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1 (2) APPORTIONMENT OF WITHHELD FUNDS AFTER
2 COMPLIANCE.--If, before the last day of the period for
3 which funds withheld under this section from
4 apportionment are to remain available for apportionment
5 to a State under paragraph (1), the State substantially
6 complies with all of the requirements of section 12009(a)
7 of this Act for a period of 365 days, the Secretary shall
8 on the day following the last day of such period
9 apportion to such State the withheld funds remaining
10 available for apportionment to such State.

11 (3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY
12 APPORTIONED FUNDS.--Any funds apportioned pursuant to
13 paragraph (2) shall remain available for expenditure
14 until the end of the third fiscal year succeeding the
15 fiscal year in which such funds are apportioned. Sums not
16 obligated at the end of such period shall lapse or, in
17 the case of funds apportioned under section 104(b)(5) of
18 such title, shall lapse and be made available by the
19 Secretary for projects in accordance with section 118(b)
20 of such title.

21 (4) EFFECT OF NONCOMPLIANCE.--If, at the end of the
22 period for which funds withheld under this section from
23 apportionment are available for apportionment to a State
24 under paragraph (1), the State has not substantially
25 complied with all of the requirements of section 12009(a)

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1 of this Act for a 365-day period, such funds shall lapse
2 or, in the case of funds withheld from apportionment
3 under section 104(b)(5) of such title, such funds shall
4 lapse and be made available by the Secretary for projects
5 in accordance with section 118(b) of such title.

6 SEC. 12012. PENALTIES.

7 (a) NOTICE OF VIOLATION.--Paragraph (1) of section 521(b)
8 of title 49, United States Code, is amended by inserting ``or
9 section 12002, 12003, 12004, 12005(b), or 12008(d)(2) of the
10 Commercial Motor Vehicle Safety Act of 1986`` after ``the
11 Motor Carrier Safety Act of 1984`` and by striking out
12 ``section`` the second place it appears and inserting in lieu
13 thereof ``sections``.

14 (b) CIVIL PENALTIES.--Paragraph (2) of such section is
15 amended, by inserting ``(A) IN GENERAL.--`` before ``Except
16 as``, by inserting ``(other than subparagraph (B))`` before
17 `` , except for recordkeeping violations``, and by striking
18 out the last two sentences and inserting in lieu thereof the
19 following:

20 ``(B) VIOLATIONS PERTAINING TO CDLS.--Any person who
21 is determined by the Secretary, after notice and
22 opportunity for a hearing, to have committed an act which
23 is a violation of section 12002, 12003, 12004, 12005(b),
24 or 12008(d)(2) of the Commercial Motor Vehicle Safety Act
25 of 1986 shall be liable to the United States for a civil

1 penalty not to exceed \$2,500 for each offense.

2 (c) DETERMINATION OF AMOUNT.--The amount of any
3 civil penalty, and a reasonable time for abatement of the
4 violation, shall by written order be determined by the
5 Secretary, taking into account the nature, circumstances,
6 extent, and gravity of the violation committed and, with
7 respect to the violator, the degree of culpability,
8 history of prior offenses, ability to pay, effect on
9 ability to continue to do business, and such other
10 matters as justice and public safety may require. In
11 each case, the assessment shall be calculated to induce
12 further compliance.''

13 (c) POSTING OF NOTICE.--Paragraph (3) of such section is
14 amended by inserting ``or section 12002, 12003, 12004, or
15 12005(b) of the Commercial Motor Vehicle Safety Act of 1986''
16 after ``the Motor Carrier Safety Act of 1984''.

17 (d) OUT OF-SERVICE ORDERS.--Paragraph (5)(A) of such
18 section is amended by inserting ``or section 12002, 12003,
19 12004, or 12005(b) of the Commercial Motor Vehicle Safety Act
20 of 1986'' after ``the Motor Carrier Safety Act of 1984'' and
21 by striking out ``section'' the second place it appears and
22 inserting in lieu thereof ``sections''.

23 (e) CRIMINAL PENALTIES.--Paragraph (6) of such section is
24 amended by inserting ``(A) IN GENERAL.--'' before ``Any
25 person'' and by adding at the end thereof the following:

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1 ``(B) VIOLATIONS PERTAINING TO CDLS.--Any person who
2 knowingly and willfully violates--

3 ``(i) any provision of section 12002, 12003(b),
4 12003(c), 12004, 12005(b), or 12008(d)(2) of the
5 Commercial Motor Vehicle Safety Act of 1986 or a
6 regulation issued under such section, or

7 ``(ii) with respect to notification of a serious
8 traffic violation as defined under section 12019 of
9 such Act, any provision of section 12003(a) of such
10 Act or a regulation issued under such section
11 12003(a),

12 shall, upon conviction, be subject for each offense to a
13 fine not to exceed \$5,000 or imprisonment for a term not
14 to exceed 90 days, or both.''.

15 (f) CONFORMING AMENDMENTS.--(1) Paragraph (2) of such
16 section is amended by inserting ``CIVIL PENALTY.--'' after
17 ``(2)'' , by indenting subparagraph (A), as designated by
18 subsection (b) of this section, and aligning such
19 subparagraph with subparagraph (B), as added by such
20 subsection (b).

21 (2) Paragraph (6) of such section is amended by inserting
22 ``CRIMINAL PENALTIES.--'' after ``(6)'' and by indenting
23 subparagraph (A), as designated by subsection (e) of this
24 section, and aligning such subparagraph with subparagraph
25 (B), as added by such subsection (e).

1 (g) TECHNICAL AMENDMENTS.--(1) Paragraph (6) of such
2 section is further amended by striking out ``for a fine`` and
3 inserting in lieu thereof ``to a fine``.

4 (2) Paragraph (13) of such section is amended by striking
5 out ``section 4`` and inserting in lieu thereof ``section
6 204``.

7 SEC. 12013. WAIVER AUTHORITY.

8 Notwithstanding any other provision of this title, after
9 notice and an opportunity for comment, the Secretary may
10 waive, in whole or in part, application of any provision of
11 this title or any regulation issued under this title with
12 respect to class of persons or class of commercial motor
13 vehicles if the Secretary determines that such waiver is not
14 contrary to the public interest and does not diminish the
15 safe operation of commercial motor vehicles. Any waiver under
16 this section shall be published in the Federal Register,
17 together with reasons for such waiver.

18 SEC. 12014. COMMERCIAL MOTOR VEHICLE SAFETY GRANTS.

19 Section 404 of the Surface Transportation Assistance Act
20 of 1982 (49 U.S.C. 2304) is amended to read as follows:

21 AUTHORIZATIONS

22 ``SEC. 404. (a)(1) To carry out the purposes of section
23 402 of this title, there is authorized to be appropriated out
24 of the Highway Trust Fund (other than the Mass Transit
25 Account) \$10,000,000 for fiscal year 1984, \$20,000,000 for

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1 fiscal year 1985, and \$30,000,000 for fiscal year 1986.

2 “(2) Subject to section 9503(c)(1) of the Internal
3 Revenue Code of 1986, there shall be available to the
4 Secretary to incur obligations to carry out section 402 of
5 this title, out of the Highway Trust Fund (other than the
6 Mass Transit Account), \$50,000,000 per fiscal year for each
7 of fiscal years 1987 and 1988 and \$60,000,000 per fiscal year
8 for each of fiscal years 1989, 1990, and 1991.

9 “(b) Funds authorized to be appropriated, and funds made
10 available, by this section shall be used to reimburse States
11 pro rata for the Federal share of the costs incurred.

12 “(c) Grants made pursuant to the authority of this part
13 shall be for periods not to exceed one year.

14 “(d) Notwithstanding any other provision of law,
15 beginning after September 30, 1986, approval by the Secretary
16 of a grant to a State under section 402 shall be deemed a
17 contractual obligation of the United States for payment of
18 the Federal share of the costs incurred by such State in
19 development or implementation or both of programs to enforce
20 commercial motor vehicle rules, regulations, standards, and
21 orders.

22 “(e) Funds authorized to be appropriated, and funds made
23 available, to carry out this section shall remain available
24 for obligation by the Secretary for the fiscal year for which
25 such funds are authorized or made available, as the case may

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1 be, and the three succeeding fiscal years.

2 “(f) On October 1 of each fiscal year beginning after
3 September 30, 1986, the Secretary may deduct, from funds made
4 available for such fiscal year by subsection (a)(2), an
5 amount not to exceed one-half of one percent of the amount of
6 such funds for administering section 402 of this title in
7 such fiscal year.”.

8 **SEC. 12015. TRUCK BRAKE REGULATIONS.**

9 Not late than the 90th day after the date of the
10 enactment of this title, the Secretary shall revise the
11 regulations of the Administrator of the Federal Highway
12 Administration contained in section 393.42(c) of title 49 of
13 the Code of Federal Regulations to require trucks and truck
14 tractors manufactured after July 24, 1980, to have brakes
15 operating on all wheels. The Secretary may provide for a
16 delayed effective date (not exceeding 1 year) for trucks and
17 truck tractors manufactured after July 24, 1980, and before
18 such date of enactment.

19 **SEC. 12016. RADAR DEMONSTRATION PROJECT.**

20 (a) **PROJECT DESCRIPTION.**--Notwithstanding any other
21 provision of law, the Secretary, in cooperation with State
22 and local law enforcement officials, shall conduct a
23 demonstration project to assess the benefits of continuous
24 use of unmanned radar equipment on highway safety on a
25 section of highway with a high rate of motor vehicle

1 accidents. Such project shall be conducted in northern
2 Kentucky on a hilly section of Interstate Route I-75 between
3 Fort Mitchell and the Brent Spence Bridge over the Ohio River
4 during the 24-month period beginning on the date of the
5 enactment of this title.

6 (b) REPORTS.--

7 (1) INTERIM REPORT.--Not later than 18 months after
8 the date of the enactment of this title, the Secretary
9 shall transmit to Congress an interim report on the
10 results of the demonstration project conducted under
11 subsection (a), together with any recommendations on
12 whether or not to extend the duration of such
13 demonstration project and whether or not to expand the
14 scope of such project.

15 (2) FINAL REPORT.--Not later than 60 days after
16 completion of the demonstration project conducted under
17 subsection (a), the Secretary shall transmit to Congress
18 a final report on the results of such project, together
19 with any such recommendations.

20 SEC. 12017. LIMITATION ON STATUTORY CONSTRUCTION.

21 Nothing in this title shall be construed to diminish,
22 limit, or otherwise affect the authority of the Secretary to
23 regulate commercial motor vehicle safety involving motor
24 vehicles with a gross vehicle weight rating of less than
25 26,001 pounds or such lesser gross vehicle weight rating as

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1 determined appropriate by the Secretary under section
2 12019(6)(A) of this Act.

3 SEC. 12018. REGULATIONS.

4 (a) AUTHORITY TO ISSUE.--The Secretary may issue such
5 regulations as may be necessary to carry out this title.

6 (b) COMPLIANCE WITH TITLE 5.--All regulations under this
7 title shall be issued in accordance with section 553 of title
8 5, United States Code (without regard to sections 556 and 557
9 of such title).

10 SEC. 12019. DEFINITIONS.

11 For purposes of this title--

12 (1) ALCOHOL.--The term "alcohol" has the meaning
13 the term alcoholic beverage has under section 158(c) of
14 title 23, United States Code.

15 (2) DRIVER'S LICENSE.--The term "driver's license"
16 means a license issued by a State to an individual which
17 authorizes the individual to operate a motor vehicle on
18 highways.

19 (3) COMMERCE.--The term "commerce" means--

20 (A) trade, traffic, and transportation within the
21 jurisdiction of the United States between a place in
22 a State and a place outside of such State (including
23 a place outside the United States); and

24 (B) trade, traffic, and transportation in the
25 United States which affects any trade, traffic, and

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1 transportation described in subparagraph (A).

2 (4) COMMERCIAL DRIVER'S LICENSE.--The term
3 "commercial driver's license" means a license issued by
4 a State to an individual which authorizes the individual
5 to operate a class of commercial motor vehicle.

6 (5) MOTOR VEHICLE.--The term "motor vehicle" means
7 a vehicle, machine, tractor, trailer, or semitrailer
8 propelled or drawn by mechanical power used and on
9 highways, except that such term does not include a
10 vehicle, machine, tractor, trailer, semitrailer operated
11 exclusively on a rail.

12 (6) COMMERCIAL MOTOR VEHICLE.--The term "commercial
13 motor vehicle" means a motor vehicle used in commerce to
14 transport passengers or property--

15 (A) if the vehicle has a gross vehicle weight
16 rating of 26,001 or more pounds or such a lesser
17 gross vehicle weight rating as the Secretary
18 determines appropriate by regulation but not less
19 than a gross vehicle weight rating of 10,001 pounds;

20 (B) if the vehicle is designed to transport more
21 than 15 passengers, including the driver; or

22 (C) if such vehicle is used in the transportation
23 of materials found by the Secretary to be hazardous
24 for the purposes of the Hazardous Materials
25 Transportation Act.

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1 A motor vehicle which is used in the transportation of
2 hazardous materials and which has a gross vehicle weight
3 rating of less than 26,001 pounds (or such gross vehicle
4 weight rating as determined appropriate by the Secretary
5 under subparagraph (A)) shall not be included as a
6 commercial motor vehicle pursuant to subparagraph (C) if
7 such hazardous material is listed as hazardous pursuant
8 to section 306(a) of the Comprehensive Environmental
9 Response, Compensation, and Liability Act of 1980 (42
10 U.S.C. 9656(a)) and is not otherwise regulated by the
11 Department of Transportation or if such hazardous
12 material is a consumer commodity or limited quantity
13 hazardous material as defined under section 171.8 of
14 title 49 of the Code of Federal Regulations. The
15 Secretary may waive the application of the preceding
16 sentence to any motor vehicle or class of motor vehicles
17 if the Secretary determines that such waiver is in the
18 interest of safety.

19 (7) CONTROLLED SUBSTANCE.--The term "controlled
20 substance" has the meaning such term has under section
21 102 of the Controlled Substances Act (21 U.S.C. 802).

22 (8) EMPLOYEE.--The term "employee" means an
23 operator of a commercial motor vehicle (including an
24 independent contractor while in the course of operating a
25 commercial motor vehicle) who is employed by an employer.

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1 (9) EMPLOYER.--The term "employer" means any person
2 (including the United States, a State, or a political
3 subdivision of a State) who owns or leases a commercial
4 motor vehicle or assigns employees to operate such a
5 vehicle.

6 (10) FELONY.--The term "felony" means an offense
7 under State or Federal law that is punishable by death or
8 imprisonment for a term exceeding 1 year.

9 (11) HAZARDOUS MATERIAL.--The term "hazardous
10 material" has the meaning such term has under section
11 103 of the Hazardous Materials Transportation Act.

12 (12) SERIOUS TRAFFIC VIOLATION.--The term "serious
13 traffic violation" means--

14 (A) excessive speeding, as defined by the
15 Secretary by regulation;

16 (B) reckless driving, as defined under State or
17 local law;

18 (C) a violation of a State or local law relating
19 to motor vehicle traffic control (other than a
20 parking violation) arising in connection with a fatal
21 traffic accident; and

22 (D) any other similar violation of a State or
23 local law relating to motor vehicle traffic control
24 (other than a parking violation) which the Secretary
25 determines by regulation is serious.

1 (13) SECRETARY.--The term "Secretary" means the
2 Secretary of Transportation.

3 (14) STATE.--The term "State" means a State of the
4 United States and the District of Columbia.

5 (15) UNITED STATES.--The term "United States" means
6 the 50 States and the District of Columbia.



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TITLE ^{XIII} ~~XIV~~--CYANIDE WRONGFUL USE

SEC. 14001. STUDY AND REPORT.

(a) Study.-- The Administrator of the Environmental
 4 Protection Agency shall conduct a study of the manufacturing
 5 and distribution process of cyanide with a view to
 6 determining methods, procedures, or other actions which might
 7 be taken, employed, or otherwise carried out in connection
 8 with such manufacturing and distribution in order to
 9 safeguard the public from the wrongful use of cyanide.

Matters to be included--
 10 (b) Such study shall include, among other matters, the
 11 following:

- 12 (1) a determination of the sources of cyanide,
- 13 including the name and location of each manufacturer
- 14 thereof;

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1 (2) an evaluation of the means and methods utilized
2 by the manufacturer and others in the distribution of
3 cyanide, including the name and location of each such
4 distributor;

5 (3) an evaluation of the procedures employed in
6 connection with the selling, at the wholesale and retail
7 level, of cyanide, including a determination as to
8 whether or not persons selling cyanide require the
9 intended purchaser to identify himself or herself;

10 (4) a determination as to the extent to which
11 recordkeeping requirements are imposed on, or carried out
12 by, manufacturers of cyanide with respect to the
13 specifications of each lot of cyanide produced by such
14 manufacturer;

15 (5) a determination as to the feasibility and
16 desirability of establishing a central registry of all
17 lot specifications of cyanide for the purpose of
18 providing quick access to investigative and law
19 enforcement agencies;

20 (6) a consideration and review of all aspects of the
21 matter of interstate versus intrastate to the extent that
22 it involves the manufacturing, distribution, or use of
23 cyanide;

24 (7) a determination as to the feasibility and
25 desirability of requiring manufacturers of cyanide to

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1 color all such cyanide with a distinctive color so that
2 the consuming public can more readily identify products
3 laced with cyanide;

4 (8) a determination as to the feasibility and
5 desirability of requiring limited-access storage for
6 cyanide at universities, laboratories, and other
7 institutions that use cyanide for research or other
8 purposes; *and*

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12 (9) a determination as to the feasibility and
13 desirability of issuing regulations to require any person
14 who sells or otherwise transfers, at a retail level, any
15 cyanide to record such sale or transfer, including the
16 identity of the person purchasing or otherwise receiving
17 such cyanide, the address of such person, and the
18 intended use of such cyanide. Such records shall be
19 available for such use, and retained for such period, as
20 the aforementioned Administrator shall by regulation
21 require.

22 *e* Report.--
(A) On or before the expiration of the 188-day period
23 following the date of the enactment of this section, the
24 Administrator of the Environmental Protection Agency shall
25 report the results of such study to the Congress, together

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1 with his or her recommendations with respect thereto.

Definitions.--

2 (d) As used in this section, the term--

3 (1) "person" means any individual, corporation,
4 partnership, or other entity; and

5 (2) "cyanide" means ^{scibom} cyanide, ^{potassium cyanide} or any other toxic cyanide

6 compound

8 Authorization.--

9 (e) There are authorized to be appropriated such sums as
10 may be necessary to carry out the provisions of this section.

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TITLE XIV --SENATE POLICY REGARDING FUNDING

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SEC. 145001. STATEMENT OF POLICY.

(a) The Senate finds that--

(1) there is an urgent critical need for funds to carry out the programs and activities authorized by the preceding provisions of this Act in order to ensure a drug free America;

(2) this Act is the result of a bipartisan effort to combat our national drug abuse problem; and

(3) only the exceptional nature of the drug abuse problem warrants the expenditure of funds in excess of otherwise applicable budget limitations.

(b) Therefore, it is the sense of the Senate that--

(1) amounts authorized to carry out the preceding provisions of this Act should be provided as new budget authority for fiscal year 1987 in H.J. Res. 738, (99th Congress, 2d Session); and

(2) such amounts should not be provided through transfers from, or reductions in, any amount appropriated by such joint resolution for any other program, project, or activity for such fiscal year.

1 At the end of the House Amendment, add the following new

2 title: ~~the~~ XV

3 TITLE *--NATIONAL FOREST SYSTEM DRUG CONTROL

4 SEC. ~~15001~~ 15001. SHORT TITLE.

5 This title may be cited as the "National Forest System
6 Drug Control Act of 1986".

7 SEC. ~~15002~~ 15002. PURPOSE.

8 (a) The purpose of this title is to authorize the
9 Secretary of Agriculture (hereinafter in this title referred
10 to as the "Secretary") to take actions necessary, in
11 connection with the administration and use of the National
12 Forest System, to prevent the manufacture, distribution, or
13 dispensing of marijuana and other controlled substances.

14 (b) Nothing in this title shall diminish in any way the
15 law enforcement authority of the Forest Service.

16 (c) As used in this title, the terms "manufacture",
17 "dispense", and "distribute" shall have the same meaning
18 given such terms in section 102 of the Controlled Substances
19 Act (21 U.S.C. 802).

20 SEC. ~~15003~~ 15003. POWERS.

21 For the purposes of this title, if specifically
22 designated by the Secretary and specially trained, not to
23 exceed 500 officers and employees of the Forest Service when
24 in the performance of their duties shall have authority
25 within the boundaries of the National Forest System to--

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- 1 (1) carry firearms;
- 2 (2) conduct investigations of violations of and
- 3 enforce section 401 of Controlled Substances Act (21
- 4 U.S.C. 841) and other criminal violations relating to
- 5 marijuana and other controlled substances that are
- 6 manufactured, distributed, or dispensed on National
- 7 Forest System lands;
- 8 (3) make arrests with a warrant or process for
- 9 misdemeanor violations, or without a warrant or process
- 10 for violations of such misdemeanors that any such officer
- 11 or employee has probable cause to believe are being
- 12 committed in his presence or view, or for a felony with ^{A warrant}
- 13 or without a warrant if he has probable cause to believe
- 14 that the person to be arrested has committed or is
- 15 committing such felony;
- 16 (4) serve warrants and other process issued by a
- 17 court or officer of competent jurisdiction;
- 18 (5) search with or without warrant or process any
- 19 person, place, or conveyance according to Federal law or
- 20 rule of law; and
- 21 (6) seize with or without warrant or process any
- 22 evidentiary item according to Federal law or rule of law.

23 SEC. ~~17004~~
~~15004~~ COOPERATION.

24 For the purposes of this title, in exercising the
25 authority provided by section ~~1500~~ 3--
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1 (1) the Forest Service shall cooperate with any other
2 Federal law enforcement agency having primary
3 investigative jurisdiction over the offense committed;
4 and

5 (2) the Secretary may authorize the Forest Service to
6 cooperate with the law enforcement officials of any
7 Federal agency, State, or political subdivision in the
8 investigation of violations of and enforcement of section
9 401 of the Controlled Substances Act (21 U.S.C. 841),
10 other laws and regulations relating to marijuana and
11 other controlled substances, and State drug control laws
12 or ordinances, ^{within} ~~both within and outside~~ ^{Ar 346} the boundaries of
13 the National Forest System.

14 ~~Section 401~~ PENALTY.
~~Section 15005~~

15 Section 401 of the Controlled Substances Act (21 U.S.C.
16 841) is amended by adding at the end thereof the following
17 subsection:

18 "(e)(1) Any person who assembles, maintains, places, or
19 causes to be placed a boobytrap on Federal property where a
20 controlled substance is being manufactured, distributed, or
21 dispensed shall be sentenced to a term of imprisonment for
22 not more than 10 years and shall be fined not more than
23 \$10,000.

24 "(2) If any person commits such a violation after 1 or
25 more prior convictions for an offense punishable under this

subsection, such person shall be sentenced to a term of imprisonment of not more than 20 years and shall be fined not more than \$20,000.

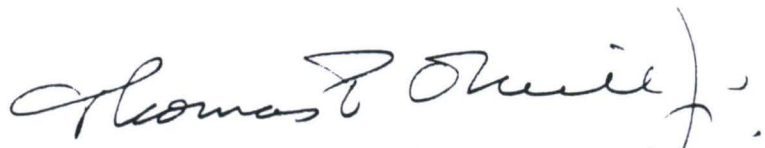
“(3) For the purposes of this subsection, the term ‘boobytrap’ means any concealed or camouflaged device designed to cause bodily injury when triggered by any action of any unsuspecting person making contact with the device. Such term includes guns, ammunition, or explosive devices attached to trip wires or other triggering mechanisms, sharpened stakes, and lines or wires with hooks attached.”.


SEC. ~~1506~~ 1506. AUTHORIZATION OF APPROPRIATIONS

There is authorized to be appropriated \$10,000,000 for each fiscal year to carry out this title.

SEC. ~~1507~~ 1507. APPROVAL OF SECRETARY OF AGRICULTURE AND ATTORNEY GENERAL.

The authorities conferred herein shall be exercised pursuant to an agreement approved by the Secretary of Agriculture and the Attorney General.


Speaker of the House of Representatives


Vice President of the United States and
President of the Senate.

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1 motor vehicle; or

2 (2) in which such employee has more than 1 driver's
3 license, except during the 10-day period beginning on the
4 date such employee is issued a driver's license and
5 except whenever a State law enacted on or before June 1,
6 1986, requires such employee to have more than one
7 driver's license.

8 The second exception in paragraph (2) shall not be effective
9 after December 31, 1989.

10 SEC. 12005. TESTING OF OPERATORS.

11 (a) ESTABLISHMENT OF MINIMUM FEDERAL STANDARDS.--Not
12 later than ~~January 2~~^{July 15}, 1988⁸, the Secretary shall issue
13 regulations to establish minimum Federal standards for
14 testing and ensuring the fitness of persons who operate
15 commercial motor vehicles. Such regulations--

16 (1) shall establish minimum Federal standards for
17 written tests and driving tests of persons who operate
18 such vehicles;

19 (2) shall require a driving test of each person who
20 operates or will operate a commercial motor vehicle in a
21 vehicle which is representative of the type of vehicle
22 such person operates or will operate;

23 (3) shall establish minimum Federal testing standards
24 for operation of commercial motor vehicles and, if the
25 Secretary considers appropriate to carry out the

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1 objectives of this title, may establish different minimum
2 testing standards for different classes of commercial
3 motor vehicles;

4 (4) shall ensure that each person taking such tests
5 has a working knowledge of (A) regulations pertaining to
6 safe operation of a commercial motor vehicle issued by
7 the Secretary and contained in title 49 of the Code of
8 Federal Regulations, and (B) any safety system of such
9 vehicle;

10 (5) in the case of a person who operates or will
11 operate a commercial motor vehicle carrying a hazardous
12 material, shall ensure--

13 (A) that such person is qualified to operate a
14 commercial motor vehicle in accordance with all
15 regulations pertaining to motor vehicle
16 transportation of such material issued by the
17 Secretary under the Hazardous Materials
18 Transportation Act; and

19 (B) that such person has a working knowledge of--

20 (i) such regulations,

21 (ii) handling of such material,

22 (iii) the operation of emergency equipment
23 used in response to emergencies arising out of
24 the transportation of such material, and

25 (iv) appropriate response procedures to be

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1 followed in such emergencies;

2 (6) shall establish minimum scores for passing such
3 tests;

4 (7) shall ensure that each person taking such tests
5 is qualified to operate a commercial motor vehicle under
6 the regulations issued by the Secretary and contained in
7 title 49 of the Code of Federal Regulations to the extent
8 such regulations are applicable to such person; and

9 (8) may require--

10 (A) issuance of a certification of fitness to
11 operate a commercial motor vehicle to each person who
12 passes such tests; and

13 (B) such person to have a copy of such
14 certification in his or her possession whenever such
15 person is operating a commercial motor vehicle.

16 (b) REQUIREMENT FOR OPERATION OF CMV.--

17 (1) GENERAL RULE.--Except as provided under paragraph
18 (2), no person may operate a commercial motor vehicle
19 unless such person has taken and passed a written and
20 driving test to operate such vehicle which meets the
21 minimum Federal standards established by the Secretary
22 under subsection (a).

23 (2) EXCEPTION.--The Secretary may issue regulations
24 which provide that a person--

25 (A) who passes a driving test for operation of a

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1 commercial motor vehicle in accordance with the
2 minimum standards established under subsection (a),
3 and

4 (B) who has a driver's license which is not
5 suspended, revoked, or cancelled,
6 may operate such a vehicle for a period not to exceed 90
7 days.

8 (3) EFFECTIVE DATE.--Paragraph (1) shall take effect
9 on such date as the Secretary shall establish by
10 regulation. Such date shall be as soon as practicable
11 after the date of the enactment of this title but not
12 later than ~~October 17, 1993~~ *April 1, 1992*.

13 (c) BASIC GRANT PROGRAM.--

14 (1) ELIGIBILITY FOR FISCAL YEARS 1987, 1988, AND
15 1989.--The Secretary may make a grant to a State in any
16 of fiscal years 1987, 1988, and 1989--

17 (A) if the State enters into an agreement with
18 the Secretary to develop a program for testing and
19 ensuring the fitness of persons who operate
20 commercial motor vehicles; and

21 (B) if the State has in effect and enforces in
22 such fiscal year a law which provides that any person
23 with a blood alcohol concentration of 0.10 percent or
24 greater when operating a commercial motor vehicle is
25 deemed to be driving while under the influence of



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1 alcohol.

2 (2) ELIGIBILITY AFTER FISCAL YEAR 1989.--The
3 Secretary may make a grant to a State in a fiscal year
4 beginning after September 30, 1989--

5 (A) if the State enters into an agreement with
6 the Secretary--

7 (i) to adopt and administer in such fiscal
8 year a program for testing and ensuring the
9 fitness of persons who operate commercial motor
10 vehicles in accordance with all of the minimum
11 Federal standards established by the Secretary
12 under subsection (a); and

13 (ii) to require that operators of commercial
14 motor vehicles have passed written and driving
15 tests which comply with such minimum standards;
16 and

17 (B) if the State has in effect and enforces in
18 such fiscal year a law which provides that any person
19 with a blood alcohol concentration of 0.10 percent or
20 greater when operating a commercial motor vehicle is
21 deemed to be driving while under the influence of
22 alcohol.

23 (3) ADMINISTRATION OF DRIVING TEST.--A State--

24 (A) may administer driving tests referred to in
25 paragraph (2) and section 12009(a); or

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1 (B) may enter into an agreement, approved by the
2 Secretary, to administer such tests with a person
3 (including a department, agency or instrumentality of
4 a local government) which meets such minimum
5 standards as the Secretary shall establish by
6 regulation--

7 (i) if the agreement allows the Secretary and
8 the State each to conduct random examinations,
9 inspections, and audits of such testing without
10 prior notification; and

11 (ii) if the State conducts at least annually
12 one onsite inspection of such testing.

13 (4) MINIMUM AMOUNT OF GRANT.--The Secretary shall
14 determine the amount of grants in a fiscal year to be
15 made under this subsection to a State eligible to receive
16 such grants in the fiscal year; except that--

17 (A) such State shall not be granted less than
18 \$100,000 under this subsection in the fiscal year;
19 and

20 (B) to the extent that any States are granted
21 more than \$100,000 per State in the fiscal year under
22 this subsection, the Secretary shall ensure that such
23 States are treated equitably.

24 (5) LIMITATION ON USE OF FUNDS.--

25 (A) IN FISCAL YEARS 1987, 1988, AND 1989.--A

1 State receiving a grant under this subsection in
2 fiscal year 1987, 1988, or 1989 may only use the
3 funds provided under such grant for developing a
4 program for testing and ensuring the fitness of
5 persons who operate commercial motor vehicles.

6 (B) THEREAFTER.--A State receiving a grant under
7 this subsection in any fiscal year beginning after
8 September 30, 1989, may only use the funds provided
9 under such grant for testing operators of commercial
10 motor vehicles.

11 (6) DEVELOPMENT OF TESTING PROGRAM DESCRIBED.--For
12 purposes of this subsection and subsection (d),
13 development of a program for testing and ensuring the
14 fitness of persons who operate commercial motor vehicles
15 includes but is not limited to studies of the number of
16 vehicles which will need to be tested under such program
17 in a calendar year, studies of facilities at which
18 testing of such persons could be conducted, and studies
19 of additional resources (including personnel) which will
20 be necessary to conduct such testing.

21 (7) FUNDING.--There shall be available to the
22 Secretary to carry out this subsection \$5,000,000 from
23 funds made available to carry out section 404 of the
24 Surface Transportation Assistance Act of 1982 for each of
25 fiscal years 1987, 1988, 1989, 1990, and 1991.

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1 (d) SUPPLEMENTAL GRANT PROGRAM.--

2 (1) ELIGIBILITY AND PURPOSES.--The Secretary may make
3 in a fiscal year grants to States eligible to receive
4 grants under subsection (c) in such fiscal year. A grant
5 made under this subsection in fiscal year 1987, 1988, or
6 1989 shall be used for developing a program for testing
7 and ensuring the fitness of persons who operate
8 commercial motor vehicles. A grant made under this
9 subsection in any fiscal year beginning after September
10 30, 1989, shall be used for testing operators of
11 commercial motor vehicles.

12 (2) DISTRIBUTION.--Funds granted under this
13 subsection in a fiscal year beginning after September 30,
14 1989, shall be distributed among the States eligible to
15 receive grants under subsection (c) in such fiscal year
16 on the basis of the number of written and driving tests
17 administered, and the number of drivers' licenses for
18 operation of commercial motor vehicles, issued in the
19 preceding fiscal year.

20 (3) FUNDING.--There shall be available to the
21 Secretary to carry out this subsection--

22 (A) \$3,000,000 from funds made available to carry
23 out section 402 of title 23, United States Code, by
24 the National Highway Traffic Safety Administration
25 for each of fiscal years 1987, and 1988;

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1 (B) \$3,000,000 from funds made available to carry
2 out section 404 of the Surface Transportation
3 Assistance Act of 1982 for each of fiscal years 1989,
4 1990, and 1991.

5 (e) LIMITATIONS ON GRANT PROGRAMS.--

6 (1) MAINTENANCE OF EFFORT.--The Secretary may not
7 make a grant to any State under this section unless such
8 State agrees that the aggregate expenditure of funds of
9 the State and political subdivisions thereof, exclusive
10 of Federal funds, for testing of operators of commercial
11 motor vehicles will be maintained at a level which does
12 not fall below the average level of such expenditure for
13 its last two fiscal years preceding the date of the
14 enactment of this title.

15 (2) PERIOD OF AVAILABILITY.--Funds made available to
16 carry out this subsection shall remain available for
17 obligation by the State for the fiscal year for which
18 such funds are made available. Any of such funds not
19 obligated before the last day of such period shall no
20 longer be available for obligation by such State and
21 shall be available to the Secretary for carrying out the
22 purposes of this title. Funds made available pursuant to
23 this section shall remain available until expended.

24 (3) CONTRACT AUTHORITY.--Notwithstanding any other
25 provision of law, approval by the Secretary of a grant to

1 a State under this section shall be deemed to be a
2 contractual obligation of the United States for payment
3 of the amount of the grant.

4 SEC. 12006. COMMERCIAL DRIVER'S LICENSE.

5 Not later than ^{July 15, 1988,} ~~January 1, 1989,~~ the Secretary, after
6 consultation with the States, shall issue regulations
7 establishing minimum uniform standards for the issuance of
8 commercial drivers' licenses by the States and for
9 information to be contained on such licenses. Such standards
10 shall, at a minimum, require that--

11 (1) each person who is issued a commercial driver's
12 license passes a written and driving test for the
13 operation of a commercial motor vehicle which complies
14 with the minimum Federal standards established by the
15 Secretary under section 12005(a);

16 (2) the commercial drivers' licenses are, to the
17 maximum extent practicable, tamper proof; and

18 (3) each commercial driver's license contain the
19 following information:

20 (A) the name and address of the person to whom
21 such license is issued and a physical description of
22 such person;

23 (B) the social security number or such other
24 number or information as the Secretary determines
25 appropriate to identify such person;

1 (C) the class or type of commercial motor vehicle
2 or vehicles which such person is authorized to
3 operate under such license;

4 (D) the name of the State which issued such
5 license; and

6 (E) the dates between which such license is
7 valid.

8 SEC. 12007. COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM.

9 (a) DEADLINE.--Not later than January 1, 1989, the
10 Secretary shall either enter into an agreement under
11 subsection (b) for operation of, or establish under
12 subsection (c), an information system which will serve as a
13 clearinghouse and depository of information pertaining to the
14 licensing and identification of operators of commercial motor
15 vehicles and the disqualification of such operators from
16 operating commercial motor vehicles. In carrying out this
17 section, the Secretary consult the States.

18 (b) AGREEMENT FOR USE OF NON-FEDERAL SYSTEM.--

19 (1) REVIEW.--Not later than January 1, 1988, the
20 Secretary shall conduct a review of information systems
21 utilized by 1 or more States pertaining to the driving
22 status of operators of motor vehicles and other State-
23 operated information systems for the purpose of
24 determining whether or not any of such systems could be
25 utilized to carry out this section.

1 (2) AGREEMENT.--If the Secretary determines that one
2 of the information systems reviewed under paragraph (1)
3 could be utilized to carry out this section and the State
4 or States utilizing such system agree to the use of such
5 system for carrying out this section, the Secretary may
6 enter into an agreement with such State or States for the
7 use of such system in accordance with the provisions of
8 this section and section 12009(c).

9 (3) TERMS OF AGREEMENT.--Any agreement entered into
10 under this subsection shall contain such terms and
11 conditions as the Secretary considers necessary to carry
12 out the objectives of this title.

13 (c) ESTABLISHMENT.--If the Secretary does not enter into
14 an agreement under subsection (b), the Secretary shall
15 establish an information system pertaining to the driving
16 status and licensing of operators of commercial motor
17 vehicles in accordance with the provisions of this section.

18 (d) MINIMUM INFORMATION.--The information system under
19 this section shall, at a minimum, include the following
20 information concerning each operator of a commercial motor
21 vehicle:

22 (1) Such information as the Secretary considers
23 appropriate to ensure identification of such operator.

24 (2) The name and address of such operator and a
25 physical description of such operator.

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1 (3) The social security number of such operator or
2 such other number or information as the Secretary
3 determines appropriate to identify such operator.

4 (4) The name of the State which issued the driver's
5 license to such operator.

6 (5) The dates between which such license is valid.

7 (6) Whether or not such operator has or has had a
8 driver's license which authorized such person to operate
9 a commercial motor vehicle suspended, revoked, or
10 cancelled by a State, has lost the right to operate a
11 commercial motor vehicle in a State for any period, or
12 has been disqualified from operating a commercial motor
13 vehicle.

14 (e) AVAILABILITY OF INFORMATION.--

15 (1) TO STATE.--Upon request of a State, the Secretary
16 or the operator of the information system, as the case
17 may be, may make available to such State information in
18 the information system under this section.

19 (2) TO THE EMPLOYEE.--Upon request of an employee,
20 the Secretary or the operator of the information system,
21 as the case may be, may make available to such employee
22 information in the information system relating to such
23 employee.

24 (3) TO EMPLOYER.--Upon request of an employer or
25 prospective employer of an employee and after

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1 notification of such employee, the Secretary or the
2 operator of the information system, as the case may be,
3 may make available to such employer or prospective
4 employer information in the information system relating
5 to such employee.

6 (4) TO THE SECRETARY.--Upon the request of the
7 Secretary, the operator of the information system shall
8 make available to the Secretary such information
9 pertaining to the driving status and licensing of
10 operators of commercial motor vehicles (including the
11 information required by subsection (d)) as the Secretary
12 may request.

13 (f) COLLECTION OF FEES.--If the Secretary establishes an
14 information system under this section, the Secretary shall
15 establish a fee system for utilization of the information
16 system. The amount of fees collected pursuant to this
17 subsection in any fiscal year shall as nearly as possible
18 equal the costs of operating the information system in such
19 fiscal year. The Secretary shall deposit fees collected under
20 this subsection in the Highway Trust Fund (other than the
21 Mass Transit Account).

22 (g) FUNDING.--There shall be available to the Secretary
23 to carry out this section not to exceed \$2,000,000 from funds
24 made available to carry out section 402 of title 23, United
25 States Code, by the National Highway Safety Traffic

1 last day of such period shall no longer be available to such
2 State and shall be available to the Secretary for carrying
3 out the purposes of this title. Funds made available pursuant
4 to this section shall remain available until expended.

5 (f) FUNDING.--There shall be available to the Secretary
6 to carry out this section \$5,000,000 from funds made
7 available to carry out section 404 of the Surface
8 Transportation Assistance Act of 1982 for each of fiscal
9 years 1989, 1990, and 1991.

10 SEC. 12011. WITHHOLDING OF HIGHWAY FUNDS FOR STATE

11 NONCOMPLIANCE.

12 (a) FIRST YEAR.--The Secretary shall withhold 5 percent
13 of the amount required to be apportioned to any State under
14 each of sections 104(b)(1), 104(b)(2), 104(b)(5), and
15 104(b)(6) of title 23, United States Code, on the first day
16 of the fiscal year succeeding the first fiscal year beginning
17 after September 30, 199², throughout which the State does not
18 substantially comply with any requirement of section 12009(a)
19 of this Act.

20 (b) AFTER THE FIRST YEAR.--The Secretary shall withhold
21 10 percent of the amount required to be apportioned to any
22 State under each of sections 104(b)(1), 104(b)(2), 104(b)(5),
23 and 104(b)(6) of such title on the first day of each fiscal
24 year after the second fiscal year beginning after September
25 30, 199², throughout which the State does not substantially

1 comply with any requirement of section 12009(a) of this Act.

2 (c) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND
3 NONCOMPLIANCE.--

4 (1) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 199⁵~~8~~.--

5 (A) PERIOD OF AVAILABILITY.--Any funds withheld
6 under this section from apportionment to any State on
7 or before September 30, 199⁵~~8~~, shall remain available
8 for apportionment to such State as follows:

9 (i) If such funds would have been apportioned
10 under section 104(b)(5)(B) of such title but for
11 this section, such funds shall remain available
12 until the end of the second fiscal year following
13 the fiscal year for which such funds are
14 authorized to be appropriated.

15 (ii) If such funds would have been
16 apportioned under section 104(b)(1), 104(b)(2),
17 or 104(b)(6) of such title but for this section,
18 such funds shall remain available until the end
19 of the third fiscal year following the fiscal
20 year for which such funds are authorized to be
21 appropriated.

22 (B) FUNDS WITHHELD AFTER SEPTEMBER 30, 199⁵~~8~~.--No
23 funds withheld under this subsection from
24 apportionment to any State after September 30, 199⁵~~8~~,
25 shall be available for apportionment to such State.

1 comply with any requirement of section 12009(a) of this Act.

2 (c) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND
3 NONCOMPLIANCE.--

4 (1) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 199⁵~~4~~.--

5 (A) PERIOD OF AVAILABILITY.--Any funds withheld
6 under this section from apportionment to any State on
7 or before September 30, 199⁵~~4~~, shall remain available
8 for apportionment to such State as follows:

9 (i) If such funds would have been apportioned
10 under section 104(b)(5)(B) of such title but for
11 this section, such funds shall remain available
12 until the end of the second fiscal year following
13 the fiscal year for which such funds are
14 authorized to be appropriated.

15 (ii) If such funds would have been
16 apportioned under section 104(b)(1), 104(b)(2),
17 or 104(b)(6) of such title but for this section,
18 such funds shall remain available until the end
19 of the third fiscal year following the fiscal
20 year for which such funds are authorized to be
21 appropriated.

22 (B) FUNDS WITHHELD AFTER SEPTEMBER 30, 199⁵~~4~~.--No
23 funds withheld under this subsection from
24 apportionment to any State after September 30, 199⁵~~4~~,
25 shall be available for apportionment to such State.

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1 (2) APPORTIONMENT OF WITHHELD FUNDS AFTER
2 COMPLIANCE.--If, before the last day of the period for
3 which funds withheld under this section from
4 apportionment are to remain available for apportionment
5 to a State under paragraph (1), the State substantially
6 complies with all of the requirements of section 12009(a)
7 of this Act for a period of 365 days, the Secretary shall
8 on the day following the last day of such period
9 apportion to such State the withheld funds remaining
10 available for apportionment to such State.

11 (3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY
12 APPORTIONED FUNDS.--Any funds apportioned pursuant to
13 paragraph (2) shall remain available for expenditure
14 until the end of the third fiscal year succeeding the
15 fiscal year in which such funds are apportioned. Sums not
16 obligated at the end of such period shall lapse or, in
17 the case of funds apportioned under section 104(b)(5) of
18 such title, shall lapse and be made available by the
19 Secretary for projects in accordance with section 113(b)
20 of such title.

21 (4) EFFECT OF NONCOMPLIANCE.--If, at the end of the
22 period for which funds withheld under this section from
23 apportionment are available for apportionment to a State
24 under paragraph (1), the State has not substantially
25 complied with all of the requirements of section 12009 a)

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1 of this Act for a 365-day period, such funds shall lapse
2 or, in the case of funds withheld from apportionment
3 under section 104(b)(5) of such title, such funds shall
4 lapse and be made available by the Secretary for projects
5 in accordance with section 118(b) of such title.

6 SEC. 12012. PENALTIES.

7 (a) NOTICE OF VIOLATION.--Paragraph (1) of section 521(b)
8 of title 49, United States Code, is amended by inserting "or
9 section 12002, 12003, 12004, 12005(b), or 12008(d)(2) of the
10 Commercial Motor Vehicle Safety Act of 1986" after "the
11 Motor Carrier Safety Act of 1984" and by striking out
12 "section" the second place it appears and inserting in lieu
13 thereof "sections".

14 (b) CIVIL PENALTIES.--Paragraph (2) of such section is
15 amended, by inserting "(A) IN GENERAL.--" before "Except
16 as", by inserting "(other than subparagraph (B))" before
17 "", except for recordkeeping violations", and by striking
18 out the last two sentences and inserting in lieu thereof the
19 following:

20 "(B) VIOLATIONS PERTAINING TO CDLS.--Any person who
21 is determined by the Secretary, after notice and
22 opportunity for a hearing, to have committed an act which
23 is a violation of section 12002, 12003, 12004, 12005(b),
24 or 12008(d)(2) of the Commercial Motor Vehicle Safety Act
25 of 1986 shall be liable to the United States for a civil

1 penalty not to exceed \$2,500 for each offense.

2 (C) DETERMINATION OF AMOUNT.--The amount of any
3 civil penalty, and a reasonable time for abatement of the
4 violation, shall by written order be determined by the
5 Secretary, taking into account the nature, circumstances,
6 extent, and gravity of the violation committed and, with
7 respect to the violator, the degree of culpability,
8 history of prior offenses, ability to pay, effect on
9 ability to continue to do business, and such other
10 matters as justice and public safety may require. In
11 each case, the assessment shall be calculated to induce
12 further compliance."

13 (c) POSTING OF NOTICE.--Paragraph (3) of such section is
14 amended by inserting "or section 12002, 12003, 12004, or
15 12005(b) of the Commercial Motor Vehicle Safety Act of 1986"
16 after "the Motor Carrier Safety Act of 1984".

17 (d) OUT OF-SERVICE ORDERS.--Paragraph (5)(A) of such
18 section is amended by inserting "or section 12002, 12003,
19 12004, or 12005(b) of the Commercial Motor Vehicle Safety Act
20 of 1986" after "the Motor Carrier Safety Act of 1984" and
21 by striking out "section" the second place it appears and
22 inserting in lieu thereof "sections".

23 (e) CRIMINAL PENALTIES.--Paragraph (6) of such section is
24 amended by inserting "(A) IN GENERAL.--" before "Any
25 person" and by adding at the end thereof the following:

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1 “(B) VIOLATIONS PERTAINING TO CDLS.--Any person who
2 knowingly and willfully violates--

3 “(i) any provision of section 12002, 12003(b),
4 12003(c), 12004, 12005(b), or 12008(d)(2) of the
5 Commercial Motor Vehicle Safety Act of 1986 or a
6 regulation issued under such section, or

7 “(ii) with respect to notification of a serious
8 traffic violation as defined under section 12019 of
9 such Act, any provision of section 12003(a) of such
10 Act or a regulation issued under such section
11 12003(a),

12 shall, upon conviction, be subject for each offense to a
13 fine not to exceed \$5,000 or imprisonment for a term not
14 to exceed 90 days, or both.”.

15 (f) CONFORMING AMENDMENTS.--(1) Paragraph (2) of such
16 section is amended by inserting “CIVIL PENALTY.--” after
17 “(2)”, by indenting subparagraph (A), as designated by
18 subsection (b) of this section, and aligning such
19 subparagraph with subparagraph (B), as added by such
20 subsection (b).

21 (2) Paragraph (6) of such section is amended by inserting
22 “CRIMINAL PENALTIES.--” after “(6)” and by indenting
23 subparagraph (A), as designated by subsection (e) of this
24 section, and aligning such subparagraph with subparagraph
25 (B), as added by such subsection (e).

1 (g) TECHNICAL AMENDMENTS.--(1) Paragraph (6) of such
2 section is further amended by striking out "for a fine" and
3 inserting in lieu thereof "to a fine".

4 (2) Paragraph (13) of such section is amended by striking
5 out "section 4" and inserting in lieu thereof "section
6 204".

7 **SEC. 12013. WAIVER AUTHORITY.**

8 Notwithstanding any other provision of this title, after
9 notice and an opportunity for comment, the Secretary may
10 waive, in whole or in part, application of any provision of
11 this title or any regulation issued under this title with
12 respect to class of persons or class of commercial motor
13 vehicles if the Secretary determines that such waiver is not
14 contrary to the public interest and does not diminish the
15 safe operation of commercial motor vehicles. Any waiver under
16 this section shall be published in the Federal Register,
17 together with reasons for such waiver.

18 **SEC. 12014. COMMERCIAL MOTOR VEHICLE SAFETY GRANTS.**

19 Section 404 of the Surface Transportation Assistance Act
20 of 1982 (49 U.S.C. 2304) is amended to read as follows:

21 **AUTHORIZATIONS**

22 "SEC. 404. (a)(1) To carry out the purposes of section
23 402 of this title, there is authorized to be appropriated out
24 of the Highway Trust Fund (other than the Mass Transit
25 Account) \$10,000,000 for fiscal year 1984, \$20,000,000 for

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- 1 fiscal year 1985, and \$30,000,000 for fiscal year 1986.
- 2 (2) Subject to section 9503(c)(1) of the Internal
3 Revenue Code of 1986, there shall be available to the
4 Secretary to incur obligations to carry out section 402 of
5 this title, out of the Highway Trust Fund (other than the
6 Mass Transit Account), \$50,000,000 per fiscal year for each
7 of fiscal years 1987 and 1988 and \$60,000,000 per fiscal year
8 for each of fiscal years 1989, 1990, and 1991.
- 9 (b) Funds authorized to be appropriated, and funds made
10 available, by this section shall be used to reimburse States
11 pro rata for the Federal share of the costs incurred.
- 12 (c) Grants made pursuant to the authority of this part
13 shall be for periods not to exceed one year.
- 14 (d) Notwithstanding any other provision of law,
15 beginning after September 30, 1986, approval by the Secretary
16 of a grant to a State under section 402 shall be deemed a
17 contractual obligation of the United States for payment of
18 the Federal share of the costs incurred by such State in
19 development or implementation or both of programs to enforce
20 commercial motor vehicle rules, regulations, standards, and
21 orders.
- 22 (e) Funds authorized to be appropriated, and funds made
23 available, to carry out this section shall remain available
24 for obligation by the Secretary for the fiscal year for which
25 such funds are authorized or made available, as the case may

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1 be, and the three succeeding fiscal years.

2 (f) On October 1 of each fiscal year beginning after
3 September 30, 1986, the Secretary may deduct, from funds made
4 available for such fiscal year by subsection (a)(2), an
5 amount not to exceed one-half of one percent of the amount of
6 such funds for administering section 402 of this title in
7 such fiscal year."

8 **SEC. 12015. TRUCK BRAKE REGULATIONS.**

9 Not late than the 90th day after the date of the
10 enactment of this title, the Secretary shall revise the
11 regulations of the Administrator of the Federal Highway
12 Administration contained in section 393.42(c) of title 49 of
13 the Code of Federal Regulations to require trucks and truck
14 tractors manufactured after July 24, 1980, to have brakes
15 operating on all wheels. The Secretary may provide for a
16 delayed effective date (not exceeding 1 year) for trucks and
17 truck tractors manufactured after July 24, 1980, and before
18 such date of enactment.

19 **SEC. 12016. RADAR DEMONSTRATION PROJECT.**

20 (a) **PROJECT DESCRIPTION.**--Notwithstanding any other
21 provision of law, the Secretary, in cooperation with State
22 and local law enforcement officials, shall conduct a
23 demonstration project to assess the benefits of continuous
24 use of unmanned radar equipment on highway safety on a
25 section of highway with a high rate of motor vehicle

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1 accidents. Such project shall be conducted in northern
2 Kentucky on a hilly section of Interstate Route I-75 between
3 Fort Mitchell and the Brent Spence Bridge over the Ohio River
4 during the 24-month period beginning on the date of the
5 enactment of this title.

6 (b) REPORTS.--

7 (1) INTERIM REPORT.--Not later than 18 months after
8 the date of the enactment of this title, the Secretary
9 shall transmit to Congress an interim report on the
10 results of the demonstration project conducted under
11 subsection (a), together with any recommendations on
12 whether or not to extend the duration of such
13 demonstration project and whether or not to expand the
14 scope of such project.

15 (2) FINAL REPORT.--Not later than 60 days after
16 completion of the demonstration project conducted under
17 subsection (a), the Secretary shall transmit to Congress
18 a final report on the results of such project, together
19 with any such recommendations.

20 SEC. 12017. LIMITATION ON STATUTORY CONSTRUCTION.

21 Nothing in this title shall be construed to diminish,
22 limit, or otherwise affect the authority of the Secretary to
23 regulate commercial motor vehicle safety involving motor
24 vehicles with a gross vehicle weight rating of less than
25 26,001 pounds or such lesser gross vehicle weight rating as

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1 determined appropriate by the Secretary under section
2 12019(6)(A) of this Act.

3 SEC. 12018. REGULATIONS.

4 (a) AUTHORITY TO ISSUE.--The Secretary may issue such
5 regulations as may be necessary to carry out this title.

6 (b) COMPLIANCE WITH TITLE 5.--All regulations under this
7 title shall be issued in accordance with section 553 of title
8 5, United States Code (without regard to sections 556 and 557
9 of such title).

10 SEC. 12019. DEFINITIONS.

11 For purposes of this title--

12 (1) ALCOHOL.--The term "alcohol" has the meaning
13 the term alcoholic beverage has under section 158(c) of
14 title 23, United States Code.

15 (2) DRIVER'S LICENSE.--The term "driver's license"
16 means a license issued by a State to an individual which
17 authorizes the individual to operate a motor vehicle on
18 highways.

19 (3) COMMERCE.--The term "commerce" means--

20 (A) trade, traffic, and transportation within the
21 jurisdiction of the United States between a place in
22 a State and a place outside of such State (including
23 a place outside the United States); and

24 (B) trade, traffic, and transportation in the
25 United States which affects any trade, traffic, and

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1 transportation described in subparagraph (A).

2 (4) COMMERCIAL DRIVER'S LICENSE.--The term
3 "commercial driver's license" means a license issued by
4 a State to an individual which authorizes the individual
5 to operate a class of commercial motor vehicle.

6 (5) MOTOR VEHICLE.--The term "motor vehicle" means
7 a vehicle, machine, tractor, trailer, or semitrailer
8 propelled or drawn by mechanical power used and on
9 highways, except that such term does not include a
10 vehicle, machine, tractor, trailer, semitrailer operated
11 exclusively on a rail.

12 (6) COMMERCIAL MOTOR VEHICLE.--The term "commercial
13 motor vehicle" means a motor vehicle used in commerce to
14 transport passengers or property--

15 (A) if the vehicle has a gross vehicle weight
16 rating of 26,001 or more pounds or such a lesser
17 gross vehicle weight rating as the Secretary
18 determines appropriate by regulation but not less
19 than a gross vehicle weight rating of 10,001 pounds;

20 (B) if the vehicle is designed to transport more
21 than 15 passengers, including the driver; or

22 (C) if such vehicle is used in the transportation
23 of materials found by the Secretary to be hazardous
24 for the purposes of the Hazardous Materials
25 Transportation Act.

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1 A motor vehicle which is used in the transportation of
2 hazardous materials and which has a gross vehicle weight
3 rating of less than 26,001 pounds (or such gross vehicle
4 weight rating as determined appropriate by the Secretary
5 under subparagraph (A)) shall not be included as a
6 commercial motor vehicle pursuant to subparagraph (C) if
7 such hazardous material is listed as hazardous pursuant
8 to section 306(a) of the Comprehensive Environmental
9 Response, Compensation, and Liability Act of 1980 (42
10 U.S.C. 9656(a)) and is not otherwise regulated by the
11 Department of Transportation or if such hazardous
12 material is a consumer commodity or limited quantity
13 hazardous material as defined under section 171.8 of
14 title 49 of the Code of Federal Regulations. The
15 Secretary may waive the application of the preceding
16 sentence to any motor vehicle or class of motor vehicles
17 if the Secretary determines that such waiver is in the
18 interest of safety.

19 (7) CONTROLLED SUBSTANCE.--The term "controlled
20 substance" has the meaning such term has under section
21 102 of the Controlled Substances Act (21 U.S.C. 802).

22 (8) EMPLOYEE.--The term "employee" means an
23 operator of a commercial motor vehicle (including an
24 independent contractor while in the course of operating a
25 commercial motor vehicle) who is employed by an employer.

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1 (9) EMPLOYER.--The term "employer" means any person
2 (including the United States, a State, or a political
3 subdivision of a State) who owns or leases a commercial
4 motor vehicle or assigns employees to operate such a
5 vehicle.

6 (10) FELONY.--The term "felony" means an offense
7 under State or Federal law that is punishable by death or
8 imprisonment for a term exceeding 1 year.

9 (11) HAZARDOUS MATERIAL.--The term "hazardous
10 material" has the meaning such term has under section
11 103 of the Hazardous Materials Transportation Act.

12 (12) SERIOUS TRAFFIC VIOLATION.--The term "serious
13 traffic violation" means--

14 (A) excessive speeding, as defined by the
15 Secretary by regulation;

16 (B) reckless driving, as defined under State or
17 local law;

18 (C) a violation of a State or local law relating
19 to motor vehicle traffic control (other than a
20 parking violation) arising in connection with a fatal
21 traffic accident; and

22 (D) any other similar violation of a State or
23 local law relating to motor vehicle traffic control
24 (other than a parking violation) which the Secretary
25 determines by regulation is serious.

1 (13) SECRETARY.--The term "Secretary" means the
2 Secretary of Transportation.

3 (14) STATE.--The term "State" means a State of the
4 United States and the District of Columbia.

5 (15) UNITED STATES.--The term "United States" means
6 the 50 States and the District of Columbia.

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TITLE XIV--CYANIDE WRONGFUL USE

SEC. 14001. STUDY AND REPORT.

(a) Study.-- The Administrator of the Environmental
Protection Agency shall conduct a study of the manufacturing
and distribution process of cyanide with a view to
determining methods, procedures, or other actions which might
be taken, employed, or otherwise carried out in connection
with such manufacturing and distribution in order to
safeguard the public from the wrongful use of cyanide.

(b) ^{Matters to be included--} Such study shall include, among other matters, the
following:

- (1) a determination of the sources of cyanide,
including the name and location of each manufacturer
thereof;

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1 (2) an evaluation of the means and methods utilized
2 by the manufacturer and others in the distribution of
3 cyanide, including the name and location of each such
4 distributor;

5 (3) an evaluation of the procedures employed in
6 connection with the selling, at the wholesale and retail
7 level, of cyanide, including a determination as to
8 whether or not persons selling cyanide require the
9 intended purchaser to identify himself or herself;

10 (4) a determination as to the extent to which
11 recordkeeping requirements are imposed on, or carried out
12 by, manufacturers of cyanide with respect to the
13 specifications of each lot of cyanide produced by such
14 manufacturer;

15 (5) a determination as to the feasibility and
16 desirability of establishing a central registry of all
17 lot specifications of cyanide for the purpose of
18 providing quick access to investigative and law
19 enforcement agencies;

20 (6) a consideration and review of all aspects of the
21 matter of interstate versus intrastate to the extent that
22 it involves the manufacturing, distribution, or use of
23 cyanide;

24 (7) a determination as to the feasibility and
25 desirability of requiring manufacturers of cyanide to

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1 color all such cyanide with a distinctive color so that
2 the consuming public can more readily identify products
3 laced with cyanide:

4 (8) a determination as to the feasibility and
5 desirability of requiring limited-access storage for
6 cyanide at universities, laboratories, and other
7 institutions that use cyanide for research or other
8 purposes: *and*

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12 (9) a determination as to the feasibility and
13 desirability of issuing regulations to require any person
14 who sells or otherwise transfers, at a retail level, any
15 cyanide to record such sale or transfer, including the
16 identity of the person purchasing or otherwise receiving
17 such cyanide, the address of such person, and the
18 intended use of such cyanide. Such records shall be
19 available for such use, and retained for such period, as
20 the aforementioned Administrator shall by regulation
21 require.

22 ^c Report.--
(p) On or before the expiration of the 180-day period
23 following the date of the enactment of this section, the
24 Administrator of the Environmental Protection Agency shall
25 report the results of such study to the Congress, together

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1 with his or her recommendations with respect thereto.

Definitions.--

2 (d) As used in this section, the term--

3 (1) "person" means any individual, corporation,
4 partnership, or other entity; and

5 (2) "cyanide" means ^{sodium} cyanide, ^{potassium cyanide} or any other toxic cyanide
6 compound.

7
8 Authorization.--

9 (e) There are authorized to be appropriated such sums as
10 may be necessary to carry out the provisions of this section.

TITLE XIV --SENATE POLICY REGARDING FUNDING

SEC. 145001. STATEMENT OF POLICY.

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(a) The Senate finds that--

(1) there is an urgent critical need for funds to carry out the programs and activities authorized by the preceding provisions of this Act in order to ensure a drug free America;

(2) this Act is the result of a bipartisan effort to combat our national drug abuse problem; and

(3) only the exceptional nature of the drug abuse problem warrants the expenditure of funds in excess of otherwise applicable budget limitations.

(b) Therefore, it is the sense of the Senate that--

(1) amounts authorized to carry out the preceding provisions of this Act should be provided as new budget authority for fiscal year 1987 in H.J. Res. 738, (99th Congress, 2d Session); and

(2) such amounts should not be provided through transfers from, or reductions in, any amount appropriated by such joint resolution for any other program, project, or activity for such fiscal year.



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1 At the end of the House Conference, add the following new

2 title: ~~XVI~~ XV

3 TITLE --NATIONAL FOREST SYSTEM DRUG CONTROL

4 SEC. ~~15001~~ 15001. SHORT TITLE.

5 This title may be cited as the "National Forest System
6 Drug Control Act of 1986".

7 SEC. ~~15002~~ 15002. PURPOSE.

8 (a) The purpose of this title is to authorize the
9 Secretary of Agriculture (hereinafter in this title referred
10 to as the "Secretary") to take actions necessary, in
11 connection with the administration and use of the National
12 Forest System, to prevent the manufacture, distribution, or
13 dispensing of marijuana and other controlled substances.

14 (b) Nothing in this title shall diminish in any way the
15 law enforcement authority of the Forest Service.

16 (c) As used in this title, the terms "manufacture",
17 "dispense", and "distribute" shall have the same meaning
18 given such terms in section 102 of the Controlled Substances
19 Act (21 U.S.C. 802).

20 SEC. ~~15003~~ 15003. POWERS.

21 For the purposes of this title, if specifically
22 designated by the Secretary and specially trained, not to
23 exceed 500 officers and employees of the Forest Service when
24 in the performance of their duties shall have authority
25 within the boundaries of the National Forest System to--

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- 1 (1) carry firearms;
- 2 (2) conduct investigations of violations of and
- 3 enforce section 401 of Controlled Substances Act (21
- 4 U.S.C. 841) and other criminal violations relating to
- 5 marijuana and other controlled substances that are
- 6 manufactured, distributed, or dispensed on National
- 7 Forest System lands;
- 8 (3) make arrests with a warrant or process for
- 9 misdemeanor violations, or without a warrant or process
- 10 for violations of such misdemeanors that any such officer
- 11 or employee has probable cause to believe are being
- 12 committed in his presence or view, or for a felony with^A a warrant
- 13 or without a warrant if he has probable cause to believe
- 14 that the person to be arrested has committed or is
- 15 committing such felony;
- 16 (4) serve warrants and other process issued by a
- 17 court or officer of competent jurisdiction;
- 18 (5) search with or without warrant or process any
- 19 person, place, or conveyance according to Federal law or
- 20 rule of law; and
- 21 (6) seize with or without warrant or process any
- 22 evidentiary item according to Federal law or rule of law.

SEC. ~~1504~~ ¹⁵⁰⁴ COOPERATION.
~~1504~~

24 For the purposes of this title, in exercising the
25 authority provided by section ~~1503~~ ¹⁵⁰⁰ 3--

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1 (1) the Forest Service shall cooperate with any other
 2 Federal law enforcement agency having primary
 3 investigative jurisdiction over the offense committed;
 4 and

5 (2) the Secretary may authorize the Forest Service to
 6 cooperate with the law enforcement officials of any
 7 Federal agency, State, or political subdivision in the
 8 investigation of violations of and enforcement of section
 9 401 of the Controlled Substances Act (21 U.S.C. 841),
 10 and other laws and regulations relating to marijuana and
 11 other controlled substances, and State drug control laws
 12 or ordinances, ^{within} ~~both within and outside~~ the boundaries of
 13 the National Forest System.

14 ~~Section 401 of the Controlled Substances Act~~ PENALTY: ~~as amended~~
~~Sec 15005~~

15 Section 401 of the Controlled Substances Act (21 U.S.C.
 16 841) is amended by adding at the end thereof the following
 17 subsection: ~~which of they is...~~

18 "(e)(1) Any person who assembles, maintains, places, or
 19 causes to be placed as a boobytrap on Federal property where a
 20 controlled substance is being manufactured, distributed, or
 21 dispensed shall be sentenced to a term of imprisonment for
 22 not more than 10 years and shall be fined not more than
 23 \$10,000.

24 "(2) If any person commits such a violation after 1 or
 25 more prior convictions for an offense punishable under this

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