

**Chart Comparing Current Law with 1997, 1999, and 2001 Administration Bills (November 5, 2001)**

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
<p>§5101. Purpose. "...to provide adequate protection against risks to life and property inherent in the transportation of hazardous material in commerce by improving the regulatory and enforcement authority of the Secretary of Transportation."</p>	<p>Unchanged</p>	<p>Changes the purpose to –</p> <p>(1) "ensure the safe and efficient transportation of hazardous material in intrastate, interstate and foreign commerce..."</p> <p>(2) "provide the Secretary of Transportation with preemption authority..."</p> <p>(3) "provide adequate training for public sector emergency response teams and hazmat employees..."</p>	<p>Changes the purpose to -</p> <p>(1) state that Federal hazmat law protects against risks to life, property and, in addition, the environment</p> <p>(2) clarify that the Secretary has the authority to regulate "intrastate, interstate, and foreign commerce"</p>
<p>§5102. Definitions. "Commerce" means trade or transportation...</p>	<p>Adds "on a United States registered aircraft"</p>	<p>Same changes as in 1997 Administration bill</p>	<p>Same proposed change as in 1997 and 1999 Administration bill</p>
<p>§5102. Definitions. "Hazmat employee"</p> <p>(1) includes an individual employed by a hazmat employer or who directly affects hazardous material transportation safety</p> <p>(2) includes owner-operator of motor vehicle</p> <p>(3) includes individuals who perform various hazmat functions, including manufacture, recondition, or test containers, drums and packagings and preparing hazmat for transportation</p>	<p>(1) Also includes individuals who are self-employed</p> <p>(2) Deletes "who during the course of employment directly affects hazardous material transportation safety as the Secretary decides"</p> <p>(3) changes preparing hazmat for transportation to "performs any function pertaining to the offering of hazardous material for transportation"</p>	<p>(1) Also includes individuals who are self-employed</p> <p>(2) In addition to including owner-operator of a motor vehicle, includes owner-operators of a vessel or aircraft</p> <p>(3) Under individuals who perform hazmat functions, includes those who also designs and inspects packaging, or a component thereof</p> <p>(4) changes preparing hazmat for transportation to "prepares or rejects hazardous material for transportation"</p>	<p>The definition of "hazmat employee" is amended to:</p> <p>(1) include persons who are used by a hazmat employer.</p> <p>(2) include an owner-operator of a vessel or aircraft, in addition to an owner-operator of a motor vehicle, transporting hazmat in commerce.</p> <p>(3) delete the list of hazmat activities that subject a hazmat employee to regulation and, instead, refer to activities regulated by the Secretary under 5103(b).</p>

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
<p>§5102. Definitions. “Hazmat employer”</p> <p>(1) A person using at least 1 employee in connection with transporting hazmat in commerce or causing it to be transported in commerce</p> <p>(2) includes owner-operator of a motor vehicle transporting hazmat</p> <p>(3) includes employers who perform hazmat functions,, including causing hazmat to be transported in commerce and a person manufacturing, reconditioning or testing containers, drums or packagings represented as qualified for use in transporting hazmat</p> <p>(4) Includes a department, agency or instrumentality of the US govt...</p>	<p>(1) Also includes a person who is self-employed</p>	<p>(1) Also includes a person who is self-employed</p> <p>(2) Includes owner-operator of a motor vehicle, vessel, or aircraft</p> <p>(3) Under individuals who perform hazmat functions, includes a person performing a function in connection with “rejecting hazardous material for transportation in commerce” and includes those who also design and inspect packaging, or a component thereof</p> <p>(4) deletes “includes a department agency or instrumentality of the United States government...”</p>	<p>The definition of “hazmat employer” is amended to include:</p> <p>(1) a person who has at least one hazmat employee; or</p> <p>(2) a person who is self-employed, including an owner-operator of a motor vehicle, vessel, or aircraft transporting hazmat in commerce; and</p> <p>(3) who performs an activity regulated by the Secretary under § 5103(b).</p>
<p>§5102. Definitions. Motor carrier. Includes a motor carrier, motor private carrier and a freight forwarder.</p>	<p>(1) Includes a motor common carrier, motor contract carrier, motor private carrier, and freight forwarder.</p> <p>(2) Limits the inclusion of a freight forwarder to only those performing a function related to highway transportation</p>	<p>(1) Same as present law BUT</p> <p>(2) Limits the inclusion of a freight forwarder to only those performing a function related to highway transportation</p>	<p>Same proposed changes as in 1999 Administration bill</p>
<p>§ 5120. Definitions. National Response Team</p>			<p>Proposes editorial changes for clarity</p>
<p>§5102. Definitions. Does not include a definition for out-of-service order, package, or packaging</p>	<p>Adds a definition for</p> <p>(1) out-of-service order – “a mandate that an aircraft, vessel, motor vehicle, train, other vehicle, or part of any of these, not be moved until ...”</p> <p>(2) package</p> <p>(3) packaging</p>	<p>Adds a definition for</p> <p>(1) out-of-service order - “a mandate that an aircraft, vessel, motor vehicle, train, railcar, other vehicle, transport unit, transport vehicle, freight container, portable tank, or other package not be moved until...”</p> <p>(2) package</p> <p>(3) packaging</p>	<p>Does not propose a definition for “out-of-service order” in this section. Section 19 of the 2001 Administration bill proposes to add a definition in section 5121 of Federal hazmat law.</p>

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
§5102. Definitions. Person. Includes a government, etc. offering hazmat in commerce or transporting hazmat to further a commercial enterprise	Also includes a person “manufacturing, reconditioning or testing containers, drums or other packagings represented as qualified for use in transporting hazardous material.”	Also includes a person “manufacturing, reconditioning or testing containers, drums, or other packagings, or a component thereof, represented as qualified for use in transporting hazardous material.”	Includes a person “manufacturing, designing, inspecting, testing, reconditioning, marking, or repairing a packaging or packaging component represented as qualified for use in transporting hazardous materials in commerce
§5103. General regulatory authority	No changes	No changes	<p>In (a), updates terminology used to reference certain hazardous materials</p> <p>In (b), redefines the list of persons subject to regulation under Federal hazmat law and the HMR to include a person who:</p> <ol style="list-style-type: none"> <li>(1) transports a hazardous material in commerce;</li> <li>(2) causes a hazardous material to be transported in commerce;</li> <li>(3) manufactures, designs, inspects, tests, reconditions, marks, or repairs a packaging or packaging component represented as qualified for use in transporting hazardous material in commerce;</li> <li>(4) prepares, accepts, or rejects hazardous material for transportation in commerce;</li> <li>(5) is responsible for the safety of transporting hazardous material in commerce;</li> <li>(6) certifies compliance with any requirement issued under this chapter; or</li> <li>(7) misrepresents whether it is engaged in any of the above activities.</li> </ol>
§5104. Representation and tampering	No changes	No changes	Proposes editorial changes for clarity
<p>§5105. Transporting certain highly radioactive material.</p> <p>Includes a provision for a routes and modes study</p>	Includes a provision for a routes and modes study	Deletes the provision for a routes and modes study	<p>Deletes (d), which requires a routes and modes study</p> <p>Deletes (e), which requires the Secretary to issue regulations for the inspection of motor vehicles transporting certain hazardous materials</p>

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
§5106. Handling criteria.	Deletes this section.	Retains this section	Deletes this section
<p>§5107. Hazmat employee training requirements and grants</p> <p>(d) Coordination of training requirements. ...The Administrator of the EPA, the Secretaries of Labor and Transportation shall ensure that the training requirements do not conflict or duplicate...the regulations the Agency prescribes related to worker protection standards</p> <p>(e) Training grants. Funds shall be available under §5127(c)(3)</p> <p>(f) Relationship to other laws. (2) “An action of the Secretary of Transportation under ... sections 5106, 5108(a)-(g)(1) and (h), and 5109...”</p>	<p>(f)(2) Alters the sections to exclude 5106 and read “5108(c)-(g)(1) and (h) or 5109...”</p>	<p>(d) Deletes the words “or duplicate” and specifies that the “Agency” is the “Administrator of the Environmental Protection Agency”</p> <p>(e). Deletes “§5127(c)(3)” and inserts “5129(b)(1)”</p>	<p>Deletes “or duplicate” in (d)</p> <p>In (e), changes “5127(c)(3)” to “5128,” to reflect that the appropriations section has moved</p> <p>In (f)(2), deletes “section 5106, 5108(c)-(g)(1) and (h), and 5109” to clarify that DOT and OSHA share jurisdiction over hazmat employee training only</p> <p>[Section 8 of the Administration bill would clarify that OSHA retains authority over hazmat employee training and the occupational safety/health protection of employees responding to a hazmat release.]</p>

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
<p>§5108. Registration.</p> <p>(b)(1)(C). “each State in which the person carries out the activity.”</p> <p>(c)(1). Filing deadlines and Amendments. Each person required to file, “must file that first statement not later than 3/31/92. The Secretary may extend that date to 9/30/92, for activities referred to in subsection (a)(1) of this section. A person shall renew the statement consistent with regulations the Secretary prescribes, but not more than once each year and not less than once every 5 years.”</p> <p>(c)(2) “The Secretary of Transportation shall decide by regulation when and under what circumstances a registration statement must be amended and the procedures to follow in amending the statement.”</p> <p>(g)(2)(A) Fees. “...the fee shall be at least \$250 but not more than \$5000 from each person...”</p> <p>(g)(2)(A)(viii) “...the amount to be made available to carry out sections 5108(g)(2), 5115, and 5116 of this title.”</p> <p>(g)(2)(B) “The Secretary of Transportation shall adjust the amount being collected to reflect any unexpended balance in the account established under 5116(I) of this title. However, the Secretary is not required to refund any fee collected under this paragraph.” ...</p>	<p>(b)(1)(C) “each State in which the person carries out any of the activities.”</p> <p>(c)(1) Filing Schedule -- Each person required to file, “shall file that statement annually in accordance with the regulations issued by the Secretary.”</p>	<p>(b)(1)(C) Same as 1997</p> <p>(c)(1) Filing Schedule -- Each person required to file, “shall file that statement in accordance with the regulations issued by the Secretary.”</p> <p>(c)(2) Deleted</p> <p>(g)(2)(A) “...the fee shall be at least \$500 from each person...”</p> <p>(g)(2)(A)(viii) “...the amount to be made available to carry out chapter 51 (except sections 5109, 5112, and 5119) of this title.”</p> <p>(g)(2)(B) Revises section to read “At the beginning of each fiscal year, the Secretary of Transportation shall publish a fee schedule for the fee established under this paragraph. The fee schedule shall be designed to collect the following amounts.”</p> <p>(g)(2)(C) Deletes language in present law and inserts “The Secretary shall transfer to the Secretary of the Treasury all funds received by the Secretary under this paragraph, except the amounts appropriated to RSPA pursuant to subsection 5129(a)(2), for deposit in the account the Secretary of the</p>	<p>In (a)(1)(B), updates terminology used to reference certain hazmat</p> <p>In (a)(2)(B), adds persons who design or inspect hazmat packagings to the list of persons subject to registration requirements. Deletes persons who “fabricate” – term is redundant with “manufacture” and “design”</p> <p>Makes editorial change to (b)(1)(C)</p> <p>Deletes (c)(2) and revises (c)(1) to reflect that registration statements must be filed in accordance with the HMR</p> <p>Makes editorial changes to (g)(1)</p> <p>Amends (i) to exclude Indian tribes from the registration requirements</p>
<p>(§5108 cont’d.)</p> <p>(g)(2)(C) “The Secretary of Transportation shall transfer to the Secretary of the Treasury amounts the Secretary of Transportation collects under this paragraph for deposit in the account established under 5116(I) of this title.”</p> <p>(i)(2)(B) The section does not apply to an authority of a State, or political subdivision of a State...</p>		<p>(§ 5108 cont’d)</p> <p>Treasury established under section 5116(I) of this title.”</p> <p>(g)(2)(D) Adds a section discussing fees collected under (g)(2)(B)(ii).</p> <p>(g)(2)(E) Adds a section telling the Secretary to adjust the amount being collected under 5108(g)(2)(B) to reflect any unexpended balance in the account established in 5116(I)</p> <p>(i)(2)(B) The section does not apply to “an authority of a State, Indian tribe, or political subdivision of a State...”</p>	

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
§5109 Motor Carrier Safety permits (h) "The Secretary shall prescribe regulations necessary to carry out this section not later than November 16, 1991."	Deletes this section	Includes entire section as in present hazmat law, but changes paragraph (h) "The Secretary shall prescribe regulations necessary to carry out this section based upon the findings of the study required by section 5128(a) of this title."	Deletes this section
§5110 Shipping papers and disclosure (e) "Retention of papers. After the hazardous material to which a shipping paper provided to a carrier under subsection (a) applies is no longer in transportation, the person who provided the shipping paper and the carrier required to maintain it under subsection (a) shall retain the paper or electronic image thereof for a period of 1 year to be accessible through their respective principle places of business. Such person and carrier shall, upon request, make the shipping paper available to a Federal, State, or local government agency at reasonable times and locations."	(e) Deletes section and replaces it with "Retention of Shipping papers. After expiration of the requirement of subsection (c) of this section, the person who provided the shipping paper and the carrier required to maintain it under subsection(a) of this section shall retain the paper or an electronic image thereof, for a period of 1 year after the shipping paper was provided to the carrier to be accessible through their respective principle places of business."	(e) Deletes old section and replaces it with "Retention of papers. The person who provided the shipping paper and the carrier required to maintain it under subsection (a) of this section shall retain the paper, or an electronic image of it, for a period of 1 year after the shipping paper was provided to the carrier, to be accessible through their respective principal places of business. Such person and carrier shall, upon request, make the shipping paper available to a Federal, State, or local government agency at reasonable times and locations."	Amends (a) to state that shipping papers must be prepared in accordance with the HMR  Deletes (b)  Redesignates (c),(d), and (e) as (b), (c) and (d)  Revises (d), as redesignated, to require retention of shipping papers for 3 years from the date the papers are provided to the carrier
§5111. Rail Tank Cars	No changes	No changes	Deletes this section
§5112. Highway Routing of hazmat	No changes	No changes	No changes
§5113. Unsatisfactory safety rating. "See section 31144."	Includes subsections that are no longer in the present law on prohibited transportation, rating review, prohibited government use and public availability and updating of ratings	Deletes language and inserts "A violation of section 31144(c)(3) of this title shall be considered a violation of this chapter and shall be subject to the penalties in sections 5123 and 5124 of this chapter." * Note – the law also alters 49 U.S.C. §31144(c)(3)	Revises both 5113 and 49 U.S.C. 3114(c)(3) of the Motor Carrier Safety Act to clarify that a violation of 49 U.S.C. 3114(c)(3) constitutes a violation of Federal hazmat law  Redesignates subsection (c) of 49 U.S.C. 3114 (the second time it appears-- erroneously-- in that section) as 3114(f)
§5114. Air transportation of ionizing radiation material	No changes	No changes	No changes

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
<p>§5115. Training curriculum for the public sector.</p> <p>(a) Development and Updating. Sets a time limit of 11/16/92. Discusses using the existing coordinating mechanisms of the national response team. Allows the Secretary of Transportation to consult with regional response teams, representative of commissions and persons that provide training for responding to accidents and incidents involving the transportation of hazmat and representative of persons that respond to accidents and incidents in developing the curriculum.</p> <p>(b) “Requirements. The curriculum developed...”</p> <p>(b)(1)(A)&amp;(B) Discuss developing a curriculum to help public sector employees respond quickly to an accident or incident involving the transportation of hazardous material</p> <p>(b)(1)(C) Discusses including in the curriculum programs that are developed under other U.S. Government grant programs, including those developed under section 126(g) of Superfund. prescribed by the National Fire Protection Association.</p>	<p>(a) Updating. Deletes the time limit. Does not discuss developing and updating a curriculum, only discusses updating a curriculum. The section allowing the Secretary to consult various people in developing the curriculum is deleted.</p> <p>(b) deletes developed</p> <p>(b)(1)(A)&amp;(B) In addition to training employees to respond to an accident or incident involving the transportation of hazardous material, they should also be trained in responding to accidents or incidents involving an alternative fuel vehicle.</p> <p>(b)(1)(C) No changes</p>	<p>(a) Updating. Deletes the time limit. Replaces the national response team with the “National Response Team for Oil and Hazardous Substances”. Does not discuss developing and updating a curriculum, only discusses updating a curriculum. The section allowing the Secretary to consult various people in developing the curriculum is deleted.</p> <p>(b) replaces developed with maintained</p> <p>(b)(1)(A)&amp;(B) In addition to training employees to respond to an accident or incident involving the transportation of hazardous material, they should also be trained in responding to accidents or incidents involving an alternative fuel vehicle</p> <p>(b)(1)(C) Instead of discussing programs developed under other U.S. government grant programs, including superfund, replaces this with programs developed with Federal Financial Assistance.</p>	<p>Updates (a) by:</p> <p>(1) deleting “November 16, 1992’</p> <p>(2) requiring the Secretary to “maintain,” rather than “develop and update,” a current curriculum</p> <p>(3) deleting requirement that the Secretary develop the curriculum in consultation with regional response teams and others</p> <p>In (b), makes changes for consistency with (a), and simplifies language in (b)(1)(C)</p>

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
<p>(§5115 cont'd)</p> <p>(c) Training on complying with legal requirements.</p> <p>(3) The course under this section shall provide the training necessary for public sector employees to comply with standards related to emergency response training.</p> <p>(d) Distribution and Publication</p> <p>Discusses working with national response team</p> <p>(1) the Director of FEMA shall distribute the curriculum and its updates</p> <p>(2) “the Secretary of Transportation may publish a list of programs that uses a course developed under this section for training public sector employees to respond to an accident or incident involving the transportation of hazardous material.”</p>	<p>(§5115 cont'd)</p> <p>(d) Discusses working with the national response team</p> <p>(1) This section is deleted</p> <p>(2) changes “uses” to “use”</p>	<p>(§5115 cont'd)</p> <p>(c) Replaces National Fire Protection Association with “such voluntary consensus standard-setting organizations as the Secretary deems appropriate.”</p> <p>(d) Replaces national response team with “the National response Team for Oil and Hazardous Substances</p> <p>(1) This section is deleted</p> <p>(2) changes “uses” to “use”</p> <p>deletes “the transportation of”</p> <p>replaces “an accident or incident” with “accidents or incidents”</p>	<p>(§5115 cont'd)</p> <p>In (c)(3), adds standards of “other voluntary consensus standard-setting organizations” to those standards for which training must be provided</p> <p>Revises (d) by:</p> <p>(1) deleting reference to FEMA’s distribution of the curriculum to regional response teams</p> <p>(2) giving the Secretary the authority to publish and distribute, with the National Response Team, a list of courses developed under this section and a list of programs using the courses</p>



Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
<p>§5116. Planning and training grants, monitoring and review.</p> <p>(e) Government’s share of costs. Last sentence starts with “Amounts of the State or tribe under subsections (a)(2)(A) and (b)(2)(A)...”</p> <p>(f) Monitoring and technical assistance. “In coordination with the Secretaries of Transportation and Energy, Administrator of the EPA, and Director of the National Institute of Environmental Health Sciences, the Director of the FEMA shall monitor public sector emergency response planning and training for an accident or incident involving hazardous material. Considering the results of the monitoring, the Secretaries, Administrator, and Directors each shall provide technical assistance to a State, political subdivision of a State, or Indian tribe for carrying out emergency response training and planning for an accident or incident involving hazardous material and shall coordinate the assistance using the existing coordinating mechanisms of the national response team and, for radioactive material, the Federal Radiological Preparedness Coordinating Committee.”</p>	<p>No changes</p> <p>(e) Replaces “of” with “received by”</p> <p>(f) Replaces all the Secretaries, Administrator and Directors that are listed with the Secretary of Transportation. Replaces national response team with “National Response Team for Oil and Hazardous Substances”</p>	<p>Replaces “monitoring and review” in title with “emergency preparedness fund”</p> <p>(e) Replaces “of” with “received by”</p> <p>Deletes “(a)(2)(A) and (b)(2)(A)” and inserts “(a)(2) and (b)(2)”</p> <p>(f) Replaces all the Secretaries, Administrator and Directors that are listed with the Secretary of Transportation. Replaces national response team with “National Response Team for Oil and Hazardous Substances”</p>	<p>Revises title by deleting “ monitoring, and review” and adding “emergency response preparedness fund”</p> <p>Revises (e) to clarify that amounts referenced are those “received by” a State or tribe</p> <p>In (f), deletes reference to the Secretary of Energy, the Administrator of EPA, the Director of the National Institute of Environmental Health Sciences, and the Director of FEMA, and clarifies that the Secretary alone shall monitor public-sector emergency response planning and training for an accident/incident involving hazmat</p>

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
<p>(§5116 cont'd)  §5116(g) Delegation of authority. "To minimize administrative costs and to coordinate Government grant programs..."</p> <p>(i) Annual Registration Fee Account and its uses  "The Secretary of Treasury shall establish an account in the Treasury into which the Secretary of the Treasury shall deposit amounts the Secretary of Transportation collects under section 5108(g)(2)(A) of this title and transfers to the Secretary of the Treasury under section 5108(g)(2)(C) of this title..."</p> <p>The amounts are available, among other things, "to pay administrative costs of carrying out this section and sections 5108(g)(2) and 5115 of this title, except that not more than 10% of the amounts made available from the account in a fiscal year may be used to pay these costs."</p> <p>(k) Reports</p>	<p>(§5116 cont'd)  No changes</p> <p>No changes</p> <p>Adds a new subsection (l) on small businesses</p>	<p>(§5116 cont'd)  (g) Replaces "government grant" with "Federal financial assistance"</p> <p>(i) Part of section deleted and replaced with "Emergency Preparedness Fund. -- The Secretary of the Treasury shall establish an Emergency Preparedness Fund account in the Treasury into which the Secretary of the Treasury shall deposit amounts the Secretary of Transportation transfers to the Secretary of the Treasury under section 5108(g)(2)(C) of this title..."</p> <p>The amounts are available "to pay administrative costs of carrying out this section and sections 5108(g)(2) and 5115 of this title, except that not more than 10% of the amounts made available from the account in a fiscal year to carry out these sections may be used to pay those costs."</p> <p>In addition, the amounts are available "to publish and distribute the North American Emergency Response Guidebook"</p> <p>(k) Deletes the section on Reports and adds a new subsection on small business</p>	<p>(§5116 cont'd)  Revises (g) for clarity</p> <p>Revises (i) to establish an Emergency Preparedness Fund to fund certain activities, including publication and distribution of the Emergency Response Guidebook</p> <p>Deletes (k)</p>

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
<p>§5117. Exemptions and Exclusions “(a)(1) As provided under procedures prescribed by regulation, the Secretary of Transportation may issue an exemption from this chapter...”</p>	<p>Retitled “Special Permits and exclusions” Every time “exemptions” appears, the bill replaces it with “special permits” “(a)(1) As provided under procedures prescribed by regulation, the Secretary of Transportation may issue a special permit authorizing variances from this chapter...”</p>	<p>Same changes as 1997 Administration Bill</p>	<p>The section is retitled “Special permits and exclusions”  Replaces “exemption” with “special approval” throughout the section  (a)(1) states that the Secretary may modify or terminate, as well as issue, special permits to persons performing functions under section 5103(b)(1).</p>
<p>§5118. Inspectors</p>	<p>No changes</p>	<p>No changes</p>	<p>Deletes this section</p>
<p>§5119. Uniform forms and procedures (a) Working Group. “...The purposes of the working group are -- (1) to establish uniform forms and procedures for a State – (A) to register persons that transport or cause to be transported hazardous material by motor vehicle in the State.”</p> <p>(c) Regulations on recommendations</p> <p>(d) Relationship to Other Laws.</p>	<p>No changes</p>	<p>(a)(1)(A) After register adds “and issue permits to”</p> <p>(c) Adds a fourth recommendation – “Pending promulgation of regulations under this subsection, States may participate in a program of uniform forms and procedures recommended by the working group under subsection (b).”</p>	<p>Revises (a)(1) to allow the Secretary to issue regulations to establish uniform forms and procedures for a state to register and issue permits to persons transporting hazmat or causing hazmat to be transported in motor vehicles in the state or allowing hazmat transportation in the state</p> <p>Revises (a)(2) to prohibit the Secretary from establishing a limit on state registration fees</p> <p>Revises (b) to: (1) establish a one-year effective date for regulations prescribed by the Secretary under this section (2) permit an extension for good cause (3) limit state requirements to those that are the same as the Federal requirements</p> <p>Deletes existing (c) and proposes a new (c) that requires the Secretary to develop procedures for eliminating differences in how states carry out a regulation prescribed by the Secretary under this section</p> <p>Deletes existing (d) and proposes a new (d) that permits states to participate in a program of uniform forms and procedures pending the issuance of regulations under this section</p>

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
§5120. International uniformity of standards and requirements	No changes	No changes	No changes

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
<p>§5121. Administrative</p> <p>(a) General authority</p> <p>(b) Records, report, and information</p> <p>(c) Inspection</p> <p>(e) Report</p> <p>“The report shall include....”</p>	<p>Deletes subsections (a), (b) and (c)</p> <p>No changes</p> <p>Adds a section</p> <p>“(c) Authority for Cooperative Agreements – To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with a person, agency or instrumentality of the United States, a unit of State or local government, an Indian tribe, a foreign government (in coordination with the State Department), an educational institution, or other entity to further the objectives of this chapter. The objectives of this chapter include the conduct of research, development, demonstration, risk assessment, emergency response planning and training activities.”</p>	<p>Deletes subsections (a), (b) and (c)</p> <p>Renumbered as 5121(b) and after “The report shall include” adds “or make appropriate reference to...”</p> <p>Changes are the same as the 1997 Administration Bill except (1) Changes heading to “Authority for Grants, Cooperative Agreements and Other Transactions” and (2) the “State Department” is replaced with the “Department of State”</p>	<p>Amends (a) to:</p> <p>(1) clarify that the Secretary may conduct tests</p> <p>(2) except inspections, investigations, and emergency orders, from prior notice and hearing requirements</p> <p>Amends (b) to clarify persons subject to Federal hazmat law must maintain property, if so directed by regulation or order of the Secretary, and make it available for inspection upon request</p> <p>Amends (c) to:</p> <p>(1) clarify that DOT inspectors may:</p> <ul style="list-style-type: none"> <li>(i) open and examine a package (except a package immediately adjacent to hazmat contents) if there is an “objectively reasonable and articulable belief” that it may contain a hazmat</li> <li>(ii) remove a package from transportation if there is a “reasonable and articulable belief “that it poses an imminent hazard</li> <li>(iii) gather information to determine the nature of the hazmat</li> <li>(iv) order the package to be transported to an appropriate facility for analysis</li> <li>(v) when safety may be compromised, authorize qualified personnel to assist in these activities</li> </ul> <p>(2) direct the Secretary to develop procedures for assisting in the safe resumption of transportation if an imminent hazard is found not to exist</p> <p>Redesignates existing (d) as (f), and proposes a new (d) giving the Secretary emergency order authority to respond to imminent hazards. New (d) allows the Secretary to issue/impose emergency restrictions, prohibitions, recalls, or out-of-service orders, without notice and hearing. An opportunity for review is available if a petition is filed within 20 days. Out-of -service order is defined as a mandate that a hazmat not be moved until certain conditions</p>

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
§(5121cont'd)			<p>(§5121 cont'd)</p> <p>Strikes existing (e) and proposes new (e) requiring the Secretary to issue regulations to implement this authority</p> <p>Proposes a new (g) giving the Secretary the authority to enter into grants, cooperative agreements, and other transactions to further the objectives of Federal hazmat law. Defines the objectives to include research, development, demonstration, risk assessment, and emergency response planning and training</p>
<p>§5122. Enforcement</p> <p>(a) General. “At the request of the Secretary of Transportation...”</p> <p>(b) Imminent hazards. Secretary may bring a civil action “to eliminate or ameliorate the hazard.”</p> <p>(b)(2) On request of the Secretary, the Attorney General shall bring an action under paragraph (1) of this subsection.”</p> <p>(c) “Withholding of clearance. (1) If any owner, operator, or individual in charge of a vessel is liable for a civil penalty under section 5123 of this title or for a fine under section 5124 of this title, or if reasonable cause exists to believe that such owner, operator, or individual in charge may be subject to such civil penalty or fine, the Secretary of the Treasury, upon the request of the Secretary, ... (2) Clearance refused or revoked under this subsection may be granted upon the filing of a bond or other surety satisfactory to the Secretary.”</p>	<p>(a) moved to section (f). No other changes</p> <p>(b) moved to section (g). No other changes</p> <p>(c) not included</p>	<p>(a) moved to section (f). Renamed as ‘Enforcement by the Attorney General’ Deletes “of Transportation”</p> <p>(b) moved to section (g). Substitutes “mitigate” for “ameliorate”</p> <p>Deletes (b)(2)</p> <p>(c) moved to section (h) and changes wording -- “(1)If an owner... or if reasonable cause exists to believe that the owner, operator, or individual in charge may be subject to penalty or fine, the Secretary of the Treasury, upon request of the Secretary of Transportation...”</p> <p>(2)...satisfactory to the Secretary of the Treasury.”</p>	<p>Revises (a) to clarify that a court may award a temporary or permanent injunction, punitive damages, and civil penalties in accordance with the criteria in 5123</p> <p>Substitutes “mitigate” for “ameliorate” in (b)</p>

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
<p>(§5122 cont'd)</p>	<p>(§5122 cont'd)  “(a) GENERAL AUTHORITY.--  To carry out this chapter, the Secretary of Transportation may inspect, investigate, make reports, issue subpoenas, conduct hearings, require the production of records and property, take depositions, and conduct research, development, demonstration, and training activities. Except as provided in subsection (e) of this section, the Secretary shall provide notice and an opportunity for a hearing prior to issuing an order requiring compliance with this chapter or a regulation, order, special permit, or approval issued under this chapter.”  “(b) RECORDS, REPORTS, AND INFORMATION.--A person subject to this chapter shall--  (1) maintain records, make reports, and provide information the Secretary by regulation or order requires, and  (2) make the records, reports, and information available when the Secretary requests.”  “(c) Inspection - (1) The Secretary may authorize an officer, employee, or agent to inspect, at a reasonable time and in a reasonable way, records and property related to -</p>	<p>(§5122 cont'd)  Same changes as 1997 Administration Law but the word “inspect” is not included  replaces “subsection (e)” with “subsection (d)  Replaces “requiring” with “directing”  The section is entitled “Records, Reports, Property, and Information”  (1) adds language “information that the Secretary...”  (2) adds language “reports, property and information available for inspection when the Secretary requests.”  “(c) INSPECTIONS AND INVESTIGATIONS.--  (1) A designated officer or employee of the Secretary may--  (A) inspect and investigate, at a reasonable time and in a reasonable way, records and property related to--  (I) designing, manufacturing, fabricating, marking, maintaining, reconditioning, repairing, inspecting,  (B) except for the packaging immediately adjacent to its hazardous material contents, open and examine a package offered for, or in, transportation when the officer or employee has an objectively reasonable and articulable belief that the package may contain a hazardous material;</p>	

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
<p>(§5122 cont'd)</p>	<p>(§5122 cont'd)</p> <p>(A) manufacturing, fabricating, marking, maintaining, reconditioning, repairing, testing, or distributing a packaging or a container for use by a person in transporting hazardous material in commerce;</p> <p>or</p> <p>(B) the transportation of hazardous material in commerce.</p> <p>(2) an officer, employee, or agent under this subsections shall display proper credentials when requested.”</p>	<p>(§5122 cont'd)</p> <p>(C) remove from transportation a package or related packages in a shipment offered for or in transportation, and for which such officer or employee has an objectively reasonable and articulable belief that the package or packages may pose an imminent hazard, and for which the officer or employee contemporaneously documents that belief in accordance with procedures adopted under subsection (e) of this section;</p> <p>(D) gather information from the offeror, packaging manufacturer or retester, or other person responsible for the package to ascertain the nature and hazards of the contents of the package;”</p> <p>(2) An officer or employee acting under this subsection shall display proper credentials when requested.</p> <p>(3) For instances when, as a result of the inspection or investigation, an imminent hazard is not found to exist, the Secretary shall develop procedures to assist in the safe resumption of transportation of the package and transport unit.</p>	



Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
<p>(§5122 cont'd)</p>	<p>(§5122 cont'd)</p> <p>(d) Other authority - During inspections and investigations, officers, employees, or agents of the Secretary may –</p> <p>(1) open and examine the contents of a package offered for, or in transportation when –</p> <p style="padding-left: 20px;">(A) the package is marked, labeled, certified, placarded, or otherwise represented as containing a hazardous material, or</p> <p style="padding-left: 20px;">(B) there is an objectively reasonable and articulable belief that the package may contain a hazardous material;</p> <p>(2) take a sample, sufficient for analysis, of material marked or represented as a hazardous material or for which there is an objectively reasonable and articulable belief that the material may be hazardous material, and analyze that material;</p> <p>(3) when there is an objectively reasonable and articulable belief that an imminent hazard may exist, prevent the further transportation of the material until the hazardous qualities of the material have been determined, and</p> <p>(4) when safety might otherwise be compromised, authorize properly qualified personnel to conduct the examination, sampling, or analysis of a material.”</p>	<p>(§5122 cont'd)</p> <p>“ (E) as necessary, under terms and conditions specified by the Secretary, order the offeror, packaging manufacturer or retester, or other person responsible for the package to have the package transported to, opened and the contents examined and analyzed at a facility appropriate for the conduct of this activity; and</p> <p style="padding-left: 20px;">(F) when safety might otherwise be compromised, authorize properly qualified personnel to assist in the activities conducted under subsection (c)(1)(B) of this section.</p> <p>(2) An officer or employee acting under this subsection shall display proper credentials when requested.</p> <p>(3) For instances when, as a result of the inspection or investigation, an imminent hazard is not found to exist, the Secretary shall develop procedures to assist in the safe resumption of transportation of the package and transport unit.”</p>	

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
<p>(§5122 cont'd)</p>	<p>“(e) EMERGENCY ORDERS.--</p> <p>(1) If, through testing, inspection, investigation, or research carried out under this chapter, the Secretary decides that an unsafe condition or practice, or a combination of them, causes an emergency situation involving a hazard of death, personal injury, or significant harm to the environment, the Secretary may immediately issue or impose restrictions, prohibitions, recalls or out-of-service orders, without notice or the opportunity for a hearing, that may be necessary to abate the situation.</p> <p>(2) The Secretary’s action under this subsection must be in a written order describing the condition or practice, or combination of them, that causes the emergency situation; stating the restrictions, prohibitions, recalls, or out-of-service orders being issued or imposed; and prescribing standards and procedures for obtaining relief from the order.</p> <p>(3) After taking action under this subsection, the Secretary shall provide an opportunity for review of that action under section 554 of title 5.</p> <p>(4) If a petition for review is filed and the review is not completed by the end of the 30-day period beginning on the date the petition was filed, the action will cease</p>	<p>“(d) EMERGENCY ORDERS.--(1) If, upon inspection or investigation, the Secretary determines that either a violation of a provision of this chapter or a regulation issued under this chapter, or an unsafe condition or practice, is causing an imminent hazard, the Secretary may issue or impose emergency restrictions, prohibitions, recalls, or out-of-service orders, without notice or the opportunity for a hearing, but only to the extent necessary to abate the imminent hazard.</p> <p>(2) The Secretary’s action under subsection (d)(1) must be in a written order describing the violation, condition or practice that is causing the imminent hazard, and stating the restrictions, prohibitions, recalls, or out-of-service orders issued or imposed. The order also shall describe the standards and procedures for obtaining relief from the emergency order.</p> <p>(3) After taking action under subsection (d)(1), the Secretary shall provide an opportunity for review of that action under section 554 of title 5, and such review shall occur no later than 20 days after issuance of such order.”</p>	

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
<p>(§5122 cont'd)</p>	<p>(§5122 cont'd.) to be effective at the end of that period unless the Secretary determines in writing that the emergency situation still exists.”</p>	<p>(§5122 cont'd) “(e) REGULATIONS.--The Secretary shall issue regulations with notice and comment, including an opportunity for informal hearing, to implement the authority in subsections (c) and (d) of this section.”</p>	
<p>§5123. Civil Penalty “(a) Penalty. (1) A person that knowingly violates this chapter or a regulation prescribed or order issued under this chapter is liable to the U.S. Government for a civil penalty of at least \$250 but not more than \$25,000 for each violation...” (c) Penalty Considerations “(2) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue to do business...”</p>	<p>(a) Changes words: “(1) A person that knowingly violates this chapter or a regulation, order, special permit, or approval issued under this chapter is liable to the U.S. Government for a civil penalty of at least \$250 but not more than \$27,500 for each violation...” (c) adds language “(2) with respect to the violator, the degree of culpability, any good faith efforts to comply with the applicable requirements, any history of prior violations, any economic benefit resulting from the violation, the ability to pay, and any effect on the ability to continue to do business...”</p>	<p>(a) Same changes as 1997 Administration Bill  (c) Same changes as 1997 Administration Bill</p>	<p>Revises (a) to clarify that violations of special permits and approvals, as well as regulations and Federal hazmat law, can subject a person to a civil penalty. The civil penalty ceiling, per violation, is revised from \$25,000 to \$100,000. Also revises (a) to state that knowledge of the existence of a statutory or regulatory requirement is not an element of an offense under this section</p> <p>Redesignates (b)-(g) as (c)-(h), and adds a new (b) setting out the definition of a “knowing” violation currently found in (a)</p> <p>Revises (c), as redesignated, to clarify that notice and an opportunity for hearing must precede a finding that a person has violated an order, special permit, or approval, as well as a regulation or provision of Federal hazmat law</p> <p>Revises (d), as redesignated, to clarify that in a civil action to collect a civil penalty, the government may also seek to collect accrued interest</p>

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
<p>§5124. Criminal Penalty            “A person knowingly violating section 5104(b) of this title or willfully violating this chapter or a regulation prescribed or order issued under this chapter shall be fined under title 18, imprisoned for not more than 5 years, or both.”</p>	<p>Adds language –            “(a) General. - A person knowingly violating section 5104(b) of this title or willfully violating this chapter or a regulation, order, special permit, or approval issued under this chapter, shall be fined under title 18, imprisoned for not more than 5 years or both.”            Also adds an entire subsection, (b), on Aggravating Violations</p>	<p>Same changes as 1997 Administration Bill. However, adds at the end of section (a) “...Knowledge by the person of the existence of a regulation or requirement prescribed by the Secretary is not an element of an offense under this section.”</p>	<p>Revises (a) to clarify that willful violations of Federal hazmat law, or regulations, orders, special permits, or approvals issued under Federal hazmat law, will be fined under title 18, imprisoned for not more than 5 years, or both</p> <p>Adds a new (b) stating that a violation of this section which causes a release of hazardous materials is an aggravated violation subject to fines under title 18, 20 years imprisonment, or both</p> <p>Adds a new (c) defining “knowing violations” as “when (1) a person has actual knowledge of the facts giving rise to the violation; or (2) when a reasonable person acting in the circumstances and exercising reasonable care would have that knowledge.”</p> <p>Adds a new (d) defining willful violations as those done with intent</p> <p>Adds a new (e) stating that knowledge of the existence of a statutory or regulatory requirements is not an element of an offense under this section</p> <p>[Section 21 of the Administration bill also amends 49 U.S.C. 46312 to clarify that the regulations referred to in that section also include the HMR.]</p>

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
<p>§5125. Preemption  “(a)(2) the requirement of the State, political subdivision, or tribe, as applied or enforced, is an obstacle to accomplishing and carrying out this chapter, or a regulation prescribed under this chapter.”  (b)(2). “...The Secretary shall decide on and publish in the Federal Register the effective date of section 5103(b) of this title for any regulation or standard about any of those subjects that the Secretary prescribes after November 16, 1990...”  (h) This section not included</p>	<p>(a)(2) No changes</p> <p>(b)(2) Deletes “after November 16, 1990”</p> <p>(h) This section not included</p>	<p>(a)(2) Adds language -  “...carrying out this chapter, the purposes of this chapter, or a regulation prescribed under this chapter.”</p> <p>(b)(2) Same change as 1997 Administration bill.</p> <p>Adds “(h) Independent Application of Each Standard”</p>	<p>Redesignates (a)-(c) as (b)-(d), and adds a new (a) stating that the purpose of 5125 is to achieve uniform regulation of hazmat transportation, eliminate inconsistent non-federal rules, and promote safe and efficient movement of hazmat in commerce</p> <p>Revises (b), as redesignated, to add an assessment of whether a non-federal requirement is an obstacle to the purposes of Federal hazmat law</p> <p>Revises (c), as redesignated, to add the inspection of a packaging or packaging component to the list of covered subjects and to strike “November 16, 1990”</p> <p>Deletes (f), and redesignates (g), (d), and (e) as (e), (f), and (g)</p> <p>In (f), as redesignated, clarifies that a person may seek a preemption determination under 5119(b) as well as under 5125, and continues to require the Secretary to notify the public of delays in issuing preemption determinations but deletes <u>Federal Register</u> notice</p> <p>Revises (g), as redesignated, to clarify that a person may seek a preemption waiver under the provisions of 5119(b), as well as under 5125</p> <p>Adds a new (h) to clarify that preemption standards in 5119 and 5125 apply independently</p> <p>Adds a new (i) stating that 5125 does not apply to non-federal enforcement procedure, penalties, or mental state requirements</p>

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
§5126. Relationship to other laws	No changes	No changes	<p>In (a), clarifies that persons under contract to the U.S. that cause hazmat to be transported, or that inspect packagings or packaging components are subject to Federal hazmat law and the HMR</p> <p>In (b), excludes marine transportation of hazmat regulated under title 33 or 46 from regulation under Federal hazmat law</p>

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
<p>§5127. Authorization of appropriations. (Moved to and Renumbered as §5128 in 1997 Administration Bill and as §5129 in 1999 Administration Bill. See below for text of current §5127)</p>	<p>Adds new 5127 as follows:  §5127. Judicial Review  “(a). Filing and Venue.-Except as provided in section 20114(c) of this title, a person disclosing a substantial interest in a final order issued, under the authority of section 5122 or 5123 of this title, by the Secretary of Transportation, the Administrators of the RSPA, the FAA, or the FHWA, or the Commandant of the US Coast Guard (“modal administrator”) with respect to the duties and powers designated to be carried out by the Secretary under this chapter, may apply for review in the United States Court of Appeals for the District of Columbia or in the court of appeals for the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not more than 60 days after the order is issued. The court may allow the petition to be filed after the 60th day only if there are reasonable grounds for not filing by the 60th day.  (b) Judicial Procedure -When a petition is filed under subsection (a) of this section, the clerk of the court immediately shall send a copy of the petition to the Secretary or the modal Administrator, as appropriate. The Secretary or the modal Administrator shall file with the court a record of any proceeding in which the order was issued, as</p>	<p>Adds new 5127 as follows:  §5127. Judicial Review  Same changes as 1997 Administration Bill  Deletes all references to “the Administrators of the RSPA, the FAA, or the FHWA, or the Commandant of the United States Coast Guard (“modal administrator”)” and deletes all references to the modal Administrator  In (a) adds words “... of the order...” after “...may apply for review”...  Adds at the very end of (b) “..., United States Code”</p>	<p>Redesignates 5127 as 5128, and adds a new 5127 as follows:  § 5127. Judicial Review.  (a) provides that any person suffering legal wrong or adversely affected or aggrieved by a final action of the Secretary may petition for review in the U.S. Ct. of Appeals for D.C. or in the appropriate court of appeals within 60 days of the Secretary’s action becoming final  (b) Same as 1999 Administration bill</p>

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
	<p>(§5127 cont'd)</p> <p>(c) AUTHORITY OF COURT.-- When the petition is sent to the Secretary or the modal Administrator, the court has exclusive jurisdiction to affirm, amend, modify, or set aside any part of the order and may order the Secretary or the modal Administrator to conduct further proceedings. After reasonable notice to the Secretary or the modal Administrator, the court may grant interim relief by staying the order or taking other appropriate action when good cause for its action exists. Findings of fact by the Secretary or the modal Administrator, if supported by substantial evidence, are conclusive.</p> <p>(d) REQUIREMENT FOR PRIOR OBJECTION.--In reviewing a final order under this section, the court may consider an objection to a final order of the Secretary or the modal Administrator only if the objection was made in the course of a proceeding or review conducted by the Secretary or if there was a reasonable ground for not making the objection in the proceeding.</p> <p>(e) SUPREME COURT REVIEW.--A decision by a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28, United States Code.</p>	<p>(§5127 cont'd)</p> <p>(c) Deletes "After reasonable notice to the Secretary or the modal Administrator, the court may grant interim relief by staying the order or taking other appropriate action when good cause for its action exists."</p> <p>(d) &amp; (e) Unchanged from 1997 Administration bill except references to "or the modal Administrator" are deleted</p>	<p>(§5127 cont'd)</p> <p>Provides in (c) that:</p> <p>(1) a court has exclusive jurisdiction, under the Administrative Procedure Act, to affirm, amend, modify, or set aside any part of the Secretary's final action or may order additional proceedings</p> <p>(2) Findings of fact are conclusive if supported by substantial evidence</p> <p>(d) is the same as in the 1999 Administration bill except "final order" is changed to "final action" throughout (d)</p>



Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
<p>§5127. Authorization of appropriations</p> <p>“(a) General. Not more than \$18,000,000 may be appropriated to the Secretary of Transportation for fiscal year 1993, \$18,000,000 for fiscal year 1994, \$18,540,000 for fiscal year 1995, \$19,100,000 for fiscal year 1996, and \$19,670,000 for fiscal year 1997 to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119).”</p> <p>(b) Training of hazmat employee instructors</p> <p>(1) There is authorized to be appropriated to the Secretary, \$ 3,000,000 for each of fiscal years 1995, 1996, 1997, and 1998 to carry out section 5107(e).</p> <p>(2) (A) There shall be available to the Secretary for carrying out section 5116(j), from amounts in the account established pursuant to section 5116(i), \$250,000 for each of fiscal years 1995, 1996, 1997, and 1998.</p> <p>(B) In addition to amounts made available under subparagraph (A), there is authorized to be appropriated to the Secretary, for carrying out section 5116(j) \$ 1,000,000 for each of the fiscal years 1995, 1996, 1997, and 1998.</p>	<p>§5128. Authorization of Appropriations</p> <p>Deletes first reference to \$18,000,000 and replaces with \$15,492,000</p> <p>Deletes “1993...fiscal year 1997” and inserts “1998, and such sums as may be necessary for fiscal years 1999, 2000, 2001, 2001, and 2003,”</p> <p>Section (b) not included in 1997 Administration Bill (?)</p>	<p>§5129. Authorization of appropriations</p> <p>Inserts after (a) General. “To carry out this chapter [49 USCS §§ 5101 et seq.] (except sections 5107(e), 5108(g), 5109, 5112, 5113, 5115, 5116, 5119, and 5128), (1)”</p> <p>Deletes first reference to “18,000,000” and inserts “13,638,000 is authorized to”</p> <p>Deletes “1993...and 5119” and inserts “2000, and, (2) from amounts collected under section 5108(g)(2)(B)(ii) of this title, not more than \$18,213,000 is authorized to be appropriated to the Secretary for fiscal year 2000, and such sums as may be necessary are authorized to be appropriated for fiscal years 2001 through 2005.”</p> <p>Retitled (b) as “Supplemental Training Grants”</p> <p>Deletes (1) and 2(B).</p> <p>(2) (A) Deletes “There shall be available to the Secretary for carrying out section 5116(j)” and inserts “Not more than \$250,000 is available to the Secretary for fiscal year 2000 and such amounts as are necessary for fiscal years 2001 through 2005”</p> <p>Deletes “pursuant to” and inserts “under”</p> <p>After “5116(i)” inserts “of this title,”</p> <p>Deletes “\$ 250,000 for each of fiscal years 1995, 1996, 1997, and 1998” and inserts “to carry out section 5116(j) of this title”.</p>	<p>§5128 Authorization of Appropriations</p> <p>Revises (a) to authorize not more than \$21,217,000 for FY 2002 to carry out Federal hazmat law (except 5107(e), 5108(g), 5112, 5113, 5115, 5116, and 5119) and such sums as may be necessary for FY 2003-2007</p> <p>Deletes existing (b)-(e) and inserts a new (b) creating an emergency preparedness fund, authorizing:</p> <p>(1)\$250,000 to carry out 5116(j) (supplemental training grants)</p> <p>(2) \$200,000 to carry out 5115 (public sector training curriculum)</p> <p>(3)\$5,000,000 to carry out 5116(a) (planning grants)</p> <p>(4)\$7,800,000 to carry out 5116(b) (training grants)</p> <p>(5)\$150,000 to carry out 5116(f) (monitoring and technical assistance)</p> <p>(6)\$500,000 to publish the Emergency Response Guidebook</p> <p>(7)such amounts as may be necessary to carry out 5107(e) (training grants)</p> <p>(8)\$400,000 to carry out 5116(i)(4) (administrative costs)</p> <p>Redesignates (f) as (c)</p> <p>Redesignates (g) as (d)</p>

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
<p>(§5127 cont'd)</p> <p>§5127(c) Training Curriculum--(1) Not more than \$1,000,000 is available to the Secretary of Transportation from the account established under section 5116(i) of this title for each of the fiscal years ending September 30, 1993-1998, to carry out section 5115 of this title.</p> <p>(2) The Secretary of Transportation may transfer to the Director of the Federal Emergency Management Agency from amounts available under this subsection amounts necessary to carry out section 5115(d)(1) of this title.</p> <p>(d) Planning and training --(1) Not more than \$5,000,000 is available to the Secretary of Transportation from the account established under section 5116(I) of this title for each of the fiscal years ending September 30, 1993-1998, to carry out section 5116(a) of this title.</p> <p>(2) Not more than \$7,800,000 is available to the Secretary of Transportation from the account established under section 5116(I) of this title for each of the fiscal years ending September 30, 1993-1998, to carry out section 5116(b) of this title</p> <p>(3) Not more than the following amounts are available from the account established under section 5116(I) of this title for each of the fiscal years ending September 30, 1993-1998, to carry out section 5116(f) of this title:</p> <p>(A) \$750,000 each to the Secretaries of Transportation and Energy, Administrator of the Environmental Protection Agency, and Director of the Federal Emergency Management Agency.</p> <p>(B) \$200,000 to the Director of the National Institute of Environmental Health Sciences.</p> <p>(e) Uniform forms and Procedures</p>	<p>(§5128 cont'd)</p> <p>Deletes "\$1,000,000" and inserts "\$200,000"</p> <p>Deletes "1993-1998" and inserts "1999-2003"</p> <p>Deletes subsection (2)</p> <p>(1) Deletes "\$5,000,000" and inserts "\$2,444,000"</p> <p>Deletes "for each of the fiscal years ending September 30, 1993-1998" and inserts "for the fiscal year ending September 30, 1998, and such sums as may be necessary for the fiscal years 1999-2003,"</p> <p>Replaces "5116(a)" with "5115"</p> <p>(2) Deletes "\$7,800,000" and inserts "3,666,000"</p> <p>Deletes "each of the fiscal years ending September 30, 1993-1998" and inserts "the fiscal year ending September 30, 1998, and such sums as may be necessary for fiscal years 1999-2003"</p> <p>(3) Deletes "the following amounts are" and inserts "\$600,000 is "</p> <p>After "available" inserts "Secretary of Transportation"</p> <p>Deletes "each of the fiscal years ending September 30, 1993-1998" and inserts "the fiscal year ending September 30, 1998, and such sums as may be necessary for fiscal years 1999-2003"</p> <p>Deletes subsections (A) &amp; (B)</p> <p>Deletes (e)</p>	<p>(§5129 cont'd)</p> <p>(c) Training curriculum. --Deletes "\$1,000,000" and inserts "\$200,000"</p> <p>After "Secretary" deletes "of Transportation" and inserts "for fiscal year 2000 and such amounts as are necessary for fiscal years 2001- 2005"</p> <p>Between "from" and "account" inserts "amounts in"</p> <p>Deletes "for each of the fiscal years ending September 30, 1993-1998"</p> <p>Deletes (c)(2)</p> <p>(1) Deletes "of Transportation" and inserts "for fiscal year 2000 and such amounts as are necessary for fiscal years 2001 through 2005"</p> <p>Inserts "amounts in" between "from" and "the account"</p> <p>Deletes "for each of the fiscal years ending September 30, 1993-1998"</p> <p>(2) Deletes "of Transportation" and inserts "for fiscal year 2000 and such amounts as are necessary for fiscal years 2001 through 2005"</p> <p>Inserts "amounts in" between "from" and "the account"</p> <p>Deletes "for each of the fiscal years ending September 30, 1993-1998"</p> <p>(3) Deletes "the following amounts are" and inserts "\$150,000 is"</p> <p>After "available" inserts "to the Secretary for fiscal year 2000 and such amounts as are necessary for fiscal years 2001 through 2005"</p> <p>Inserts "amounts in" between "from" and "the account"</p> <p>Deletes "for each of the fiscal years ending September 30, 1993-1998"</p> <p>Deletes subsections (A) &amp; (B)</p> <p>Deletes current (e) and adds "(e) EMERGENCY RESPONSE GUIDEBOOK."</p>	

Current Law	1997 Administration Bill	1999 Administration Bill	2001 Administration Bill
<p>(§5127 cont'd)</p> <p>(f) Credits to appropriations. The Secretary of Transportation may credit to any appropriation to carry out this chapter [49 USCS §§ 5101 et seq.] an amount received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, authority, or entity.</p> <p>(g) Availability of amounts. Amounts available under subsections (c)-(e) of this section remain available until expended.</p>	<p>(§5128 cont'd)</p> <p>Subsection (f) not included(?)</p> <p>Current (g) moved to (f).</p> <p>Deletes “(c)-(e)” and inserts “(c) and (d)”</p> <p>Adds a section for a “Hazardous materials Pilot Program”</p>	<p>(§5129 cont'd)</p> <p>(f) moved to paragraph (h). No changes from current law</p> <p>(g) moved to paragraph (i). Deletes “subsections (c)-(e) of”</p> <p>Adds §5129(f) Administration Costs</p> <p>Adds §5129(g) Training of Hazmat Employee Instructors</p> <p>Adds §5128. High-risk hazardous material; motor carrier safety study</p> <p>Adds Sec. 19. “Intermodal Container Pilot Program.”</p>	
			<p><b>SEC. 26 POSTAL SERVICE CIVIL PENALTY AUTHORITY</b></p> <p>Proposes to amend U.S. Postal Service authority to provide USPS with the necessary authority to effectively regulate hazardous materials in the mail through meaningful enforcement of its regulations. The proposed civil penalty provisions mirror the civil penalty provisions for Federal hazmat law.</p>