

TITLE 49 - TRANSPORTATION
SUBTITLE VI - MOTOR VEHICLE AND DRIVER PROGRAMS
PART B - COMMERCIAL
CHAPTER 311 - COMMERCIAL MOTOR VEHICLE SAFETY
SUBCHAPTER I - GENERAL AUTHORITY AND STATE GRANTS

§ 31104. Availability of amounts

(a) **In General.**— Subject to subsection (f), there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 31102—

- (1) \$188,480,000 for fiscal year 2005;
- (2) \$188,000,000 for fiscal year 2006;
- (3) \$197,000,000 for fiscal year 2007;
- (4) \$202,000,000 for fiscal year 2008; and
- (5) \$209,000,000 for fiscal year 2009.

(b) **Availability and Reallocation of Amounts.**— Amounts made available under subsection (a) of this section remain available until expended. Allocations to a State remain available for expenditure in the State for the fiscal year in which they are allocated and for the next fiscal year. Amounts not expended by a State during those 2 fiscal years are released to the Secretary for reallocation.

(c) **Reimbursement for Government's Share of Costs.**— Amounts made available under subsection (a) of this section shall be used to reimburse States proportionately for the United States Government's share of costs incurred.

(d) **Grants as Contractual Obligations.**— Approval by the Secretary of a grant to a State under section 31102 of this title is a contractual obligation of the Government for payment of the Government's share of costs incurred by the State in developing, implementing, or developing and implementing programs to enforce commercial motor vehicle regulations, standards, and orders.

(e) **Deduction for Administrative Expenses.**— On October 1 of each fiscal year or as soon after that date as practicable, the Secretary may deduct, from amounts made available under subsection (a) of this section for that fiscal year, not more than 1.25 percent of those amounts for administrative expenses incurred in carrying out section 31102 of this title in that fiscal year. The Secretary shall use at least 75 percent of those deducted amounts to train non-Government employees and to develop related training materials in carrying out section 31102.

(f) **Allocation Criteria and Eligibility.**— On October 1 of each fiscal year or as soon after that date as practicable and after making the deduction under subsection (e), the Secretary shall allocate amounts made available to carry out section 31102 for such fiscal year among the States with plans approved under section 31102. Such allocation shall be made under such criteria as the Secretary prescribes by regulation.

(g) **Payment to States for Costs.**— Each State shall submit vouchers for costs the State incurs under this section and section 31102 of this title. The Secretary shall pay the State an amount not more than the Government share of costs incurred as of the date of the vouchers.

(h) **Intrastate Compatibility.**— The Secretary shall prescribe regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws and regulations with Government motor carrier safety regulations to be enforced under section 31102 (a) of this title. To the extent practicable, the guidelines and standards shall allow for maximum flexibility while ensuring the degree of uniformity that will not diminish transportation safety. In reviewing State plans and allocating amounts or making grants under section 153 of title 23, the Secretary shall ensure that the guidelines and standards are applied uniformly.

(i) **Administrative Expenses.**—

(1) Authorization of appropriations.— There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

- (A) \$254,849,000 for fiscal year 2005;
- (B) \$213,000,000 for fiscal year 2006;
- (C) \$223,000,000 for fiscal year 2007;
- (D) \$228,000,000 for fiscal year 2008; and
- (E) \$234,000,000 for fiscal year 2009.

(2) Use of funds.— The funds authorized by this subsection shall be used for personnel costs; administrative infrastructure; rent; information technology; programs for research and technology, information management, regulatory development, the administration of the performance and registration information system management, and outreach and education; other operating expenses; and such other expenses as may from time to time become necessary to implement statutory mandates of the Administration not funded from other sources.

(j) Availability of Funds; Contract Authority.—

(1) Period of availability.— The amounts made available under this section shall remain available until expended.

(2) Initial date of availability.— Authorizations from the Highway Trust Fund (other than the Mass Transit Account) by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

(3) Contract authority.— Approval by the Secretary of a grant with funds made available under this section imposes upon the United States a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.

(k) High-Priority Activities.—

(1) Criteria.— The Secretary shall establish safety performance criteria to be used to distribute high priority program funds under this subsection.

(2) Set aside.— The Secretary may set aside from amounts made available by subsection (a) up to \$15,000,000 for each of fiscal years 2006 through 2009 for States, local governments, and organizations representing government agencies or officials described in paragraph (3) for carrying out high priority activities and projects that improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations (including activities and projects that are national in scope), increase public awareness and education, demonstrate new technologies, and reduce the number and rate of accidents involving commercial motor vehicles.

(3) Description of recipients.— Amounts set aside under this subsection shall be allocated by the Secretary only to State agencies, local governments, and organizations representing government agencies or officials that use and train qualified officers and employees in coordination with State motor vehicle safety agencies.

(4) Limitation.— At least 90 percent of the amounts set aside for a fiscal year under this subsection shall be awarded in grants to State agencies and local government agencies.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 987; Pub. L. 105–130, § 7, Dec. 1, 1997, 111 Stat. 2559; Pub. L. 105–178, title IV, § 4003(e)–(g), June 9, 1998, 112 Stat. 397; Pub. L. 108–88, § 7(b), Sept. 30, 2003, 117 Stat. 1120; Pub. L. 108–202, § 11(b), Feb. 29, 2004, 118 Stat. 490; Pub. L. 108–224, § 9(b), Apr. 30, 2004, 118 Stat. 638; Pub. L. 108–263, § 9(b), June 30, 2004, 118 Stat. 709; Pub. L. 108–280, § 9(b), July 30, 2004, 118 Stat. 886; Pub. L. 108–310, § 7(b), Sept. 30, 2004, 118 Stat. 1153; Pub. L. 109–14, § 6(b), May 31, 2005, 119 Stat. 330; Pub. L. 109–20, § 6(b), July 1, 2005, 119 Stat. 352; Pub. L. 109–35, § 6(b), July 20, 2005, 119 Stat. 385; Pub. L. 109–37, § 6(b), July 22, 2005, 119 Stat. 400; Pub. L.

109–40, § 6(b), July 28, 2005, 119 Stat. 417; Pub. L. 109–59, title IV, §§ 4101(a), (b), 4107 (a), Aug. 10, 2005, 119 Stat. 1714, 1719; Pub. L. 110–244, title III, § 301(a), June 6, 2008, 122 Stat. 1616.)

Historical and Revision Notes

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---|--|
| 31104(a) | 49 App.:2304(a). | Jan. 6, 1983, Pub. L. 97–424, § 404(a), 96 Stat. 2156; restated Oct. 27, 1986, Pub. L. 99–570, § 12014, 100 Stat. 3207–186; Dec. 18, 1991, Pub. L. 102–240, § 4002(e), 105 Stat. 2142. |
| 31104(b) | 49 App.:2304(c). | Jan. 6, 1983, Pub. L. 97–424, § 404(c), 96 Stat. 2156; Oct. 27, 1986, Pub. L. 99–570, § 12014, 100 Stat. 3207–186; restated Dec. 18, 1991, Pub. L. 102–240, § 4002(f), 105 Stat. 2142. |
| | 49 App.:2304(e). | Jan. 6, 1983, Pub. L. 97–424, § 404(b), (d), (e), 96 Stat. 2156; restated Oct. 27, 1986, Pub. L. 99–570, § 12014, 100 Stat. 3207–186. |
| 31104(c) | 49 App.:2304(b). | |
| 31104(d) | 49 App.:2304(d). | |
| 31104(e) | 49 App.:2304(f)(1). | Jan. 6, 1983, Pub. L. 97–424, § 404(f), 96 Stat. 2156; Oct. 27, 1986, Pub. L. 99–570, § 12014, 100 Stat. 3207–186; restated Dec. 18, 1991, Pub. L. 102–240, § 4002(g), 105 Stat. 2142. |
| 31104(f) | 49 App.:2304(f)(2). | |
| 31104(g)(1) | 49 App.:2304(g) (less last sentences of (5) and (6)). | Jan. 6, 1983, Pub. L. 97–424, 96 Stat. 2155, § 404(g), (h); added Dec. 18, 1991, Pub. L. 102–240, § 4002(h), (i), 105 Stat. 2143. |
| 31104(g)(2) | 49 App.:2304(g)(5) (last sentence). | |
| 31104(g)(3) | 49 App.:2304(g)(6) (last sentence). | |
| 31104(h) | 49 App.:2304(h). | |
| 31104(i) | 49 App.:2304 (note). | Dec. 18, 1991, Pub. L. 102–240, § 4002(k), 105 Stat. 2144. |
| 31104(j) | 49 App.:2302 (note). | Dec. 18, 1991, Pub. L. 102–240, § 4002(l), 105 Stat. 2144. |

In subsection (a), the text of 49 App.:2304(a)(1) and the references to fiscal years ending September 30, 1987–1992, are omitted as obsolete.

In subsection (b), the text of 49 App.:2304(e) is omitted as superseded by 49 App.:2304(c) restated by section 4002(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 2142) and restated in this subsection.

In subsection (b)(2), the words “Amounts made available under section 404(a)(2) of the Surface Transportation Assistance Act of 1982 before October 1, 1991” are substituted for “Funds made available under this subchapter” for clarity and because of the restatement.

In subsection (c), the words “Funds authorized to be appropriated” are omitted because of the omission of 49 App.:2304(a)(1) as obsolete.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscp.html>).

In subsection (e), the words “for administrative expenses incurred in carrying out section 31102 of this title” are substituted for “for administration of this section” for clarity and consistency with the source provisions restated in this section and section 31102 of the revised title.

In subsection (i), before clause (1), the words “Not later than 6 months after December 18, 1991” are omitted as obsolete. The words “for grants under section 31102 (a) of this title” are substituted for “under the motor carrier safety assistance program” for clarity and because of the restatement. The words “In prescribing those regulations” are substituted for “In conducting such a revision” because of the restatement.

In subsection (j), the words “Not later than 9 months after December 18, 1991” are omitted as obsolete. The word “final” is omitted as unnecessary. The words “regulations to be enforced under section 31102 (a) of this title” are substituted for “under the motor carrier safety assistance program” for clarity and because of the restatement.

Amendments

2008—Subsec. (f). Pub. L. 110–244 struck out par. (1) designation and heading before “On October” and struck out par. (2) which permitted the Secretary to designate certain allocated amounts for high-priority and border activities.

2005—Subsec. (a). Pub. L. 109–59, § 4101(a), reenacted heading without change and amended text of subsec. (a) generally. Prior to amendment, text contained pars. (1) to (8) making amounts available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102 for fiscal years 1998 to 2004 and part of 2005.

Subsec. (a)(8). Pub. L. 109–40 amended par. (8) generally. Prior to amendment, par. (8) read as follows: “Not more than \$138,904,110 for the period of October 1, 2004, through July 27, 2005.”

Pub. L. 109–37 amended par. (8) generally. Prior to amendment, par. (8) read as follows: “Not more than \$136,589,041 for the period of October 1, 2004, through July 21, 2005.”

Pub. L. 109–35 amended par. (8) generally. Prior to amendment, par. (8) read as follows: “Not more than \$135,200,000 for the period of October 1, 2004, through July 19, 2005.”

Pub. L. 109–20 amended par. (8) generally. Prior to amendment, par. (8) read as follows: “Not more than \$126,402,740 for the period of October 1, 2004, through June 30, 2005.”

Pub. L. 109–14 amended par. (8) generally. Prior to amendment, par. (8) read as follows: “Not more than \$112,512,329 for the period of October 1, 2004, through May 31, 2005.”

Subsecs. (i), (j). Pub. L. 109–59, § 4101(b), added subsecs. (i) and (j).

Subsec. (k). Pub. L. 109–59, § 4107(a), added subsec. (k).

2004—Subsec. (a)(7). Pub. L. 108–280 amended par. (7) generally. Prior to amendment, par. (7) read as follows: “Not more than \$140,833,333 for the period of October 1, 2003, through July 31, 2004.”

Pub. L. 108–263 amended par. (7) generally. Prior to amendment, par. (7) read as follows: “Not more than \$126,519,126 for the period of October 1, 2003, through June 30, 2004.”

Pub. L. 108–224 amended par. (7) generally. Prior to amendment, par. (7) read as follows: “Not more than \$98,352,000 for the period of October 1, 2003, through April 30, 2004.”

Pub. L. 108–202 amended par. (7) generally. Prior to amendment, par. (7) read as follows: “Not more than \$68,750,000 for the period of October 1, 2003, through February 29, 2004.”

Subsec. (a)(8). Pub. L. 108–310 added par. (8).

2003—Subsec. (a)(7). Pub. L. 108–88 added par. (7).

1998—Subsec. (a). Pub. L. 105–178, § 4003(e), amended heading and text of subsec. (a) generally, substituting provisions relating to appropriations for fiscal years 1998 to 2003 for provisions relating to appropriations for fiscal years ending Sept. 30, 1993 to 1997 and for period of Oct. 1, 1997 through Mar. 31, 1998.

Subsec. (b). Pub. L. 105–178, § 4003(f), struck out par. (1) designation and par. (2) which read as follows: “Amounts made available under section 404(a)(2) of the Surface Transportation Assistance Act of 1982 before October 1, 1991, that are not obligated on October 1, 1992, are available for reallocation and obligation under paragraph (1) of this subsection.”

Subsec. (f). Pub. L. 105–178, § 4003(g)(1), added subsec. (f) and struck out heading and text of former subsec. (f). Text read as follows: “On October 1 of each fiscal year or as soon after that date as practicable, the Secretary, after

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

making the deduction described in subsection (e) of this section, shall allocate under criteria the Secretary establishes the amounts available for that fiscal year among the States with plans approved under section 31102 of this title. However, the Secretary may designate specific eligible States among which to allocate those amounts in allocating amounts available—

“(1) for research, development, and demonstration under subsection (g)(1)(F) of this section; and

“(2) for public education under subsection (g)(1)(G) of this section.”

Subsec. (g). Pub. L. 105–178, § 4003(g)(1), (2), redesignated subsec. (h) as (g) and struck out former subsec. (g) which related to specific allocations.

Subsec. (h). Pub. L. 105–178, § 4003(g)(4), redesignated subsec. (j) as (h). Former subsec. (h) redesignated (g).

Subsec. (i). Pub. L. 105–178, § 4003(g)(3), struck out heading and text of subsec. (i). Text read as follows: “The Secretary shall prescribe regulations to develop an improved formula and process for allocating amounts made available for grants under section 31102 (a) of this title among States eligible for those amounts. In prescribing those regulations, the Secretary shall—

“(1) consider ways to provide incentives to States that demonstrate innovative, successful, cost-efficient, or cost-effective programs to promote commercial motor vehicle safety and hazardous material transportation safety;

“(2) place special emphasis on incentives to States that conduct traffic safety enforcement activities that are coupled with motor carrier safety inspections; and

“(3) consider ways to provide incentives to States that increase compatibility of State commercial motor vehicle safety and hazardous material transportation regulations with Government safety regulations and promote other factors intended to promote effectiveness and efficiency the Secretary decides are appropriate.”

Subsec. (j). Pub. L. 105–178, § 4003(g)(4), redesignated subsec. (j) as (h).

1997—Subsec. (a). Pub. L. 105–130 substituted “Not more” for “not more” in pars. (1) to (5) and added par. (6).

Funding

Pub. L. 109–59, title IV, § 4116(d), Aug. 10, 2005, 119 Stat. 1728, provided that: “Amounts made available pursuant to section 31104 (i) of title 49, United States Code, shall be used by the Secretary [of Transportation] to carry out section 31149 of title 49, United States Code.”

Increased Authorizations for Motor Carrier Safety Grants

Pub. L. 105–178, title IV, § 4003(i), as added by Pub. L. 106–159, title I, § 103(b)(1), Dec. 9, 1999, 113 Stat. 1753, provided that: “The amount made available to incur obligations to carry out section 31102 of title 49, United States Code, by section 31104(a) of such title for each of fiscal years 2001 through 2003 shall be increased by \$65,000,000.”