(b) SAFETY AS HIGHEST PRIORITY.—In carrying
14 out its duties, the Administration shall consider the as-
15 signment and maintenance of safety as the highest pri-
16 ority, recognizing the clear intent, encouragement, and
17 dedication of Congress to the furtherance of the highest
18 degree of safety in motor carrier transportation.

19 “(c) ADMINISTRATOR.—The head of the Administra-
20 tion shall be the Administrator who shall be appointed by
21 the President, by and with the advice and consent of the
22 Senate, and shall be an individual with professional experi-
23 ence in motor carrier safety. The Administrator shall re-
24 port directly to the Secretary of Transportation.

1 “(d) DEPUTY ADMINISTRATOR.—The Administration
2 shall have a Deputy Administrator appointed by the Sec-
3 retary, with the approval of the President. The Deputy
4 Administrator shall carry out duties and powers pre-
5 scribed by the Administrator.

6 “(e) CHIEF SAFETY OFFICER.—The Administration
7 shall have an Assistant Federal Motor Carrier Safety Ad-
8 ministrator appointed in the competitive service by the
9 Secretary, with the approval of the President. The Assist-
10 ant Administrator shall be the Chief Safety Officer of the
11 Administration. The Assistant Administrator shall carry
12 out the duties and powers prescribed by the Adminis-
13 trator.

14 “(f) POWERS AND DUTIES.—The Administrator shall
15 carry out—

16 “(1) duties and powers related to motor car-
17 riers or motor carrier safety vested in the Secretary
18 by chapters 5, 51, 55, 57, 59, 133 through 149,
19 311, 313, 315, and 317 and by section 18 of the
20 Noise Control Act of 1972 (42 U.S.C. 4917; 86
21 Stat. 1249–1250); except as otherwise delegated by
22 the Secretary to any agency of the Department of
23 Transportation other than the Federal Highway Ad-
24 ministration, as of October 8, 1999; and

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

3 “(g) LIMITATION ON TRANSFER OF POWERS AND
4 DUTIES.—A duty or power specified in subsection (f)(1)
5 may only be transferred to another part of the Depart-
6 ment when specifically provided by law.

7 “(h) EFFECT OF CERTAIN DECISIONS.—A decision
8 of the Administrator involving a duty or power specified
9 in subsection (f)(1) and involving notice and hearing re-
10 quired by law is administratively final.

11 “(i) CONSULTATION.—The Administrator shall con-
12 sult with the Federal Highway Administrator and with the
13 National Highway Traffic Safety Administrator on mat-
14 ters related to highway and motor carrier safety.”.

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

17 (1) in paragraph (1) by redesignating subpara-
18 graphs (A) and (B) as clauses (i) and (ii), respec-
19 tively, and by moving the text of such clauses 2 ems
20 to the right;

21 (2) in paragraph (1) by striking “exceed 1½
22 percent of all sums so made available, as the Sec-
23 retary determines necessary—” and inserting
24 “exceed—

1 “(A) $1\frac{1}{6}$ percent of all sums so made
2 available, as the Secretary determines nec-
3 essary—”;

4 (3) by striking the period at the end of para-
5 graph (1)(A)(ii) (as redesignated by paragraphs (1)
6 and (2) of this subsection) and inserting “; and”
7 and the following:

8 “(B) $\frac{1}{3}$ of 1 percent of all sums so made
9 available, as the Secretary determines nec-
10 essary, to administer the provisions of law to be
11 financed from appropriations for motor carrier
12 safety programs and motor carrier safety re-
13 search.”; and—

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

15 “(4) LIMITATION ON TRANSFERABILITY.—Un-
16 less expressly authorized by law, the Secretary may
17 not transfer any sums deducted under paragraph (1)
18 to a Federal agency or entity other than the Federal
19 Highway Administration and the Federal Motor
20 Carrier Safety Administration.”.

21 (c) CONFORMING AMENDMENTS.—

22 (1) CHAPTER ANALYSIS.—The analysis for
23 chapter 1 of title 49, United States Code, is amend-
24 ed by adding at the end the following:

“113. Federal Motor Carrier Safety Administration.”.

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

4 (A) in subsection (c)—

5 (i) by striking the semicolon at the
6 end of paragraph (1) and inserting “;
7 and”;

8 (ii) by striking paragraph (2); and

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

11 (B) by striking subsection (d); and

12 (C) by redesignating subsection (e) as sub-
13 section (d).

14 (d) POSITIONS IN EXECUTIVE SERVICE.—

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

17 “Administrator of the National Highway Traf-
18 fic Safety Administration.”

19 the following:

20 “Administrator of the Federal Motor Carrier
21 Safety Administration.”.

22 (2) DEPUTY AND ASSISTANT ADMINISTRA-
23 TORS.—Section 5316 of title 5, United States Code,
24 is amended by inserting after

1 “Deputy Administrator of the National High-
2 way Traffic Safety Administration.”

3 the following:

4 “Deputy Administrator of the Federal Motor
5 Carrier Safety Administration.

6 “Assistant Federal Motor Carrier Safety Ad-
7 ministrator.”.

8 (e) PERSONNEL LEVELS.—The number of personnel
9 positions at the Office of Motor Carrier Safety (and, be-
10 ginning on January 1, 2000, the Federal Motor Carrier
11 Safety Administration) at its headquarters location in fis-
12 cal year 2000 shall not be increased above the level trans-
13 ferred from the Federal Highway Administration to the
14 Office of Motor Carrier Safety. The Secretary shall pro-
15 vide detailed justifications to the Committee on Com-
16 merce, Science, and Transportation of the Senate and the
17 Committee on Transportation and Infrastructure of the
18 House of Representatives for the personnel requested for
19 fiscal years 2001, 2002, and 2003 for the Federal Motor
20 Carrier Safety Administration when the President submits
21 his budget, including a justification for increasing per-
22 sonnel at headquarters above the levels so transferred.

23 (f) AUTHORITY TO PROMULGATE SAFETY STAND-
24 ARDS FOR RETROFITTING.—The authority under title 49,
25 United States Code, to promulgate safety standards for

1 commercial motor vehicles and equipment subsequent to
2 initial manufacture is vested in the Secretary and may be
3 delegated.

4 (g) CONFLICTS OF INTEREST.—

5 (1) COMPLIANCE WITH REGULATION.—In
6 awarding any contract for research, the Secretary
7 shall comply with section 1252.209–70 of title 48,
8 Code of Federal Regulations, as in effect on the date
9 of enactment of this section. The Secretary shall re-
10 quire that the text of such section be included in any
11 request for proposal and contract for research made
12 by the Secretary.

13 (2) STUDY.—

14 (A) IN GENERAL.—The Secretary shall
15 conduct a study to determine whether or not
16 compliance with the section referred to in para-
17 graph (1) is sufficient to avoid conflicts of in-
18 terest in contracts for research awarded by the
19 Secretary and to evaluate whether or not com-
20 pliance with such section unreasonably delays
21 or burdens the awarding of such contracts.

22 (B) CONSULTATION.—In conducting the
23 study under this paragraph, the Secretary shall
24 consult, as appropriate, with the Inspector Gen-
25 eral of the Department of Transportation, the

1 Comptroller General, the heads of other Federal
2 agencies, research organizations, industry rep-
3 resentatives, employee organizations, safety or-
4 ganizations, and other entities.

5 (C) REPORT.—Not later than 18 months
6 after the date of the enactment of this Act, the
7 Secretary shall transmit the Committee on
8 Commerce, Science, and Transportation of the
9 Senate and the Committee on Transportation
10 and Infrastructure of the House of Representa-
11 tives a report on the results of the study con-
12 ducted under this paragraph.

13 **SEC. 102. REVENUE ALIGNED BUDGET AUTHORITY.**

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

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

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

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

25 (B) in subsection (b)(1)(A)—

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

3 (ii) by striking “title and” and insert-
4 ing “title,”; and

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

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

10 (1) by striking

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

11 (2) by inserting after the item relating to sec-
12 tion 125 the following:

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

13 and

14 (3) in the item relating to section 163 by strik-
15 ing “Sec.”.

16 **SEC. 103. ADDITIONAL FUNDING FOR MOTOR CARRIER**
17 **SAFETY GRANT PROGRAM.**

18 (a) IN GENERAL.—There are authorized to be appro-
19 priated out of the Highway Trust Fund (other than the
20 Mass Transit Account) for the Secretary of Transpor-
21 tation to carry out section 31102 of title 49, United States
22 Code, \$75,000,000 for each of fiscal years 2001 through
23 2003.

1 (b) INCREASED AUTHORIZATIONS FOR MOTOR CAR-
2 RIER SAFETY GRANTS.—

3 (1) IN GENERAL.—Section 4003 of the Trans-
4 portation Equity Act for the 21st Century (112
5 Stat. 395–398) is amended by adding at the end the
6 following:

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

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

17 “(j) REDUCTION IN OBLIGATION CEILING.—The lim-
18 itation on obligations imposed by subsection (a) for each
19 of fiscal years 2001 through 2003 shall be reduced by
20 \$65,000,000.”.

21 (c) MAINTENANCE OF EFFORT.—The Secretary may
22 not make, from funds made available by or under this sec-
23 tion (including any amendment made by this section), a
24 grant to a State unless the State first enters into a bind-
25 ing agreement with the Secretary that provides that the

1 total expenditures of amounts of the State and its political
2 subdivisions (not including amounts of the United States)
3 for the development or implementation of programs for
4 improving motor carrier safety and enforcement of regula-
5 tions, standards, and orders of the United States on com-
6 mercial motor vehicle safety, hazardous materials trans-
7 portation safety, and compatible State regulations, stand-
8 ards, and orders will be maintained at a level at least equal
9 to the average level of such expenditures for fiscal years
10 1997, 1998, and 1999.

11 (d) EMERGENCY CDL GRANTS.—Section 31107 of
12 title 49, United States Code, is amended by adding at the
13 end the following:

14 “(c) EMERGENCY CDL GRANTS.—From amounts
15 made available by subsection (a) for a fiscal year, the Sec-
16 retary of Transportation may make a grant of up to
17 \$1,000,000 to a State whose commercial driver’s license
18 program may fail to meet the compliance requirements of
19 section 31311(a).”.

20 (e) STATE COMPLIANCE WITH CDL REQUIRE-
21 MENTS.—

22 (1) WITHHOLDING OF ALLOCATION FOR NON-
23 COMPLIANCE.—If a State is not in substantial com-
24 pliance with each requirement of section 31311 of
25 title 49, United States Code, the Secretary shall

1 withhold all amounts that would be allocated, but for
2 this paragraph, to the State from funds made avail-
3 able by or under this section (including any amend-
4 ment made by this section).

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

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

19 (4) PERIOD OF AVAILABILITY OF SUBSE-
20 QUENTLY ALLOCATED FUNDS.—Any funds allocated
21 pursuant to paragraph (3) shall remain available for
22 expenditure until the last day of the first fiscal year
23 following the fiscal year in which the funds are so
24 allocated. Sums not expended at the end of such pe-
25 riod are released to the Secretary for reallocation.

1 (5) EFFECT OF NONCOMPLIANCE.—If, on June
2 30 of the fiscal year in which funds are withheld
3 from allocation under paragraph (1), the State is
4 not substantially complying with each requirement of
5 section 31311 of title 49, United States Code, the
6 funds are released to the Secretary for reallocation.

7 **SEC. 104. MOTOR CARRIER SAFETY STRATEGY.**

8 (a) SAFETY GOALS.—In conjunction with existing
9 federally required strategic planning efforts, the Secretary
10 shall develop a long-term strategy for improving commer-
11 cial motor vehicle, operator, and carrier safety. The strat-
12 egy shall include an annual plan and schedule for achiev-
13 ing, at a minimum, the following goals:

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

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

20 (3) Identifying and targeting enforcement ef-
21 forts at high-risk commercial motor vehicles, opera-
22 tors, and carriers.

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

1 (b) CONTENTS OF STRATEGY.—

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

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

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

14 (C) To improve the quality and effective-
15 ness of data bases by ensuring that all States
16 and inspectors accurately and promptly report
17 complete safety information.

18 (D) To eliminate, with meaningful civil
19 and criminal penalties for violations, the back-
20 log of enforcement cases.

21 (E) To provide for a sufficient number of
22 Federal and State safety inspectors, and pro-
23 vide adequate facilities and equipment, at inter-
24 national border areas.

1 (2) RESOURCE NEEDS.—In addition, the strat-
2 egy and annual plans shall include estimates of the
3 funds and staff resources needed to accomplish each
4 activity. Such estimates shall also include the staff
5 skills and training needed for timely and effective
6 accomplishment of each goal.

7 (3) SAVINGS CLAUSE.—In developing and as-
8 sessing progress toward meeting the measurable
9 goals set forth in this subsection, the Secretary and
10 the Federal Motor Carrier Safety Administrator
11 shall not take any action that would impinge on the
12 due process rights of motor carriers and drivers.

13 (c) SUBMISSION WITH THE PRESIDENT'S BUDG-
14 ET.—Beginning with fiscal year 2001 and each fiscal year
15 thereafter, the Secretary shall submit to Congress the
16 strategy and annual plan at the same time as the Presi-
17 dent's budget submission.

18 (d) ANNUAL PERFORMANCE.—

19 (1) ANNUAL PERFORMANCE AGREEMENT.—For
20 each of fiscal years 2001 through 2003, the fol-
21 lowing officials shall enter into annual performance
22 agreements:

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

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

3 (C) The Administrator and the Chief Safe-
4 ty Officer of the Federal Motor Carrier Safety
5 Administration.

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

9 (2) GOALS.—Each annual performance agree-
10 ment entered into under paragraph (1) shall include
11 the appropriate numeric or measurable goals of sub-
12 section (b).

13 (3) PROGRESS ASSESSMENT.—Consistent with
14 the current performance appraisal system of the De-
15 partment of Transportation, the Secretary shall as-
16 sess the progress of each official (other than the
17 Secretary) referred to in paragraph (1) toward
18 achieving the goals in his or her performance agree-
19 ment. The Secretary shall convey the assessment to
20 such official, including identification of any defi-
21 ciencies that should be remediated before the next
22 progress assessment.

23 (4) ADMINISTRATION.—In deciding whether or
24 not to award a bonus or other achievement award to
25 an official of the Administration who is a party to

1 a performance agreement required by this sub-
2 section, the Secretary shall give substantial weight
3 to whether the official has made satisfactory
4 progress toward meeting the goals of his or her per-
5 formance agreement.

6 (e) ACHIEVEMENT OF GOALS.—

7 (1) PROGRESS ASSESSMENT.—No less fre-
8 quently than semiannually, the Secretary and the
9 Administrator shall assess the progress of the Ad-
10 ministration toward achieving the strategic goals of
11 subsection (a). The Secretary and the Administrator
12 shall convey their assessment to the employees of the
13 Administration and shall identify any deficiencies
14 that should be remediated before the next progress
15 assessment.

16 (2) REPORT TO CONGRESS.—The Secretary
17 shall report annually to Congress the contents of
18 each performance agreement entered into under sub-
19 section (d) and the official's performance relative to
20 the goals of the performance agreement. In addition,
21 the Secretary shall report to Congress on the per-
22 formance of the Administration relative to the goals
23 of the motor carrier safety strategy and annual plan
24 under subsection (a).

1 (f) EXPEDITING REGULATORY PROCEEDINGS.—The
2 Administrator shall designate a regulatory ombudsman to
3 expedite rulemaking proceedings. The Secretary and the
4 Administrator shall each delegate to the ombudsman such
5 authority as may be necessary for the ombudsman to expe-
6 dite rulemaking proceedings of the Administration to com-
7 ply with statutory and internal departmental deadlines, in-
8 cluding authority to—

9 (1) make decisions to resolve disagreements be-
10 tween officials in the Administration who are partici-
11 pating in a rulemaking process; and

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

14 **SEC. 105. COMMERCIAL MOTOR VEHICLE SAFETY ADVI-**
15 **SORY COMMITTEE.**

16 (a) ESTABLISHMENT.—The Secretary may establish
17 a commercial motor vehicle safety advisory committee to
18 provide advice and recommendations on a range of motor
19 carrier safety issues.

20 (b) COMPOSITION.—The members of the advisory
21 committee shall be appointed by the Secretary and shall
22 include representatives of the motor carrier industry, driv-
23 ers, safety advocates, manufacturers, safety enforcement
24 officials, law enforcement agencies of border States, and
25 other individuals affected by rulemakings under consider-

1 ation by the Department of Transportation. Representa-
2 tives of a single interest group may not constitute a major-
3 ity of the members of the advisory committee.

4 (c) FUNCTION.—The advisory committee shall pro-
5 vide advice to the Secretary on commercial motor vehicle
6 safety regulations and other matters relating to activities
7 and functions of the Federal Motor Carrier Safety Admin-
8 istration.

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

11 **SEC. 106. SAVINGS PROVISION.**

12 (a) TRANSFER OF ASSETS AND PERSONNEL.—Ex-
13 cept as otherwise provided in this Act and the amend-
14 ments made by this Act, those personnel, property, and
15 records employed, used, held, available, or to be made
16 available in connection with a function transferred to the
17 Federal Motor Carrier Safety Administration by this Act
18 shall be transferred to the Administration for use in con-
19 nection with the functions transferred, and unexpended
20 balances of appropriations, allocations, and other funds of
21 the Office of Motor Carrier Safety (including any prede-
22 cessor entity) shall also be transferred to the Administra-
23 tion.

1 (b) LEGAL DOCUMENTS.—All orders, determinations,
2 rules, regulations, permits, grants, loans, contracts, settle-
3 ments, agreements, certificates, licenses, and privileges—

4 (1) that have been issued, made, granted, or al-
5 lowed to become effective by the Office, any officer
6 or employee of the Office, or any other Government
7 official, or by a court of competent jurisdiction, in
8 the performance of any function that is transferred
9 by this Act or the amendments made by this Act;
10 and

11 (2) that are in effect on the effective date of
12 such transfer (or become effective after such date
13 pursuant to their terms as in effect on such effective
14 date),

15 shall continue in effect according to their terms until
16 modified, terminated, superseded, set aside, or revoked in
17 accordance with law by the Administration, any other au-
18 thorized official, a court of competent jurisdiction, or oper-
19 ation of law.

20 (c) PROCEEDINGS.—

21 (1) IN GENERAL.—The provisions of this Act
22 shall not affect any proceedings or any application
23 for any license pending before the Office at the time
24 this Act takes effect, insofar as those functions are
25 transferred by this Act; but such proceedings and

1 applications, to the extent that they relate to func-
2 tions so transferred, shall be continued. Orders shall
3 be issued in such proceedings, appeals shall be taken
4 therefrom, and payments shall be made pursuant to
5 such orders, as if this Act had not been enacted;
6 and orders issued in any such proceedings shall con-
7 tinue in effect until modified, terminated, super-
8 seded, or revoked by a duly authorized official, by
9 a court of competent jurisdiction, or by operation of
10 law.

11 (2) STATUTORY CONSTRUCTION.—Nothing in
12 this subsection shall be deemed to prohibit the dis-
13 continuance or modification of any proceeding de-
14 scribed in paragraph (1) under the same terms and
15 conditions and to the same extent that such pro-
16 ceeding could have been discontinued or modified if
17 this Act had not been enacted.

18 (3) ORDERLY TRANSFER.—The Secretary is au-
19 thorized to provide for the orderly transfer of pend-
20 ing proceedings from the Office.

21 (d) SUITS.—

22 (1) IN GENERAL.—This Act shall not affect
23 suits commenced before the date of the enactment of
24 this Act, except as provided in paragraphs (2) and
25 (3). In all such suits, proceeding shall be had, ap-

1 peals taken, and judgments rendered in the same
2 manner and with the same effect as if this Act had
3 not been enacted.

4 (2) SUITS BY OR AGAINST OMCS.—Any suit by
5 or against the Office begun before January 1, 2000,
6 shall be continued, insofar as it involves a function
7 retained and transferred under this Act, with the
8 Administration (to the extent the suit involves func-
9 tions transferred to the Administration under this
10 Act) substituted for the Office.

11 (3) REMANDED CASES.—If the court in a suit
12 described in paragraph (1) remands a case to the
13 Administration, subsequent proceedings related to
14 such case shall proceed in accordance with applicable
15 law and regulations as in effect at the time of such
16 subsequent proceedings.

17 (e) CONTINUANCE OF ACTIONS AGAINST OFFI-
18 CERS.—No suit, action, or other proceeding commenced
19 by or against any officer in his official capacity as an offi-
20 cer of the Office shall abate by reason of the enactment
21 of this Act. No cause of action by or against the Office,
22 or by or against any officer thereof in his official capacity,
23 shall abate by reason of enactment of this Act.

24 (f) EXERCISE OF AUTHORITIES.—Except as other-
25 wise provided by law, an officer or employee of the Admin-

1 istration may, for purposes of performing a function
2 transferred by this Act or the amendments made by this
3 Act, exercise all authorities under any other provision of
4 law that were available with respect to the performance
5 of that function to the official responsible for the perform-
6 ance of the function immediately before the effective date
7 of the transfer of the function under this Act or the
8 amendments made by this Act.

9 (g) REFERENCES.—Any reference to the Office in
10 any Federal law, Executive order, rule, regulation, or dele-
11 gation of authority, or any document of or pertaining to
12 the Office or an officer or employee of the Office is deemed
13 to refer to the Administration or a member or employee
14 of the Administration, as appropriate.

15 **SEC. 107. EFFECTIVE DATE.**

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

19 (b) BUDGET SUBMISSIONS.—The President’s budget
20 submission for fiscal year 2001 and each fiscal year there-
21 after shall reflect the establishment of the Federal Motor
22 Carrier Safety Administration in accordance with this Act.

1 **TITLE II—COMMERCIAL MOTOR**
2 **VEHICLE AND DRIVER SAFETY**

3 **SEC. 201. DISQUALIFICATIONS.**

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

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

8 (A) by striking “or” at the end of subpara-
9 graph (B);

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

13 (C) by adding at the end the following:

14 “(D) committing a first violation of driving a
15 commercial motor vehicle when the individual’s com-
16 mercial driver’s license is revoked, suspended, or
17 canceled based on the individual’s operation of a
18 commercial motor vehicle or when the individual is
19 disqualified from operating a commercial motor vehi-
20 cle based on the individual’s operation of a commer-
21 cial motor vehicle; or

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

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

3 (A) by striking “or” at the end of subpara-
4 graph (C);

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

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

9 “(D) committing more than one violation of
10 driving a commercial motor vehicle when the individ-
11 ual’s commercial driver’s license is revoked, sus-
12 pended, or canceled based on the individual’s oper-
13 ation of a commercial motor vehicle or when the in-
14 dividual is disqualified from operating a commercial
15 motor vehicle based on the individual’s operation of
16 a commercial motor vehicle;

17 “(E) convicted of more than one offense of
18 causing a fatality through negligent or criminal op-
19 eration of a commercial motor vehicle; or”; and

20 (D) in subparagraph (F) (as redesignated
21 by subparagraph (B) of this paragraph) by
22 striking “clauses (A)–(C) of this paragraph”
23 and inserting “subparagraphs (A) through
24 (E)”.

1 (3) CONFORMING AMENDMENT.—Section
2 31301(12)(C) of such title is amended by inserting
3 “, other than a violation to which section
4 31310(b)(1)(E) or 31310(c)(1)(E) applies” after “a
5 fatality”.

6 (b) EMERGENCY DISQUALIFICATION; NONCOMMER-
7 CIAL MOTOR VEHICLE CONVICTIONS.—Section 31310 of
8 such title is amended—

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

11 (2) by inserting after subsection (e) the fol-
12 lowing:

13 “(f) EMERGENCY DISQUALIFICATION.—

14 “(1) LIMITED DURATION.—The Secretary shall
15 disqualify an individual from operating a commercial
16 motor vehicle for not to exceed 30 days if the Sec-
17 retary determines that allowing the individual to
18 continue to operate a commercial motor vehicle
19 would create an imminent hazard (as such term is
20 defined in section 5102).

21 “(2) AFTER NOTICE AND HEARING.—The Sec-
22 retary shall disqualify an individual from operating
23 a commercial motor vehicle for more than 30 days
24 if the Secretary determines, after notice and an op-
25 portunity for a hearing, that allowing the individual

1 to continue to operate a commercial motor vehicle
2 would create an imminent hazard (as such term is
3 defined in section 5102).

4 “(g) NONCOMMERCIAL MOTOR VEHICLE CONVICTI-
5 TIONS.—

6 “(1) ISSUANCE OF REGULATIONS.—Not later
7 than 1 year after the date of enactment of this Act,
8 the Secretary shall issue regulations providing for
9 the disqualification by the Secretary from operating
10 a commercial motor vehicle of an individual who
11 holds a commercial driver’s license and who has been
12 convicted of—

13 “(A) a serious offense involving a motor
14 vehicle (other than a commercial motor vehicle)
15 that has resulted in the revocation, cancellation,
16 or suspension of the individual’s license; or

17 “(B) a drug or alcohol related offense in-
18 volving a motor vehicle (other than a commer-
19 cial motor vehicle).

20 “(2) REQUIREMENTS FOR REGULATIONS.—Reg-
21 ulations issued under under paragraph (1) shall es-
22 tablish the minimum periods for which the disquali-
23 fications shall be in effect, but in no case shall the
24 time periods for disqualification for noncommercial
25 motor vehicle violations be more stringent than those

1 for offenses or violations involving a commercial
2 motor vehicle. The Secretary shall determine such
3 periods based on the seriousness of the offenses on
4 which the convictions are based.”; and

5 (3) in subsection (h) (as redesignated by para-
6 graph (1) of this subsection) by striking “(b)–(e)”
7 each place it appears and inserting “(b) through
8 (g)”.

9 (c) SERIOUS TRAFFIC VIOLATIONS.—Section
10 31301(12) of such title is amended—

11 (1) by striking “and” at the end of subpara-
12 graph (C);

13 (2) by redesignating subparagraph (D) as sub-
14 paragraph (G); and

15 (3) by inserting after subparagraph (C) the fol-
16 lowing:

17 “(D) driving a commercial motor vehicle when
18 the individual has not obtained a commercial driver’s
19 license;

20 “(E) driving a commercial motor vehicle when
21 the individual does not have in his or her possession
22 a commercial driver’s license unless the individual
23 provides, by the date that the individual must ap-
24 pear in court or pay any fine with respect to the ci-
25 tation, to the enforcement authority that issued the

1 citation proof that the individual held a valid com-
 2 mercial driver’s license on the date of the citation;

3 “(F) driving a commercial motor vehicle when
 4 the individual has not met the minimum testing
 5 standards—

6 “(i) under section 31305(a)(3) for the spe-
 7 cific class of vehicle the individual is operating;

8 or

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

11 (d) CONFORMING AMENDMENTS.—Section
 12 31305(b)(1) of such title is amended—

13 (1) by striking “to operate the vehicle”; and

14 (2) by inserting before the period at the end “to
 15 operate the vehicle and has a commercial driver’s li-
 16 cense to operate the vehicle”.

17 **SEC. 202. REQUIREMENTS FOR STATE PARTICIPATION.**

18 (a) REQUESTS FOR DRIVING RECORD INFORMA-
 19 TION.—Section 31311(a)(6) of title 49, United States
 20 Code, is amended—

21 (1) by inserting “or renewing such a license”
 22 before the comma; and

23 (2) by striking “commercial” the second place
 24 it appears.

1 (b) RECORDING OF VIOLATIONS.—Section
2 31311(a)(8) of such title is amended by inserting before
3 the period at the end the following: “, and the violation
4 that resulted in the disqualification, revocation, suspen-
5 sion, or cancellation shall be recorded”.

6 (c) NOTIFICATION OF STATE OFFICIALS.—Section
7 31311(a)(9) of such title is amended to read as follows:

8 “(9) If an individual violates a State or local
9 law on motor vehicle traffic control (except a park-
10 ing violation) and the individual—

11 “(A) has a commercial driver’s license
12 issued by another State; or

13 “(B) is operating a commercial vehicle
14 without a commercial driver’s license and has a
15 driver’s license issued by another State;

16 the State in which the violation occurred shall notify
17 a State official designated by the issuing State of
18 the violations not later than 10 days after the date
19 the individual is found to have committed the viola-
20 tion.”.

21 (d) PROVISIONAL LICENSES.—Section 31311(a)(10)
22 of such title is amended—

23 (1) by striking “(10)” and inserting “(10)(A);

24 and

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

1 “(B) The State may not issue a special license
2 or permit (including a provisional or temporary li-
3 cense) to an individual who holds a commercial driv-
4 er’s license that permits the individual to drive a
5 commercial motor vehicle during a period in which—

6 “(i) the individual is disqualified from op-
7 erating a commercial motor vehicle; or

8 “(ii) the individual’s driver’s license is re-
9 voked, suspended, or canceled.”.

10 (e) PENALTIES.—Section 31311(a)(13) of such title
11 is amended—

12 (1) by inserting “consistent with this chapter
13 that” after “penalties”; and

14 (2) by striking “vehicle” the first place it ap-
15 pears and all that follows through the period at the
16 end and inserting “vehicle.”.

17 (f) RECORDS OF VIOLATIONS.—Section 31311(a) of
18 such title is amended by adding at the end the following:

19 “(18) The State shall maintain, as part of its
20 driver information system, a record of each violation
21 of a State or local motor vehicle traffic control law
22 while operating a motor vehicle (except a parking
23 violation) for each individual who holds a commercial
24 driver’s license. The record shall be available upon
25 request to the individual, the Secretary, employers,

1 prospective employers, State licensing and law en-
2 forcement agencies, and their authorized agents.”.

3 (g) MASKING.—Section 31311(a) of such title is fur-
4 ther amended by adding at the end the following:

5 “(19) The State shall—

6 “(A) record in the driving record of an in-
7 dividual who has a commercial driver’s license
8 issued by the State; and

9 “(B) make available to all authorized per-
10 sons and governmental entities having access to
11 such record,

12 all information the State receives under paragraph
13 (9) with respect to the individual and every violation
14 by the individual involving a motor vehicle (including
15 a commercial motor vehicle) of a State or local law
16 on traffic control (except a parking violation), not
17 later than 10 days after the date of receipt of such
18 information or the date of such violation, as the case
19 may be. The State may not allow information re-
20 garding such violations to be withheld or masked in
21 any way from the record of an individual possessing
22 a commercial driver’s license.”.

23 (h) NONCOMMERCIAL MOTOR VEHICLE CONVIC-
24 TIONS.—Section 31311(a) of such title is further amended
25 by adding at the end the following:

1 “(20) The State shall revoke, suspend, or can-
2 cel the commercial driver’s license of an individual in
3 accordance with regulations issued by the Secretary
4 to carry out section 31310(g).”.

5 **SEC. 203. STATE NONCOMPLIANCE.**

6 (a) IN GENERAL.—Chapter 313 of title 49, United
7 States Code, is amended by inserting after section 31311
8 the following:

9 **“§ 31312. Decertification authority**

10 “(a) IN GENERAL.—If the Secretary of Transpor-
11 tation determines that a State is in substantial noncompli-
12 ance with this chapter, the Secretary shall issue an order
13 to—

14 “(1) prohibit that State from carrying out li-
15 censing procedures under this chapter; and

16 “(2) prohibit that State from issuing any com-
17 mercial driver’s licenses until such time the Sec-
18 retary determines such State is in substantial com-
19 pliance with this chapter.

20 “(b) EFFECT ON OTHER STATES.—A State (other
21 than a State subject to an order under subsection (a)) may
22 issue a non-resident commercial driver’s license to an indi-
23 vidual domiciled in a State that is prohibited from such
24 activities under subsection (a) if that individual meets all

1 requirements of this chapter and the nonresident licensing
2 requirements of the issuing State.

3 “(c) PREVIOUSLY ISSUED LICENSES.—Nothing in
4 this section shall be construed as invalidating or otherwise
5 affecting commercial driver’s licenses issued by a State be-
6 fore the date of issuance of an order under subsection (a)
7 with respect to the State.”.

8 (b) CONFORMING AMENDMENT.—The chapter anal-
9 ysis for chapter 313 of such title is amended by inserting
10 after the item relating to section 31311 the following:

“31312. Decertification authority.”.

11 **SEC. 204. CHECKS BEFORE ISSUANCE OF DRIVER’S LI-**
12 **CENSES.**

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

15 “(e) DRIVER RECORD INQUIRY.—Before issuing a
16 motor vehicle operator’s license to an individual or renew-
17 ing such a license, a State shall request from the Secretary
18 information from the National Driver Register under sec-
19 tion 30302 and the commercial driver’s license informa-
20 tion system under section 31309 on the individual’s driv-
21 ing record.”.

22 **SEC. 205. REGISTRATION ENFORCEMENT.**

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

1 (1) by redesignating subsection (e) as sub-
2 section (f); and

3 (2) by inserting after subsection (d) the fol-
4 lowing:

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

11 “(1) OUT-OF-SERVICE ORDERS.—If, upon in-
12 spection or investigation, the Secretary determines
13 that a motor vehicle providing transportation requir-
14 ing registration under this section is operating with-
15 out a registration or beyond the scope of its registra-
16 tion, the Secretary may order the vehicle out-of-serv-
17 ice. Subsequent to the issuance of the out-of-service
18 order, the Secretary shall provide an opportunity for
19 review in accordance with section 554 of title 5; ex-
20 cept that such review shall occur not later than 10
21 days after issuance of such order.

22 “(2) PERMISSION FOR OPERATIONS.—A person
23 domiciled in a country contiguous to the United
24 States with respect to which an action under sub-
25 section (c)(1)(A) or (c)(1)(B) is in effect and pro-

1 viding transportation for which registration is re-
2 quired under this section shall maintain evidence of
3 such registration in the motor vehicle when the per-
4 son is providing the transportation. The Secretary
5 shall not permit the operation in interstate com-
6 merce in the United States of any motor vehicle in
7 which there is not a copy of the registration issued
8 pursuant to this section.”.

9 **SEC. 206. DELINQUENT PAYMENT OF PENALTIES.**

10 (a) REVOCATION OF REGISTRATION.—Section
11 13905(c) of title 49, United States Code is amended—

12 (1) by inserting “(1) IN GENERAL.—” before
13 “On application”;

14 (2) by inserting “(A)” before “suspend”;

15 (3) by striking the period at the end of the sec-
16 ond sentence and inserting “; and (B) suspend,
17 amend, or revoke any part of the registration of a
18 motor carrier, broker, or freight forwarder (i) for
19 failure to pay a civil penalty imposed under chapter
20 5, 51, 149, or 311 of this title, or (ii) for failure to
21 arrange and abide by an acceptable payment plan
22 for such civil penalty, within 90 days of the time
23 specified by order of the Secretary for the payment
24 of such penalty. Subparagraph (B) shall not apply
25 to any person who is unable to pay a civil penalty

1 because such person is a debtor in a case under
2 chapter 11 of title 11.

3 “(2) REGULATIONS.—Not later than 12 months
4 after the date of the enactment of this paragraph,
5 the Secretary, after notice and opportunity for pub-
6 lic comment, shall issue regulations to provide for
7 the suspension, amendment, or revocation of a reg-
8 istration under this part for failure to pay a civil
9 penalty as provided in paragraph (1)(B).”; and

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

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

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

20 (2) by inserting after paragraph (7) the fol-
21 lowing:

22 “(8) PROHIBITION ON OPERATION IN INTER-
23 STATE COMMERCE AFTER NONPAYMENT OF PEN-
24 ALTIES.—

1 “(A) IN GENERAL.—An owner or operator
2 of a commercial motor vehicle against whom a
3 civil penalty is assessed under this chapter or
4 chapter 51, 149, or 311 of this title and who
5 does not pay such penalty or fails to arrange
6 and abide by an acceptable payment plan for
7 such civil penalty may not operate in interstate
8 commerce beginning on the 91st day after the
9 date specified by order of the Secretary for pay-
10 ment of such penalty. This paragraph shall not
11 apply to any person who is unable to pay a civil
12 penalty because such person is a debtor in a
13 case under chapter 11 of title 11.

14 “(B) REGULATIONS.—Not later than 12
15 months after the date of enactment of this
16 paragraph, the Secretary, after notice and an
17 opportunity for public comment, shall issue reg-
18 ulations setting forth procedures for ordering
19 commercial motor vehicle owners and operators
20 delinquent in paying civil penalties to cease op-
21 erations until payment has been made.”.

22 **SEC. 207. STATE COOPERATION IN REGISTRATION EN-**
23 **FORCEMENT.**

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

1 (1) by aligning subparagraph (A) with subpara-
2 graph (B) of such section; and

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

5 “(R) ensures that the State will cooperate
6 in the enforcement of registration requirements
7 under section 13902 and financial responsibility
8 requirements under sections 13906, 31138, and
9 31139 and regulations issued thereunder;”.

10 **SEC. 208. IMMINENT HAZARD.**

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

14 **SEC. 209. HOUSEHOLD GOODS AMENDMENTS.**

15 (a) DEFINITION OF HOUSEHOLD GOODS.—Section
16 13102(10)(A) of title 49, United States Code, is amended
17 by striking “, including” and all that follows through
18 “dwelling,” and inserting “, except such term does not in-
19 clude property moving from a factory or store, other than
20 property that the householder has purchased with the in-
21 tent to use in his or her dwelling and is transported at
22 the request of, and the transportation charges are paid
23 to the carrier by, the householder;”.

1 (b) ARBITRATION REQUIREMENTS.—Section
2 14708(b)(6) of such title is amended by striking “\$1,000”
3 each place it appears and inserting “\$5,000”.

4 (c) STUDY OF ENFORCEMENT OF CONSUMER PRO-
5 TECTION RULES IN THE HOUSEHOLD GOODS MOVING IN-
6 DUSTRY.—The Comptroller General shall conduct a study
7 of the effectiveness of the Department of Transportation’s
8 enforcement of household goods consumer protection rules
9 under title 49, United States Code. The study shall also
10 include a review of other potential methods of enforcing
11 such rules, including allowing States to enforce such rules.

12 **SEC. 210. NEW MOTOR CARRIER ENTRANT REQUIREMENTS.**

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

16 “(c) SAFETY REVIEWS OF NEW OPERATORS.—

17 “(1) IN GENERAL.—The Secretary shall re-
18 quire, by regulation, each owner and each operator
19 granted new operating authority, after the date on
20 which section 31148(b) is first implemented, to un-
21 dergo a safety review within the first 18 months
22 after the owner or operator, as the case may be, be-
23 gins operations under such authority.

24 “(2) ELEMENTS.—In the regulations issued
25 pursuant to paragraph (1), the Secretary shall es-

1 establish the elements of the safety review, including
2 basic safety management controls. In establishing
3 such elements, the Secretary shall consider their ef-
4 fects on small businesses and shall consider estab-
5 lishing alternate locations where such reviews may
6 be conducted for the convenience of small busi-
7 nesses.

8 “(3) PHASE-IN OF REQUIREMENT.—The Sec-
9 retary shall phase in the requirements of paragraph
10 (1) in a manner that takes into account the avail-
11 ability of certified motor carrier safety auditors.

12 “(4) NEW ENTRANT AUTHORITY.—Notwith-
13 standing any other provision of this title, any new
14 operating authority granted after the date on which
15 section 31148(b) is first implemented shall be des-
16 ignated as new entrant authority until the safety re-
17 view required by paragraph (1) is completed.”.

18 (b) MINIMUM REQUIREMENTS.—The Secretary shall
19 initiate a rulemaking to establish minimum requirements
20 for applicant motor carriers, including foreign motor car-
21 riers, seeking Federal interstate operating authority to en-
22 sure applicant carriers are knowledgeable about applicable
23 Federal motor carrier safety standards. As part of that
24 rulemaking, the Secretary shall consider the establishment
25 of a proficiency examination for applicant motor carriers

1 as well as other requirements to ensure such applicants
2 understand applicable safety regulations before being
3 granted operating authority.

4 **SEC. 211. CERTIFICATION OF SAFETY AUDITORS.**

5 (a) IN GENERAL.—Chapter 311 of title 49, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 **“§ 31148. Certified motor carrier safety auditors**

9 “(a) IN GENERAL.—Not later than 1 year after the
10 date of enactment of this section, the Secretary of Trans-
11 portation shall complete a rulemaking to improve training
12 and provide for the certification of motor carrier safety
13 auditors, including private contractors, to conduct safety
14 inspection audits and reviews described in subsection (b).

15 “(b) CERTIFIED INSPECTION AUDIT REQUIRE-
16 MENT.—Not later than 1 year after completion of the rule-
17 making required by subsection (a), any safety inspection
18 audit or review required by, or based on the authority of,
19 this chapter or chapter 5, 313, or 315 of this title and
20 performed after December 31, 2002, shall be conducted
21 by—

22 “(1) a motor carrier safety auditor certified
23 under subsection (a); or

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

4 “(c) EXTENSION.—If the Secretary determines that
5 subsection (b) cannot be implemented within the 1-year
6 period established by that subsection and notifies the
7 Committee on Commerce, Science, and Transportation of
8 the Senate and the Committee on Transportation and In-
9 frastructure of the House of Representatives of the deter-
10 mination and the reasons therefor, the Secretary may ex-
11 tend the deadline for compliance with subsection (b) by
12 not more than 12 months.

13 “(d) APPLICATION WITH OTHER AUTHORITY.—The
14 Secretary may not delegate the Secretary’s authority to
15 private contractors to issue ratings or operating authority,
16 and nothing in this section authorizes any private con-
17 tractor to issue ratings or operating authority.

18 “(e) OVERSIGHT RESPONSIBILITY.—The Secretary
19 shall have authority over any motor carrier safety auditor
20 certified under subsection (a), including the authority to
21 decertify a motor carrier safety auditor.”.

22 (b) CONFORMING AMENDMENT.—The analysis for
23 such chapter 311 is amended by adding at the end the
24 following:

“31148. Certified motor carrier safety auditors.”.

1 **SEC. 212. COMMERCIAL VAN RULEMAKING.**

2 Not later than 1 year after the date of enactment
3 of this Act, the Secretary shall complete Department of
4 Transportation’s rulemaking, Docket No. FHWA–99–
5 5710, to amend Federal motor carrier safety regulations
6 to determine which motor carriers operating commercial
7 motor vehicles designed or used to transport between 9
8 and 15 passengers (including the driver) for compensation
9 shall be covered. At a minimum, the rulemaking shall
10 apply such regulations to—

11 (1) commercial vans commonly referred to as
12 “camionetas”; and

13 (2) those commercial vans operating in inter-
14 state commerce outside commercial zones that have
15 been determined to pose serious safety risks.

16 In no case should the rulemaking exempt from such regu-
17 lations all motor carriers operating commercial vehicles
18 designed or used to transport between 9 and 15 pas-
19 sengers (including the driver) for compensation.

20 **SEC. 213. 24-HOUR STAFFING OF TELEPHONE HOTLINE.**

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

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

1 (2) by inserting after subsection (b) the fol-
2 lowing:

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

7 (3) in subsection (e) (as redesignated by para-
8 graph (1) of this section)—

9 (A) by striking “104(a)” and inserting
10 “104(a)(1)(B)”; and

11 (B) by striking “for each of fiscal years
12 1999” and inserting “for fiscal year 1999 and
13 \$375,000 for each of fiscal years 2000”.

14 **SEC. 214. CDL SCHOOL BUS ENDORSEMENT.**

15 The Secretary shall conduct a rulemaking to establish
16 a special commercial driver’s license endorsement for driv-
17 ers of school buses. The endorsement shall, at a
18 minimum—

19 (1) include a driving skills test in a school bus;
20 and

21 (2) address proper safety procedures for—

22 (A) loading and unloading children;

23 (B) using emergency exits; and

24 (C) traversing highway rail grade cross-
25 ings.

1 **SEC. 215. MEDICAL CERTIFICATE.**

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

5 **SEC. 216. IMPLEMENTATION OF INSPECTOR GENERAL REC-**
6 **COMMENDATIONS.**

7 (a) IN GENERAL.—The Secretary shall implement
8 the safety improvement recommendations provided for in
9 the Department of Transportation Inspector General's Re-
10 port TR–1999–091, except to the extent that such rec-
11 ommendations are specifically addressed in sections 206,
12 208, 217, and 222 of this Act, including any amendments
13 made by such sections.

14 (b) REPORTS TO CONGRESS.—

15 (1) REPORTS BY THE SECRETARY.—Not later
16 than 90 days after the date of enactment of this
17 Act, and every 90 days thereafter until each of the
18 recommendations referred to in subsection (a) has
19 been implemented, the Secretary shall transmit to
20 the Committee on Commerce, Science, and Trans-
21 portation of the Senate and the Committee on
22 Transportation and Infrastructure of the House of
23 Representatives a report on the specific actions
24 taken to implement such recommendations.

25 (2) REPORTS BY THE INSPECTOR GENERAL.—

26 The Inspector General shall periodically transmit to

1 the Committees referred to in paragraph (1) a re-
2 port assessing the Secretary's progress in imple-
3 menting the recommendations referred to in sub-
4 section (a) and analyzing the number of violations
5 cited by safety inspectors and the level of fines as-
6 sessed and collected for such violations, and of the
7 number of cases in which there are findings of ex-
8 traordinary circumstances under section 222(c) of
9 this Act and the circumstances in which these find-
10 ings are made.

11 **SEC. 217. PERIODIC REFILEING OF MOTOR CARRIER IDENTI-**
12 **FICATION REPORTS.**

13 The Secretary shall amend section 385.21 of the De-
14 partment of Transportation's regulations (49 C.F.R.
15 385.21) to require periodic updating, not more frequently
16 than once every 2 years, of the motor carrier identification
17 report, form MCS-150, filed by each motor carrier con-
18 ducting operations in interstate or foreign commerce. The
19 initial update shall occur not later than 1 year after the
20 date of enactment of this Act.

21 **SEC. 218. BORDER STAFFING STANDARDS.**

22 (a) DEVELOPMENT AND IMPLEMENTATION.—Not
23 later than 1 year after the date of enactment of this Act,
24 the Secretary shall develop and implement appropriate

1 staffing standards for Federal and State motor carrier
2 safety inspectors in international border areas.

3 (b) FACTORS TO BE CONSIDERED.—In developing
4 standards under subsection (a), the Secretary shall con-
5 sider volume of traffic, hours of operation of the border
6 facility, types of commercial motor vehicles, types of cargo,
7 delineation of responsibility between Federal and State in-
8 spectors, and such other factors as the Secretary deter-
9 mines appropriate.

10 (c) MAINTENANCE OF EFFORT.—The standards de-
11 veloped and implemented under subsection (a) shall ensure
12 that the United States and each State will not reduce its
13 respective level of staffing of motor carrier safety inspec-
14 tors in international border areas from its average level
15 staffing for fiscal year 2000.

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

18 (1) ENFORCEMENT.—If, on October 1, 2001,
19 and October 1 of each fiscal year thereafter, the
20 Secretary has not ensured that the levels of staffing
21 required by the standards developed under sub-
22 section (a) are deployed, the Secretary should des-
23 ignate the amount made available for allocation
24 under section 31104(f)(2)(B) of title 49, United
25 States Code, for such fiscal year for States, local

1 governments, and other persons for carrying out
2 border commercial motor vehicle safety programs
3 and enforcement activities and projects.

4 (2) ALLOCATION.—If the Secretary makes a
5 designation of an amount under paragraph (1), such
6 amount shall be allocated by the Secretary to State
7 agencies, local governments, and other persons that
8 use and train qualified officers and employees in co-
9 ordination with State motor vehicle safety agencies.

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

15 **SEC. 219. FOREIGN MOTOR CARRIER PENALTIES AND DIS-**
16 **QUALIFICATIONS.**

17 (a) GENERAL RULE.—Subject to subsections (b) and
18 (c), a foreign motor carrier or foreign motor private car-
19 rier (as such terms are defined under section 13102 of
20 title 49, United States Code) that operates without au-
21 thority, before the implementation of the land transpor-
22 tation provisions of the North American Free Trade
23 Agreement, outside the boundaries of a commercial zone
24 along the United States-Mexico border shall be liable to
25 the United States for a civil penalty and shall be disquali-

1 fied from operating a commercial motor vehicle anywhere
2 within the United States as provided in subsections (b)
3 and (c).

4 (b) PENALTY FOR INTENTIONAL VIOLATION.—The
5 civil penalty for an intentional violation of subsection (a)
6 by a carrier shall not be more than \$10,000 and may in-
7 clude a disqualification from operating a commercial
8 motor vehicle anywhere within the United States for a pe-
9 riod of not more than 6 months.

10 (c) PENALTY FOR PATTERN OF INTENTIONAL VIOLA-
11 TIONS.—The civil penalty for a pattern of intentional vio-
12 lations of subsection (a) by a carrier shall not be more
13 than \$25,000 and the carrier shall be disqualified from
14 operating a commercial motor vehicle anywhere within the
15 United States and the disqualification may be permanent.

16 (d) LEASING.—Before the implementation of the land
17 transportation provisions of the North American Free
18 Trade Agreement, during any period in which a suspen-
19 sion, condition, restriction, or limitation imposed under
20 section 13902(c) of title 49, United States Code, applies
21 to a motor carrier (as defined in section 13902(e) of such
22 title), that motor carrier may not lease a commercial
23 motor vehicle to another motor carrier or a motor private
24 carrier to transport property in the United States.

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

4 (f) ACTS OF EMPLOYEES.—The actions of any em-
5 ployee driver of a foreign motor carrier or foreign motor
6 private carrier committed without the knowledge of the
7 carrier or committed unintentionally shall not be grounds
8 for penalty or disqualification under this section.

9 **SEC. 220. TRAFFIC LAW INITIATIVE.**

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

15 (b) REPORT.—The Secretary shall transmit to Con-
16 gress a report on the results of any program conducted
17 under this section, together with any recommendations as
18 the Secretary determines appropriate.

19 **SEC. 221. STATE-TO-STATE NOTIFICATION OF VIOLATIONS**
20 **DATA.**

21 (a) DEVELOPMENT.—In cooperation with the States,
22 the Secretary shall develop a uniform system to support
23 the electronic transmission of data State-to-State on con-
24 victions for all motor vehicle traffic control law violations
25 by individuals possessing a commercial drivers' licenses as

1 required by paragraphs (9) and (19) of section 31311(a)
2 of title 49, United States Code.

3 (b) STATUS REPORT.—Not later than 2 years after
4 the date of enactment of this Act, the Secretary shall
5 transmit to the Committee on Commerce, Science, and
6 Transportation of the Senate and the Committee on
7 Transportation and Infrastructure of the House of Rep-
8 resentatives a report on the status of the implementation
9 of this section.

10 **SEC. 222. MINIMUM AND MAXIMUM ASSESSMENTS.**

11 (a) IN GENERAL.—The Secretary of Transportation
12 should ensure that motor carriers operate safely by impos-
13 ing civil penalties at a level calculated to ensure prompt
14 and sustained compliance with Federal motor carrier safe-
15 ty and commercial driver’s license laws.

16 (b) ESTABLISHMENT.—The Secretary—

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

20 (2) shall assess the maximum civil penalty for
21 each violation of a law referred to in subsection (a)
22 by any person who is found to have committed a
23 pattern of violations of critical or acute regulations
24 issued to carry out such a law or to have previously

1 committed the same or a related violation of critical
2 or acute regulations issued to carry out such a law.

3 (c) EXTRAORDINARY CIRCUMSTANCES.—If the Sec-
4 retary determines and documents that extraordinary cir-
5 cumstances exist which merit the assessment of any civil
6 penalty lower than any level established under subsection
7 (b), the Secretary may assess such lower penalty. In cases
8 where a person has been found to have previously com-
9 mitted the same or a related violation of critical or acute
10 regulations issued to carry out a law referred to in sub-
11 section (a), extraordinary circumstances may be found to
12 exist when the Secretary determines that repetition of
13 such violation does not demonstrate a failure to take ap-
14 propriate remedial action.

15 (d) REPORT TO CONGRESS.—

16 (1) IN GENERAL.—The Secretary shall conduct
17 a study of the effectiveness of the revised civil pen-
18 alties established in the Transportation Equity Act
19 for the 21st Century and this Act in ensuring
20 prompt and sustained compliance with Federal
21 motor carrier safety and commercial driver’s license
22 laws.

23 (2) SUBMISSION TO CONGRESS.—The Secretary
24 shall transmit the results of such study and any rec-
25 ommendations to Congress by September 30, 2002.

1 **SEC. 223. MOTOR CARRIER SAFETY PROGRESS REPORT.**

2 Not later than May 25, 2000, the Secretary shall
3 transmit to the Committee on Commerce, Science, and
4 Transportation of the Senate and the Committee on
5 Transportation and Infrastructure of the House of Rep-
6 resentatives a status report on the Department of Trans-
7 portation's quantitative progress toward reducing motor
8 carrier fatalities by 50 percent by the year 2009.

9 **SEC. 224. STUDY OF COMMERCIAL MOTOR VEHICLE CRASH**
10 **CAUSATION.**

11 (a) OBJECTIVES.—The Secretary shall conduct a
12 comprehensive study to determine the causes of, and con-
13 tributing factors to, crashes that involve commercial motor
14 vehicles. The study shall also identify data requirements
15 and collection procedures, reports, and other measures
16 that will improve the Department of Transportation's and
17 States' ability to—

18 (1) evaluate future crashes involving commer-
19 cial motor vehicles;

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

22 (3) develop effective safety improvement policies
23 and programs.

24 (b) DESIGN.—The study shall be designed to yield
25 information that will help the Department and the States
26 identify activities and other measures likely to lead to sig-

1 nificant reductions in the frequency, severity, and rate per
2 mile traveled of crashes involving commercial motor vehi-
3 cles, including vehicles described in section 31132(1)(B)
4 of title 49, United States Code. As practicable, the study
5 shall rank such activities and measures by the reductions
6 each would likely achieve, if implemented.

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

10 (1) crash causation and prevention;

11 (2) commercial motor vehicles, drivers, and car-
12 riers, including passenger carriers;

13 (3) highways and noncommercial motor vehicles
14 and drivers;

15 (4) Federal and State highway and motor car-
16 rier safety programs;

17 (5) research methods and statistical analysis;
18 and

19 (6) other relevant topics.

20 (d) PUBLIC COMMENT.—The Secretary shall make
21 available for public comment information about the objec-
22 tives, methodology, implementation, findings, and other
23 aspects of the study.

24 (e) REPORTS.—

1 (1) IN GENERAL.—The Secretary shall prompt-
2 ly transmit to Congress the results of the study, to-
3 gether with any legislative recommendations.

4 (2) REVIEW AND UPDATE.—The Secretary shall
5 review the study at least once every 5 years and up-
6 date the study and report as necessary.

7 (f) FUNDING.—Of the amounts made available for
8 each of fiscal years 2001, 2002, and 2003 under section
9 4003(i) of the Transportation Equity Act for the 21st
10 Century (112 Stat. 395–398), as added by section
11 103(b)(1) of this Act, \$5,000,000 per fiscal year shall be
12 available only to carry out this section.

13 **SEC. 225. DATA COLLECTION AND ANALYSIS.**

14 (a) IN GENERAL.—In cooperation with the States,
15 the Secretary shall carry out a program to improve the
16 collection and analysis of data on crashes, including crash
17 causation, involving commercial motor vehicles.

18 (b) PROGRAM ADMINISTRATION.—The Secretary
19 shall administer the program through the National High-
20 way Traffic Safety Administration in cooperation with the
21 Federal Motor Carrier Safety Administration. The Na-
22 tional Highway Traffic Safety Administration shall—

23 (1) enter into agreements with the States to
24 collect data and report the data by electronic means
25 to a central data repository; and

1 (2) train State employees and motor carrier
2 safety enforcement officials to assure the quality and
3 uniformity of the data.

4 (c) USE OF DATA.—The National Highway Traffic
5 Safety Administration shall—

6 (1) integrate the data, including driver citation
7 and conviction information; and

8 (2) make the data base available electronically
9 to the Federal Motor Carrier Safety Administration,
10 the States, motor carriers, and other interested par-
11 ties for problem identification, program evaluation,
12 planning, and other safety-related activities.

13 (d) REPORT.—Not later than 3 years after the date
14 on which the improved data program begins, the Secretary
15 shall transmit a report to Congress on the program, to-
16 gether with any recommendations the Secretary finds ap-
17 propriate.

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

22 (f) ADDITIONAL FUNDING FOR INFORMATION SYS-
23 TEMS.—

24 (1) IN GENERAL.—Of the amounts made avail-
25 able for each of fiscal years 2001, 2002, and 2003

1 under section 4003(i) of the Transportation Equity
2 Act for the 21st Century (112 Stat. 395–398), as
3 added by section 103(b)(1) of this Act, \$5,000,000
4 per fiscal year shall be available only to carry out
5 section 31106 of title 49, United States Code.

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

10 **SEC. 226. DRUG TEST RESULTS STUDY.**

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

13 (1) requiring medical review officers or employ-
14 ers to report all verified positive controlled sub-
15 stances test results on any driver subject to con-
16 trolled substances testing under part 382 of title 49,
17 Code of Federal Regulations, including the identity
18 of each person tested and each controlled substance
19 found, to the State that issued the driver’s commer-
20 cial driver’s license; and

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

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

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

5 (2) the costs, benefits, and safety impacts of re-
6 quiring States to maintain records of verified posi-
7 tive controlled substances test results; and

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

10 (A) to correct errors in their records; and

11 (B) to expunge information from their
12 records after a reasonable period of time.

13 (c) REPORT.—Not later than 2 years after the date
14 of enactment of this Act, the Secretary shall submit to
15 Congress a report on the study carried out under this sec-
16 tion, together with such recommendations as the Secretary
17 determines appropriate.

18 **SEC. 227. APPROVAL OF AGREEMENTS.**

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

21 (1) by redesignating paragraphs (1) through
22 (4) as subparagraphs (A) through (D), respectively;

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

25 “(1) IN GENERAL.—The Board”;

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

2 “(2) PERIODIC REVIEW OF APPROVALS.—Sub-
3 ject to this section, in the 5-year period beginning on
4 the date of enactment of this paragraph and in each
5 5-year period thereafter, the Board shall initiate a
6 proceeding to review any agreement approved pursu-
7 ant to this section. Any such agreement shall be con-
8 tinued unless the Board determines otherwise.”; and

9 (4) by moving the remainder of the text of
10 paragraph (1) (as designated by paragraph (2) of
11 this subsection), including subparagraphs (A)
12 through (D) (as designated by paragraph (1) of this
13 subsection), 2 ems to the right.

14 (b) LIMITATION.—Section 13703(d) of such title is
15 amended to read as follows:

16 “(d) LIMITATION.—The Board shall not take any ac-
17 tion that would permit the establishment of nationwide
18 collective ratemaking authority.”.

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

21 (1) by striking “Agreements” and inserting the
22 following:

23 “(1) AGREEMENTS EXISTING AS OF DECEMBER
24 31, 1995.—Agreements”;

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

1 “(2) CASES PENDING AS OF DATE OF ENACT-
2 MENT.—Nothing in section 227 (other than sub-
3 section (b)) of the Motor Carrier Safety Improve-
4 ment Act of 1999, including the amendments made
5 by such section, shall be construed to affect any case
6 brought under this section that is pending before the
7 Board as of the date of enactment of this para-
8 graph.”; and

9 (3) by aligning the left margin of paragraph (1)
10 (as designated by paragraph (1) of this subsection)
11 with paragraph (2) (as added by paragraph (2) of
12 this subsection).

13 **SEC. 228. DOT AUTHORITY.**

14 (a) IN GENERAL.—The statutory authority of the In-
15 specter General of the Department of Transportation in-
16 cludes authority to conduct, pursuant to Federal criminal
17 statutes, investigations of allegations that a person or en-
18 tity has engaged in fraudulent or other criminal activity
19 relating to the programs and operations of the Depart-
20 ment or its operating administrations.

21 (b) REGULATED ENTITIES.—The authority to con-
22 duct investigations referred to in subsection (a) extends
23 to any person or entity subject to the laws and regulations
24 of the Department or its operating administrations,

- 1 whether or not they are recipients of funds from the De-
- 2 partment or its operating administrations.

○