

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

June 25, 2003

Purpose: To make technical, minor, and substantive amendments to the discussion draft of the surface transportation reauthorization bill.

IN THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION—108TH Cong., 1ST Sess.

S. ——, 108TH Congress, 1ST Session

JUNE 26, 2003

INTENDED to be proposed by Mr. MCCAIN

Viz:

1 On page 5, line 24, strike “\$10,000,000” and insert
2 “\$5,000,000”.

3 On page 6, strike lines 1 through 7 and insert the
4 following:

5 (5) To carry out the Impaired Driving Pro-
6 grams under section 410 of title 23, United States
7 Code, \$85,000,000 in fiscal year 2004, \$89,000,000
8 in fiscal year 2005, \$93,000,000 in fiscal year 2006,
9 \$110,000,000 in fiscal year 2007, \$126,000,000 in
10 fiscal year 2008, and \$130,000,000 in fiscal year
11 2009.

12 On page 7, strike lines 3 through 7.

1 On page 7, line 8, strike “(e)” and insert “(d)”.

2 On page 9, line 12, strike “a process” and insert “an
3 approval process”.

4 On page 10, line 10, insert “the effect that” after
5 “including”.

6 On page 10, line 11, strike “Secretary,” and insert
7 “Secretary”.

8 On page 10, line 17, strike “(4)” and insert “(5)”.

9 On page 10, line 20, strike “(5)” and insert “(6)”.

10 On page 11, line 8, insert “and efficient” after “effec-
11 tive”.

12 On page 13, line 17, strike “STUDIES.—” and insert
13 “STUDY.—”.

14 On page 16, strike line 5 and insert the following:
15 “(d) IMPROVING OLDER DRIVER SAFETY.—”.

16 On page 18, between lines 15 and 16, insert the fol-
17 lowing:

18 **SEC. 105A. OCCUPANT PROTECTION GRANTS.**

19 Section 405 of title 23, United States Code, is
20 amended—

21 (1) by striking the second sentence of sub-
22 section (a)(1);

23 (2) by striking “Transportation Equity Act for
24 the 21st Century.” in subsection (a)(2) and insert-

1 ing “Highway Safety Grant Program Reauthoriza-
2 tion Act of 2003.”;

3 (3) by striking subsections (a)(3) and (4), (b),
4 (c), (d), and (e);

5 (4) by redesignating subsection (f) as sub-
6 section (d);

7 (5) by inserting after subsection (a) the fol-
8 lowing:

9 “(b) OCCUPANT PROTECTION GRANTS.—

10 “(1) IN GENERAL.—In addition to the grants
11 authorized by subsection (a), the Secretary shall
12 make grants in accordance with this subsection.

13 “(2) SAFETY BELT PERFORMANCE GRANTS.—

14 “(A) PRIMARY SAFETY BELT USE LAW.—

15 “(i) For fiscal years 2004 and 2005,
16 the Secretary shall make a grant to each
17 State that enacted, and is enforcing, a pri-
18 mary safety belt use law for all passenger
19 motor vehicles that became effective by De-
20 cember 31, 2002.

21 “(ii) For each of fiscal years 2004
22 through 2009, the Secretary shall, after
23 making grants under clause (i) of this sub-
24 paragraph, make a one-time grant to each
25 State that either enacts for the first time

1 after December 31, 2002, and has in effect
2 a primary safety belt use law for all pas-
3 senger motor vehicles, or, in the case of a
4 State that does not have such a primary
5 safety belt use law, has a State safety belt
6 use rate in the preceding fiscal year of at
7 least 90 percent, as measured under cri-
8 teria determined by the Secretary.

9 “(iii) Of the funds authorized for
10 grants under this subsection,
11 \$100,000,000 in each of fiscal years 2004
12 through 2009 shall be available for grants
13 under this paragraph. The amount of a
14 grant available to a State in each of fiscal
15 years 2004 and 2005 under clause (i) of
16 this subparagraph shall be equal to $\frac{1}{2}$ of
17 the amount of funds apportioned to the
18 State under section 402(c) for fiscal year
19 2003. The amount of a grant available to
20 a State in fiscal year 2004 or in a subse-
21 quent fiscal year under clause (ii) of this
22 subparagraph shall be equal to 5 times the
23 amount apportioned to the State for fiscal
24 year 2003 under section 402(c). The Fed-
25 eral share payable for grants under this

1 subparagraph shall be 100 percent. If the
2 total amount of grants under clause (ii) of
3 this subparagraph for a fiscal year exceeds
4 the amount of funds available in the fiscal
5 year, grants shall be made to each eligible
6 State, in the order in which its primary
7 safety belt use law became effective or its
8 safety belt use rate reached 90 percent,
9 until the funds for the fiscal year are ex-
10 hausted. A State that does not receive a
11 grant for which it is eligible in a fiscal year
12 shall receive the grant in the succeeding
13 fiscal year so long as its law remains in ef-
14 fect or its safety belt use rate remains at
15 or above 90 percent. If the total amount of
16 grants under this subparagraph for a fiscal
17 year is less than the amount available in
18 the fiscal year, the Secretary shall use any
19 funds that exceed the total amount for
20 grants under subparagraph (B) of this
21 paragraph.

22 “(B) SAFETY BELT USE RATE.—

23 “(i) For each year from 2004 through
24 2009, the funds authorized for grant under
25 this subparagraph shall be awarded to

1 States that increase their measured seat
2 belt use rate by—

3 “(I) 3 percentage points above
4 the State’s average of the 2 previous
5 years; or

6 “(II) by the following percentage
7 points for each fiscal year compared
8 to the average use rates for fiscal
9 years 2001 and 2002:

10 “(aa) For 2004, 3 percent-
11 age points by the end of fiscal
12 year 2004.

13 “(bb) For 2005, 6 percent-
14 age points by the end of fiscal
15 year 2005.

16 “(cc) For 2006, 9 percent-
17 age points by the end of fiscal
18 year 2006.

19 “(dd) For 2007, 12 percent-
20 age points by the end of fiscal
21 year 2007.

22 “(ee) For 2008, 15 percent-
23 age points by the end of fiscal
24 year 2008.

1 “(ff) For 2009, 18 percent-
2 age points by the end of fiscal
3 year 2009.

4 “(ii) Each State that fulfills the re-
5 quirement of either (I) or (II) above shall
6 be apportioned an amount of funds that is
7 equal to the amount available under this
8 subparagraph for the relevant fiscal year
9 multiplied by a ratio determined by
10 dividing—

11 “(I) the amount of funds appro-
12 priated to that State under the sec-
13 tion 402 program for that fiscal year,
14 by

15 “(II) the total amount of funds
16 appropriated to all States that fulfill
17 the requirements of either subclause
18 (I) or (II) of clause (i) of this sub-
19 paragraph under section 402 for that
20 fiscal year.

21 In each year, additional funds equal to $\frac{1}{3}$
22 of the funds allocated to each State under
23 the previous sentence for that year shall be
24 granted to such State for each additional

1 percentage point increase above the State's
2 percentage increase under clause (i).

3 “(iii) Of the funds authorized for
4 grants under this subsection, \$20,000,000
5 for fiscal year 2004, \$22,000,000 for fiscal
6 year 2005, \$24,000,000 for fiscal year
7 2006, \$26,000,000 for fiscal year 2007,
8 \$28,000,000 for fiscal year 2008, and
9 \$30,000,000 for fiscal year 2009 shall be
10 available for safety belt use rate grants
11 under this subparagraph.

12 “(iv) The Federal share payable for
13 grants under this subparagraph shall be
14 100 percent.”.

15 “(c) USE OF GRANTS.—A State allocated an amount
16 for a grant under subsection (b)(2)(A) of this subsection
17 shall use the amount for activities eligible for assistance
18 under this section, except that it may use up to 50 percent
19 of the amount for activities eligible under section 150 of
20 this title and consistent with the State's strategic highway
21 safety plan under section 151 of this title that are not
22 otherwise eligible for assistance under this section. A State
23 allocated an amount for a grant under subsection
24 (b)(2)(A) of this subsection may use the amount for activi-
25 ties eligible for assistance under this section or for activi-

1 ties eligible under section 150 of this title and consistent
2 with the State's strategic highway safety plan under sec-
3 tion 151 of this title that are not otherwise eligible for
4 assistance under this section. A State allocated an amount
5 for a grant under subsection (b)(2)(B) of this section, in-
6 cluding any amount transferred under subsection
7 (b)(2)(A) of this section, shall use the amount for safety
8 belt use programs eligible for assistance under subsection
9 (b), except that it may use up to 50 percent of the amount
10 for activities eligible under section 150 of this title and
11 consistent with the State's strategic highway safety plan
12 under section 151 of this title that are not otherwise eligi-
13 ble for assistance under this section.”; and

14 (6) by striking paragraphs (1), (3), and (4) of
15 subsection (d), as redesignated, and redesignating
16 paragraphs (2), (5), and (6) as paragraphs (1), (2),
17 and (3).

18 On page 25, line 10, strike “10 percent” and insert
19 “5 percent”.

20 On page 36, line 21, strike “consultation” and insert
21 “coordination”.

22 On page 36, line 22, strike “and entities in the hospi-
23 tality industry;” and insert “ entities in the hospitality in-
24 dustry, and nonprofit traffic safety groups;”.

1 On page 45, beginning in line 10, strike “plan at the
2 request of any State.” and insert “plan.”.

3 On page 45, line 19, strike “review.” and insert “ap-
4 proval.”.

5 On page 45, beginning in line 23, strike “substan-
6 tially meet national priority program areas specified in its
7 highway safety plan during any 3-year period; and” and
8 insert “make substantial progress over a 3-year period in
9 meeting national priority program goals; and”.

10 On page 49, line 7, strike “rule” and insert “safety
11 standard”.

12 On page 49, line 13, strike “including” and insert
13 “such as”.

14 On page 50, line 2, strike “30128” and insert
15 “30111”.

16 On page 50, line 22, strike “Transportation” and in-
17 sert “Traffic”.

18 On page 51, between lines 21 and 22, insert the fol-
19 lowing:

20 **SEC. 155. VEHICLE BACKOVER DATA COLLECTION.**

21 In conjunction with the directives in section 154, the
22 National Highway Traffic Safety Administration may es-
23 tablish a method to collect and maintain data on the num-
24 ber and types of injuries and deaths involving motor vehi-
25 cles in non-traffic, non-accident incidents to assist in the

1 analysis regarding the inclusion of backover prevention
2 technologies in vehicles.

3 On page 52, line 7, strike “modulate” and insert “ad-
4 dress”.

5 On page 52, line 16, strike “incompatibility” and in-
6 sert “compatibility”.

7 On page 53, line 14, strike “**SEC. 157.**” and insert
8 “**SEC. 156.**”.

9 On page 53, beginning with line 20, strike through
10 line 8 on page 54 and insert the following:

11 “(a) ROLLOVERS.—

12 “(1) IN GENERAL.—The Secretary of Transpor-
13 tation, through the National Highway Traffic Safety
14 Administration, shall prescribe a motor vehicle safe-
15 ty standard under this chapter for rollover crash-
16 worthiness standards for passenger motor vehicles
17 with a gross vehicle weight of not more than 10,000
18 pounds, using a roof strength standard based on dy-
19 namic tests that realistically duplicate the actual
20 forces transmitted to a motor vehicle during an on-
21 roof rollover crash, that includes—

22 “(A) dynamic roof crush standards;

23 “(B) improved seat structure and safety
24 belt design, including seat belt pretensioners
25 and load limiters;

1 “(C) side impact head protection airbags;

2 and

3 “(D) roof injury protection measures.

4 (2) ROLLOVER RESISTANCE STANDARD.—The
5 Secretary, through the Administration, shall pre-
6 scribe a rollover prevention standard under this
7 chapter that includes improvements on the basic de-
8 sign characteristics of passenger motor vehicles to
9 increase their resistance to roll over. The Secretary
10 shall also require additional technologies to improve
11 the handling of passenger motor vehicles and there-
12 by reduce the likelihood of vehicle instability and
13 rollovers.

14 On page 54, line 14, strike “of all sizes”.

15 On page 54, line 17, after “pounds.” insert “”.

16 On page 55, line 5, strike “of all sizes”.

17 On page 57, line 4, strike “15 passenger” and insert
18 “15-passenger”.

19 On page 56, line 21, strike “**SEC. 159.**” and insert
20 “**SEC. 157.**”.

21 On page 58, between lines 2 and 3, insert the fol-
22 lowing:

23 **SEC. 160. TIRES.**

24 (a) CLAIRVOYANT TIRE REPLACEMENT.—Section
25 30120(b) is amended by adding at the end the following:

1 “(3) REIMBURSEMENT FOR REPLACING TIRES BE-
2 FORE REPLACEMENT NOTIFICATION IS RECEIVED.—A
3 manufacturer, through its remedy program shall include
4 a plan for reimbursing an owner or purchaser who in-
5 curred the cost of the remedy in advance of the manufac-
6 turer’s notification under subsection (b) or (c) of section
7 30118, up to 6 months after the last defect notice is
8 mailed to owners.”.

9 (b) MORE SAFETY PERFORMANCE CRITERIA.—No
10 later than June 1, 2005, the Secretary of Transportation
11 shall issue a final rule to upgrade Federal Motor Vehicle
12 Safety Standard 139; New pneumatic radial tires for light
13 vehicles, to take effect June 1, 2007, to include safety per-
14 formance criteria not addressed in the June 2003 final
15 rule mandated by the Transportation Recall Enhance-
16 ment, Accountability, and Documentation Act of 2000, to
17 improve the following safety performance criteria for light
18 vehicle tires: strength and road hazard protection, resist-
19 ance to bead unseating and aging. The Secretary shall re-
20 consider the use of shearography analysis, on a sampling
21 basis, for regulatory compliance and the National High-
22 way Traffic Safety Administration shall report to Con-
23 gress on the most cost effective methods of using such
24 technology.

1 **SEC. 161. SAFETY BELT USE REMINDERS.**

2 (a) NOTICE OF PROPOSED RULES TO ENCOURAGE
3 MORE SEAT BELT USE.—No later than 12 months after
4 enactment of this Act, the Secretary of Transportation
5 shall issue a Notice of Proposed Rulemaking to amend the
6 Federal Motor Vehicle Safety Standard No. 208 for pas-
7 senger cars, multipurpose passenger vehicles and trucks
8 with a gross vehicle weight of less than 10,000 pounds
9 to encourage increased seat belt usage by drivers and right
10 outboard front seat passengers. The proposed rule shall
11 address the potential safety benefits and public accept-
12 ability of alternative means to encourage increased seat
13 belt usage, including intermittent or continuous audible or
14 visual reminders when a driver or right outboard front
15 seat passenger is not wearing a seat belt, features to pre-
16 vent operation of convenience or entertainment features
17 of the vehicle when a driver or right outboard front seat
18 passenger is not wearing a seat belt, and any other seat
19 belt use, including but not limited to technology identified
20 by the National Academy of Sciences in its study of the
21 potential benefits of seat belt usage reminder technologies.

22 (b) FINAL RULE.—No later than 24 months after en-
23 actment of this provision of law, the Secretary shall issue
24 a final rule required by subsection (a). If the Secretary
25 decides to amend Federal Motor Vehicle Safety Standard
26 No. 208 to require new vehicles to provide seat belt use-

1 encouraging technologies, any audible reminder permitted
2 by the standard shall be differentiated by some means
3 from the audible signal that operates only during the 8-
4 second period after the ignition is turned to the “start”
5 or “on” position.

6 On page 58, line 2, strike “**SEC. 160.**” and insert
7 “**SEC. 162.**”.

8 On page 63, line 19, beginning with “for 24” strike
9 through line 22 and insert “after the date of enactment
10 of this Act. The Inspector General of the Department of
11 Transportation shall make an annual determination as to
12 whether this schedule has been met.

13 On page 63, beginning with line 23, strike through
14 line 7 on page 64 and insert the following:

15 (d) FAILURE TO COMPLY.—If the Secretary fails to
16 complete the required number of reports, studies, and
17 rulemaking proceedings according to the schedule set forth
18 in subsection (c) during any fiscal year, the Secretary shall
19 use \$3,000,000 from the amount authorized by section
20 31104(i)(1) of title 49, United States Code, for adminis-
21 trative expenses of the Federal Motor Carrier Safety Ad-
22 ministration to conduct additional compliance reviews
23 under section 31102 of that title instead of obligating or
24 expending such amount for those administrative expenses.

1 On page 68, line 2, strike the closing quotation marks
2 and the second period.

3 On page 68, between lines 2 and 3, insert the fol-
4 lowing:

5 “(4) Of the funds authorized by paragraph (1),
6 \$25,000,000 shall be used for deployment of the
7 Commercial Vehicle Information Systems and Net-
8 works under section program established under sec-
9 tion 241 of the Motor Carrier Safety Reauthoriza-
10 tion Act of 2003.”.

11 On page 70, between lines 8 and 9, insert the fol-
12 lowing:

13 (B) striking “years before December 18,
14 1991;” and inserting “years;”.

15 On page 70, line 9, strike “(B)” and insert “(C)”.

16 On page 70, line 11, strike “(C)” and insert “(D)”.

17 On page 71, strike “(D)” and insert “(E)”.

18 On page 74, line 8, strike “and” and insert “or”.

19 On page 76, line 22, after “buildings.” insert “The
20 Secretary shall give priority to grants that will be used
21 to achieve compliance with Federal laws and regulations
22 governing the commercial driver’s license program.”.

23 On page 80, strike line 14 and insert the following:

1 **SEC. 224. CDL WORKING GROUP.**

2 On page 81, strike lines 6 through 12, and insert the
3 following:

4 (b) MEMBERSHIP.—Members of the working group
5 should include State motor vehicle administrators, organi-
6 zations representing government agencies or officials,
7 members of the Judicial Conference, representatives of the
8 trucking industry, representatives of labor organizations,
9 safety advocates, and other significant stakeholders.

10 On page 85, beginning with line 16, strike through
11 line 21 on page 86, and insert the following:

12 **SEC. 228. MEDICAL PROGRAM.**

13 (a) IN GENERAL.—Subchapter III of chapter 311 is
14 amended by adding at the end the following:

15 **“§ 31149. Medical program**

16 “(a) MEDICAL REVIEW BOARD.—

17 “(1) ESTABLISHMENT AND FUNCTION.—The
18 Secretary of Transportation shall establish a Medical
19 Review Board to serve as an advisory committee to
20 provide the Federal Motor Carrier Safety Adminis-
21 tration with medical advice and recommendations on
22 driver qualification medical standards and guide-
23 lines, medical examiner education, and medical re-
24 search.

25 “(2) COMPOSITION.—The Medical Review
26 Board shall be appointed by the Secretary and shall

1 consist of 5 members selected from medical institu-
2 tions and private practice. The membership shall re-
3 flect expertise in a variety of specialties relevant to
4 the functions of the Federal Motor Carrier Safety
5 Administration.

6 “(b) CHIEF MEDICAL EXAMINER.—The Secretary
7 shall appoint a chief medical examiner for the Federal
8 Motor Carrier Safety Administration.

9 “(c) MEDICAL STANDARDS AND REQUIREMENTS.—
10 The Secretary, with the advice of the Medical Review
11 Board and the chief medical examiner, shall—

12 “(1) establish, review, and revise—

13 “(A) medical standards for applicants for
14 and holders of commercial driver’s licenses that
15 will ensure that the physical condition of opera-
16 tors of commercial motor vehicles is adequate to
17 enable them to operate the vehicles safely;

18 “(B) requirements for periodic physical ex-
19 aminations of such operators performed by
20 medical examiners who have received training in
21 physical and medical examination standards
22 and are listed on a national registry maintained
23 by the Department of Transportation; and

1 “(C) requirements for notification of the
2 chief medical examiner if such an applicant or
3 holder—

4 “(i) fails to meet the applicable stand-
5 ards; or

6 “(ii) is found to have a physical or
7 mental disability or impairment that would
8 interfere with the individual’s ability to op-
9 erate a commercial motor vehicle safely;

10 “(2) require each holder of a commercial driv-
11 er’s license or learner’s permit to have a current
12 valid medical certificate;

13 “(3) issue such certificates to such holders and
14 applicants who are found, upon examination, to be
15 physically qualified to operate a commercial motor
16 vehicle and to meet applicable medical standards;
17 and

18 “(4) develop, as appropriate, specific courses
19 and materials for medical examiners listed in the na-
20 tional registry established under this section, and re-
21 quire those medical examiners to complete specific
22 training, including refresher courses, to be listed in
23 the registry.

1 “(d) NATIONAL REGISTRY OF MEDICAL EXAM-
2 INERS.—The Secretary, through the Federal Motor Car-
3 rier Safety Administration—

4 “(1) shall establish and maintain a current na-
5 tional registry of medical examiners who are quali-
6 fied to perform the examination, testing, and inspec-
7 tion necessary to issue a medical certificate;

8 “(2) may delegate to such examiners the au-
9 thority to issue such certificates; and

10 “(3) shall remove from the registry the name of
11 any medical examiner that fails to meet the quali-
12 fications established by the Secretary for being listed
13 in the registry.

14 “(e) CONSULTATION AND COOPERATION WITH
15 FAA.—

16 “(1) IN GENERAL.—The Administrator of the
17 Federal Motor Carrier Safety Administration shall
18 consult the Administrator of the Federal Aviation
19 Administration with respect to examinations, the
20 issuance of certificates, standards, and procedures
21 under this section in order to take advantage of such
22 aspects of the Federal Aviation Administration’s air-
23 man certificate program under chapter 447 of this
24 title as the Administrator deems appropriate for car-
25 rying out this section.

1 “(2) USE OF FAA-QUALIFIED EXAMINERS.—
2 The Administrator of the Federal Motor Carrier
3 Safety Administration and the Administrator of the
4 Federal Aviation Administration are authorized and
5 encouraged to execute a memorandum of under-
6 standing under which individuals holding or applying
7 for a commercial driver’s license or learner’s permit
8 may be examined, for purposes of this section, by
9 medical examiners who are qualified to administer
10 medical examinations for airman certificates under
11 chapter 447 of this title and the regulations
12 thereunder—

13 “(A) until the national registry required by
14 subsection (d) is fully established; and

15 “(B) to the extent that the Administrators
16 determine appropriate, after that registry is es-
17 tablished.

18 “(f) REGULATIONS.—The Secretary is authorized to
19 promulgate such regulations as may be necessary to carry
20 out this section.”.

21 (b) MEDICAL EXAMINERS.—Section 31136(a)(3) is
22 amended to read as follows:

23 “(3) the physical condition of operators of com-
24 mercial motor vehicles is adequate to enable them to
25 operate the vehicles safely, and the periodic physical

1 examinations required of such operators are per-
2 formed by medical examiners who have received
3 training in physical and medical examination stand-
4 ards and are listed on a national registry maintained
5 by the Department of Transportation; and”.

6 (c) CONFORMING AMENDMENT.—The chapter anal-
7 ysis for chapter 311 is amended by inserting after the item
8 relating to section 31148 the following:

“31149. Medical standards for commercial driver’s licensees”.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to the Secretary of
11 Transportation to carry out section 31149 of title 49,
12 United States Code, \$6,750,000 for each of fiscal years
13 2004 through 2009.

14 (e) EFFECTIVE DATE.—The amendment made by
15 subsection (a) shall take effect 1 year after the date of
16 enactment of this Act.

17 On page 117, strike lines 10 through 14.

18 On page 118, between lines 10 and 11, insert the fol-
19 lowing:

20 **SEC. 244. BUS CRASH TESTING.**

21 The Secretary of Transportation shall issue a rule to
22 create test methodology and conduct motorcoach crash
23 testing. The test shall include—

1 (1) means to evaluate the effectiveness of pas-
2 senger restraint systems in the event of a motor-
3 coach crash; and

4 (2) means to evaluate and compare the per-
5 formance of “pop-out” windows and fixed windows
6 in protecting motorcoach occupants in the event of
7 a crash.

8 On page 121, line 9, strike “shipment delivered,
9 based” and insert “total units listed”.

10 On page 123, beginning in line 19, strike “charges
11 not later than 24 hours prior to the delivery of the ship-
12 ment.” and insert “charges. The statement shall be pro-
13 vided to the shipper within 24 hours prior to delivery of
14 the shipment unless the shipper waives this requirement.”.

15 On page 125, beginning in line 9, strike “an amount
16 equal to the declared total value of such goods.” and insert
17 “an amount equal to the replacement value of such goods,
18 subject to a maximum amount equal to the declared value
19 of the shipment.”.

20 On page 128, beginning in line 19, strike “1 year”
21 and insert “18 months”.

22 On page 128, line 21, insert “of Transportation”
23 after “Secretary”.

24 On page 129, line 3, after the period insert “The re-
25 port shall describe—

- 1 (A) the subject of, and amounts at issue
2 in, the disputes;
3 (B) patterns in disputes or settlements;
4 (C) the prevailing party in disputes, if
5 identifiable; and
6 (D) any other matters the Secretary con-
7 siders appropriate.

8 On page 129, line 8, after the period insert “Notwith-
9 standing any confidentiality or non-disclosure provision in
10 a settlement agreement between a motor carrier and a
11 shipper, it shall not be a violation of that provision for
12 a motor carrier or shipper to submit a copy of the settle-
13 ment agreement, or to provide information included in the
14 agreement, to the Secretary for use in evaluating dispute
15 settlement programs under this subsection. Notwith-
16 standing anything to the contrary in section 552 of title
17 5, United States Code, the Secretary may not post on the
18 Department of Transportation’s electronic docket system,
19 or make available to any requester in paper or electronic
20 format, any information submitted to the Secretary by a
21 motor carrier or shipper under the preceding sentence.
22 The Secretary shall use the settlement agreements or
23 other information submitted by a motor carrier or shipper
24 solely to evaluate the effectiveness of dispute settlement
25 programs and shall not include in the report required by

1 this subsection the names or, or other identifying informa-
2 tion concerning, motor carriers or shippers that submitted
3 comments or information under this subsection.

4 On page 129, line 24, strike “part B of subtitle IV”
5 and insert “chapters 137, 147, and 149, subchapter I of
6 chapter 141, section 13907, and section 14124”.

7 On page 140, line 4, strike “made” and insert “ten-
8 dered”.

9 On page 167, line 22, strike “President for trans-
10 mittal to”.

11 On page 173, line 11, strike “or willfully” and insert
12 “and willfully”.

13 On page 211, beginning with line 12, strike through
14 the end of the bill and insert the following:

15 SUBTITLE D—MISCELLANEOUS

16 **SEC. 581. TECHNICAL CORRECTION TO HOMELAND SECU-**
17 **RITY ACT.**

18 Section 1511(e)(2) of the Homeland Security Act of
19 2002 (Pub. L. No. 107-296) is amended by striking “and
20 to any funds provided to the Coast Guard from the Aquat-
21 ic Resources Trust Fund of the Highway Trust Fund for
22 boating safety programs.” and inserting “and any funds
23 provided to the Coast Guard from the Highway Trust
24 Fund and transferred into the Sport Fish Restoration Ac-

- 1 count of the Aquatic Resources Trust Fund for boating
- 2 safety programs.”.

○