

ADVANCE ACT

JUNE 23, 2017.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 2258]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 2258) to require that certain standards for commercial driver's licenses applicable to former members of the armed services or reserves also apply to current members of the armed services or reserves, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Active Duty Voluntary Acquisition of Necessary Credentials for Employment Act” or the “ADVANCE Act”.

SEC. 2. COMMERCIAL DRIVER'S LICENSE STANDARDS FOR SERVICE MEMBERS AND VETERANS.

Section 31305(d) of title 49, United States Code, is amended—

(1) in the subsection heading, by striking “VETERAN OPERATORS” and inserting “SERVICE MEMBERS, RESERVISTS, AND VETERANS”;

(2) in paragraph (1)(B), by striking “subparagraph (A) during” and inserting “subparagraph (A)—

“i) while serving in the armed forces or reserve components; and

“ii) during”; and

(3) in paragraph (2)(B), by inserting “current or” before “former” each place the term appears.

PURPOSE OF LEGISLATION

H.R. 2258 exempts current members of the armed services or reserve components from certain testing requirements to obtain commercial driver’s licenses if they had qualifying experience while serving in the armed services or reserve components.

BACKGROUND AND NEED FOR LEGISLATION

The Fixing America’s Surface Transportation Act (FAST Act; P.L. 114–94) authorized the Federal Motor Carrier Safety Administration to exempt former members of the armed services or reserve components from certain testing requirements for commercial driver’s licenses if they had qualifying experience while serving in the armed services or reserve components.

H.R. 2258 extends this exemption to individuals who are currently serving in either the armed services or reserve components.

HEARINGS

No hearings were held on H.R. 2258.

LEGISLATIVE HISTORY AND CONSIDERATION

On May 2, 2017, Congressman Pete Aguilar (D–CA) introduced H.R. 2258.

On May 24, 2017, the Committee on Transportation and Infrastructure met in open session to consider H.R. 2258. Congressman Sam Graves (R–MO) offered an amendment to make a technical correction, which was adopted by voice vote. The Committee ordered the bill, as amended, to be reported favorably to the House by a voice vote with a quorum present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with consideration of H.R. 2258.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 2258 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 14, 2017.

Hon. BILL SHUSTER,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2258, ADVANCE Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sarah Puro.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 2258—ADVANCE Act

H.R. 2258 would exempt active-duty members or reservists of the armed forces from certain testing requirements to obtain a state commercial driver's license if they have qualifying military experience. Under current law, some veterans are exempt from such requirements.

Under regulations proposed by the Federal Motor Carrier Safety Administration (FMCSA), states could waive testing requirements for current and former members of the military who regularly operate (or operated within the last year) a commercial motor vehicle. Under current law, all states are permitted to waive testing requirements, if they so choose, for qualified veterans, reservists, members of the National Guard, and active-duty personnel until October 27, 2018. Based on information from FMCSA about the costs of implementing the pending regulation, CBO estimates that implementing H.R. 2258 would have no significant additional effect on the federal budget over the 2018–2022 period.

Enacting H.R. 2258 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates

that enacting H.R. 2258 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 2258 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Sarah Puro. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to ease the process for members of the armed services and reserve components with qualifying experience who are trying to obtain their commercial driver's license.

ADVISORY OF EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. No provision in the bill includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 2258 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

Pursuant to section 3(i) of H. Res. 5, 115th Cong. (2017), the Committee finds that enacting H.R. 2258 does not direct the completion of a specific rule making within the meaning of section 551 of title 5, United States Code.

FEDERAL MANDATE STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is in-

tended to preempt state, local, or tribal law. The Committee states that H.R. 2258 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY OF LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF LEGISLATION

Section 1. Short title

Section 1 is the short title of the bill, which is the “Active Duty Voluntary Acquisition of Necessary Credentials for Employment Act” or the “ADVANCE Act”.

Section 2. Commercial driver’s license standards for service members and veterans

Section 2 exempts current members of the armed services or reserve components from certain testing requirements for commercial driver’s licenses if they had qualifying experience while serving in the armed services or reserve components.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

TITLE 49, UNITED STATES CODE

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SUBTITLE VI—MOTOR VEHICLE AND DRIVER PROGRAMS

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PART B—COMMERCIAL

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CHAPTER 313—COMMERCIAL MOTOR VEHICLE OPERATORS

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§ 31305. General driver fitness, testing, and training

(a) **MINIMUM STANDARDS FOR TESTING AND FITNESS.**—The Secretary of Transportation shall prescribe regulations on minimum standards for testing and ensuring the fitness of an individual operating a commercial motor vehicle. The regulations—

(1) shall prescribe minimum standards for written and driving tests of an individual operating a commercial motor vehicle;

(2) shall require an individual who operates or will operate a commercial motor vehicle to take a driving test in a vehicle representative of the type of vehicle the individual operates or will operate;

(3) shall prescribe minimum testing standards for the operation of a commercial motor vehicle and may prescribe different minimum testing standards for different classes of commercial motor vehicles;

(4) shall ensure that an individual taking the tests has a working knowledge of—

(A) regulations on the safe operation of a commercial motor vehicle prescribed by the Secretary and contained in title 49, Code of Federal Regulations; and

(B) safety systems of the vehicle;

(5) shall ensure that an individual who operates or will operate a commercial motor vehicle carrying a hazardous material—

(A) is qualified to operate the vehicle under regulations on motor vehicle transportation of hazardous material prescribed under chapter 51 of this title;

(B) has a working knowledge of—

(i) those regulations;

(ii) the handling of hazardous material;

(iii) the operation of emergency equipment used in response to emergencies arising out of the transportation of hazardous material; and

(iv) appropriate response procedures to follow in those emergencies; and

(C) is licensed by a State to operate the vehicle after having first been determined under section 5103a of this title as not posing a security risk warranting denial of the license.

(6) shall establish minimum scores for passing the tests;

(7) shall ensure that an individual taking the tests is qualified to operate a commercial motor vehicle under regulations prescribed by the Secretary and contained in title 49, Code of Federal Regulations, to the extent the regulations apply to the individual; and

(8) may require—

(A) issuance of a certification of fitness to operate a commercial motor vehicle to an individual passing the tests; and

(B) the individual to have a copy of the certification in the individual's possession when the individual is operating a commercial motor vehicle.

(b) **REQUIREMENTS FOR OPERATING VEHICLES.**—(1) Except as provided in paragraph (2) of this subsection, an individual may oper-

ate a commercial motor vehicle only if the individual has passed written and driving tests that meet the minimum standards prescribed by the Secretary under subsection (a) of this section to operate the vehicle and has a commercial driver's license to operate the vehicle.

(2) The Secretary may prescribe regulations providing that an individual may operate a commercial motor vehicle for not more than 90 days if the individual—

(A) passes a driving test for operating a commercial motor vehicle that meets the minimum standards prescribed under subsection (a) of this section; and

(B) has a driver's license that is not suspended, revoked, or canceled.

(c) **STANDARDS FOR TRAINING.**—Not later than 1 year after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the Secretary shall issue final regulations establishing minimum entry-level training requirements for an individual operating a commercial motor vehicle—

(1) addressing the knowledge and skills that—

(A) are necessary for an individual operating a commercial motor vehicle to safely operate a commercial motor vehicle; and

(B) must be acquired before obtaining a commercial driver's license for the first time or upgrading from one class of commercial driver's license to another class;

(2) addressing the specific training needs of a commercial motor vehicle operator seeking passenger or hazardous materials endorsements;

(3) requiring effective instruction to acquire the knowledge, skills, and training referred to in paragraphs (1) and (2), including classroom and behind-the-wheel instruction;

(4) requiring certification that an individual operating a commercial motor vehicle meets the requirements established by the Secretary; and

(5) requiring a training provider (including a public or private driving school, motor carrier, or owner or operator of a commercial motor vehicle) that offers training that results in the issuance of a certification to an individual under paragraph (4) to demonstrate that the training meets the requirements of the regulations, through a process established by the Secretary.

(d) **STANDARDS FOR TRAINING AND TESTING OF [VETERAN OPERATORS] SERVICE MEMBERS, RESERVISTS, AND VETERANS.**—

(1) **IN GENERAL.**—Not later than December 31, 2016, the Secretary shall modify the regulations prescribed under subsections (a) and (c) to—

(A) exempt a covered individual from all or a portion of a driving test if the covered individual had experience in the armed forces or reserve components driving vehicles similar to a commercial motor vehicle;

(B) ensure that a covered individual may apply for an exemption under [subparagraph (A) during] *subparagraph (A)*—

(i) *while serving in the armed forces or reserve components; and*

(ii) *during*, at least, the 1-year period beginning on the date on which such individual separates from service in the armed forces or reserve components; and

(C) credit the training and knowledge a covered individual received in the armed forces or reserve components driving vehicles similar to a commercial motor vehicle for purposes of satisfying minimum standards for training and knowledge.

(2) DEFINITIONS.—In this subsection, the following definitions apply:

(A) ARMED FORCES.—The term “armed forces” has the meaning given that term in section 101(a) of title 10.

(B) COVERED INDIVIDUAL.—The term “covered individual” means an individual over the age of 21 years who is—

- (i) a *current or* former member of the armed forces;
- or
- (ii) a *current or* former member of the reserve components.

(C) RESERVE COMPONENTS.—The term “reserve components” means—

- (i) the Army National Guard of the United States;
- (ii) the Army Reserve;
- (iii) the Navy Reserve;
- (iv) the Marine Corps Reserve;
- (v) the Air National Guard of the United States;
- (vi) the Air Force Reserve; and
- (vii) the Coast Guard Reserve.

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