

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1773  
OFFERED BY MR. DEFAZIO OF OREGON**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Safe American Roads  
3 Act of 2007”.

**4 SEC. 2. LIMITATION ON GRANTING AUTHORITY.**

5 The Secretary of Transportation may not grant au-  
6 thority to a motor carrier domiciled in Mexico to operate  
7 beyond United States municipalities and commercial zones  
8 on the United States-Mexico border, except under the pilot  
9 program authorized by this Act.

**10 SEC. 3. PILOT PROGRAM.**

11 (a) IN GENERAL.—The Secretary of Transportation  
12 may carry out, in accordance with section 350 of Public  
13 Law 107–87, section 31315(c) of title 49, United States  
14 Code, all Federal motor carrier safety laws and regula-  
15 tions, and this Act, a pilot program that grants authority  
16 to not more than 100 motor carriers domiciled in Mexico  
17 to operate beyond United States municipalities and com-  
18 mercial zones on the United States-Mexico border.

1 (b) LIMITATION ON COMMERCIAL MOTOR VEHICLES  
2 PARTICIPATING IN PILOT PROGRAM.—The maximum  
3 number of commercial motor vehicles owned or leased by  
4 motor carriers domiciled in Mexico which may be used to  
5 participate in the pilot program shall not exceed 1,000.

6 (c) PILOT PROGRAM PREREQUISITES.—The Sec-  
7 retary may not initiate the pilot program under subsection  
8 (a) until—

9 (1) the Inspector General of the Department of  
10 Transportation submits to Congress and the Sec-  
11 retary a report—

12 (A) independently verifying that the De-  
13 partment is in compliance with each of the re-  
14 quirements of subsections (a) and (b) of section  
15 350 of Public Law 107–87; and

16 (B) including a determination of whether  
17 the Department has established sufficient mech-  
18 anisms—

19 (i) to apply Federal motor carrier  
20 safety laws and regulations to motor car-  
21 riers domiciled in Mexico; and

22 (ii) to ensure compliance with such  
23 laws and regulations by motor carriers  
24 domiciled in Mexico who will be granted  
25 authority to operate beyond United States

1 municipalities and commercial zones on the  
2 United States-Mexico border;

3 (2) the Secretary of Transportation—

4 (A) takes such action as may be necessary  
5 to address any issues raised in the report of the  
6 Inspector General under paragraph (1); and

7 (B) submits to Congress a detailed report  
8 describing such actions;

9 (3) the Secretary determines that there is a  
10 program in effect for motor carriers domiciled in the  
11 United States to be granted authority to begin oper-  
12 ations in Mexico beyond commercial zones on the  
13 United States-Mexico border;

14 (4) the Secretary publishes in the Federal Reg-  
15 ister and provides sufficient opportunity for public  
16 comment on the following:

17 (A) a detailed description of the pilot pro-  
18 gram and the amount of funds the Secretary  
19 will need to expend to carry out the pilot pro-  
20 gram;

21 (B) the findings of each pre-authorization  
22 safety audit conducted, before the date of en-  
23 actment of this Act, by inspectors of the Fed-  
24 eral Motor Carrier Safety Administration of

1 motor carriers domiciled in Mexico and seeking  
2 to participate in the pilot program;

3 (C) a process by which the Secretary will  
4 be able to revoke Mexico-domiciled motor car-  
5 rier operating authority under the pilot pro-  
6 gram;

7 (D) specific measures to be required by the  
8 Secretary to protect the health and safety of  
9 the public, including enforcement measures and  
10 penalties for noncompliance;

11 (E) specific measures to be required by the  
12 Secretary to enforce the requirements of section  
13 391.11(b)(2) of title 49, Code of Federal Regu-  
14 lations, as in effect on the date of enactment of  
15 this Act;

16 (F) specific standards to be used to evalu-  
17 ate the pilot program and compare any change  
18 in the level of motor carrier safety as a result  
19 of the pilot program;

20 (G) penalties to be levied against carriers  
21 who, under the pilot program, violate section  
22 365.501(b) of title 49, Code of Federal Regula-  
23 tions, as in effect on the date of enactment of  
24 this Act;

1 (H) a list of Federal motor carrier safety  
2 laws and regulations for which the Secretary  
3 will accept compliance with a Mexican law or  
4 regulation as the equivalent to compliance with  
5 a corresponding Federal motor carrier safety  
6 law or regulation, including commercial driver's  
7 license requirements;

8 (I) for any law or regulation referred to in  
9 subparagraph (H) for which compliance with a  
10 Mexican law or regulation will be accepted, an  
11 analysis of how the requirements of the Mexi-  
12 can and United States laws and regulations dif-  
13 fer; and

14 (5) the Secretary establishes an independent re-  
15 view panel under section 4 to monitor and evaluate  
16 the pilot program.

17 **SEC. 4. INDEPENDENT REVIEW PANEL.**

18 (a) ESTABLISHMENT OF PANEL.—The Secretary of  
19 Transportation shall establish an independent review  
20 panel to monitor and evaluate the pilot program under  
21 section 3. The panel shall be composed of 3 individuals  
22 appointed by the Secretary.

23 (b) DUTIES.—

24 (1) EVALUATION.—The independent review  
25 panel shall—

1 (A) evaluate any effects that the pilot pro-  
2 gram has on motor carrier safety, including an  
3 analysis of any crashes involving motor carriers  
4 participating in the pilot program and a deter-  
5 mination of whether the pilot program has had  
6 an adverse effect on motor carrier safety; and

7 (B) make, in writing, recommendations to  
8 the Secretary.

9 (2) RECOMMENDATIONS.—If the independent  
10 review panel determines that the pilot program has  
11 had an adverse effect on motor carrier safety, the  
12 panel shall recommend, in writing, to the Sec-  
13 retary—

14 (A) such modifications to the pilot pro-  
15 gram as the panel determines are necessary to  
16 address such adverse effect; or

17 (B) termination of the pilot program.

18 (c) RESPONSE.—Not later than 5 days after the date  
19 of a written determination of the independent review panel  
20 that the pilot program has had an adverse effect on motor  
21 carrier safety, the Secretary shall take such action as may  
22 be necessary to address such adverse effect or terminate  
23 the pilot program.

1 **SEC. 5. INSPECTOR GENERAL REVIEW.**

2 (a) IN GENERAL.—The Inspector General of the De-  
3 partment of Transportation—

4 (1) shall monitor and review the pilot program;

5 (2) not later than 12 months after the date of  
6 initiation of the pilot program, shall submit to Con-  
7 gress and the Secretary of Transportation a 12-  
8 month interim report on the Inspector General's  
9 findings regarding the pilot program;

10 (3) not later than 18 months after the date of  
11 initiation of the pilot program, shall submit to Con-  
12 gress and the Secretary an 18-month interim report  
13 with the Inspector General's findings regarding the  
14 pilot program.

15 (b) SAFETY DETERMINATIONS.—The interim reports  
16 submitted under subsection (a) shall include the deter-  
17 mination of the Inspector General of—

18 (1) whether the Secretary has established suffi-  
19 cient mechanisms to determine whether the pilot  
20 program is having any adverse effects on motor car-  
21 rier safety;

22 (2) whether the Secretary is taking sufficient  
23 action to ensure that motor carriers domiciled in  
24 Mexico and participating in the pilot program are in  
25 compliance with all Federal motor carrier safety

1 laws and regulations and section 350 of Public Law  
2 107–87; and

3 (3) the sufficiency of monitoring and enforce-  
4 ment activities by the Secretary and States to ensure  
5 compliance with such laws and regulations by such  
6 carriers.

7 (c) REPORT TO CONGRESS.—Not later than 60 days  
8 after the date of submission of the 18-month interim re-  
9 port of the Inspector General under this section, the Sec-  
10 retary shall submit to Congress a report on—

11 (1) the actions the Secretary is taking to ad-  
12 dress any motor carrier safety issues raised in one  
13 or both of the interim reports of the Inspector Gen-  
14 eral;

15 (2) evaluation of the Secretary whether grant-  
16 ing authority to additional motor carriers domiciled  
17 in Mexico to operate beyond United States munici-  
18 palities and commercial zones on the United States-  
19 Mexico border would have any adverse effects on  
20 motor carrier safety;

21 (3) modifications to Federal motor carrier safe-  
22 ty laws and regulations or special procedures that  
23 the Secretary determines are necessary to enhance  
24 the safety of operations of motor carriers domiciled  
25 in Mexico in the United States; and



1           (4) any recommendations for legislation to  
2           make the pilot program permanent or to expand op-  
3           erations of motor carriers domiciled in Mexico in the  
4           United States beyond municipalities and commercial  
5           zones on the United States-Mexico border.

6   **SEC. 6. DURATION OF PILOT PROGRAM.**

7           (a) IN GENERAL.—The Secretary of Transportation  
8           may carry out the pilot program under this Act for a pe-  
9           riod not to exceed 3 years; except that, if the Secretary  
10          does not comply with any provision of this Act, the author-  
11          ity of the Secretary to carry out the pilot program termi-  
12          nates.

13          (b) FINAL REPORT.—Not later than 60 days after  
14          the last day of the pilot program, the Secretary shall sub-  
15          mit to Congress a final report on the pilot program.