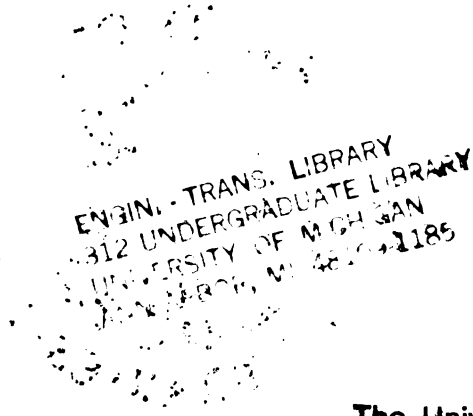
ional Traffic and Motor Vehicle Safety Act of 1966 As Amended

Legislative History

Including Statutory Appendix
and General Index

Volume V
1985

U.S. Department of Transportation
National Highway Traffic Safety Administration



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Preface

Volume V of this legislative history contains the histories of five amendments to the National Traffic and Motor Vehicle Safety Act of 1966: (1) the 1976 Amendment (Public Law 94-346); (2) the retread tire manufacturers' exemption from recordkeeping amendment provided in Section 317 of the "Surface Transportation Assistance Act of 1978" (Public Law 95-599); (3) The "Motor Vehicle Safety and Cost Savings Authorization Act of 1982" (Public Law 97-331); (4) the splash and spray suppressant devices amendment provided in Section 414 of the "Surface Transportation Assistance Act of 1983" (Public Law 97-424); as amended by Section 223 of the Tandem Truck Safety Act of 1984 (Public Law 98-554); and (5) the elimination of the district court expediting requirement under Section 155(a) provided in Section 402(17) of the "Federal District Court Organization Act of 1984" (Public Law 98-620).

The histories of the 1976 Amendment to the "Motor Vehicle Safety and Cost Savings Amendment of 1982" (amendments longer than one section) are presented in two parts: (1) legislative documents associated with enactment; and (2) section-by-section analysis. The histories of the retread tire manufacturers amendment, the splash and spray amendment, and the elimination of the district court expediting requirement (one-section amendments incorporated in longer Acts on different subjects) require only a section-by-section analysis.

In this volume the page numbers provided for the House and Senate debates are from the bound edition of the *Congressional Record* in the case of the 1976 Amendment and the Retread Tire Manufacturers Amendment, and from the daily edition of the Congressional Record in the case of the "Motor Vehicle Safety and Cost Savings Authorization Act of 1982," the Splash and Spray Amendment, and the Elimination of the District Court Requirement Amendment. At the time of publication of this volume, the bound edition of the *Congressional Record* did not cover these later three amendments.

The section-by-section analyses of these amendments contain relevant excerpts from their legislative documents which have some bearing on the meaning or intent of each section. For each section, the legislative documents are considered in reverse chronological order, from the latest to the earliest.

The legislative events leading to the enactment of the 1976 Amendment may be summarized as follows:

1. On August 1, 1975, Representative Staggers introduced H.R. 9291, a bill "To amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations."
2. On September 10, 1975, Senator Magnuson introduced S. 2323, an Administration bill "To amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations." Hearings were not held in the Senate on this bill and it was marked up by the Senate Commerce Committee.
3. On March 3, 4, and 12, 1976, hearings were held on H.R. 9291 (entitled "National Traffic and Motor Vehicle Safety Act Amendments") before the Subcommittee on Consumer Protection and Finance of the House Committee on Interstate and Foreign Commerce.
4. On May 13, 1976, S. 2323 was reported by the Senate Commerce Committee. Senate Report No. 94-854 accompanied S. 2323 as reported.
5. On May 14, 1976, H.R. 9291 was reported by the House Committee on Interstate and Foreign Commerce. House Report No. 94-1148 accompanied H.R. 9291 as reported.
6. On June 9, 1976, House Resolution 1277 providing for the consideration of H.R. 9291 was reported (Report No. 94-1245) and referred to the House Calendar.
7. On June 11, 1976, H. Res. 1277 was agreed to and H.R. 9291 passed the House as reported by the Committee on Interstate and Foreign Commerce.
8. On June 24, 1976, H.R. 9291 passed the Senate with an amendment in lieu of S. 2323.
9. On June 29, 1976, the House concurred in the Senate-passed H.R. 9291, clearing the measure for the President.
10. On July 8, 1976, the President approved the 1976 Amendment to the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 94-346).

The legislative events leading to the enactment of the Retread Tire Manufacturers Exemption From Recordkeeping Amendment provided in Section 317 of the "Surface Transportation Assistance Act of 1978" may be summarized as follows:

1. On September 28, 1978, during the Senate debate on H.R. 11733, the "Surface Transportation Assistance Act of 1978", Senator Ford's unprinted Amendment No. 1941, to exempt retread tire manufacturers from recordkeeping provisions of section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966, was agreed to.

2. On October 3, 1978, the Senate passed H.R. 11733, which included Senator Ford's unprinted Amendment No. 1941 as Section 315 of the bill. The Senate-passed Section 315 of H.R. 11733 as identical to the Amendment as introduced.
3. On October 4, 1978, the conference committee on H.R. 11733 (Report No. 95-1797) adopted the Senate-passed Section 315 of H. R. 11733. There was no comparable House provision.
4. On October 15, 1978, the Senate and House agreed to the conference report.
5. On November 6, 1978, the President approved H.R. 11733 (Public Law 95-599). Section 317 of this Act was identical to the provision adopted by the conference on H.R. 11733.

The legislative events leading to the enactment of the "Motor Vehicle Safety and Cost Savings Authorization Act of 1982" may be summarized as follows:

1. On January 29, 1981, Representative Rinaldo introduced H.R. 1508, a bill "To amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize the Secretary of Transportation to require tire dealers or distributors to provide first purchasers with a form to assist manufacturers in compiling tire registration information and to require public notice of tire defects if the Secretary determines such notice is necessary in the interest of motor vehicle safety." This bill became the basis for section 4 of H.R. 6273, noted below.
2. On May 8, 1981, Senator Heflin introduced S. 1142, a bill identical to H.R. 1508.
3. On June 4, 1981, hearings were held on H.R. 1508 (entitled "Motor Vehicle Safety Issues") before the Subcommittee on Telecommunications, Consumer Protection and Finance of the House Committee on Energy and Commerce.
4. On March 23, 1982, the Subcommittee on Telecommunications, Consumer Protection and Finance of the House Energy and Commerce Committee held a hearing (entitled "National Highway Traffic Safety Administration Oversight and Authorization") on NHTSA authorization levels and activities.
5. On March 31,1 1982, an oversight hearing on the National Highway Traffic Safety Administration was held (entitled "NHTSA Oversight") before the Subcommittee on Surface Transportation of the Senate Committee on Commerce, Science and Transportation.

6. On May 5, 1982, Representative Wirth introduced H.R. 6273, a bill "To amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985, and for other purposes."
7. On May 19, 1982, H.R. 6273 was reported with an amendment by the House Committee on Energy and Commerce.
8. On June 14, 1982, the House suspended the rules and passed H.R. 6273 as reported by the Committee on Energy and Commerce.
9. On July 27, 1982, H.R. 6273 was reported by the Senate Committee on Commerce, Science, and Transportation without amendment.
10. On October 1, 1982, the Senate agreed to Senate Resolution 433 waiving section 402(a) of the Congressional Budget Act of 1974 with respect to H.R. 6273, and passed H.R. 6273 as reported by the Committee on Commerce, Science, and Transportation.
11. On October 20, 1982, Senator Riegle commented upon section 3 of the Senate-passed H.R. 6273, the State enforcement authority provision.
12. On October 15, 1982, the President approved H.R. 6273, the "Motor Vehicle Safety and Cost Savings Authorization Act of 1982" (Public Law 97-331).

The legislative events leading to the enactment of the Splash and Spray Suppressant Devices Amendment provided in Section 414 of the "Surface Transportation Assistance Act of 1982" may be summarized as follows:

1. On December 14, 1981, the Senate Committee on Commerce, Science, and Transportation reported S. 1402 (Report No. 97-298), a bill "To establish uniform national standards for continued regulation, by the several States, of commercial motor vehicle width and length on interstate highways." Section 8 of S. 1402 as reported directed the Secretary of Transportation to require tractors, semi-trailers, and trailers subject to this legislation to be equipped with splash and spray suppressant devices.
2. On November 29, 1982, Senator Baker introduced S. 3044, a bill entitled, the "Surface Transportation Act of 1982".
3. On December 3, 1982, the Senate Committee on Commerce, Science, and Transportation held hearings on S. 3044.

4. On December 6, 1982, the Senate Committee on Commerce, Science, and Transportation held a markup on S. 3044 and reported, without a printed report, title IV of S. 3044, with an amendment in the nature of a substitute. The provision of Splash and Spray was included as section 427 of this reported title.
5. On December 14, 1982, the Senate considered Senator Baker's Printed Amendment No. 1440 to H.R. 6211, the "Surface Transportation Assistance Act of 1982", in the nature of a substitute for S. 3044. This amendment to H.R. 6211, in lieu of S. 3044, included the identical provision on Splash and Spray provided as section 427 of S. 3044, as reported by the Senate Committee on Commerce, Science, and Transportation.
6. On December 20, 1982, the Senate passed H.R. 6211, which included the Splash and Spray provision.
7. On December 21, 1982, H.R. 6211 was reported by the conference committee on H.R. 6211, which included the Splash and Spray provision. Report No. 97-987 accompanied the bill reported by the conference committee. (There was no House provision comparable to the Senate Splash and Spray provision.)
8. On December 21, 1982, the House agreed to the conference report on H.R. 6211.
9. On December 21, 23, 1982, the Senate considered and agreed to the conference report on H.R. 6211.
10. On January 6, 1983, the President approved H.R. 6211 (Public Law 97-424).

The chronology of the legislative events leading to the enactment of the 1984 amendment to Section 414's effective dates (Public Law 98-554) is provided at the end of the legislative history to Section 414.

The legislative events leading to the enactment of Section 402(17) of the "Federal District Court Organization Act of 1984," which resulted in the elimination of the district court expediting requirement under Section 155(a) of the National Traffic and Motor Vehicle Safety Act of 1966, may be summarized as follows:

1. On May 10, 1984, Mr. Kastenmeier introduced H.R. 5645, a bill to permit courts of the United States to establish the order of hearing for certain civil matters, and for other purposes. Section 3(17) of H.R. 5645 contained the elimination of the district court expediting requirement under Section 155(a) of the National Traffic and Motor Vehicle Safety Act of 1966.

2. On August 10, 1984, Mr. Kastenmeier introduced H.R. 6163, a bill to amend title 28, United States Code, with respect to the places where court shall be held in certain judicial districts, and for other purposes. This bill did not provide for the elimination of any expediting provisions relating to civil actions in any courts.
3. On August 31, 1984, H.R. 5645 was reported by the House Committee on the Judiciary with an amendment (H. Rept. 98-985).
4. On September 11, 1984, the House suspended the rules and amended and passed H.R. 5645.
5. On September 20, 1984, H.R. 5645 was referred to the Senate Committee on the Judiciary.
6. On September 24, 1984, the House reported (H. Rept. 98-1062) and passed H.R. 6163.
7. On September 25, 1984, H.R. 6163 was referred to the Senate Committee on the Judiciary.
8. On September 28, 1984, H.R. 6163 was reported by the Senate Committee on the Judiciary without amendment and without a written report.
9. On October 3, 1984, H.R. 6163 was debated by the Senate, and the bill was amended and passed by the Senate. Senate Amendment No. 6996, introduced by Senator Baker, contained the provisions of House-passed H.R. 5645, which included the elimination of the district court expediting requirement under Section 155(a) of the National Traffic and Motor Vehicle Safety Act of 1966. This amendment was one of the amendments agreed to and included in the Senate-passed H.R. 6163.
10. On October 9, 1984, the House concurred in the Senate amendments to H.R. 6163.
11. On November 8, 1984, the President approved H.R. 6163 (Public Law 98-620).

Volume V

Contents

1976 Amendment to the National Traffic and Motor Vehicle Safety Act of 1966 Public Law 94-346

Section 317 of the "Surface Transportation Assistance Act of 1978": The Related Retread Tire Manufacturers Exemption From Recordkeeping Public Law 95-599

Page

Section-By-Section Analysis

"Motor Vehicle Safety and Cost Savings Authorization Act of 1982" Public Law 97-331

Documents

Section 402(17) of the "Federal District Court Organization Act of 1984": The Elimination of the District Court Expediting Requirement Under Section 155(a) Public Law 98-620

Section-By-Section Analysis

1976 Amendment of the National Traffic and Motor Vehicle Safety Act of 1966

Public Law 94-346

Legislative Documents

Public Law 94-346
94th Congress, H. R. 9291
July 8, 1976

An Act

To amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:

National Traffic and Motor Vehicle Safety Act, amendment. Appropriation authorization.

"SEC. 121. There are authorized to be appropriated for the purpose of carrying out this Act, not to exceed $13,000,000 for the transition period July 1, 1976, through September 30, 1976, $60,000,000 for the fiscal year ending September 30, 1977, and $60,000,000 for the fiscal year ending September 30, 1978.".

Schoolbus equipment safety standards. 15 USC 1392.

SEC. 2. Section 103(i)(1)(B) of such Act is amended by striking out "the expiration of the nine-month period which begins on the date of promulgation of such safety standards" and inserting in lieu thereof "April 1, 1977".

SEC. 3. Section 103(i) of such Act is amended by adding at the end thereof the following new paragraph:

Study; report to Congress.

"(3) Not later than six months after the date of enactment of this section, the Secretary shall conduct a study and report to Congress on (A) the factors relating to the schoolbus vehicle which contribute to the occurrence of schoolbus accidents and resultant injuries, and (B) actions which can be taken to reduce the likelihood of occurrence of such accidents and severity of such injuries. Such study shall consider, among other things, the extent to which injuries may be reduced through the use of seat belts and other occupant restraint systems in schoolbus accidents, and an examination of the extent to which the age of schoolbuses increases the likelihood of accidents and resultant injuries.".

Approved July 8, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-1148 (Comm. on Interstate and Foreign Commerce).
SENATE REPORT No. 94-854 accompanying S. 2323 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 122 (1976):
June 11, considered and passed House.
June 24, considered and passed Senate, amended, in lieu of S. 2323.
June 29, House concurred in Senate amendment.

90 STAT. 815

94TH CONGRESS 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 94-1148

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT AUTHORIZATION

MAY 14, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. STAGGERS, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

together with

SEPARATE VIEWS

[Including cost estimate of the Congressional Budget Office]

[To accompany H.R. 9291]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H.R. 9291) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

On the first page, after line 11, insert the following:

SEC. 2. Section 103(i)(1)(B) of such Act is amended by striking out "the expiration of the nine-month period which begins on the date of promulgation of such safety standards" and inserting in lieu thereof "April 1, 1977".

PURPOSE AND SUMMARY

This legislation amends section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) [hereinafter, the Act] to authorize appropriations for the purpose of carrying out the Act, not to exceed $13 million for the transition period, July 1, 1976 through September 30, 1976, $60 million for fiscal year 1977, and $60 million for fiscal year 1978. The Act is administered by the National Highway Traffic Safety Administration (NHTSA) in the Department of Transportation.

Section 103(i)(1)(B) of the Act is also amended to change the effective dates from July 15, 1976, October 12, 1976, and October 26, 1976 to April 1, 1977 for the Federal motor vehicle safety standards applicable to school buses and school bus equipment, as required by section 103(i)(1) of the Act and as promulgated by the NHTSA.

Basis for the Legislation

When the Act was passed in 1966, the highway fatality rate per 100,000,000 miles of vehicle travel was 5.7. Highway fatalities were over 50,000 and steadily climbing. Since then, substantial progress has been made. The fatality rate declined to 4.3 in 1973 and to an estimated 3.6 in 1974. The number of fatalities in 1974 was 45,534, a decline of more than 9,500 from the previous year's total. The 1974 reductions are largely attributable to the national 55 mile-per-hour speed limit and reduced highway travel in that year.

Since highway travel and speed are again climbing, whether fatalities can remain at a reduced level will depend partly upon the promulgation and enforcement of needed vehicle safety standards, and further increases in occupant restraint usage.

To aid these efforts, this legislation authorizes the appropriation of an amount not to exceed $13,000,000 for the transition period July 1, 1976 through September 30, 1976, and $60,000,000 for each of fiscal years 1977 and 1978. The funds would be used to conduct vehicle safety research; develop and promulgate new vehicle safety standards, amend existing standards and other rules and regulations; provide consumer information; conduct defect and noncompliance testing; and enforce the provisions of the Act.

The funding level for fiscal year 1976 was also $60 million; therefore, this authorization for fiscal years 1977 and 1978 does not exceed the prior year's level of funding.

The 1974 amendments to the National Traffic and Motor Vehicle Safety Act, enacted on October 27, 1974 (Public Law 93-492), required minimum safety standards applicable to school buses and their equipment for eight specific aspects of performance to be promulgated by the NHTSA within fifteen months after enactment. The Committee notes the NHTSA has complied with this requirement. By statute these standards must take effect nine months after promulgation, and no later than October 27, 1976. (Section 103(i)(1) of the Act.) The School Bus Manufacturers Institute (SBMI), representing six school bus manufacturing companies, submitted a statement to the Subcommittee on Consumer Protection and Finance for inclusion in the record of the Subcommittee hearings in March 1976. This statement outlined the reasons why SBMI believed compliance with the new school bus safety standards should not be required by October 26, 1976, the effective date set by the NHTSA for most of these standards.

Previously, the NHTSA, in denying a request from SBMI for a delay in the effective date of the new standards, had stated that the mandated specific time limits enacted in 1974 prevented the Secretary of Transportation from exercising his discretionary authority in section 103(e) of the Act, as enacted in 1966, to delay the effective date.

This Committee concurs with the NHTSA's statutory construction of the 1974 amendments that the specific language of section 103(i)(1)(B) requiring an effective date of nine months following the date of promulgation of the new school bus and school bus equipment safety standards prevails over the grant of discretion in section 103(e) relative to the effective date of safety standards generally.

Therefore, SBMI sought an amendment to H.R. 9291 in Subcommittee executive session to delay the effective dates until April 1977. SBMI cited as reasons: (1) compliance problems are multiplied by the interrelationship between four of the new standards, and (2) the usual implementation problems, if forced by October 1976, would result in design for compliance rather than the best possible design solutions. The intent of the 1974 amendments to the Act was that the new school bus safety standards apply to 1977 school buses for the protection of the nation's school children; therefore, the Subcommittee adopted an amendment in executive session which delayed the effective date until January 1, 1977.

However, the SBMI did not believe that a two-month delay would be sufficient to insure compliance with the new safety standards. As explained in their statement submitted to the Subcommittee, there are two basic problems in achieving compliance which they believe cannot be accomplished with only a two-month extension. First, implementation methods would probably have to be selected solely with a view to rapid compliance rather than to the achievement of the best possible redesign. Second, the interrelationship between four of the new school bus safety standards (School Bus Passenger Seating and Crash Protection, School Bus Body Joint Strength, School Bus Rollover Protection, and Bus Window Retention and Release amendment requiring emergency exits) complicates the technical problems in designing, tooling, manufacturing, and testing the new school bus to effect compliance with the new standards.

For these reasons, an amendment was introduced and adopted in full Committee executive session to delay the effective date of the new safety standards promulgated pursuant to section 103(i)(1) of the Act until April 1, 1977. In approving this amendment, the Committee is granting the school bus manufacturing industry the additional time requested in order to achieve compliance using the best possible design solutions, while insuring that the majority of school buses produced during 1977 are in compliance with the new safety standards.

Committee Consideration

The Subcommittee on Consumer Protection and Finance held hearings on H.R. 9291, an administration proposal, on March 3, 4, and 12, 1976.

The Department of Transportation was represented by Dr. James B. Gregory, Administrator of the National Highway Traffic Safety Administration, the agency within the Department of Transportation which administers the National Traffic and Motor Vehicle Safety Act of 1966.

The witnesses at the Subcommittee hearings included representatives of the motor vehicle and equipment manufacturers and users,

representatives of truck drivers, public interest groups, trade associations, and research groups. They discussed the NHTSA's administration of the motor vehicle safety program, particularly in the area of major new Federal motor vehicle safety standards. These issues and the Committee's conclusions are discussed in the sections of this report on the basis for the legislation and oversight findings.

The Subcommittee, after executive session, unanimously reported H.R. 9291 with an amendment on April 8, 1976 to the full Committee. The full Committee favorably ordered the bill reported to the House with an additional amendment by voice vote, a quorum being present, on April 29, 1976.

Oversight Findings

Pursuant to clause 2(l)(3)(A) of Rule XI of the Rules of the House of Representatives, the Committee issues the following oversight findings:

In response to the request of the Chairman of the Subcommittee on Consumer Protection and Finance, the NHTSA submitted detailed material on administration of the Act since the previous oversight hearing held by the Subcommittee in the 93rd Congress (See Serial Nos. 93-37 and 93-38). The findings resulting from study of this material indicate that the NHSTA continues to have difficulty obtaining the sums requested for research activities and the engineering facility. The issuance of new Federal motor vehicle safety standards and amendments to existing standards will be important in maintaining the reduction in highway fatalities which has occurred since late 1973. The agency has promulgated the new safety standards for school buses and their equipment as required by section 103(i)(1) of the Act, as amended in 1974. Regarding Standard 208 on occupant crash protection, the Administrator of the NHSTA stated that the agency's goal is to have a final rule published by August 1976.

The Subcommitee hearings included two days on Standard 121, Air Brake Systems, the first major federal motor vehicle safety standard issued by the agency for trucks, buses, and trailers. Faced with data showing the disproportionate hazards of heavy vehicles on the highway, the agency had initiated a program in 1967 to improve the safety performance of these vehicles. There was no initial Federal motor vehicle safety standard applicable to air-braked vehicles. The development of the standard has been the subject of much controversy. The lengthy rulemaking process for this standard provided manufacturers, users, and the public ample opportunity to express views to the agency which, in turn, made considerable efforts to accommodate the manufacturers' difficulties during the production process. The standard's effective date for trailers was January 1, 1975, and for trucks and buses was March 1, 1975. Performance requirements are established for braking systems on vehicles equipped with air brake systems. The basic requirement is that these vehicles be capable of stopping in a limited distance without leaving their traffic lane and without "locking" their wheels above 10 miles per hour under specified weight, speed, and road conditions. The purpose of "no lockup braking" is to provide increased directional stability, enabling the driver to maintain control of the vehicle during braking and turning maneuvers under both normal and emergency conditions.

As provided in section 105 of the Act, Standard 121 is now being reviewed in a case brought in the Ninth Circuit Court of Appeals against the NHTSA by parties who testified at the Subcommittee hearings. The remaining controversial issues concerning the standard should be decided in this court case for judicial review of the standard.

The standard has been in effect for more than one year. The majority of the testimony at the hearings agreed that the start-up problems have been largely resolved; expensive tooling has been done by the industry in order to comply with Standard 121. The trucking industry has suffered economic losses in the past two years, as other industries have. The basic objections to Standard 121, cost and reliability, appear to have been worked out, particularly in view of the latest amendment to the standard, effective on February 26, 1976. This amendment establishes less stringent brake performance levels which permit the depowering of the steering axle brakes in order to improve handling characteristics.

In view of all the considerations discussed above, the Committee concludes that Standard 121 should remain unchanged in order to provide needed stability for the trucking industry and to reduce the human and economic losses resulting from the hundreds of thousands of accidents involving air braked motor vehicles which occur each year.

The Committee has not received oversight reports from either its own Subcommittee on Oversight and Investigations or the Committee on Government Operations.

Inflationary Impact Statement

Pursuant to clause 2(l)(4) of Rule XI of the Rules of the House of Representatives, the Committee makes the following statement regarding the inflationary impact of the reported bill:

The Committee is unaware of any inflationary impact on the economy that would result from the passage of H.R. 9291. The reported bill continues existing programs under the National Traffic and Motor Vehicle Safety Act of 1966 to reduce traffic accidents and deaths and injuries to persons resulting from traffic accidents. The funding level in the bill for each of fiscal years 1977 and 1978 is $60 million, the same as that authorized for fiscal year 1976. The funds would be used to conduct vehicle safety research; develop and promulgate new vehicle safety standards, amendments to existing standards, and other rules and regulations; provide consumer information; conduct defect and noncompliance testing; and enforce the provisions of the Act.

The following letter, dated July 30, 1975, from the Honorable William T. Coleman, Jr., Secretary of Transportation, to the Honorable Carl Albert, Speaker of the House of Representatives, supports this conclusion:

The Secretary of Transportation,
Washington, D.C., July 30, 1975.

Hon. Carl Albert,
Speaker of the House of Representatives,
Washington, D.C.

Dear Mr. Speaker: The Department of Transportation is submitting for your consideration and appropriate reference a draft bill to

amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations.

When the National Traffic and Motor Vehicle Safety Act was passed in 1966, the highway fatality rate per 100,000,000 miles of vehicle travel was 5.7. Highway fatalities were over 50,000 and steadily climbing. Since then, substantial progress has been made. The fatality rate declined to 4.3 in 1973 and to an estimated 3.6 in 1974. The number of fatalities in 1974 was 45,534, a decline of more than 9,500 from the previous year's total. The 1974 reductions are largely attributable to the national 55 mile-per-hour speed limit and reduced highway travel in that year.

Since highway travel and speed are again climbing, whether highway fatalities can remain at a reduced level will depend partly upon the promulgation and enforcement of needed vehicle safety standards, and further increases in occupant restraint usage.

To aid these efforts, this legislation would authorize the appropriation of an amount not to exceed $13,000,000 for the transition period July 1, 1976, through September 30, 1976, and $60,000,000 for each of fiscal years 1977 and 1978. The funds would be used to conduct vehicle safety research; develop and promulgate new vehicle safety standards, amendments to existing standards, and other rules and regulations; provide consumer information; conduct defect and noncompliance testing; and enforce the provisions of the Act.

It is the judgment of this Department, based on available information, that no significant environmental or inflationary impact would result from the implementation of this legislation.

The Office of Management and Budget advises that this proposed legislation is consistent with the Administration's objectives.

Sincerely,

WILLIAM T. COLEMAN, JR.

Enclosure.

COST ESTIMATE

In accordance with clause 7(a) of Rule XIII of the Rules of the House of Representatives, the Committee estimates that the following costs will be incurred in carrying out the functions under H.R. 9291:

Fiscal year:	Millions
Transition period	$13
1977	60
1978	60

The National Highway Traffic Safety Administration in the Department of Transportation which administers these programs has transmitted the President's estimate of the costs to be incurred in carrying out the functions under H.R. 9291:

Fiscal year:	Millions
Transition period	$11.7
1977	44.2
1978	In process

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause (1)(3)(A) of Rule XI of the Rules of the House of Representatives, the Committee has received the following cost

estimate prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

MAY 12, 1976.

1. Bill Number: H.R. 9291
2. Bill Title: Amendment to the National Traffic and Motor Safety Act of 1966
3. Purpose of Bill: This bill authorizes $13 million for the transition quarter, $60 million for FY 1977 and $60 million for FY 1978, to be appropriated to carry out the provisions of the National Traffic and Motor Vehicle Safety Act. The funds will be used to (1) set motor vehicle safety standards and (2) pay for salaries and administrative expenses of the National Highway Traffic Safety Administration.
4. Cost Estimate:

[In thousands of dollars; fiscal years]

	Transition quarter	1977	1978	1979	1980
Authorization level	13,000	60,000	60,000		
Outlays	4,810	29,298	56,052	37,800	5,040

5. Basis for Estimate: Based on recent experience, it is assumed that 16 percent of the authorized funds will be used for salaries and administrative expenses. These are normally paid out entirely in the year for which they are authorized. The remaining funds are assumed to be utilized for the various traffic and motor vehicle safety programs. These programs have a 25, 65, 10 percent spendout rate in years 1 through 3, respectively.
6. Estimate Comparison: None.
7. Previous CBO Estimate: None.
8. Estimate Prepared by: Jack Garrity. (225–5275).
9. Estimate Approved By:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

SECTION-BY-SECTION EXPLANATION

Section 1 of the bill amends section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) to authorize appropriations for the purpose of carrying out the Act, not to exceed $13 million for the transition period July 1, 1976 through September 30, 1976, $60 million for FY 1977, and $60 million for FY 1978.

Section 2 of the bill amends section 103(i)(1)(B) of the Act to change the effective date for the new Federal motor vehicle safety standards applicable to school buses and their equipment. The 1974 amendments to the Act (Public Law 93–492) required the Secretary of Transportation, pursuant to section 103(i)(1), to promulgate these new school bus safety standards in eight specific areas of performance no later than 15 months after the enactment of the 1974 amendments. These standards have been so promulgated.

Under section 103(i)(1)(B) the effective date is 9 months after the date of promulgation, October 26, 1976, in most cases. Section 2 of the bill changes this effective date to April 1, 1977.

Agency Reports

The Committee has received no comments from the Office of Management and Budget. In lieu thereof, the letter dated July 30, 1975 from the Honorable William T. Coleman, Jr., Secretary of Transportation, to the Honorable Carl Albert, Speaker of the House of Representatives, submitting the draft bill later introduced as H.R. 9291 is reproduced below. The last sentence states the position of the Office of Management and Budget.

The Secretary of Transportation,
Washington, D.C., July 30, 1975.

Hon. Carl Albert,
Speaker of the House of Representatives,
Washington, D.C.

Dear Mr. Speaker: The Department of Transportation is submitting for your consideration and appropriate reference a draft bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations.

When the National Traffic and Motor Vehicle Safety Act was passed in 1966, the highway fatality rate per 100,000,000 miles of vehicle travel was 5.7. Highway fatalities were over 50,000 and steadily climbing. Since then, substantial progress has been made. The fatality rate declined to 4.3 in 1973 and to an estimated 3.6 in 1974. The number of fatalities in 1974 was 45,534, a decline of more than 9,500 from the previous year's total. The 1974 reductions are largely attributable to the national 55 mile-per-hour speed limit and reduced highway travel in that year.

Since highway travel and speed are again climbing, whether highway fatalities can remain at a reduced level will depend partly upon the promulgation and enforcement of needed vehicle safety standards, and further increases in occupant restraint usage.

To aid these efforts, this legislation would authorize the appropriation of an amount not to exceed $13,000,000 for the transition period July 1, 1976, through September 30, 1976, and $60,000,000 for each of fiscal years 1977 and 1978. The funds would be used to conduct vehicle safety research; develop and promulgate new vehicle safety standards, amendments to existing standards, and other rules and regulations; provide consumer information; conduct defect and noncompliance testing; and enforce the provisions of the Act.

It is the judgment of this Department, based on available information, that no significant environmental or inflationary impact would result from the implementation of this legislation.

The Office of Management and Budget advises that this proposed legislation is consistent with the Administration's objectives.

Sincerely,

William T. Coleman, Jr.

Enclosure.

The statement of Dr. James B. Gregory, Administrator of the National Highway Traffic Safety Administration in the Department of Transportation, before the Subcommittee on Consumer Protection and Finance of this Committee is reproduced below as that agency's comments on the bill, H.R. 9291.

STATEMENT OF JAMES B. GREGORY, ADMINISTRATOR, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Mr. Chairman and Members of the Subcommittee: I am pleased to appear before this Subcommittee today to present our views on H.R. 9291, the Department's bill to authorize funds to implement the National Traffic and Motor Vehicle Safety Act. I would also like to discuss our efforts under the Act to reduce the death and injury toll on our highways.

H.R. 9291 would authorize $13,000,000 for the transition period, and $60,000,000 for each of fiscal years 1977 and 1978. These funds would be more than sufficient to cover our anticipated expenses through fiscal year 1977. As provided in the President's Budget, we are seeking the appropriation of approximately $11,740,000 for the transition period and $44,185,000 for fiscal year 1977. We have already provided the Subcommittee with information regarding the general areas for which these funds would be used, the specific programs planned for each of these areas and the resources to be allocated to each. Information concerning our funding needs for fiscal year 1978 will not be available until the budget cycle is completed early next year. Since the appropriation process has already begun for fiscal year 1977, I urge early enactment of this bill.

I would like to turn now to our progress in implementing the Act. Since the promulgation of the first Federal motor vehicle safety standards in 1967, there has been a continuous and significant decline in the nation's highway fatality rate. In 1966, when the national focus on highway safety began, the fatality rate was 5.5–5.6 per hundred million miles travelled. By 1973, the rate had dropped about 25 percent to 4.15. Using the 1966 figure as an index, traffic deaths could have been predicted to be closer to 75,000 in 1973, instead of the 54,347 which actually occurred.

It is difficult, if not impossible, to identify the individual portions of the national program which must be given credit for this improvement and to quantify their contributions. Certainly, no single action or program alone can be given the full credit for the safety gains we realized between 1966 and 1973.

During that period, the highway environment was being improved; new motor vehicle safety standards were introduced; and new traffic safety programs in states and communities were being implemented. I think it is safe to say that the efforts to improve the safety performance of motor vehicles and motor vehicle equipment are likely to achieve concrete results earlier than efforts aimed at the more difficult task of improving human driving habits. It is, therefore, my assessment that our motor vehicle safety programs have contributed most to the safety gains we achieved through 1973.

But I hasten to add that the implementation of the national 55 mph speed limit has demonstrated the dramatic benefits to be derived from improving driving habits. Proposed originally as a fuel savings measure, the 55 mph speed limit began to contribute almost immediately also to the reduction in highway fatalities. The number of fatalities declined from 54,347 in 1973 to 45,717 in 1974 and an estimated 45,674 in 1975. This decline cannot be explained entirely by changes in annual vehicle mileage. Although the mileage dropped from 1.309 billion

miles in 1973 to 1.290 billion miles in 1974, it reached a new height of 1.315 billion last year. The net effect of the changes in fatalities and mileage was that the fatality rate fell to about 3.6 in 1974 and to an estimated 3.5 for 1975.

While this significant downward trend in traffic fatalities is quite encouraging, we certainly cannot and will not be satisfied so long as more than 45,000 people are being killed on the highways each year and many hundreds of thousands more are being seriously injured. Still, we can say, based on the record, that the implementation of the Vehicle Safety Act and the Highway Safety Act has had measurable, significant benefits.

Further reductions in the death and injury toll will depend in part on the rulemaking decisions made under the Act. I would like to discuss some important aspects of our rulemaking activity.

One of our most important vehicle safety efforts continues to be the improvement of MVSS 208, the Occupant Restraint Standard.

I mentioned that in 1974, and again in 1975, the number of traffic fatalities was about 9,000 below that in 1973. It is my view that the only other step that could be expected to produce an additional decrease of this magnitude within the predictable future would be to either greatly increase use of present and improved "active" safety belt systems, or to provide for so-called "passive" restraints.

There is substantial public confusion about the subject of "passive" restraints. Some persons believe that air cushion restraint systems, commonly referred to as the "air bag," is the only type of passive restraint system. This belief is incorrect, and I want to take this opportunity to set a few things straight publicly.

First. there are many passive protective features in cars already. The interior padding, collapsible steering wheel, the head restraints, and the windshield glass are passive. The side door guard beams and the other collapse characteristics of the car's structure are passive protective features as well. Proponents and critics will differ on their quantitative assessment of the effectiveness of these features. It is clear, however, that these features reduce the severity of injuries and help avoid fatalities under a wide variety of common crash conditions. The idea of a "passive" restraint merely carries this type of protection one step further.

Second, the "air bag" need not be the only answer. For many future smaller cars, the three-point belt could be replaced by soft or collapsible knee bolsters below the dashboard for lower torso protection and a simple, comfortable shoulder belt that is automatically, that is, passively, placed around and restrains a person's upper torso in the event of a crash.

Third, there is a long term trend toward smaller cars that will make our task of securing safe highway travel considerably more difficult. Smaller cars are being produced in increasing numbers primarily in response to the recognized national need for improving the fuel economy of new vehicles. The laws of physics dictate that persons in smaller cars would fare less well in a given crash than they would if surrounded by the greater energy absorption potential of larger cars. The problem is made worse by the fact that the chances of a small car's colliding with a larger car will remain high for sometime. Even

after smaller cars completely replace larger cars, the potential for death and serious injury will still be higher than under current conditions.

With these considerations in mind, NHTSA has been digesting the voluminous series of docket submissions and reports received from all sides to date. We are being careful and cautious in reaching our decisions because of the controversial nature of the issue. Moreover, we are mindful that the Congress has reserved the right to pass on our final judgment in this matter. My goal is to have a final rule published before the traditional August recess this year.

Another standard that has attracted considerable attention is Standard 121, Air Brake Systems. I have been informed that my letter of January 15, 1976, to Subcommittee Chairman Van Deerlin, reporting on problems which have arisen since the promulgation of Standard 121 and our plans to resolve the problems, is to be included in the record of these hearings. Therefore, I will take this opportunity to comment only upon more recent developments.

On January 16, 1976, a three-judge panel of the United States Court of Appeals for the Ninth Circuit, in San Francisco, granted an order barring further enforcement of the air brake standard for at least 60 days. The court issued its order in connection with suits attacking the standard brought by the American Trucking Association, PACCAR, Inc., a truck builder, and the Truck Equipment and Body Distributors Association. The court stated that it was uncertain about the status of the standard because of proposed amendments, and did not understand what issues the parties wanted the court to rule on. The plaintiffs were accordingly instructed by the court to get together to refine and agree on the issues to be considered.

The court's decision was appealed by the Government to United States Supreme Court Justice William Rehnquist who reversed the lower court on January 29, 1976. Justice Rehnquist said that the ban on the enforcement of Standard 121 would "impede Congress' intention to promote improved highway safety. . . ." The suit has returned to the Ninth Circuit, however, to follow that court's instruction to the plaintiffs to refine and agree on the issues they wish to be considered. PACCAR Corporation has just asked the Ninth Circuit for a stay once more, and the Government has filed its response. The court has not yet reached a decision.

I would also like to bring the Subcommittee up-to-date on the problem of electromagnetic interference or EMI that was cited in my January 15, 1976, letter to the Chairman. Two of the seven commercially-available brake antilock systems have demonstrated a susceptibility to electromagnetic interference. The problem may arise when a stationary or on-board source of radio signals activates the antilock mechanism, causing a release of air pressure when it should be available for braking.

The NHTSA has two research contracts in progress that deal with stationary and on-board sources of EMI that affect motor vehicle electronic controls and safety devices. One contract has been underway since July 1974, and the other was initiated in October 1975. These contracts are intended to develop the parameters for testing of motor vehicle electronic systems.

One antilock manufacturer, Kelsey-Hayes, undertook extensive testing for EMI prior to implementation of the standard but did not locate the frequency band that can cause antilock system actuation resulting in momentary brake loss. The computer modules are affected by transmissions at some radio frequencies above 20 megahertz at power levels in excess of 30 watts when in close proximity to the computer module. One source of such transmission is on-board radios. To correct this problem, Kelsey-Hayes replaces the computer module in some cases and adds a filter element in all cases to protect the system against EMI.

Ford Motor Company recently reported that part of its heavy truck line may be susceptible to EMI. The vehicles are equipped with an Eaton antilock system. I can now report that Ford has issued its technical bulletin setting forth the means to correct the potential defect. No accident as a result of the problem has been reported.

Instances of brake failure due to EMI have been greatly exaggerated. Reports of activation by citizen band radios, for example, are common. All testing demonstrates that the power output of these radios is insufficient to interfere with brake system operations. Isolated reports of EMI in the antilock systems of Rockwell and AC Division of General Motors are being investigated by these manufacturers, but we have not found any pattern of malfunctions.

One major amendment to Standard 121 has been issued since my January 15 letter. On February 26, I issued a final rule modifying the truck stopping distance requirements. This amendment is intended to improve the handling characteristics of production 121 vehicles without eliminating the requirement that the vehicles stop without wheel lockup. That additional change has been sought by some vehicle manufacturers and users.

In the area of schoolbus safety, we have issued final safety standards for each of the eight aspects of performance specified in the Schoolbus Safety Amendments of 1974. Since we had either issued or were in the process of developing standards in 7 of the 8 specified areas before the 1974 Amendments were enacted, we were sufficiently prepared to complete the extensive study and analysis necessary for prudent rulemaking within the 15 month period mandated by the Act. Although we believe that these rulemaking efforts will lead to substantial progress, we do not suggest that the standards are etched in granite. Revisions will be issued if they are determined to be necessary.

In February 1974, we issued a proposed amendment to our child seating standard that would add a dynamic test requirement to the standard. The dynamic test requires the use of a child dummy to measure realistically the safety and restraining effectiveness of child restraints. Two commercially-available child dummies were specified as alternatives in the proposed amendment. We recently completed an evaluation of the two dummies to determine which is the superior test instrument. We intend to issue final specifications for the one selected not later than April 1976. That issuance will mark the completion of a lengthy, but necessary, series of research efforts needed to develop an adequate and reliable dynamic test procedure. The need for such a procedure is clear from the *Chrysler* v. *Volpe*, a 1972 U.S. Circuit Court of Appeals decision involving Standard 208. The court found

that specifications of the test procedures and test dummy for measuring the performance of passive restraints did not meet the statuory requirement for objectivity. Objective test procedures and devices are necessary, the court said, to enable manufacturers to replicate compliance test results.

Standard 301, *Fuel System Integrity*, became effective on January 1, 1968, and required that passenger car fuel systems not leak fuel at a rate greater than one ounce per minute after a 30 mph front-end barrier collision. On September 1, 1975, the entire fuel system, including fuel pumps, carburetors and emission control components, became subject to the standard. Effective on that date also, a static rollover test following all impact tests was required. On September 1, 1976, provisions regarding three additional tests, a fixed barrier 30 mph front-end angular collision test, a 30 mph rear-end moving barrier test and a 20 mph lateral moving barrier test, will become effective. Coverage of other vehicles is being phased-in over the next year, and by September 1, 1977, the standard will cover all multipurpose passenger vehicles, trucks and buses under 10,000 pounds.

With regard to upgrading the requirements of Standard 302, *Flammability of Interior Materials*, we have concluded that a more stringent limitation on burn rate of interior materials would be unjustified. Our analysis of accidents, including the bus fires investigated by the National Transportation Safety Board, indicates that the current requirements of the standard are sufficiently stringent to allow evacuation by vehicle occupants. Deaths and injuries directly caused by vehicle fires are almost always attributable to burning fuel. Since the burn rates or modes of testing interior materials do not significantly affect the intensity of these fuel-fed fires, the standard's present burn rate of 4 inches per minute in a horizontal test is considered adequate to permit evacuation from a vehicle in those cases where fuel is not a factor and the burn rate can make a significant difference.

We have granted a recent petition by the Center for Auto Safety to commence rulemaking to amend Standard No. 203, *Impact Protection for the Driver from the Steering Control System*, to upgrade the performance of steering columns. While our earlier proposals to upgrade both Standard 203 and Standard 204, *Steering Control Rearward Displacement*, were determined to require revision and were consequently withdrawn, some increased level of minimum steering column performance is undoubtedly needed. We are presently evaluating the incidence of steering column injuries and fatalities for all vehicle types, the minimum performance levels required to prevent such injuries and fatalities, and the costs of mandating this level of performance. Because of the complexity of this process and the need to rely on incomplete accident data, we do not at this time have a schedule for action in this area.

We are holding in abeyance rulemaking on exterior protrusion protection until basic research is more advanced on the fundamental problems of pedestrian injuries and deaths from motor vehicles. Because the accident data indicate that the vast majority of pedestrian injuries caused by motor vehicles are "blunt trauma," we consider that the most reasonable rulemaking action would address the hostile aspects of the vehicle body as a whole and not establish arbitrary limits on sharp

protrusions in the interim. We are planning to issue a proposal for general pedestrian protection in 1979.

Finally, I would also like to mention that we are considering extending the applicability of the hydraulic brake standard for passenger cars and schoolbuses (Standard 105–75) to trucks, multipurpose passenger vehicles and all other buses equipped with hydraulic brakes. The decision on whether to issue this amendment will be made this Spring.

We have been quite active in the area of standards enforcement and safety defect. In 1974, we tested a total of 253 vehicles, including 210 passenger models, 19 trucks, 6 multipurpose vehicles, and 18 buses. We also tested approximately 5,112 items of motor vehicle equipment, including 1,089 tires and 1,995 seat belt assemblies.

Since 1966, when the agency was first established, through 1975, vehicle and vehicle equipment manufacturers have initiated 1,941 safety defect recall campaigns involving 48.9 million vehicles. Through NHTSA's investigative efforts, 277 recall campaigns were influenced involving some 23.8 million vehicles.

I would like to mention here that a number of the defects investigations resulting in recalls were prompted by the approximately 1,500 letters and reports we receive each month from consumers experiencing vehicle problems. Public participation in this area has been excellent. Our Auto Safety Hotline Pilot Project, which enables consumers to telephone complaints about their automobiles, has added to the volume of consumer input in the defects area.

I might add, too, that our Office of Defects Investigation has played an active role in defect detection. We have, for example, conducted surveys of recreational vehicles which have uncovered several safety problems which have been the subject of investigations. We have conducted a schoolbus survey and are presently analyzing the data to determine whether defect trends exist. We have also been monitoring manufacturer recall campaigns to ensure that these campaigns are being conducted properly.

To aid us in our safety defect activities, we signed a lease on November 25, 1975, for our in-house Engineering Test Facility located at East Liberty, Ohio. We estimate that we may begin occupancy of the facility this August, in which case initial testing would be expected to start that same month. The facility will be used to provide an in-house testing capability needed to evaluate public petitions requesting action on possible safety defects, and to conduct compliance testing and testing in support of rulemaking actions.

In the research area, one of our most important programs is the Research Safety Vehicle or RSV program. It addresses the transportation requirements for the 1980's for not only safety, but energy as well.

Phase II of the RSV program has been underway since July 16, 1975. On that date, sixteen-month contracts were awarded to Minicars, Inc., and Calspan Corporation to prepare detailed designs for the fundamentally different performance specifications that the two companies each developed during Phase I.

While Calspan is developing a 2,700 pound RSV and Minicars a 2,100 pound RSV, we are also doing research on cars under 2,000 pounds. This latter effort is being carried out in cooperation with several foreign manufacturers who market many of the lightweight subcompact automobiles sold in this country. Given the increasing number of lighter, smaller cars and the associated problems of vehicle mix, improved crash performance of vehicle structures and occupant restraint systems are being especially emphasized in this area of our research.

Mr. Chairman, this concludes my prepared testimony. My colleagues and I will now be happy to answer any questions you or members of the Subcommittee may have.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3 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 italics, existing law in which no change is proposed in shown in roman):

National Traffic and Motor Vehicle Safety Act of 1966

* * * * * * *

TITLE I—MOTOR VEHICLE SAFETY STANDARDS

Sec. 103. (a) * * *

* * * * * * *

(i) (1) (A) Not later than 6 months after the date of enactment of this subsection, the Secretary shall publish proposed Federal motor vehicle safety standards to be applicable to schoolbuses and schoolbus equipment. Such proposed standards shall include minimum standards for the following aspects of performance:

(i) Emergency exits.
(ii) Interior protection for occupants.
(iii) Floor strength.
(iv) Seating systems.
(v) Crash worthiness of body and frame (including protection against rollover hazards).
(vi) Vehicle operating systems.
(vii) Windows and windshields.
(viii) Fuel systems.

(B) Not later than 15 months after the date of enactment of this subsection, the Secretary shall promulgate Federal motor vehicle safety standards which shall provide minimum standards for those aspects of performance set out in clauses (i) through (viii) of subparagraph (A) of this paragraph, and which shall apply to each schoolbus and item of schoolbus equipment which is manufactured

in or imported into the United States on or after [the expiration of the 9-month period which begins on the date of promulgation of such safety standards] *April 1, 1977.*

* * * * * * *

SEC. 121. There are authorized to be appropriated for the purpose of carrying out this Act, not to exceed [$53,000,000 for the fiscal year ending June 30, 1975, and not to exceed $60,000,000 for the fiscal year ending June 30, 1976.] *$13,000,000 for the transition period July 1, 1976, through September 30, 1976, $60,000,000 for the fiscal year ending September 30, 1977, and $60,000,000 for the fiscal year ending September 30, 1978.*

* * * * * * *

SEPARATE VIEWS BY REPRESENTATIVES ECKHARDT, WAXMAN, AND MAGUIRE ON H.R. 9291, TO AMEND THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966 TO AUTHORIZE APPROPRIATIONS

We are very much opposed to the Preyer amendment, postponing the implementation of school bus safety standards, which the full Committee accepted in executive session on this bill. This amendment will postpone the effective date of the standards from January 1, 1977 to April 1, 1977. This appears to be a short extension, but in reality it is extremely dangerous.

The Subcommittee on Consumer Protection and Finance accepted an amendment making one extension of the deadline from October 1976 to January 1, 1977. The school bus industry argued it was unfair and unduly burdensome to implement standards in the middle of a model year and at a time which was their peak production season. There is some legitimacy to that argument and I concurred with the Subcommittee's decision.

But the industry was not satisfied with this extension and prevailed upon Representative Preyer to offer an amendment making yet another extension of the deadline until April 1, 1977, a deadline falling in the middle of their model year. On the floor, I suppose we can expect another amendment postponing the deadline even further.

The impact of this extension is that children will be riding around in substandard school buses for years to come. Hundreds of buses will be produced between January 1, 1977, the original deadline, and April 1, 1977, the deadline the full Committee adopted. These buses, produced in noncompliance with the safety standards, will be in active service carrying school children for 10 to 15 years. Thus, we haven't made a simple three-month extension of the deadline for safety standards. We have decided hundreds more school children will ride day after day in substandard buses.

Because of the peculiar nature of constructing school buses, the extension has even further impact. School bus companies normally purchase the chassis of the bus from another manufacturer, then build the body of the bus on the chassis. Under this bill, we also extend the deadline for chassis and other school bus safety standards. Thus, a noncomplying chassis purchased before April 1, 1977 may be the foundation for a bus built in December of 1977 or later. This will result in substandard buses being turned out for months after the supposed implementation of the safety standards. So instead of getting a three-month extension, the companies are really getting an open-ended extension to construct buses with noncomplying parts so long as those parts were purchased before April 1, 1977. At least this loophole should be closed and I would urge my colleagues to do so on the floor.

The school bus industry has not been intransigent. The industry has, up to this point, not been dilatory in compliance. I do not think we should now allow the industry to abandon its responsibility to its customers. I wish to be accommodating to industry, but the needs of the children of the United States for safe transportation are far more important than accommodation to industry. I would urge my colleagues to reverse the Committee's action and reinstate the January 1, 1977 deadline for compliance with the school bus safety standards. In lieu of such a movement, I would at least urge an amendment to prevent the use of noncomplying parts produced before April 1, 1977 in buses produced after April 1, 1977.

BOB ECKHARDT.
ANDREW MAGUIRE.
HENRY A. WAXMAN.

Calendar No. 812

94TH CONGRESS 2d Session } SENATE { REPORT No. 94-854

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT AUTHORIZATION

MAY 13, 1976.—Ordered to be printed

Mr. HARTKE, from the Committee on Commerce, submitted the following

REPORT

[To accompany S. 2323]

The Committee on Commerce, to which was referred the bill (S. 2323) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, having considered the same, reports favorably thereon and recommends that the bill do pass.

SUMMARY AND DESCRIPTION

The purpose of this legislation is to authorize additional appropriations to implement the National Traffic and Motor Vehicle Safety Act of 1966. S. 2323 would authorize to be appropriated not to exceed $13 million for the fiscal year transition period of July 1, 1976, through September 30, 1976; $60 million for the fiscal year ending September 30, 1977; and $60 million for the fiscal year ending September 30, 1978.

BACKGROUND AND NEED

1976 marks the 10th anniversary of the National Traffic and Motor Vehicle Safety Act. Since the promulgation of the first Federal motor vehicle safety standards in 1967, there has been a continuous and significant decline in the Nation's highway fatality rate. In 1966, when both the National Traffic and Motor Vehicle Safety Act and the Highway Safety Act were enacted, the fatality rate was 5.5 to 5.6 per 100 million miles traveled. By 1973, the rate had dropped about 25 percent to 4.15 per 100 million miles. Estimates based on the 1966 accident statistics conclude that had we not embarked on these safety programs, the Nation would have suffered 75,000 highway fatalities in 1973. Instead, in that year, 54,347 lives were lost on the American highways.

A combination of factors have contributed to this decrease in highway fatalities. During the last decade, the highway environment was being improved, new motor vehicle safety standards were introduced, and new traffic safety programs in States and communities were being implemented. While it is difficult to proportion these safety gains among the three acts, Dr. James Gregory, Administrator of the National Highway Traffic Safety Administration, recently stated his belief that "the efforts to improve the safety performance of motor vehicles and motor vehicle equipment are likely to achieve concrete results earlier than efforts aimed at the more difficult task of improving human driving habits. It is, therefore, my assessment that our motor vehicle safety programs have contributed most to the safety gains we achieved through 1973."

Since 1973, additional safety gains have been achieved through the implementation of a national 55 mile-per-hour speed limit. The number of fatalities declined from 54,347 in 1973 to 45,717 in 1974 and an estimated 45,674 in 1975. This decline cannot be explained solely in terms of changes in total vehicle miles driven because while total mileage dropped somewhat from 1973 to 1974, it reached a new height of 1.315 billion in 1975. The net effect of the changes in fatalities and mileage was that the fatality rate fell to about 3.6 per 100 million miles in 1974 and to an estimated 3.5 per 100 million miles for 1975.

A savings in lives is not the only benefit of the motor vehicle safety program. Hundreds of thousands of injuries have been prevented. In terms of dollars and cents, motor vehicle accidents have been estimated by the National Safety Council to cost the Nation in excess of $19.3 billion. This figure includes $6 billion in wage loss, $1.7 billion in medical expense, $5.1 billion in insurance administration costs, and $6.5 billion in property damage from moving motor vehicle accidents. There can be no question but that in its first decade, the motor vehicle and highway safety programs have made a major contribution in increasing the safety of the highway environment.

S. 2323, which would extend the authorization for implementation of this Act, represents the committee's confidence in the benefits that can be achieved by a vigorous and comprehensive motor vehicle safety program. There is new technology which can and should be translated into new safety devices and made available to the public at large. The Department of Transportation's National Highway Traffic Safety Administration (NHTSA) is mandated to continue this work.

The President's budget requests a total expenditure of $44,579,000 for implementing the National Traffic and Motor Vehicle Safety Act. This budgetary level is $19,298,000 less than that requested by the National Highway Traffic Safety Administration and $18,870,000 less than that which was requested by the Department of Transportation for implementation of the Act. There are several important programs which the NHTSA will not be able to implement with the level of expenditure provided for in the President's budget.

Among the new positions requested by the National Highway Traffic Safety Administration, but not included in the President's budget, were two positions for the Office of Crashworthiness and one position for the engineering systems staff. The basis for this request was a need to increase the capability of the NHTSA to per-

form benefit-cost and engineering statistical analysis of proposed regulatory actions. Executive Order 11821 dated November 27, 1974, requires that all major legislative proposals, regulations, and rules emanating from the executive branch of the Government include a statement certifying that the inflationary impact of such actions on the Nation has been carefully considered. In order to implement this Executive order, appropriate resources must be provided to the NHTSA.

The standards enforcement and compliance effort will also suffer adversely by the spending level contained in the President's budget. In this area, the NHTSA and the Department of Transportation each requested $6,300,000 for standards development and enforcement. The President's budget provides only $5,400,000. The NHTSA has informed the committee that the $5.4 million allowance for standards development and enforcement will not fully restore compliance testing to the 1974 level. This reduction in testing volume has resulted from the combined effects of inflation and increased sophistication of compliance testing. The President's budget also deleted the request for two additional positions for the Office of Standards Enforcement to improve compliance test monitoring procedures and a deferral by the Office of Management and Budget of the construction and staffing of a compliance test facility. If the OMB is going to deny the construction of this facility in fiscal year 1977, at the very least, the requested level of funding and staffing for standards enforcement activities other than the compliance test facilities should be allocated.

In the area of defects investigation, the NHTSA requested $1,475,000. The Department of Transportation had requested $1,250,000 and the President provided $1 million. Defects investigations is one of the most important functions of the NHTSA. The beneficial effects of vehicle safety standards can be sharply decreased if vehicles containing safety related defects are not recalled and remedied quickly. In fact, the thrust of Public Law 93–492 reflects this concern.

A recent study conducted by the Center for Auto Safety, however, indicates that investigations are taking increasingly longer to complete. The study showed that the first 19 months of defects investigation (October 27, 1967, through May 1969) 111 investigations were completed with an average pendancy of 3.2 months. In subsequent 19-month periods, the average pendancy of cases completed during that 19-month period was 5.8 months, 10 months, 19.8 months, and 28.7 months. A reinstatement of funds at least to the level requested by the Department of Transportation is necessary to insure expeditious examination and handling of defects investigations.

In its budget request, the NHTSA requested $1,320,000 for support engineering systems. The President's budget provided only $1,020,000. These funds were requested to permit a major effort aimed at evaluating the effectiveness of existing Federal motor vehicle safety standards. Such evaluation enables the NHTSA to determine whether the motor vehicle safety standards, as they have been implemented by the motor vehicle industry, are providing the anticipated benefits. If a standard is found to be deficient, the NHTSA could repeal the standard or modify its requirements. The capability to evaluate the Federal motor vehicle safety standards is thus well worth the investment of an additional $300,000.

Accident investigation and data analysis is another area where the NHTSA budget has been cut. This activity offers two types of benefits. First, it enables the NHTSA to evaluate the effectiveness of its motor vehicle safety standards. Second, it defines the levels of crash severity, thus aiding the NHTSA in planning for future motor vehicle safety standards. With this knowledge, the Administration is able to determine at what point a specific motor vehicle safety standard provides the greatest benefit at the least cost.

The President's budget, however, does not include sufficient funding to implement an adequate accident investigation and data analysis program. While the NHTSA requested $6,600,000 for this purpose, the President's budget provides only $5,655,000. The reduction of $945.000 will delay the implementation of the national accident reporting system from pilot status to full operational capability. Likewise, the disallowance of nine new and three previously authorized positions from the Office of Standards and Analysis, would cause a delay in the implementation of the national accident sampling system. These reductions, coupled with the reduction of $700,000 for the crash recorder program which were to be installed in vehicles for the collection and analysis of accident data, will have a serious impact on the NHTSA's regulatory program.

In the area of research and analysis, there were two serious reductions in the President's budget from the NHTSA request. In the area of crash survivability, a reduction of $760,000 would delay: (1) development of analytical techniques to be used in the assessment of advanced vehicle designs; (2) performance of various restraint systems comparison tests with full scale car crash testing utilizing dummies and cadavers; and (3) the development of a family of dummies that will replicate humans in crash situations. Given the current consideration being given to advanced restraint systems and recent questions about the performance of seat belt systems, this loss of funds would have a serious adverse effect on the NHTSA's program.

The other component of the research program in which there was a major reduction between NHTSA request and the President's request is for the research safety vehicle. The President's budget provides for $650.000 less than that which was requested by the NHTSA. This reduction will probably cause some delay in planned efforts for a test program for foreign experimental safety vehicles and in the development of performance specifications for an advanced safety vehicle to meet the requirements of the late 1980's and early 1990's.

Section-by-Section Analysis

S. 2323 would amend section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 to authorize to be appropriated not to exceed $13 million for the transition period (July 1, 1976, through September 30, 1976); $60 million for the fiscal year ending September 30, 1977; and $60 million for the fiscal year ending September 30, 1978.

Changes in Existing Law

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as re-

ported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed shown in roman):

SECTION 121 OF THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966 (15 U.S.C. 1409)

[SEC. 121. There are authorized to be appropriated for the purpose of carrying out this Act, not to exceed $55 million for the fiscal year ending June 30, 1975, and not to exceed $60 million for the fiscal year ending June 30, 1976.] *SEC. 121. There are authorized to be appropriated for the purpose of carrying out this Act, not to exceed $13 million for the transition period July 1, 1976, through September 30, 1976, $60 million for the fiscal year ending September 30, 1977, and $60 million for the fiscal year ending September 30, 1978.*

ESTIMATED COSTS

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510), the cost of the legislation, in the form of authorization for appropriations, is $13 million for the transition period July 1, 1976, through September 30, 1976, $60 million for the fiscal year ending September 30, 1977, and $60 million for the fiscal year ending September 30, 1978.

TEXT OF S. 2323, AS REPORTED

A BILL To amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:

"SEC. 121. There are authorized to be appropriated for the purpose of carrying out this Act, not to exceed $13 million for the transition period July 1, 1976, through September 30, 1976, $60 million for the fiscal year ending September 30, 1977, and $60 million for the fiscal year ending September 30, 1978.".

AGENCY COMMENTS

NATIONAL TRANSPORTATION SAFETY BOARD,
Washington, D.C., October 7, 1975.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of September 22, 1975, inviting the comments of the National Transportation Safety Board on S. 2323, a bill, "To amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations."

We have reviewed the proposed legislation and determined that we have no official comments to offer at this time. Your thoughtfulness in soliciting our views is greatly appreciated.

Sincerely yours,

JOHN H. REED, *Chairman.*

O

House Debate

Congressional Record—House
June 9, 1976, 17164

Mr. MADDEN: Committee on Rules. House Resolution 1277. Resolution providing for the consideration of H.R. 9291. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations (Rept. No. 94-1245). Referred to the House Calendar.

Extracted from

Congressional Record—Daily Digest
June 11, 1976, D808

Motor Vehicle Safety: By a voice note, the House passed H.R. 9291, to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations.

Agreed to the committee amendment which delays the effective date of school bus safety standards to April 1, 1977.

Rejected an amendment to the previous amendment that sought to change the effective date of January 1, 1977 (rejected by a division vote of 8 ayes to 31 noes).

H. Res. 1277, the rule under which the bill was considered, was agreed to earlier by a yea-and-nay vote of 318 yeas to 1 nay.

Pages 17776-17782

Congressional Record—House
June 11, 1976, 17776—17782

PROVIDING FOR CONSIDERATION OF H.R. 9291, NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT AUTHORIZATION

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1277 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1277

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9291) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final

passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from New York (Mr. DELANEY) is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, the gentleman from Illinois (Mr. ANDERSON), who will handle this resolution for the minority side, is on his way over. Because of the unusually short notice he had, and the short consideration of the previous bill, he is not here but will be here soon.

17777

In the meantime, Mr. Speaker, I yield 30 minutes to the gentleman from Arizona (Mr. RHODES), the minority leader, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1277 is an open rule with 1 hour of general debate on H.R. 9291, a bill to amend the National Traffic and Motor Vehicle Safety Act of 1966, to authorize appropriations.

Mr. Speaker, H.R. 9291 authorizes appropriations not to exceed $13 million for the transition period and $60 million for fiscal years 1977 and 1978 to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966. In addition, the bill would postpone the implementation date for school bus safety standards for a 6-month period in order to provide bus manufacturers with sufficient time to comply with the standards while at the same time providing the best possible design solutions.

Mr. Speaker, I urge the adoption of House Resolution 1277 so that we may proceed to the consideration of H.R. 9291.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this bill, and I hope that the rule will be adopted.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield 2 minutes to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I appreciate the minority leader's yielding.

The only reason I rise is to inquire of whoever may appropriately be able to answer as to exactly what the program is in the House this Friday afternoon.

As I understand it, we finished the announced program which was given to the Members.

I would like to know exactly what the program is to be this afternoon and how long it is to proceed since Members were not informed of other legislation.

Mr. DELANEY. Mr. Speaker, if the gentleman will yield, this was listed in today's RECORD, and it is on the list to be taken up this afternoon.

Mr. BAUMAN. I understand that the announcement was that if time permitted that four other bills would be brought up.

Mr. DELANEY. Yes, so this is eligible to be called up today.

Mr. BAUMAN. So we will continue on with the other four bills that have been listed?

Mr. DELANEY. It depends on how the time goes.

Mr. BAUMAN. I thank the gentleman from New York.

Mr. RHODES. Mr. Speaker, I yield back the balance of my time.

Mr. DELANEY. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appear to have it.

Mr. MCCOLLISTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 318, nays 1, not voting 112, as follows:

[Roll No. 364]

YEAS—318

Abdnor	Bingham	Conable
Abzug	Blanchard	Conte
Addabbo	Blouin	Conyers
Alexander	Boiling	Corman
Allen	Bowen	Cornell
Ambro	Breaux	Coughlin
Anderson, Calif.	Breckinridge	Crane
	Brinkley	D'Amours
Anderson, Ill.	Brodhead	Daniel, Dan
Andrews, N.C.	Brown, Mich.	Daniel, R. W.
Andrews, N. Dak.	Brown, Ohio	Danielson
	Broyhill	Davis
Annunzio	Buchanan	Delaney
Archer	Burke, Fla.	Dellums
Armstrong	Burke, Mass.	Derrick
Ashbrook	Burleson, Tex.	Derwinski
Ashley	Burlison, Mo.	Devine
Aspin	Burton, John	Dickinson
AuCoin	Burton, Phillip	Diggs
Badillo	Butler	Dingell
Bafalis	Byron	Dodd
Baldus	Carney	Downey, N.Y.
Baucus	Carr	Downing, Va.
Bauman	Carter	Drinan
Beard, R.I.	Chappell	Duncan, Oreg.
Beard, Tenn.	Chisholm	Duncan, Tenn.
Bennett	Clausen, Don H.	du Pont
Bergland		Early
Bevill	Cochran	Eckhardt
Biaggi	Collins, Tex.	Edgar

Edwards, Ala.
Eilberg
Emery
English
Erlenborn
Evans, Colo.
Evans, Ind.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Foley
Ford, Tenn.
Forsythe
Fountain
Frey
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Gradison
Grassley
Gude
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammer-schmidt
Hanley
Hannaford
Hansen
Harkin
Harris
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Hefner
Henderson
Hicks
Hightower
Hillis
Holland
Holtzman
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jenrette
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Kazen
Kelly
Kemp
Ketchum
Kindness
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, Md.
Lott
Lujan
Lundine
McClory
McCloskey
McCollister
McCormack
McDade
McDonald
McEwen
McFall
McHugh
McKay
McKinney
Madden
Mahon
Mann
Martin
Matsunaga
Mazzoli
Meyner
Mezvinsky
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Neill
Ottinger
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Pickle
Poage
Pressler
Preyer
Price
Pritchard
Quie
Rangel
Rees
Regula
Reuss
Rhodes
Rinaldo
Roberts
Rodino
Roe
Rogers
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Roybal
Runnels
Ruppe
Russo
Ryan
Sarasin
Sarbanes
Satterfield
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Shuster
Simon
Skubitz
Slack
Snyder
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stark
Steed
Steiger, Wis.
Stephens
Stratton
Studds
Sullivan
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Thone
Thornton
Traxler
Tsongas
Udall
Ullman
Vander Jagt
Vander Veen
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff
Wright
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Zablocki
Zeferetti

NAYS—1

Pike

NOT VOTING—112

Adams	Harsha	Pettis
Bedell	Hawkins	Peyser
Bell	Hays, Ohio	Quillen
Biester	Hébert	Railsback
Boggs	Heinz	Randall
Boland	Helstoski	Richmond
Bonker	Hinshaw	Riegle
Brademas	Holt	Risenhoover
Brooks	Horton	Robinson
Broomfield	Howard	Roncalio
Brown, Calif.	Howe	Rousselot
Burgener	Jeffords	St Germain
Burke, Calif.	Johnson, Colo.	Santini
Cederberg	Jones, Okla.	Schneebeli
Clancy	Karth	Sikes
Clawson, Del	Kasten	Sisk
Clay	Kastenmeier	Smith, Iowa
Cleveland	Keys	Smith, Nebr.
Cohen	Koch	Stanton, James V.
Collins, Ill.	Landrum	Steelman
Conlan	Leggett	Steiger, Ariz.
Cotter	Litton	Stokes
Daniels, N.J.	Long, La.	Stuckey
de la Garza	Madigan	Symington
Dent	Maguire	Teague
Edwards, Calif.	Mathis	Thompson
Esch	Meeds	Treen
Eshleman	Melcher	Van Deerlin
Evins, Tenn.	Metcalfe	Vanik
Flowers	Milford	Vigorito
Flynt	Mink	Waggonner
Ford, Mich.	Mollohan	Whitehurst
Fraser	Mosher	Winn
Frenzel	Mottl	Wydler
Fuqua	Nix	Wylie
Goldwater	O'Hara	Young, Tex.
Green	Passman	
Harrington	Paul	

The Clerk announced the following pairs:

Mrs. Boggs with Mr. Bell.
Mr. Hébert with Mrs. Holt.
Mr. Waggonner with Mr. Peyser.
Mr. Passman with Mr. Rousselot.
Mr. Brooks with Mr. Karth.
Mr. Thompson with Mr. Maguire.
Mr. Koch with Mr. Treen.
Mr. Cotter with Mr. Biester.
Mr. Dominick V. Daniels with Mr. Harsha.
Mr. Dent with Mrs. Pettis.
Mr. Fuqua with Mr. Winn.
Mr. Harrington with Mr. Schneebeli.
Mr. Green with Mr. Broomfield.
Mr. Teague with Mr. Burgener.
Mr. Mathis with Mr. Cohen.
Mr. Howard with Mr. Wydler.
Mr. Helstoski with Mr. Cederberg.
Mr. Hawkins with Mr. Clancy.
Mrs. Collins of Illinois with Mr. Young of Texas.
Mr. Milford with Mr. Esch.
Mr. Nix with Mr. Del Clawson.
Mr. O'Hara with Mr. Ford of Michigan.
Mr. Van Deerlin with Mr. Wylie.

Mr. Symington with Mr. Frenzel.
Mr. Stuckey with Mr. Goldwater.
Mr. Stokes with Mr. Mosher.
Mr. St Germain with Mr. Cleveland.
Mr. Roncalio with Mr. Eshleman.
Mr. Risenhoover with Mr. Fraser.
Mr. Riegle with Mr. Mottl.
Mr. Richmond with Mr. Paul.
Mr. Hays of Ohio with Mr. Sisk.
Mr. Brademas with Mr. Robinson.
Mr. Adams with Mr. Railsback.
Mrs. Burke of California with Mr. Ransdall.
Mr. Evins of Tennessee with Mr. Quillen.
Mr. Bedell with Mr. Howe.
Mr. Boland with Mr. Horton.
Mr. Santini with Mr. Johnson of Colorado.
Mr. Bonker with Mrs. Smith of Nebr.
Mr. Kastenmeier with Mr. Melcher.
Mr. Long of Louisiana with Mr. Vanik.
Mr. Meeds with Mr. Metcalfe.
Mrs. Mink with Mr. Madigan.
Mr. Vigorito with Mr. Steelman.
Mr. Leggett with Mr. Jones of Oklahoma.
Mr. Edwards of California with Mr. Landrum.
Mr. Sikes with Mr. James V. Stanton.
Mr. Smith of Iowa with Mr. Steiger of Arizona.
Mr. Mollohan with Mr. Whitehurst.
Mr. Litton with Mr. Jeffords.
Mr. Flynt with Mr. Conlan.
Mr. Brown of California with Mr. Clay.
Mr. de la Garza with Mr. Flowers.

Mr. MARTIN changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

. . . . . .

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT AUTHORIZATION

Mr. MURPHY of New York. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9291) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations.

The SPEAKER. The question is on the motion offered by the gentleman from New York (Mr. MURPHY).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9291, with Mr. KAZEN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York (Mr. MURPHY) will be recognized for 30 minutes, and the gentleman from Nebraska (Mr. MCCOLLISTER) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill is an administration proposal and authorizes appropriations, for the purpose of carrying out the act, not to exceed:

$13 million for the transition period;
$60 million for fiscal year 1977; and
$60 million for fiscal year 1978.

The funding level for fiscal year 1976 was also $60 million; therefore, the fiscal year 1977 and 1978 levels do not exceed the fiscal year 1976 level. This act is administered by the National Highway Traffic Safety Administration in the Department of Transportation.

When the act was passed in 1966, highway fatalities were over 50,000 and steadily climbing. Since then, substantial progress has been made. The number of fatalities in 1974 was 45,534, a decline of more than 9,500 from the previous year's total. The 1974 reductions are largely attributable to the national 55 mile-per-hour speed limit and reduced highway travel in that year. Since highway travel and speed are again climbing, whether fatalities can remain at a reduced level will depend partly upon the promulgation and enforcement of needed vehicle safety standards.

The authorized funds would be used to conduct Vehicle Safety Research: develop and promulgate new vehicle safety standards; amend existing standards and other rules and regulations; provide consumer information; conduct defect and noncompliance testing; and enforce the act's provisions.

The Subcommittee on Consumer Protection and Finance held 3 days of hearings on this bill in March 1976. The full committee, in executive session, amended the act to delay the effective date of the new Federal schoolbus safety standards to April 1, 1977. The new schoolbus safety standards were mandated by the 1974 amendments to the act and required to become effective no later than 2 years following enactment, which is October 27, 1976.

In approving this amendment, the committee is granting the schoolbus manufacturing industry the additional time requested in order to achieve compliance using the best possible design solutions, while insuring that the majority of schoolbuses produced during

1977 are in compliance with the new safety standards.

The full committee favorably ordered the bill reported to the House, by voice vote, on April 29, 1976. I urge the passage of this bill.

Mr. McCOLLISTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the bill, H.R. 9291. As the subcommittee chairman has pointed out, this legislation contains the authorizations for the National Highway Traffic Safety Administration through fiscal year 1978. The legislation, as reported from the committee, would also extend from October 27, 1976, to April 1, 1977, the effective date for minimum safety standards applicable to schoolbuses. This extension was necessary because the October deadline fell right in the middle of the manufacturers' busiest season, at a time when it would be very difficult to change production techniques. Further, few buses are manufactured in the first several months of the year. Therefore, by extending the deadline for 5 additional months, we give the manufacturers adequate time within which to comply with these standards while still providing maximum safety for passengers of schoolbuses.

As far as I can determine, that is the only bone of contention in the bill, and for myself, I will defend the April 1, 1977, date. I think, Mr. Chairman, that nothing more needs to be said in the way of general debate. Therefore, I reserve the balance of my time.

In conclusion, I do support this bill and urge its speedy enactment.

Mr. MURPHY of New York. Mr. Chairman, I yield such time as he may consume to my colleague from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Chairman, I would like to ask whether or not there is anything in this bill which authorizes the Department to promulgate any such crazy regulations as it at one time did, establishing an interlock system forcing a driver and those riding with him to imprison themselves within a shoulder harness and seat belt tied together without regard to whether or not a driver wanted such protection—if in fact protection is the proper word.

Mr. MURPHY of New York. I will respond to the gentleman by saying that the Safety Board goes through a rulemaking procedure, and they are currently in the process of going through a rulemaking procedure concerning that horse collar, in addition to putting an air bag in the gentleman's face at the same time. But that is several years, I would say, before promulgation; but in order to prevent the buzzer disconnect interlock problem, the committee required that this administrative procedure take place.

Mr. FOUNTAIN. Let me ask this other question: Does this legislation or such other regulations, as may be promulgated, have to be submitted to the committee or the Congress for consideration before they become effective?

Mr. MURPHY of New York. That does come to the Congress for approval.

Mr. FOUNTAIN. I thank the gentleman.

Mr. MURPHY of New York. Mr. Chairman. I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:

"Sec. 121. There are authorized to be appropriated for the purpose of carrying out this Act, not to exceed $13,000,000 for the transition period July 1, 1976, through September 30, 1976, $60,000,000 for the fiscal year ending September 30, 1977, and $60,000,000 for the fiscal year ending September 30, 1978.". 17779

Mr. MURPHY of New York (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On the second page, after line 2, insert the following:

SEC. 2. Section 103(1)(1)(B) of such Act is amended by striking out "the expiration of the nine-month period which begins on the date of promulgation of such safety standards" and inserting in lieu thereof "April 1, 1977".

AMENDMENT OFFERED BY MR. ECKHARDT TO THE COMMITTEE AMENDMENT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT to the committee amendment: On page 2, line 6, strike "April 1, 1977" and insert in lieu thereof, "January 1, 1977".

Mr. ECKHARDT. Mr. Chairman, I have copies of this very simple amend-

ment at the desk for everyone who would like to have a copy. All it does it strike "April 1, 1977," and inserts in lieu thereof "January 1, 1977."

Mr. Chairman, my amendment making schoolbus safety standards effective January 1, 1977, as opposed to the current date in the bill of April 1, 1977, is to amend the bill to comply with the original intent of the Subcommittee on Consumer Protection and Finance. That is the date that we had initially established in the subcommittee for the effective date of the schoolbus compliance standards.

Under the 1974 amendments to the National Traffic and Motor Vehicle Safety Act, safety standards for schoolbuses were to be effective on October 26, 1976. The School Bus Manufacturers Institute, SBMI—argued that, since the schoolbus model year is the calendar year, it was unfair and unduly burdensome to implement standards in the middle of a model year. October is also the peak production season for schoolbuses. An extension to January 1, 1977, would allow the manufacturers to begin production of their new model buses and incorporate the safety standards at the same time The subcommittee felt this extension was reasonable, and I concur.

Unfortunately, the industry lobbied successfully in the full committee for a further extension to April 1977. With this April 1, 1977 deadline, schoolbus manufacturers will be faced with implementing the safety change in the middle of the model year, thus making somewhat questionable the argument of the efficiency of the extension. But more importantly, while the extension is only 3 additional months, in reality the danger resulting from such an extension is great. The impact of this extension is that children will be riding around in substandard schoolbuses for years to come. Hundreds of buses will be produced between January 1, 1977, the original deadline, and April 1, 1977, the deadline the full committee adopted. These buses, produced in noncompliance with the safety standards, will be in active service carrying schoolchildren for 10 to 15 years. Thus, we have not made a simple 3-month extension of the deadline for safety standards. We have decided hundreds more schoolchildren will ride day after day in substandard buses.

Because of the peculiar nature of constructing schoolbuses, the extension has even a further impact.

Schoolbus companies normally purchase the chassis of a bus from another manufacturer and then build the body of the bus on the chassis. Under this bill we also extend the deadline for chassis and other schoolbus safety standards. Thus a noncomplying chassis manufactured before April 1, 1977, may be the foundation for a bus built in December of 1977 or later. This will result in substandard buses being turned out for months after supposed implementation of the safety standards. So instead of getting a 3-month extension, the companies are really getting an open-ended extension to construct buses with noncomplying parts so long as the chassis were manufactured before April 1, 1977.

I am not denying that millions of schoolchildren travel thousands of miles each year on schoolbuses with a remarkably low accident rate. But this low accident ratio is due to the high visibility of the bus, the great care other drivers afford such buses, and the low speeds involved, not the inherent safety of the buses.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. ECKHARDT was allowed to proceed for 3 additional minutes.)

Mr. ECKHARDT. Mr. Chairman, I am not going to maintain my amendment would prevent tragedies such as the recent schoolbus accidents which have made the news, because these involved buses built in the past, but I do stress this point: the substandard buses manufactured between January 1, 1977, the date I proposed, and April 1, 1977, the date currently in the bill, can likewise be hazard prone and may be in service for 10 to 15 years, and probably longer. These buses, lacking the proper safety equipment and construction, will continue to carry children, driving along our streets and highways, a hazard waiting to become a tragedy.

The amendment will not alter the fact that unsafe schoolbuses exist, but it will reduce the percentage of unsafe buses of the total in use. The schoolbus industry, which has not been dilatory in the past, does not maintain it cannot meet the standards of January 1, 1977, but merely that it will be difficult to do so. Recent comments by one of the most progressive manufacturers indicate the major difficulty, that of seating standards, has been solved. I wish to be accommodating to industry, but the safety of schoolbus riders is more important to me than accommodation to industry.

Mr. Chairman, I urge my colleagues to vote for my amendment to make schoolbus safety standards effective January 1, 1977, rather than 3 months later. If only a few young lives are saved, I think it is worth the inconvenience.

Mr. Chairman, this is what the sub-

committee had originally adopted. This is what seemed reasonable. This was in effect a compromise, and what happened was that in the full committee considerably more than the original compromise was demanded by industry, and, unfortunately, those with the intense, special interest prevailed. So what I am asking for is simply agreement with the subcommittee which heard the facts in the case.

Mr. Chairman, I strongly urge an "aye" vote on the amendment.

Mr. PREYER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas (Mr. ECKHARDT) to section 2 of H.R. 9291. I sponsored the amendment which was adopted by my colleagues on the Committee on Interstate and Foreign Commerce to change the effective date of the new schoolbus safety standards to April 1, 1977. This amounts to a total extension of only 5 months and 5 days beyond the current statutory effective date of October 26, 1976.

Mr. Chairman I sponsored this amendment because I believe that the six schoolbus body manufacturers, one of which, Thomas-Built Buses, is located in my district, face an impossible task in trying to bring their buses into compliance with the four new Federal schoolbus construction standards within the statutory 9-month compliance period. These standards which affect seats, body joints, roof construction, and emergency exists, change the way just about every major body component is made. The members of the Committee on Interstate and Foreign Commerce agreed that an extension to April 1, 1977, is both reasonable and necessary.

Neither the School Bus Manufacturers Institute nor any of its six member companies opposes the new safety standards—in fact, they are anxious to bring their 1977 buses into compliance with them providing they can do so using the soundest production methods possible. They, too, are concerned about the safety of the schoolchildren who ride in the buses they build, and are doing everything they can to implement the new standards in the best way they know how—but they know that achieving quality production will take more than 9 months. They do not think that either the statutory effective period ending October 26, 1976, or an extension to January 1, 1977, which Mr. ECKHARDT'S amendment will provide, will be adequate.

7780

The bus manufacturers have assured me that this extension will affect, at the most, only 16 percent of the 1977 schoolbuses which is the portion of the annual production which is normally manufactured in the months of January, February, and March. Based on a yearly production figure of 25,000 units, this 16 percent amounts to 4,000 buses and these 4,000 buses will not be "substandard" as some would have you believe. They will be solid, reliable buses which represent the advances in motor vehicle technology which have been made over the last 20 years.

Furthermore, section 2 as it now stands, is not an open ended extension to build noncomplying buses for years to come. Under NHTSA regulations, a manufacturer must certify that his vehicle meets all standards that were in effect either on the date of manufacturing of the chassis—not the date of purchase, as has been stated—or on the date on which the body and chassis are finally assembled. In fact, schoolbus body manufacturers have almost nothing to say about dates of chassis manufacturing. Ninety percent of the schoolbus chassis are ordered directly from the chassis manufacturers by the school districts, who set delivery date. The body manufacturers build the schoolbus body only after they have received the chassis to put it on. The chassis are built by separate companies such as Ford, GM, and International Harvester, who produce according to their own schedules.

Let me emphasize that the critical date for implementation of the new standards, with or without the gentleman's amendment, is not the date of the actual delivery of the bus to the customer or the date on which the agreement to purchase is made—it is either the date of actual manufacturing of the chassis or the date of final assembly. I want to assure my colleagues that there is no loophole in the bill as it now reads to permit anyone to evade the new standards by placing an order or otherwise "purchasing" a bus or bus components prior to April 1, 1977, as has been alleged. Only the actual date of manufacturing governs.

Just as every other Member of this body, I was shocked and saddened by the tragic bus accident in Martinez, Calif., which resulted in the death of 27 Yuba City high school students and 1 adult supervisor. Early reports from the California Highway Patrol indicate that the accident was caused by driver error, namely, excessive speed, and by brake failure. I want to point out to my colleagues that when this particular bus—a Crown Coach Corp. product—they are not members of the School Bus Manufacturers Institute—was built, 1950, there were no Federal or State standards

on roof strength for protection in a rollover accident. I understand that the State of California first adopted a construction standard on rollover protection in 1957—7 years after this bus was built.

Mr. Chairman, even if these new DOT schoolbus construction standards had gone into effect 10 or even 20 years ago, it would not have helped those children. The appalling fact about the accident in Martinez, Calif., is that a school district permitted its children to ride in such an outmoded bus. Great advances in the technology of bus construction have been made since 1950, but those students were denied the benefits of those improvements. Those who would raise a great hue and cry about that accident here today might do well to channel those energies into a requirement for age limits for buses in use for school transportation, so that our children will actually get to ride in the new safer buses. I want to make sure, here, today, that the schoolbus manufacturers get adequate time to make these new buses the soundest and the safest ever built to remain strong through the years so that no guesswork needs to be involved in selecting compliance methods for the new standards.

Mr. Chairman, I fully agree that it was the intent of Congress in enacting the 1974 Schoolbus Safety amendments, originally sponsored by the gentleman from California (Mr. Moss), and others that the 1977 schoolbuses be built according to the new standards mandated by that act. I do not think that section 2 of this bill, which provides a total extension of 5 days and 5 months, during a slow production period, contravenes that intent. Nearly all of the new 1977 buses—at least 84 percent—will be produced according to the requirements of the new standards. Furthermore, if section 2 of this bill remains as the Committee on Interstate and Foreign Commerce intended, we can be confident that the Congress has provided adequate time in which the schoolbus engineers can implement the standards to achieve a vehicle which is the result of repeated testing and careful craftsmanship.

Mr. Chairman, I ask that the amendment by the gentleman from Texas (Mr. ECKHARDT) be defeated.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. PREYER. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, I want to be sure that everyone understands what the situation is with respect to timing.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. ECKHARDT, and by unanimous consent, Mr. PREYER was allowed to proceed for 2 additional minutes.)

Mr. ECKHARDT. If the gentleman will yield further, I think we are both in agreement on this proposition: That if my amendment should prevail, that if the manufacturers of bus chassis, which are generally General Motors, Ford, and International Harvester, actually manufacture the chassis in this year, this model year, that the company in your district, Thomas-Built Buses, or any other company building buses, having bought buses whose chassis were manufactured in 1976, would be permitted any time necessary—any time—to comply with the standards with respect to seats.

The gentleman from North Carolina will concur on that proposition, would he not, that that would be the case? And, of course, if we make it April 1, the manufacturer could be up to April 1 and any bus manufactured before this time would not be restricted by the standards?

In other words, we are not in any wise limiting Thomas-Built Buses to comply with the standards by January 1. We are only requiring that they comply with the standards on all buses built during the year 1976 up to January 1 or, of course, if the amendment should pass, until April 1. But Thomas-Built Buses would have any period of time after such dates, whatever the deadline be, to comply with the safety requirements respecting the manufacture of the seats and the structures within the bus?

Are we in disagreement on that?

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. MCFALL, and by unanimous consent, Mr. PREYER was allowed to proceed for 2 additional minutes.)

Mr. PREYER. I am not sure I understand the gentleman's question fully, but I believe that I am in agreement on that.

My view is that the nature of this business is such that there is no possibility of their ordering a great number of chassis and stockpiling those bodies so that they can use them at their leisure just to build bodies on them.

Mr. BRINKLEY. Mr. Chairman, will the gentleman yield?

Mr. PREYER. I yield to the gentleman from Georgia.

Mr. BRINKLEY. Mr. Chairman, I would ask the gentleman from North Carolina (Mr. PREYER) if it is not a fact that the chassis is not even bought by the bus manufacturer; the chassis is bought by the school district which is ordering the bus?

Mr. PREYER. Yes.

Mr. BRINKLEY. Therefore, realistically speaking, there just could not and would not be a backlog of chassis to the manufacturers such as Fort Valley, Bluebird, and Thomas-Built Buses?

Mr. PREYER. That is correct.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MOSS. Mr. Chairman, I move to strike the last word and I rise in support of the amendment.

Mr. Chairman, I was one of the principal authors of the Safety Act that requires the proclamation of standards for safer vehicles. In 1966 we were assured by the administrators, and have been in succeeding years, that standards would be promulgated for schoolbuses' safety, but no such standards were promulgated until in 1974 we reported another piece of legislation, of which I was the author, which made it mandatory that the Department issue regulations in specified areas of schoolbus safety, and everyone was on notice from the 24th of October of 1974 on that standards would have to be met.

7781 The subcommittee did extend the length of time from October 1 of 1976 to January 1 of 1977 in order to permit manufacturers, who I concede have been most cooperative, the opportunity to meet just one standard that was causing them problems, and that was the seating or the seating standard. I offered in committee to join in a move to extend the time to meet the seat standard on through into April of 1977, but that was not acceptable. As a result, if this bill is passed without the Eckhardt amendment, there will be a delay, in my judgment, for well over 1 model year, possibly 2 full model years, because while in many instances the bus manufacturers who do only manufacture the bus on extended chassis purchased directly from manufacturers or through middlemen—some of them do also purchase more than just the number of chassis required for their immediate on-hand orders—on those chassis manufactured prior to April 1 of 1977, if they want to put a new body on it clear into December of 1977 that is nonconforming, they can do so. It is a rather significant loophole. It is one that should not be made unless it is the intention of the Congress to give additional period of time, which really carries us through the 11th year after the commitment was made that we would have schoolbus standards.

We have not acted arbitrarily or in a hurried manner, and where there is an involvement of safety of our children, we have been usually, in my opinion, dilatory in acting to bring about the standards which would protect those children. Remember that the average age of schoolbuses—the average length of service—runs around 15 years. The one that caused the tragedy at Martinez, Calif., was a 26-year-old bus.

So these buses are going to be serving for many years in the future. It is long overdue. This business of requiring that standards be applied and delayed again for 1 and possibly 2 model years does a great disservice, and I strongly urge that the gentleman's amendment be adopted.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to my distinguished colleague, the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding.

I want to make it very clear to the body that a company like Thomas-Built Buses not only has during this year to comply with respect to the seat standards, but on those buses manufactured in which the chassis is manufactured during this year, it has an indefinite period to comply.

I also want to make it very clear to the Members here that this is not such a hard requirement.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. Moss was allowed to proceed for 3 additional minutes.)

Mr. ECKHARDT. Mr. Chairman, if the gentleman will yield, I understand that at Ward, which is another manufacturer competitive with Thomas, they are now capable of complying, but Thomas would not be required to comply with respect to buses the chassis of which were built this year or in any time limitation. It seems to me that is extremely generous.

Mr. MOSS. If the gentleman will recall, at the time of the 1974 amendment making schoolbus standards mandatory, we were told by several manufacturers that they had optional packages which would have provided the kind of safety we are attempting to legislate here and they were not able to supply it because they were in such a competitive field pricewise in getting the bids from the school districts.

Mr. ECKHARDT. The gentleman in the well has joined me in seeing innumerable films with built-in booby traps to injure children in buses as they are now manufactured. I recall seeing those films.

We are not asking for something that bus manufacturers have not had adequate notice about. We are asking for the bus manufacturers to meet a long delayed problem of affording safety to children who must ride in buses. Is that not correct?

Mr. MOSS. That is correct.

Mr. ECKHARDT. I thank the gentleman.

Mr. McCOLLISTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think we are losing sight of the main feature of the legislation which is to establish an effective date for these safety standards on schoolbuses. What is at issue is a matter of 3 months when everybody agrees, I think, that there is a relatively small proportion of a year's manufacture of schoolbuses produced. I believe the gentleman from North Carolina said 16 percent.

The DOT had some 15 months to promulgate these regulations which were published on January 6 of 1976. It seems to me that it is a very reasonable request to allow the schoolbus manufacturers to April 1 of 1977 to accommodate not only their design and production but also their quality control procedures in order that we can all be assured that we have adequate schoolbus safety.

Reference has been made to the vote in subcommittee and I would advise the Committee of the Whole that it passed—I think by one vote—in subcommittee to delete the April 1 date, and the April 1 date was restored overwhelmingly by a voice vote in the full committee when the matter was under consideration there.

Mr. Chairman, I would hope that the Committee would accede to a reasonable request and not agree to the gentleman's amendment, and leave the April 1, 1977, date in place.

Mr. BRINKLEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I wish to commend the chairman of the committee and the subcommittee and all of its members for the great deal of time they spent on this bill and also take this opportunity to commend the schoolbus manufacturers of this Nation for having done a good job in the safety features in the past and for fully proposing to do an even better job in the future.

The All-American body built by Bluebird at Fort Valley, Ga., has never experienced a fatality in all its existence.

I appreciate the fact that the gentleman from Texas has acknowledged that the industry has been cooperative. They want to do that which is right, and, believe me, they want the best bus and safest bus possible. But Mr. Chairman, the issue before us today is not that of good or bad faith in the schoolbus industry. It is a question of whether or not there is adequate time to do the best job possible. Even the gentleman from Texas and the gentleman from California as well as others, together with the rest of us here today, are in agreement that more time is needed from the October 1 deadline.

The issue is: How much more time? There is a question of 3 months or April 1. I submit, Mr. Chairman, that a better job can be done by the people of my district if we are to grant them the April 1 deadline.

It is a fact that they do get their chassis directly from the school district involved. There is no backlog of chassis. There is good faith and I would suggest to the gentleman from Texas that the gentleman's amendment, if it should carry, would produce possibly just the opposite result of that which the gentleman wishes to achieve, for if school districts are confronted with higher costs, they might not be purchasing new buses and, thus, children may be relegated to riding ad infinitum in even older buses from past years.

Mr. Chairman, I hope the Members will reject the amendment. I think the committee extension is a fair and reasonable, commonsense extension, and I ask the House to consider this most carefully and vote "no" on the amendment.

Mr. MURPHY of New York. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, there are many complex standards that are written into the requirements for schoolbuses. Four of them are interrelated. I think that our objective is to solve the problem and not demand compliance by a certain date. Therefore, I think 90 days is not an unreasonable extension to permit these companies to design for future safety, rather than for a specific compliance date.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT) to the committee amendment.

The question was taken; and on a division (demanded by Mr. ECKHARDT) there were—ayes 8, noes 31.

Mr. ECKHARDT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Forty-two Members are present, not a quorum.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand by the gentleman from Texas (Mr. ECKHARDT) for a recorded vote.

A recorded vote was refused.

So the amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. KAZEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 9291) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, pursuant to House Resolution 1277, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 9291, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Extract from

Congressional Record—Daily Digest
June 29, 1976, D929

Motor Vehicle Safety: House concurred in the Senate amendment to H.R. 9291, to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations—clearing the measure for the President.

Pages 21106-21107

Congressional Record—House
June 29, 1976, 21106 and 21107

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966 AMENDMENTS

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9291) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, after line 4, insert:

SEC. 3. Section 103(1) of such Act is amended by adding at the end thereof the following new paragraph:

"(3) Not later than six months after the date of enactment of this section, the Secretary shall conduct a study and report to Congress on (A) the factors relating to the schoolbus vehicle which contribute to the occurrence of schoolbus accidents and resultant injuries, and (B) actions which can be taken to reduce the likelihood of occurrence of such accidents and severity of such injuries. Such study shall consider, among other things, the extent to which injuries may be reduced through the use of seat belts and other occupant restraint systems in schoolbus accidents, and an examination of the extent to which the age of school buses increases the likelihood of accidents and resultant injuries.".

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. McCOLLISTER. Mr. Speaker, reserving the right to object, and I shall not object, I would state that the Senate bill and the House bill are identical with the exception of the provisions of the Senate amendment which was just read by the Clerk. I know of no objection to this and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, will the gentleman from New York explain to us the differences?

Mr. MURPHY of New York. Mr. Speaker, if the gentleman from California will yield, the difference between the Senate and the House version was basically the amendment that was just read. The gentleman from California (Mr. LEGGETT) could not be here during the consideration of the bill and could not offer this amendment. This is the amendment that was added by the Senator from California in the Senate and it came back to the House with this amendment. The minority and the majority are both happy to accept the amendment.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman from New York for his explanation and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just under consideration, H.R. 9291.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Senate Debate

Congressional Record—Senate
June 11, 1976, 17722

ORDER FOR H.R. 9291 TO BE HELD AT THE DESK

Mr. HARTKE. Mr. President, I ask unanimous consent that when the Senate receives H.R. 9291, that such act be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Extracted from

Congressional Record—Daily Digest
June 24, 1976, D892

Motor Vehicle Safety: Senate took from desk, passed, and returned to the House H.R. 9291, authorizing funds for programs under the National Traffic Motor Vehicle Act, after agreeing to Cranston unprinted amendment No. 85, directing Department of Transportation to study and report to the Congress on actions which might be taken to reduce the occurrence of school bus accidents.

S. 2323, the Senate companion bill, was then indefinitely postponed.

Pages 20170-20171

Congressional Record—Senate
June 24, 1976, 20170 and 20171

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY APPROPRIATIONS

Mr. HARTKE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 9291.

The ACTING PRESIDENT pro tempore laid before the Senate H.R. 9291, an act to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, which was read twice by its title.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to the consideration of the bill.

Mr. HARTKE. Mr. President, we are considering today legislation to extend the National Traffic and Motor Vehicle Safety Act. This legislation, like S. 2323, reported favorably by the Commerce Committee on May 5, 1976, would authorize to be appropriated not to exceed $13 million for the fiscal year transition period and $60 million for each of fiscal years 1977 and 1978 for implementation of this important legislation.

Additionally, H.R. 9291 would delay from October 27, 1976, to April 1, 1977, the effective date of the schoolbus safety regulations required pursuant to Public

Law 93–492. In granting this extension of a little over 5 months, Congress would be responding to a request of the School Bus Manufacturers Institute, SBMI, to allow additional time to achieve compliance with the standards using the best possible design solutions.

It is important to note that this extension would affect only a small percentage of the 1977 schoolbus production. According to the SBMI, only 16 percent of each year's production is achieved in January, February, and March. The bulk of the production occurs during the summer months in anticipation of the new school year beginning in the fall.

Mr. President, I ask unanimous consent that there be printed in the RECORD a letter from Berkley Sweet, executive director of the School Bus Manufacturers Institute regarding this proposed extension of the effective date.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SCHOOL BUS MANUFACTURERS INSTITUTE,
Washington, D.C., May 10, 1976.

Hon. WARREN G. MAGNUSON,
Chairman, Senate Committee on Commerce, Dirksen Senate Office Building, Washington, D.C.

DEAR CHAIRMAN MAGNUSON: The purpose of this letter is to give you and other members of the Committee on Commerce my full assurance as a representative of the six school bus body manufacturers that the extension of the effective date of the school bus safety standards to April 1, 1977, which H.R. 9291, as amended by the House Committee on Interstate and Foreign Commerce, would provide, will *not* be used to produce a large portion of the 1977 bus orders according to the "old" standards.

Every manufacturer has told me personally that his company will begin to incorporate the required features as soon as possible in the 1977 production run. Furthermore, the industry-wide production figures which we have compiled over a number of years indicate that, at most, only 16% of a year's production is ever produced during January, February, and March, which is the only part of the 1977 production year actually affected by the extension. For your information, I am enclosing a graphic profile of the school bus production year, which illustrates this fact.

As you are aware, the manufacturers need this additional time principally to bring all the buses built according to new standards into a maximum level of quality control for compliance. All of the standards will be phased gradually into production, but compliance with the seating standard, which requires manufacturers to totally change their methods of seat construction, will present some especially difficult quality control problems.

The engineers for these manufacturers conclude that they need an extension of the effective date of the standards to April 1, 1977 in order to firmly establish the best production techniques possible instead of relying on "reasonable guesstimates" so that they can be absolutely certain that the methods they have selected for compliance result in the production of the safest possible bus.

The school bus manufacturers are as vitally interested in seeing that the new safety features are rapidly incorporated in their buses as are you, the other Members of the Committee on Commerce, and the rest of the Congress. This extension will permit us to get the job done using the soundest methods possible.

Sincerely,

BERKLEY SWEET,
Executive Director.

Enclosure.

Typical schoolbus manufacturing profile (Six year average based on Assembly Starts)

Calendar month:	*Percent of yearly production*
January	4
February	4
March	8
April	7
May	11
June	12
July	14
August	14
September	13
October	10
November	3
December	*

* Assembly Starts for December approximately equal zero due to model year production change over and Christmas and New Years Holidays.

Mr. HARTKE. Mr. President, there have been some fears expressed that this extension will be used by the manufacturers to exempt the entire 1977 school bus production from the Federal standards by stockpiling chassis. This letter offers us assurance that this extension will be used for nothing more than allowing manufacturers to incorporate new designs more conveniently into production cycles and that only a small percentage of the 1977 production will be affected.

Mr. President, 1976 marks the 10th anniversary of the National Traffic and Motor Vehicle Safety Act. Since the promulgation of the first Federal motor vehicle safety standards in 1967, there has been a continuous and significant decline in the Nation's highway fatality rate. In 1966, when both the National Traffic and Motor Vehicle Safety Act and the Highway Safety Act were enacted, the fatality rate was 5.5 to 5.6 per 100 million miles traveled. By 1973, the rate had dropped about 25 percent

to 4.15 per 100 million miles. Estimates based on the 1966 accident statistics conclude that had we not embarked on these safety programs, the Nation would have suffered 75,000 highway fatalities in 1973. Instead, in that year, 54,347 lives were lost on the American highways.

The ACTING PRESIDENT pro tempore. The Senator's 2 minutes have expired.

Mr. HARTKE. I ask unanimous consent to proceed for another 2 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. HARTKE. A combination of factors have contributed to this decrease in highway fatalities. During the last decade, the highway environment was being improved, new motor vehicle safety standards were introduced, and new traffic safety programs in States and communities were being implemented. While it is difficult to proportion these safety gains among the three programs, Dr. James Gregory, Administrator of the National Highway Traffic Safety Administration, recently stated his belief that—

The efforts to improve the safety performance of motor vehicles and motor vehicle equipment are likely to achieve concrete results earlier than efforts aimed at the more difficult task of improving human driving habits. It is, therefore, my assessment that our motor vehicle safety programs have contributed most to the safety gains we achieved through 1973.

Since 1973, additional safety gains have been achieved through the implementation of a national 55-mile-per-hour speed limit. The number of fatalities declined from 54,347 in 1973 to 45,717 in 1974 and an estimated 45,674 in 1975. This decline cannot be explained solely in terms of changes in total vehicle miles driven because while total mileage dropped somewhat from 1973 to 1974, it reached a new height of 1.315 billion in 1975. The net effect of the changes in fatalities and mileage was that the fatality rate fell to about 3.6 per 100 million miles in 1974 and to an estimated 3.5 per 100 million miles for 1975.

A savings in lives is not the only benefit of the motor vehicle safety program. Hundreds of thousands of injuries have been prevented. In terms of dollars and cents, motor vehicle accidents have been estimated by the National Safety Council to cost the Nation in excess of $19.3 billion. This figure includes $6 billion in wage loss, $1.7 billion in medical expense, $5.1 billion in insurance administration costs, and $6.5 billion in property damage from moving motor vehicle accidents. There can be no question but that in its first decade, the motor vehicle and highway safety programs have made a major contribution in increasing the safety of the highway environment.

Mr. President, I urge approval of H.R. 9291. 20171

UP AMENDMENT NO. 86

Mr. CRANSTON. Mr. President, I have an amendment that I send to the desk and ask that it be considered.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment of Senator CRANSTON and Senator TUNNEY is as follows:

On page 2, after line 4, insert the following:

"Sec. 3. Section 103(1) of such Act is amended by adding at the end thereof the following new paragraph:

"'(3) Not later than 6 months after the date of enactment of this section, the Secretary shall conduct a study and report to Congress on (A) the factors relating to the school bus vehicle which contribute to the occurrence of school bus accidents and resultant injuries, and (B) actions which can be taken to reduce the likelihood of occurrence of such accidents and severity of such injuries. Such study shall consider, among other things, the extent to which injuries may be reduced through the use of seat belts and other occupant restraint systems in school bus accidents, and an examination of the extent to which the age of school buses increases the likelihood of accidents and resultant injuries.' ".

Mr. CRANSTON. Mr. President, Senator JOHN V. TUNNEY and I are proposing this amendment to H.R. 9291, the National Traffic and Motor Vehicle Safety Act authorization bill. It directs the Department of Transportation to conduct a study of pupil transportation and report to Congress on the actions which might be taken to reduce the occurrence of schoolbus accidents. There have been many accidents injuring and killing children traveling to and from school in buses. The latest, and apparently one of the worst in United States history, occurred on May 21 in Martinez, Calif. Twenty-seven students from Yuba City High School and one adult supervisor were killed. Every other passenger and the bus driver, a total of 25 persons, suffered injuries, many serious. Along with the families in Yuba City, the State of California, and the Nation, Senator TUNNEY and I were shocked and

saddened by this needless accident. Because of the tragedy we have resolved to take whatever steps we can to reduce the chances for future schoolbus catastrophes.

Thus we are proposing an investigation of pupil transportation. The finding of this study will assist in evaluating and improving the critical safety standards needed to protect children riding in schoolbuses.

Considering the rapid advances which continue to be made in the technology of vehicle construction, there is no excuse for permitting any of the Nation's pupils to ride in outmoded schoolbuses, or buses on which few improvements have been made to protect its passengers. While there appears to be a dearth of factual information as to what could have been done to prevent this tragic incident, there has not been sufficient effort made to implement existing technology to prevent such happenings. It is our hope that this Department of Transportation study will provide us with the necessary recommendations to make those needed changes so that future schoolbus passengers may be assured of the benefits of the existing technology. Inclusion of this provision is an initial step in understanding and preventing the dangers that schoolchildren are exposed to in their year-round use of school vehicles.

Mr. HARTKE. Mr. President, I am prepared to accept the amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. HARTKE. Mr. President, I ask unanimous consent that S. 2323 be placed on the Calendar under "Subjects on the Table."

Mr. MANSFIELD. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MANSFIELD. That is on the unanimous-consent request putting an item on the calendar under "Subjects on the Table."

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. HARTKE. Mr. President, I ask for indefinite postponement of Calendar Order 812, S. 2323.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

94TH CONGRESS
2D SESSION

H. R. 9291

IN THE SENATE OF THE UNITED STATES

JUNE 14, 1976
Received

AN ACT

To amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:

"SEC. 121. There are authorized to be appropriated for the purpose of carrying out this Act, not to exceed $13,000,000 for the transition period July 1, 1976, through September 30, 1976, $60,000,000 for the fiscal year ending September 30, 1977, and $60,000,000 for the fiscal year ending September 30, 1978.".

94TH CONGRESS
1ST SESSION

H. R. 9291

A BILL

To amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations.

By Mr. STAGGERS and Mr. DEVINE

AUGUST 1, 1975

Referred to the Committee on Interstate and Foreign Commerce

Calendar No. 812

94TH CONGRESS
2D SESSION

S. 2323

[Report No. 94-854]

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 1975

Mr. MAGNUSON (for himself and Mr. PEARSON) (by request) introduced the following bill; which was read twice and referred to the Committee on Commerce

MAY 13, 1976

Reported by Mr. HARTKE, without amendment

A BILL

To amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:

"SEC. 121. There are authorized to be appropriated for the purpose of carrying out this Act, not to exceed $13,000,000 for the transition period July 1, 1976, through September 30, 1976, $60,000,000 for the fiscal year ending September 30, 1977, and $60,000,000 for the fiscal year ending September 30, 1978.".

Calendar No. 812

94TH CONGRESS
2D SESSION

S. 2323

[Report No. 94–854]

A BILL

To amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations.

By Mr. MAGNUSON and Mr. PEARSON

SEPTEMBER 10, 1975
Read twice and referred to the Committee on Commerce

MAY 18, 1976
Reported without amendment

Section-By-Section Analysis

As Enacted—Section 1

That section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:

"SEC. 121. There are authorized to be appropriated for the purpose of carrying out this Act, not to exceed $13,000,000 for the transition period July 1, 1976, through September 30, 1976, $60,000,000 for the fiscal year ending September 30, 1977, and $60,000,000 for the fiscal year ending September 30, 1978.".

1

National Traffic and Motor Vehicle Safety Act, amendment. Appropriation authorization.

House Passed Act—Section 1

Identical to the section as enacted.

House Debate—Section 1

Congressional Record—House
June 11, 1976, 17777 and 17778

Mr. DELANEY.

Mr. Speaker, H.R. 9291 authorizes appropriations not to exceed $13 million for the transition period and $60 million for fiscal years 1977 and 1978 to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966.

. . . . . .

17778 Mr. MURPHY of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill is an administration proposal and authorizes appropriations, for the purpose of carrying out the act, not to exceed:

$13 million for the transition period;
$60 million for fiscal year 1977; and
$60 million for fiscal year 1978.

The funding level for fiscal year 1976 was also $60 million; therefore, the fiscal year 1977 and 1978 levels do not exceed the fiscal year 1976 level. This act is administered by the National Highway Traffic Safety Administration in the Department of Transportation.

When the act was passed in 1966, highway fatalities were over 50,000 and steadily climbing. Since then, substantial progress has been made. The number of fatalities in 1974 was 45,534, a decline of more than 9,500 from the previous year's total. The 1974 reductions are largely attributable to the national 55 mile-per-hour speed limit and reduced highway travel in that year. Since highway travel and speed are again climbing, whether fatalities can remain at a reduced level will depend partly upon the promulgation and enforcement of needed vehicle safety standards.

The authorized funds would be used to conduct Vehicle Safety Research: develop and promulgate new vehicle safety standards; amend existing standards and other rules and regulations; provide consumer information; conduct defect and noncompliance testing; and enforce the act's provisions.

House Committee Report—Section 1

House Report 94-1148, Pages 1, 2, 5, 6, and 7

This legislation amends section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) [hereinafter, the Act] to authorize appropriations for the purpose of carrying out the Act, not to exceed $13 million for the transition period, July 1, 1976 through September 30, 1976, $60 million for fiscal year 1977, and $60 million for fiscal year 1978. The Act is administered by the National Highway Traffic Safety Administration (NHTSA) in the Department of Transportation.

. . . . . .

Basis for the Legislation

When the Act was passed in 1966, the highway fatality rate per 100,000,000 miles of vehicle travel was 5.7. Highway fatalities were over 50,000 and steadily climbing. Since then, substantial progress has been made. The fatality rate declined to 4.3 in 1973 and to an estimated 3.6 in 1974. The number of fatalities in 1974 was 45,534, a decline of more than 9,500 from the previous year's total. The 1974 reductions are largely attributable to the national 55 mile-per-hour speed limit and reduced highway travel in that year.

Since highway travel and speed are again climbing, whether fatalities can remain at a reduced level will depend partly upon the promulgation and enforcement of needed vehicle safety standards, and further increases in occupant restraint usage.

To aid these efforts, this legislation authorizes the appropriation of an amount not to exceed $13,000,000 for the transition period July 1, 1976 through September 30, 1976, and $60,000,000 for each of fiscal years 1977 and 1978. The funds would be used to conduct vehicle safety research; develop and promulgate new vehicle safety standards, amend existing standards and other rules and regulations; provide consumer information; conduct defect and noncompliance testing; and enforce the provisions of the Act.

The funding level for fiscal year 1976 was also $60 million; therefore, this authorization for fiscal years 1977 and 1978 does not exceed the prior year's level of funding.

. . . . . .

The Committee is unaware of any inflationary impact on the economy that would result from the passage of H.R. 9291. The reported bill continues existing programs under the National Traffic and Motor Vehicle Safety Act of 1966 to reduce traffic accidents and deaths and injuries to persons resulting from traffic accidents. The funding level in the bill for each of fiscal years 1977 and 1978 is $60 million, the same as that authorized for fiscal year 1976. The funds would be used to conduct vehicle safety research; develop and promul-

gate new vehicle safety standards, amendments to existing standards, and other rules and regulations; provide consumer information; conduct defect and noncompliance testing; and enforce the provisions of the Act.

. . . . . .

Cost Estimate

6

In accordance with clause 7(a) of Rule XIII of the Rules of the House of Representatives, the Committee estimates that the following costs will be incurred in carrying out the functions under H.R. 9291:

Fiscal year:	*Millions*
Transition period	$13
1977	60
1978	60

The National Highway Traffic Safety Administration in the Department of Transportation which administers these programs has transmitted the President's estimate of the costs to be incurred in carrying out the functions under H.R. 9291:

Fiscal year:	*Millions*
Transition period	$11.7
1977	44.2
1978	In process

Congressional Budget Office Cost Estimate

Pursuant to clause (l)(3)(A) of Rule XI of the Rules of the House of Representatives, the Committee has received the following cost estimate prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

7

May 12, 1976.

1. Bill Number: H.R. 9291
2. Bill Title: Amendment to the National Traffic and Motor Safety Act of 1966
3. Purpose of Bill: This bill authorizes $13 million for the transition quarter, $60 million for FY 1977 and $60 million for FY 1978, to be appropriated to carry out the provisions of the National Traffic and Motor Vehicle Safety Act. The funds will be used to (1) set motor vehicle safety standards and (2) pay for salaries and administrative expenses of the National Highway Traffic Safety Administration.
4. Cost Estimate:

[In thousands of dollars; fiscal years]

	Transition quarter	1977	1978	1979	1980
Authorization level	13,000	60,000	60,000		
Costs	4,810	29,298	56,052	37,800	5,040

5. Basis for Estimate: Based on recent experience, it is assumed that 16 percent of the authorized funds will be used for salaries and administrative expenses. These are normally paid out entirely in the year for which they are authorized. The remaining funds are assumed to be utilized for the various traffic and motor vehicle safety programs. These programs have a 25, 65, 10 percent spendout rate in years 1 through 3, respectively.

6. Estimate Comparison: None.

7. Previous CBO Estimate: None.

8. Estimate Prepared by: Jack Garrity. (225–5275).

9. Estimate Approved By:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

. . . . . .

Section 1 of the bill amends section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) to authorize appropriations for the purpose of carrying out the Act, not to exceed $13 million for the transition period July 1, 1976 through September 30, 1976, $60 million for FY 1977, and $60 million for FY 1978.

Senate Passed Act—Section 1

Identical to the section as enacted.

Senate Debate—Section 1

Congressional Record, Senate
June 24, 1976, 20170

Mr. HARTKE. Mr. President, we are considering today legislation to extend the National Traffic and Motor Vehicle Safety Act. This legislation, like S. 2323, reported favorably by the Commerce Committee on May 5, 1976, would authorize to be appropriated not to exceed $13 million for the fiscal year transition period and $60 million for each of fiscal years 1977 and 1978 for implementation of this important legislation.

Senate Committee Report—Section 1

Senate Report 94-854, Pages 1-4

The purpose of this legislation is to authorize additional appropriations to implement the National Traffic and Motor Vehicle Safety Act of 1966. S. 2323 would authorize to be appropriated not to exceed $13 million for the fiscal year transition period of July 1, 1976, through September 30, 1976; $60 million for the fiscal year ending September 30, 1977; and $60 million for the fiscal year ending September 30, 1978.

. . . . . .

S. 2323, which would extend the authorization for implementation of this Act, represents the committee's confidence in the benefits that can be achieved by a vigorous and comprehensive motor vehicle safety program. There is new technology which can and should be translated into new safety devices and made available to the public at large. The Department of Transportation's National Highway Traffic Safety Administration (NHTSA) is mandated to continue this work. 2

The President's budget requests a total expenditure of $44,579,000 for implementing the National Traffic and Motor Vehicle Safety Act. This budgetary level is $19,298,000 less than that requested by the National Highway Traffic Safety Administration and $18,870,000 less than that which was requested by the Department of Transportation for implementation of the Act. There are several important programs which the NHTSA will not be able to implement with the level of expenditure provided for in the President's budget.

Among the new positions requested by the National Highway Traffic Safety Administration, but not included in the President's budget, were two positions for the Office of Crashworthiness and one position for the engineering systems staff. The basis for this request was a need to increase the capability of the NHTSA to perform benefit-cost and engineering statistical analysis of proposed regulatory actions. Executive Order 11821 dated November 27, 1974, requires that all major legislative proposals, regulations, and rules emanating from the executive branch of the Government include a statement certifying that the inflationary impact of such actions on the Nation has been carefully considered. In order to implement this Executive order, appropriate resources must be provided to the NHTSA. 3

The standards enforcement and compliance effort will also suffer adversely by the spending level contained in the President's budget. In this area, the NHTSA and the Department of Transportation each requested $6,300,000 for standards development and enforcement. The President's budget provides only $5,400,000. The NHTSA has informed the committee that the $5.4 million allowance for standards development and enforcement will not fully restore compliance testing to the 1974 level. This reduction in testing volume has resulted from the combined effects of inflation and increased sophistication of com-

pliance testing. The President's budget also deleted the request for two additional positions for the Office of Standards Enforcement to improve compliance test monitoring procedures and a deferral by the Office of Management and Budget of the construction and staffing of a compliance test facility. If the OMB is going to deny the construction of this facility in fiscal year 1977, at the very least, the requested level of funding and staffing for standards enforcement activities other than the compliance test facilities should be allocated.

In the area of defects investigation, the NHTSA requested $1,475,000. The Department of Transportation had requested $1,250,000 and the President provided $1 million. Defects investigations is one of the most important functions of the NHTSA. The beneficial effects of vehicle safety standards can be sharply decreased if vehicles containing safety related defects are not recalled and remedied quickly. In fact, the thrust of Public Law 93-492 reflects this concern.

A recent study conducted by the Center for Auto Safety, however, indicates that investigations are taking increasingly longer to complete. The study showed that the first 19 months of defects investigation (October 27, 1967, through May 1969) 111 investigations were completed with an average pendancy of 3.2 months. In subsequent 19-month periods, the average pendancy of cases completed during that 19-month period was 5.8 months, 10 months, 19.8 months, and 28.7 months. A reinstatement of funds at least to the level requested by the Department of Transportation is necessary to insure expeditious examination and handling of defects investigations.

In its budget request, the NHTSA requested $1,320,000 for support engineering systems. The President's budget provided only $1,020,000. These funds were requested to permit a major effort aimed at evaluating the effectiveness of existing Federal motor vehicle safety standards. Such evaluation enables the NHTSA to determine whether the motor vehicle safety standards, as they have been implemented by the motor vehicle industry, are providing the anticipated benefits. If a standard is found to be deficient, the NHTSA could repeal the standard or modify its requirements. The capability to evaluate the Federal motor vehicle safety standards is thus well worth the investment of an additional $300,000.

Accident investigation and data analysis is another area where the NHTSA budget has been cut. This activity offers two types of benefits. First, it enables the NHTSA to evaluate the effectiveness of its motor vehicle safety standards. Second, it defines the levels of crash severity, thus aiding the NHTSA in planning for future motor vehicle safety standards. With this knowledge, the Administration is able to determine at what point a specific motor vehicle safety standard provides the greatest benefit at the least cost.

The President's budget, however, does not include sufficient funding to implement an adequate accident investigation and data analysis program. While the NHTSA requested $6,600,000 for this purpose, the President's budget provides only $5,655,000. The reduction of $945.000 will delay the implementation of the national accident reporting system from pilot status to full operational capability. Likewise, the disallowance of nine new and three previously authorized positions from the Office of Standards and Analysis, would cause a

delay in the implementation of the national accident sampling system. These reductions, coupled with the reduction of $700,000 for the crash recorder program which were to be installed in vehicles for the collection and analysis of accident data, will have a serious impact on the NHTSA's regulatory program.

In the area of research and analysis, there were two serious reductions in the President's budget from the NHTSA request. In the area of crash survivability, a reduction of $760,000 would delay; (1) development of analytical techniques to be used in the assessment of advanced vehicle designs; (2) performance of various restraint systems comparison tests with full scale car crash testing utilizing dummies and cadavers; and (3) the development of a family of dummies that will replicate humans in crash situations. Given the current consideration being given to advanced restraint systems and recent questions about the performance of seat belt systems, this loss of funds would have a serious adverse effect on the NHTSA's program.

The other component of the research program in which there was a major reduction between NHTSA request and the President's request is for the research safety vehicle. The President's budget provides for $650.000 less than that which was requested by the NHTSA. This reduction will probably cause some delay in planned efforts for a test program for foreign experimental safety vehicles and in the development of performance specifications for an advanced safety vehicle to meet the requirements of the late 1980's and early 1990's.

. . . . . .

S. 2323 would amend section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 to authorize to be appropriated not to exceed $13 million for the transition period (July 1, 1976, through September 30, 1976); $60 million for the fiscal year ending September 30, 1977; and $60 million for the fiscal year ending September 30, 1978.

Executive Communications—Section 1

House Report 94-1148, Page 6

Letter from Secretary William T. Coleman, Jr. to the Speaker of the House, Carl Albert.

When the National Traffic and Motor Vehicle Safety Act was passed in 1966, the highway fatality rate per 100,000,000 miles of vehicle travel was 5.7. Highway fatalities were over 50,000 and steadily climbing. Since then, substantial progress has been made. The fatality rate declined to 4.3 in 1973 and to an estimated 3.6 in 1974. The number of fatalities in 1974 was 45,534, a decline of more than 9,500 from the previous year's total. The 1974 reductions are largely attributable to the national 55 mile-per-hour speed limit and reduced highway travel in that year.

Since highway travel and speed are again climbing, whether highway fatalities can remain at a reduced level will depend partly upon the promulgation and enforcement of needed vehicle safety standards, and further increases in occupant restraint usage.

To aid these efforts, this legislation would authorize the appropriation of an amount not to exceed $13,000,000 for the transition period July 1, 1976, through September 30, 1976, and $60,000,000 for each of fiscal years 1977 and 1978. The funds would be used to conduct vehicle safety research; develop and promulgate new vehicle safety standards, amendments to existing standards, and other rules and regulations; provide consumer information; conduct defect and noncompliance testing; and enforce the provisions of the Act.

It is the judgment of this Department, based on available information, that no significant environmental or inflationary impact would result from the implementation of this legislation.

The Office of Management and Budget advises that this proposed legislation is consistent with the Administration's objectives.

Sincerely,

WILLIAM T. COLEMAN, Jr.

As Introduced—Section 1

Identical to the section as enacted.

As Enacted—Section 2

SEC. 2. Section 103(i)(1)(B) of such Act is amended by striking out "the expiration of the nine-month period which begins on the date of promulgation of such safety standards" and inserting in lieu thereof "April 1, 1977". Schoolbus equipment safety standards. 15 USC 1392. 1

House Passed Act—Section 2

Identical to the section as enacted.

House Debate—Section 2

Congressional Record—House
June 11, 1976, 17777—17782

Mr. DELANEY.

In addition, the bill would postpone the implementation date for school bus safety standards for a 6-month period in order to provide bus manufacturers with sufficient time to comply with the standards while at the same time providing the best possible design solutions.

. . . . . .

Mr. MURPHY.

17778

The Subcommittee on Consumer Protection and Finance held 3 days of hearings on this bill in March 1976. The full committee, in executive session, amended the act to delay the effective date of the new Federal schoolbus safety standards to April 1, 1977. The new schoolbus safety standards were mandated by the 1974 amendments to the act and required to become effective no later than 2 years following enactment, which is October 27, 1976.

In approving this amendment, the committee is granting the schoolbus manufacturing industry the additional time requested in order to achieve compliance using the best possible design solutions, while insuring that the majority of schoolbuses produced during 1977 are in compliance with the new safety standards.

The full committee favorably ordered the bill reported to the House, by voice vote, on April 29, 1976. I urge the passage of this bill.

. . . . . .

Mr. McCOLLISTER

Mr. Chairman, I rise in support of the bill, H.R. 9291. As the subcommittee chairman has pointed out, this legislation contains the authorizations for the National Highway Traffic Safety Administration through fiscal year 1978. The legislation, as reported from the committee, would also extend from October 27, 1976, to April 1, 1977, the effective date for minimum safety standards applicable to schoolbuses. This extension was necessary because the October deadline fell right in the middle of the manufacturers' busiest season, at a time when it would be very difficult to change production techniques. Further, few buses are manufactured in the first several months of the year. Therefore, by extending the deadline for 5 additional months, we give the manufacturers adequate time within which to comply with these standards while still providing maximum safety for passengers of schoolbuses.

As far as I can determine, that is the only bone of contention in the bill, and for myself, I will defend the April 1, 1977, date. I think, Mr. Chairman, that nothing more needs to be said in the way of general debate. Therefore, I reserve the balance of my time.

In conclusion, I do support this bill and urge its speedy enactment.

. . . . . .

17779 **AMENDMENT OFFERED BY MR. ECKHARDT TO THE COMMITTEE AMENDMENT**

Mr. ECKHARDT. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT to the committee amendment: On page 2, line 6, strike "April 1, 1977" and insert in lieu thereof, "January 1, 1977".

Mr. ECKHARDT. Mr. Chairman, I have copies of this very simple amendment at the desk for everyone who would like to have a copy. All it does it strike "April 1, 1977," and inserts in lieu thereof "January 1, 1977."

Mr. Chairman, my amendment making schoolbus safety standards effective January 1, 1977, as opposed to the current date in the bill of April 1, 1977, is to amend the bill to comply with the original intent of the Subcommittee on Consumer Protection and Finance. That is the date that we had initially established in the subcommittee for the effective date of the schoolbus compliance standards.

Under the 1974 amendments to the National Traffic and Motor Vehicle Safety Act, safety standards for schoolbuses were to be effective on October 26, 1976. The School Bus Manufacturers Institute, SBMI—argued that, since the schoolbus model year is the calendar year, it was unfair and unduly burdensome to implement standards in the middle of a model year. October is also the peak production season for schoolbuses. An extension to January 1, 1977, would allow the manufacturers to begin production of their new model buses and incorporate the safety standards at the same time The subcommittee felt this extension was reasonable, and I concur.

Unfortunately, the industry lobbied successfully in the full committee for a further extension to April 1977. With this April 1, 1977 deadline, schoolbus manufacturers will be faced with implementing the safety change in the middle of the model year, thus making somewhat questionable the argument of the efficiency of the extension. But more importantly, while the extension is only 3 additional months, in reality the danger resulting from such an extension is great. The impact of this extension is that children will be riding around in substandard schoolbuses for years to come. Hundreds of buses will be produced between January 1, 1977, the original deadline, and April 1, 1977, the deadline the full committee adopted. These buses, produced in noncompliance with the safety standards, will be in active service carrying schoolchildren for 10 to 15 years. Thus, we have not made a simple 3-month extension of the deadline for safety standards. We have decided hundreds more schoolchildren will ride day after day in substandard buses.

Because of the peculiar nature of constructing schoolbuses, the extension has even a further impact.

Schoolbus companies normally purchase the chassis of a bus from another manufacturer and then build the body of the bus on the chassis. Under this bill we also extend the deadline for chassis and other schoolbus safety standards. Thus a noncomplying chassis manufactured before April 1, 1977, may be the foundation for a bus built in December of 1977 or later. This will result in substandard buses being turned out for months after supposed implementation of the safety standards. So instead of

getting a 3-month extension, the companies are really getting an open-ended extension to construct buses with noncomplying parts so long as the chassis were manufactured before April 1, 1977.

I am not denying that millions of schoolchildren travel thousands of miles each year on schoolbuses with a remarkably low accident rate. But this low accident ratio is due to the high visibility of the bus, the great care other drivers afford such buses, and the low speeds involved, not the inherent safety of the buses.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. ECKHARDT was allowed to proceed for 3 additional minutes.)

Mr. ECKHARDT. Mr. Chairman, I am not going to maintain my amendment would prevent tragedies such as the recent schoolbus accidents which have made the news, because these involved buses built in the past, but I do stress this point: the substandard buses manufactured between January 1, 1977, the date I proposed, and April 1, 1977, the date currently in the bill, can likewise be hazard prone and may be in service for 10 to 15 years, and probably longer. These buses, lacking the proper safety equipment and construction, will continue to carry children, driving along our streets and highways, a hazard waiting to become a tragedy.

The amendment will not alter the fact that unsafe schoolbuses exist, but it will reduce the percentage of unsafe buses of the total in use. The schoolbus industry, which has not been dilatory in the past, does not maintain it cannot meet the standards of January 1, 1977, but merely that it will be difficult to do so. Recent comments by one of the most progressive manufacturers indicate the major difficulty, that of seating standards, has been solved. I wish to be accommodating to industry, but the safety of schoolbus riders is more important to me than accommodation to industry.

Mr. Chairman, I urge my colleagues to vote for my amendment to make schoolbus safety standards effective January 1, 1977, rather than 3 months later. If only a few young lives are saved, I think it is worth the inconvenience.

Mr. Chairman, this is what the subcommittee had originally adopted. This is what seemed reasonable. This was in effect a compromise, and what happened was that in the full committee considerably more than the original compromise was demanded by industry, and, unfortunately, those with the intense, special interest prevailed. So what I am asking for is simply agreement with the subcommittee which heard the facts in the case.

Mr. Chairman, I strongly urge an "aye" vote on the amendment.

Mr. PREYER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas (Mr. ECKHARDT) to section 2 of H.R. 9291. I sponsored the amendment which was adopted by my colleagues on the Committee on Interstate and Foreign Commerce to change the effective date of the new schoolbus safety standards to April 1, 1977. This amounts to a total extension of only 5 months and 5 days beyond the current statutory effective date of October 26, 1976.

Mr. Chairman I sponsored this amendment because I believe that the six schoolbus body manufacturers, one of which, Thomas-Built Buses, is located in my district, face an impossible task in trying to bring their buses into compliance with the four new Federal schoolbus construction standards within the statutory 9-month compliance period. These standards which affect seats, body joints, roof construction, and emergency exists, change the way just about every major body component is made. The members of the Committee on Interstate and Foreign Commerce agreed that an extension to April 1, 1977, is both reasonable and necessary.

Neither the School Bus Manufacturers Institute nor any of its six member companies opposes the new safety standards—in fact, they are anxious to bring their 1977 buses into compliance with them providing they can do so using the soundest production methods possible. They, too, are concerned about the safety of the schoolchildren who ride in the buses they build, and are doing everything they can to implement the new standards in the best way they know how—but they know that achieving quality production will take more than 9 months. They do not think that either the statutory effective period ending October 26, 1976, or an extension to January 1, 1977, which Mr. ECKHARDT'S amendment will provide, will be adequate. 17780

The bus manufacturers have assured me that this extension will affect, at the most, only 16 percent of the 1977 schoolbuses which is the portion of the annual production which is normally manufactured in the months of January, February, and March. Based on a yearly production figure of 25,000 units, this 16 percent amounts to 4,000 buses and these 4,000 buses will not be "substandard" as

some would have you believe. They will be solid, reliable buses which represent the advances in motor vehicle technology which have been made over the last 20 years.

Furthermore, section 2 as it now stands, is not an open ended extension to build noncomplying buses for years to come. Under NHTSA regulations, a manufacturer must certify that his vehicle meets all standards that were in effect either on the date of manufacturing of the chassis—not the date of purchase, as has been stated—or on the date on which the body and chassis are finally assembled. In fact, schoolbus body manufacturers have almost nothing to say about dates of chassis manufacturing. Ninety percent of the schoolbus chassis are ordered directly from the chassis manufacturers by the school districts, who set delivery date. The body manufacturers build the schoolbus body only after they have received the chassis to put it on. The chassis are built by separate companies such as Ford, GM, and International Harvester, who produce according to their own schedules.

Let me emphasize that the critical date for implementation of the new standards, with or without the gentleman's amendment, is not the date of the actual delivery of the bus to the customer or the date on which the agreement to purchase is made—it is either the date of actual manufacturing of the chassis or the date of final assembly. I want to assure my colleagues that there is no loophole in the bill as it now reads to permit anyone to evade the new standards by placing an order or otherwise "purchasing" a bus or bus components prior to April 1, 1977, as has been alleged. Only the actual date of manufacturing governs.

Just as every other Member of this body, I was shocked and saddened by the tragic bus accident in Martinez, Calif., which resulted in the death of 27 Yuba City high school students and 1 adult supervisor. Early reports from the California Highway Patrol indicate that the accident was caused by driver error, namely, excessive speed, and by brake failure. I want to point out to my colleagues that when this particular bus—a Crown Coach Corp. product—they are not members of the School Bus Manufacturers Institute—was built, 1950, there were no Federal or State standards on roof strength for protection in a rollover accident. I understand that the State of California first adopted a construction standard on rollover protection in 1957—7 years after this bus was built.

Mr. Chairman, even if these new DOT schoolbus construction standards had gone into effect 10 or even 20 years ago, it would not have helped those children. The appalling fact about the accident in Martinez, Calif., is that a school district permitted its children to ride in such an outmoded bus. Great advances in the technology of bus construction have been made since 1950, but those students were denied the benefits of those improvements. Those who would raise a great hue and cry about that accident here today might do well to channel those energies into a requirement for age limits for buses in use for school transportation, so that our children will actually get to ride in the new safer buses. I want to make sure, here, today, that the schoolbus manufacturers get adequate time to make these new buses the soundest and the safest ever built to remain strong through the years so that no guesswork needs to be involved in selecting compliance methods for the new standards.

Mr. Chairman, I fully agree that it was the intent of Congress in enacting the 1974 Schoolbus Safety amendments, originally sponsored by the gentleman from California (Mr. Moss), and others that the 1977 schoolbuses be built according to the new standards mandated by that act. I do not think that section 2 of this bill, which provides a total extension of 5 days and 5 months, during a slow production period, contravenes that intent. Nearly all of the new 1977 buses—at least 84 percent—will be produced according to the requirements of the new standards. Furthermore, if section 2 of this bill remains as the Committee on Interstate and Foreign Commerce intended, we can be confident that the Congress has provided adequate time in which the schoolbus engineers can implement the standards to achieve a vehicle which is the result of repeated testing and careful craftsmanship.

Mr. Chairman, I ask that the amendment by the gentleman from Texas (Mr. ECKHARDT) be defeated.

. . . . . .

Mr. ECKHARDT. If the gentleman will yield further, I think we are both in agreement on this proposition: That if my amendment should prevail, that if the manufacturers of bus chassis, which are generally General Motors, Ford, and International Harvester, actually manufacture the chassis in this year, this model year, that the company in your district, Thomas-Built Buses, or any other company building buses, having bought buses whose chassis were manufactured in 1976, would be permitted any time necessary—any time—to comply with the standards with respect to seats.

The gentleman from North Carolina will concur on that proposition, would he not, that that would be the case? And, of course, if we make it April 1, the manufacturer could be up to April 1 and any bus manufactured before this time would not be restricted by the standards?

In other words, we are not in any wise limiting Thomas-Built Buses to comply with the standards by January 1. We are only requiring that they comply with the standards on all buses built during the year 1976 up to January 1 or, of course, if the amendment should pass, until April 1. But Thomas-Built Buses would have any period of time after such dates, whatever the deadline be, to comply with the safety requirements respecting the manufacture of the seats and the structures within the bus?

Are we in disagreement on that?

. . . . . .

Mr. PREYER. I am not sure I understand the gentleman's question fully, but I believe that I am in agreement on that.

My view is that the nature of this business is such that there is no possibility of their ordering a great number of chassis and stockpiling those bodies so that they can use them at their leisure just to build bodies on them.

. . . . . .

Mr. MOSS. Mr. Chairman, I move to strike the last word and I rise in support of the amendment.

Mr. Chairman, I was one of the principal authors of the Safety Act that requires the proclamation of standards for safer vehicles. In 1966 we were assured by the administrators, and have been in succeeding years, that standards would be promulgated for schoolbuses' safety, but no such standards were promulgated until in 1974 we reported another piece of legislation, of which I was the author, which made it mandatory that the Department issue regulations in specified areas of schoolbus safety, and everyone was on notice from the 24th of October of 1974 on that standards would have to be met.

17781 The subcommittee did extend the length of time from October 1 of 1976 to January 1 of 1977 in order to permit manufacturers, who I concede have been most cooperative, the opportunity to meet just one standard that was causing them problems, and that was the seating or the seating standard. I offered in committee to join in a move to extend the time to meet the seat standard on through into April of 1977, but that was not acceptable. As a result, if this bill is passed without the Eckhardt amendment, there will be a delay, in my judgment, for well over 1 model year, possibly 2 full model years, because while in many instances the bus manufacturers who do only manufacture the bus on extended chassis purchased directly from manufacturers or through middlemen—some of them do also purchase more than just the number of chassis required for their immediate on-hand orders—on those chassis manufactured prior to April 1 of 1977, if they want to put a new body on it clear into December of 1977 that is nonconforming, they can do so. It is a rather significant loophole. It is one that should not be made unless it is the intention of the Congress to give additional period of time, which really carries us through the 11th year after the commitment was made that we would have schoolbus standards.

We have not acted arbitrarily or in a hurried manner, and where there is an involvement of safety of our children, we have been usually, in my opinion, dilatory in acting to bring about the standards which would protect those children. Remember that the average age of schoolbuses—the average length of service—runs around 15 years. The one that caused the tragedy at Martinez, Calif., was a 26-year-old bus.

So these buses are going to be serving for many years in the future. It is long overdue. This business of requiring that standards be applied and delayed again for 1 and possibly 2 model years does a great disservice, and I strongly urge that the gentleman's amendment be adopted.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to my distinguished colleague, the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding.

I want to make it very clear to the body that a company like Thomas-Built Buses not only has during this year to comply with respect to the seat standards, but on those buses manufactured in which the chassis is manufactured during this year, it has an indefinite period to comply.

I also want to make it very clear to the Members here that this is not such a hard requirement.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. Moss was allowed to proceed for 3 additional minutes.)

Mr. ECKHARDT. Mr. Chairman, if the gentleman will yield, I understand that at Ward, which is another manufacturer competitive with Thomas, they are now capable of complying, but Thomas would not be required to comply with respect to buses the chassis of which were built this year or in any time limitation. It seems to me that is extremely generous.

Mr. MOSS. If the gentleman will recall, at the time of the 1974 amendment making schoolbus standards mandatory, we were told by several manufacturers that they had optional packages which would have provided the kind of safety we are attempting to legislate here and they were not able to supply it because they were in such a competitive field pricewise in getting the bids from the school districts.

Mr. ECKHARDT. The gentleman in the well has joined me in seeing innumerable films with built-in booby traps to injure children in buses as they are now manufactured. I recall seeing those films.

We are not asking for something that bus manufacturers have not had adequate notice about. We are asking for the bus manufacturers to meet a long delayed problem of affording safety to children who must ride in buses. Is that not correct?

Mr. MOSS. That is correct.

Mr. ECKHARDT. I thank the gentleman.

Mr. McCOLLISTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think we are losing sight of the main feature of the legislation which is to establish an effective date for these safety standards on schoolbuses. What is at issue is a matter of 3 months when everybody agrees, I think, that there is a relatively small proportion of a year's manufacture of schoolbuses produced. I believe the gentleman from North Carolina said 16 percent.

The DOT had some 15 months to promulgate these regulations which were published on January 6 of 1976. It seems to me that it is a very reasonable request to allow the schoolbus manufacturers to April 1 of 1977 to accommodate not only their design and production but also their quality control procedures in order that we can all be assured that we have adequate schoolbus safety.

Reference has been made to the vote in subcommittee and I would advise the Committee of the Whole that it passed—I think by one vote—in subcommittee to delete the April 1 date, and the April 1 date was restored overwhelmingly by a voice vote in the full committee when the matter was under consideration there.

Mr. Chairman, I would hope that the Committee would accede to a reasonable request and not agree to the gentleman's amendment, and leave the April 1, 1977, date in place.

Mr. BRINKLEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I wish to commend the chairman of the committee and the subcommittee and all of its members for the great deal of time they spent on this bill and also take this opportunity to commend the schoolbus manufacturers of this Nation for having done a good job in the safety features in the past and for fully proposing to do an even better job in the future.

The All-American body built by Bluebird at Fort Valley, Ga., has never experienced a fatality in all its existence.

I appreciate the fact that the gentleman from Texas has acknowledged that the industry has been cooperative. They want to do that which is right, and, believe me, they want the best bus and safest bus possible. But Mr. Chairman, the issue before us today is not that of good or bad faith in the schoolbus industry. It is a question of whether or not there is adequate time to do the best job possible. Even the gentleman from Texas and the gentleman from California as well as others, together with the rest of us here today, are in agreement that more time is needed from the October 1 deadline.

The issue is: How much more time? There is a question of 3 months or April 1. I submit, Mr. Chairman, that a better job can be done by the people of my district if we are to grant them the April 1 deadline.

It is a fact that they do get their chassis directly from the school district in-

volved. There is no backlog of chassis. There is good faith and I would suggest to the gentleman from Texas that the gentleman's amendment, if it should carry, would produce possibly just the opposite result of that which the gentleman wishes to achieve, for if school districts are confronted with higher costs, they might not be purchasing new buses and, thus, children may be relegated to riding ad infinitum in even older buses from past years.

Mr. Chairman, I hope the Members will reject the amendment. I think the committee extension is a fair and reasonable, commonsense extension, and I ask the House to consider this most carefully and vote "no" on the amendment.

Mr. MURPHY of New York. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, there are many complex standards that are written into the requirements for schoolbuses. Four of them are interrelated. I think that our objective is to solve the problem and not demand compliance by a certain date. Therefore, I think 90 days is not an unreasonable extension to permit these companies to design for future safety, rather than for a specific compliance date.

. . . . . .

17782

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand by the gentleman from Texas (Mr. ECKHARDT) for a recorded vote.

A recorded vote was refused.

So the amendment to the committee amendment was rejected.

House Committee Report—Section 2

House Report 94-1149, Pages 2, 3, 17, and 18

Section 103(i)(1)(B) of the Act is also amended to change the effective dates from July 15, 1976, October 12, 1976, and October 26, 1976 to April 1, 1977 for the Federal motor vehicle safety standards applicable to school buses and school bus equipment, as required by section 103(i)(1) of the Act and as promulgated by the NHTSA.

. . . . . .

The 1974 amendments to the National Traffic and Motor Vehicle Safety Act, enacted on October 27, 1974 (Public Law 93-492), required minimum safety standards applicable to school buses and their equipment for eight specific aspects of performance to be promulgated by the NHTSA within fifteen months after enactment. The Committee notes the NHTSA has complied with this requirement. By statute these standards must take effect nine months after promulgation, and no later than October 27, 1976. (Section 103(i)(1) of the Act.) The School Bus Manufacturers Institute (SBMI), representing six school bus manufacturing companies, submitted a statement to the Subcommittee on Consumer Protection and Finance for inclusion in the record of the Subcommittee hearings in March 1976. This statement outlined

the reasons why SBMI believed compliance with the new school bus safety standards should not be required by October 26, 1976, the effective date set by the NHTSA for most of these standards.

Previously, the NHTSA, in denying a request from SBMI for a delay in the effective date of the new standards, had stated that the mandated specific time limits enacted in 1974 prevented the Secretary of Transportation from exercising his discretionary authority in section 103(e) of the Act, as enacted in 1966, to delay the effective date. This Committee concurs with the NHTSA's statutory construction of the 1974 amendments that the specific language of section 103(i)(1)(B) requiring an effective date of nine months following the date of promulgation of the new school bus and school bus equipment safety standards prevails over the grant of discretion in section 103(e) relative to the effective date of safety standards generally.

Therefore, SBMI sought an amendment to H.R. 9291 in Subcommittee executive session to delay the effective dates until April 1977. SBMI cited as reasons: (1) compliance problems are multiplied by the interrelationship between four of the new standards, and (2) the usual implementation problems, if forced by October 1976, would result in design for compliance rather than the best possible design solutions. The intent of the 1974 amendments to the Act was that the new school bus safety standards apply to 1977 school buses for the protection of the nation's school children; therefore, the Subcommittee adopted an amendment in executive session which delayed the effective date until January 1, 1977.

However, the SBMI did not believe that a two-month delay would be sufficient to insure compliance with the new safety standards. As explained in their statement submitted to the Subcommittee, there are two basic problems in achieving compliance which they believe cannot be accomplished with only a two-month extension. First, implementation methods would probably have to be selected solely with a view to rapid compliance rather than to the achievement of the best possible redesign. Second, the interrelationship between four of the new school bus safety standards (School Bus Passenger Seating and Crash Protection, School Bus Body Joint Strength, School Bus Rollover Protection, and Bus Window Retention and Release amendment requiring emergency exits) complicates the technical problems in designing, tooling, manufacturing, and testing the new school bus to effect compliance with the new standards.

For these reasons, an amendment was introduced and adopted in full Committee executive session to delay the effective date of the new safety standards promulgated pursuant to section 103(i)(1) of the Act until April 1, 1977. In approving this amendment, the Committee is granting the school bus manufacturing industry the additional time requested in order to achieve compliance using the best possible design solutions, while insuring that the majority of school buses produced during 1977 are in compliance with the new safety standards.

. . . . . .

Section 2 of the bill amends section 103(i)(1)(B) of the Act to change the effective date for the new Federal motor vehicle safety standards applicable to school buses and their equipment. The 1974 amendments to the Act (Public Law 93–492) required the Secretary of Transportation, pursuant to section 103(i)(1), to promulgate these new school bus safety standards in eight specific areas of performance no later than 15 months after the enactment of the 1974 amendments. These standards have been so promulgated.

Under section 103(i)(1)(B) the effective date is 9 months after the date of promulgation, October 26, 1976, in most cases. Section 2 of the bill changes this effective date to April 1, 1977.

. . . . . .

SEPARATE VIEWS BY REPRESENTATIVES ECKHARDT, WAXMAN, AND MAGUIRE ON H.R. 9291, TO AMEND THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966 TO AUTHORIZE APPROPRIATIONS

17

We are very much opposed to the Preyer amendment, postponing the implementation of school bus safety standards, which the full Committee accepted in executive session on this bill. This amendment will postpone the effective date of the standards from January 1, 1977 to April 1, 1977. This appears to be a short extension, but in reality it is extremely dangerous.

The Subcommittee on Consumer Protection and Finance accepted an amendment making one extension of the deadline from October 1976 to January 1, 1977. The school bus industry argued it was unfair and unduly burdensome to implement standards in the middle of a model year and at a time which was their peak production season. There is some legitimacy to that argument and I concurred with the Subcommittee's decision.

But the industry was not satisfied with this extension and prevailed upon Representative Preyer to offer an amendment making yet another extension of the deadline until April 1, 1977, a deadline falling in the middle of their model year. On the floor, I suppose we can expect another amendment postponing the deadline even further.

The impact of this extension is that children will be riding around in substandard school buses for years to come. Hundreds of buses will be produced between January 1, 1977, the original deadline, and April 1, 1977, the deadline the full Committee adopted. These buses, produced in noncompliance with the safety standards, will be in active service carrying school children for 10 to 15 years. Thus, we haven't made a simple three-month extension of the deadline for safety standards. We have decided hundreds more school children will ride day after day in substandard buses.

Because of the peculiar nature of constructing school buses, the extension has even further impact. School bus companies normally purchase the chassis of the bus from another manufacturer, then build the body of the bus on the chassis. Under this bill, we also extend the deadline for chassis and other school bus safety standards. Thus, a noncomplying chassis purchased before April 1, 1977 may be the founda-

tion for a bus built in December of 1977 or later. This will result in substandard buses being turned out for months after the supposed implementation of the safety standards. So instead of getting a three-month extension, the companies are really getting an open-ended extension to construct buses with noncomplying parts so long as those parts were purchased before April 1, 1977. At least this loophole should be closed and I would urge my colleagues to do so on the floor.

The school bus industry has not been intransigent. The industry has, up to this point, not been dilatory in compliance. I do not think we should now allow the industry to abandon its responsibility to its customers. I wish to be accommodating to industry, but the needs of the children of the United States for safe transportation are far more important than accommodation to industry. I would urge my colleagues to reverse the Committee's action and reinstate the January 1, 1977 deadline for compliance with the school bus safety standards. In lieu of such a movement, I would at least urge an amendment to prevent the use of noncomplying parts produced before April 1, 1977 in buses produced after April 1, 1977. 18

BOB ECKHARDT.
ANDREW MAGUIRE.
HENRY A. WAXMAN.

Senate Passed Act—Section 2

Identical to the section as enacted.

Senate Debate—Section 2

Congressional Record—Senate
June 24, 1976, 20170

Mr. HARTKE.

Additionally, H.R. 9291 would delay from October 27, 1976, to April 1, 1977, the effective date of the schoolbus safety regulations required pursuant to Public Law 93-492. In granting this extension of a little over 5 months, Congress would be responding to a request of the School Bus Manufacturers Institute, SBMI, to allow additional time to achieve compliance with the standards using the best possible design solutions.

It is important to note that this extension would affect only a small percentage of the 1977 schoolbus production. According to the SBMI, only 16 percent of each year's production is achieved in January, February, and March. The bulk of the production occurs during the summer months in anticipation of the new school year beginning in the fall.

. . . . . .

Mr. HARTKE. Mr. President, there have been some fears expressed that this extension will be used by the manufacturers to exempt the entire 1977 school bus production from the Federal standards by stockpiling chassis. This letter offers us assurance that this extension will be used for nothing more than allowing manufacturers to incorporate new designs more conveniently into production cycles and that only a small percentage of the 1977 production will be affected.

Senate Committee Report—Section 2

Contains nothing helpful.

Executive Communications—Section 2

Contains nothing helpful.

As Introduced—Section 2

No comparable provision.

As Enacted—Section 3

SEC. 3. Section 103(i) of such Act is amended by adding at the end thereof the following new paragraph: 1

"(3) Not later than six months after the date of enactment of this section, the Secretary shall conduct a study and report to Congress on (A) the factors relating to the schoolbus vehicle which contribute to the occurrence of schoolbus accidents and resultant injuries, and (B) actions which can be taken to reduce the likelihood of occurrence of such accidents and severity of such injuries. Such study shall consider, among other things, the extent to which injuries may be reduced through the use of seat belts and other occupant restraint systems in schoolbus accidents, and an examination of the extent to which the age of schoolbuses increases the likelihood of accidents and resultant injuries.".

House Passed Act—Section 3

There was no comparable provision in the House bill as passed on June 11, 1976. However, the House concurred in this provision, which was a Senate-passed amendment, on June 29, 1976.

House Debate—Section 3

Congressional Record—House
June 29, 1973, 21106

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9291) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, after line 4, insert:

SEC. 3. Section 103(i) of such Act is amended by adding at the end thereof the following new paragraph:

"(3) Not later than six months after the date of enactment of this section, the Secretary shall conduct a study and report to Congress on (A) the factors relating to the schoolbus vehicle which contribute to the occurrence of schoolbus accidents and resultant injuries, and (B) actions which can be taken to reduce the likelihood of occurrence of such accidents and severity of such injuries. Such study shall consider, among other things, the extent to which injuries may be reduced through the use of seat belts and other occupant restraint systems in schoolbus accidents, and an examination of the extent to which the age of school buses increases the likelihood of accidents and resultant injuries.".

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. McCOLLISTER. Mr. Speaker, reserving the right to object, and I shall not object, I would state that the Senate bill and the House bill are identical with the exception of the provisions of the Senate amendment which was just read by the Clerk. I know of no objection to this and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, will the gentleman from New York explain to us

the differences?

Mr. MURPHY of New York. Mr. Speaker, if the gentleman from California will yield, the difference between the Senate and the House version was basically the amendment that was just read. The gentleman from California (Mr. LEGGETT) could not be here during the consideration of the bill and could not offer this amendment. This is the amendment that was added by the Senator from California in the Senate and it came back to the House with this amendment. The minority and the majority are both happy to accept the amendment.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman from New York for his explanation and I withdraw my reservation of objection.

House Committee Report—Section 3

Contains nothing helpful.

Senate Passed Act—Section 3

Identical to the section as enacted.

Senate Debate—Section 3

Congressional Record—Senate
June 24, 1976, 20171

UP AMENDMENT NO. 85

Mr. CRANSTON. Mr. President, I have an amendment that I send to the desk and ask that it be considered.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment of Senator CRANSTON and Senator TUNNEY is as follows:

On page 2, after line 4, insert the following:

"Sec. 3. Section 103(1) of such Act is amended by adding at the end thereof the following new paragraph:

" '(3) Not later than 6 months after the date of enactment of this section, the Secretary shall conduct a study and report to Congress on (A) the factors relating to the school bus vehicle which contribute to the occurrence of school bus accidents and resultant injuries, and (B) actions which can be taken to reduce the likelihood of occurrence of such accidents and severity of such injuries. Such study shall consider, among other things, the extent to which injuries may be reduced through the use of seat belts and other occupant restraint systems in school bus accidents, and an examination of the extent to which the age of school buses increases the likelihood of accidents and resultant injuries.' ".

Mr. CRANSTON. Mr. President, Senator JOHN V. TUNNEY and I are proposing this amendment to H.R. 9291, the National Traffic and Motor Vehicle Safety Act authorization bill. It directs the Department of Transportation to conduct a study of pupil transportation and report to Congress on the actions which might be taken to reduce the occurrence of schoolbus accidents. There have been many accidents injuring and killing children traveling to and from school in buses. The latest, and apparently one of the worst in United States history, occurred on May 21 in Martinez, Calif. Twenty-seven students from Yuba City High School and one adult supervisor were killed. Every other passenger and the bus driver, a total of 25 persons, suffered injuries, many serious. Along with the families in Yuba City,

the State of California, and the Nation, Senator TUNNEY and I were shocked and saddened by this needless accident. Because of the tragedy we have resolved to take whatever steps we can to reduce the chances for future schoolbus catastrophes.

Thus we are proposing an investigation of pupil transportation. The finding of this study will assist in evaluating and improving the critical safety standards needed to protect children riding in schoolbuses.

Considering the rapid advances which continue to be made in the technology of vehicle construction, there is no excuse for permitting any of the Nation's pupils to ride in outmoded schoolbuses, or buses on which few improvements have been made to protect its passengers. While there appears to be a dearth of factual information as to what could have been done to prevent this tragic incident, there has not been sufficient effort made to implement existing technology to prevent such happenings. It is our hope that this Department of Transportation study will provide us with the necessary recommendations to make those needed changes so that future schoolbus passengers may be assured of the benefits of the existing technology. Inclusion of this provision is an initial step in understanding and preventing the dangers that schoolchildren are exposed to in their year-round use of school vehicles.

Mr. HARTKE. Mr. President, I am prepared to accept the amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Senate Committee Report—Section 3

Contains nothing helpful.

Executive Communications—Section 3

Contains nothing helpful.

As Introduced—Section 3

No comparable provision.

Legislative History of Section 317 of the "Surface Transportation Assistance Act of 1978" The Retread Tire Manufacturers Exemption from Recordkeeping

(An Amendment to Section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966)

Public Law 95-599

Contents

Section 317

As Enacted—Section 317

RETREAD TIRE MANUFACTURERS EXEMPTION FROM RECORDKEEPING

SEC. 317. Section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1418(b)) is amended by inserting "except the manufacturer of tires which have been retreaded," immediately after "or tires" in the first and second sentences thereof.

This provision is included in the "Surface Transportation Assistance Act of 1978" (Public Law 95-599), which was approved by the President on November 6, 1978.

Senate Passed Act—Section 317

House Report 95-1797, Page 137

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT

The Senate amendment exempts manufacturers of retreaded tires from certain reporting requirements of section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966.

Conference substitute

The Senate provision is adopted.

Senate Passed Act—Section 317

Considered and passed the Senate as Section 315 of H.R. 11733 on October 3, 1978. Identical to the section as enacted.

Senate Debate—Section 317

Congressional Record—Senate
September 28, 1978, 32145

Ford Amendment

UP AMENDMENT NO. 1941

(Purpose: Exempt retread tire manufacturers from recordkeeping provisions of section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966)

Mr. FORD. Mr. President, I send to the desk an unprinted amendment.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. FORD) proposes an unprinted amendment numbered 1941.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III thereof, add the following new section:

"SEC. 114. Section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1418(b)) is amended by inserting ", except the manufacturer of tires which have been retreaded," immediately after "or tires" in the first and second sentences thereof.".

Mr. FORD. Mr. President, I have talked with both sides of the aisle with reference to this amendment. It is identical to one that was passed by the Senate previously without any objection whatever.

We are trying to be very careful to assure the removal of unnecessary regulations that are being imposed upon small businesses, such as retread tire manufacturers and sellers, be eliminated.

Since the people at the Department of Transportation indicate that this regulation is not needed, it would save the handling of millions of forms and approximately $3 to $5 million annually.

The regulation provides that you have to file a report on every tire that is recapped, in case you might have to recall that tire. There have been 66 million reports that have been filed, but only eight retread tires have been recalled over the last 6 years. So I do not believe there is any necessity for the placing of these burdensome regulations on small businessmen, and I hope that the managers of the bill will accept this amendment.

As Introduced—Section 317

Introduced as a Floor Admendment (No. 1941).

See previous section on the Senate debate.

Legislative History of the "Motor Vehicle Safety and Cost Savings Authorization Act of 1982"

Public Law 97-331

Legislative Documents

Public Law 97-331
97th Congress

An Act

To amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985, and for other purposes.

Oct. 15, 1982
[H.R. 6273]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Motor Vehicle Safety and Cost Savings Authorization Act of 1982.
15 USC 1381 note.

SHORT TITLE

SECTION 1. This Act may be cited as the "Motor Vehicle Safety and Cost Savings Authorization Act of 1982".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended by striking out "not" and all that follows through the period, and inserting in lieu thereof "$51,400,000 for fiscal year 1983, $55,000,000 for fiscal year 1984, and $58,700,000 for fiscal year 1985.".

(b) Section 111 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1921) is amended by striking out "title" and all that follows through the period, and inserting in lieu thereof "title $320,000 for fiscal year 1983, $343,000 for fiscal year 1984, and $365,000 for fiscal year 1985.".

(c) Section 209 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1949) is amended by striking out "title" and all that follows through the period, and inserting in lieu thereof "title $1,677,000 for fiscal year 1983, $1,800,000 for fiscal year 1984, and $1,950,000 for fiscal year 1985.".

(d) Section 417 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1990g) is amended by striking out "title" and all that follows through the period, and inserting in lieu thereof "title $183,000 for fiscal year 1983, $196,000 for fiscal year 1984, and $210,000 for fiscal year 1985.".

STATE ENFORCEMENT AUTHORITY

SEC. 3. Section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392(d)) is amended by inserting after the first sentence thereof the following new sentence: "Nothing in this section shall be construed as preventing any State from enforcing any safety standard which is identical to a Federal safety standard.".

TIRE REGISTRATION INFORMATION; NOTICE OF TIRE DEFECTS

SEC. 4. (a) Section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1418(b)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraphs:

"(2)(A) Except as provided in paragraph (3), the Secretary shall not have any authority to establish any rule which requires a dealer or distributor to complete or compile the records and information specified in paragraph (1) if the business of such dealer or distributor is not owned or controlled by a manufacturer of tires.

"(B) The Secretary shall require each dealer and distributor whose business is not owned or controlled by a manufacturer of tires to furnish the first purchaser of a tire with a registration form (containing the tire identification number of the tire) which the purchaser may complete and return directly to the manufacturer of the tire. The contents and format of such forms shall be established by the Secretary and shall be standardized for all tires. Sufficient copies of such forms shall be furnished to such dealers and distributors by manufacturers of tires.

"(3)(A) At the end of the two-year period following the effective date of this paragraph (and from time to time thereafter), the Secretary shall evaluate the extent to which the procedures established in paragraph (2) have been successful in facilitating the establishment and maintenance of records regarding the first purchasers of tires.

"(B)(i) The Secretary, upon completion of any evaluation under subparagraph (A), shall determine (I) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which dealers and distributors have complied with the procedures established in paragraph (2); and (II) whether to impose upon manufacturers, dealers, or distributors (or any combination of such groups) any requirements which the Secretary determines will result in a significant increase in the percentage of first purchasers of tires with respect to whom records would be established and maintained.

"(ii) Manufacturers of tires shall reimburse dealers and distributors for all reasonable costs incurred by them in order to comply with any requirement imposed by the Secretary under clause (i).

"(iii) The Secretary may order by rule the imposition of requirements under clause (i) only if the Secretary determines that such requirements are necessary to reduce the risk to motor vehicle safety, after considering (I) the cost of such requirements to manufacturers and the burden of such requirements upon dealers and distributors, as compared to the additional percentage of first purchasers of tires with respect to whom records would be established and maintained as a result of the imposition of such requirements; and (II) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which dealers and distributors have complied with the procedures established in paragraph (2).

Report to Congress.

"(iv) The Secretary, upon making any determination under clause (i), shall submit a report to each House of the Congress containing a detailed statement of the nature of such determination, together with an explanation of the grounds for such determination.".

(b) Section 153(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1413(c)) is amended—

(1) in paragraph (2) thereof, by striking out "or tire,", and by striking out "or tire";

(2) by redesignating paragraph (4) and paragraph (5) thereof as paragraph (5) and paragraph (6), respectively, and by inserting after paragraph (3) thereof the following new paragraph:

"(4) in the case of a tire (A) by first-class mail to the most recent purchaser known to the manufacturer; and (B) by public notice in such manner as the Secretary may order after consultation with the manufacturer, if the Secretary determines that such public notice is necessary in the interest of motor vehicle safety, after considering (i) the magnitude of the risk to motor vehicle safety caused by the defect or failure to comply; and (ii) the cost of such public notice as compared to the additional number of owners who could be notified as a result of such public notice;"; and

(3) in the last sentence thereof—

(A) by striking out "(or of a motor vehicle on which such tire was installed as original equipment)";

(B) by inserting "by first-class mail" after "notification" the first place it appears therein; and

(C) by striking out "(1) or (2)" and inserting in lieu thereof "(4)(A)".

Approved October 15, 1982.

LEGISLATIVE HISTORY—H.R. 6273:

HOUSE REPORT No. 97-576 (Comm. on Energy and Commerce).
SENATE REPORT No. 97-505 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 128 (1982):
June 14, considered and passed House.
Oct. 1, considered and passed Senate.

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97TH CONGRESS 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 97-576

MOTOR VEHICLE SAFETY AND COST SAVINGS AUTHORIZATION ACT OF 1982

MAY 19, 1982.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DINGELL, from the Committee on Energy and Commerce, submitted the following

REPORT

[To accompany H.R. 6273]

[Including cost estimate and comparison of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 6273) to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Motor Vehicle Safety and Cost Savings Authorization Act of 1982".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended by striking out "not" and all that follows through the period, and inserting in lieu thereof "$51,400,000 for fiscal year 1983 $55,000,000 for fiscal year 1984, and $58,700,000 for fiscal year 1985.".

(b) Section 111 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1921) is amended by striking out "title" and all that follows through the period, and inserting in lieu thereof "title $320,000 for fiscal year 1983, $343,000 for fiscal year 1984, and $365,000 for fiscal year 1985.".

(c) Section 209 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1949) is amended by striking out "title" and all that follows through the period, and inserting in lieu thereof "title $1,677,000 for fiscal year 1983, $1,800,000 for fiscal year 1984, and $1,950,000 for fiscal year 1985.".

(d) Section 417 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1990g) is amended by striking out "title" and all that follows through the period, and inserting in lieu thereof "title $183,000 for fiscal year 1983, $196,000 for fiscal year 1984, and $210,000 for fiscal year 1985.".

STATE ENFORCEMENT AUTHORITY

SEC. 3. Section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392(d)) is amended by inserting after the first sentence thereof the following new sentence: "Nothing in this section shall be construed as preventing any State from enforcing any safety standard which is identical to a Federal safety standard.".

TIRE REGISTRATION INFORMATION; NOTICE OF TIRE DEFECTS

SEC. 4. (a) Section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1418(b)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraphs:

"(2)(A) Except as provided in paragraph (3), the Secretary shall not have any authority to establish any rule which requires a dealer or distributor to complete or compile the records and information specified in paragraph (1) if the business of such dealer or distributor is not owned or controlled by a manufacturer of tires.

"(B) The Secretary shall require each dealer and distributor whose business is not owned or controlled by a manufacturer of tires to furnish the first purchaser of a tire with a registration form (containing the tire identification number of the tire) which the purchaser may complete and return directly to the manufacturer of the tire. The contents and format of such forms shall be established by the Secretary and shall be standardized for all tires. Sufficient copies of such forms shall be furnished to such dealers and distributors by manufacturers of tires.

"(3)(A) At the end of the 2-year period following the effective date of this paragraph (and from time to time thereafter), the Secretary shall evaluate the extent to which the procedures established in paragraph (2) have been successful in facilitating the establishment and maintenance of records regarding the first purchasers of tires.

"(B)(i) The Secretary, upon completion of any evaluation under subparagraph (A), shall determine (I) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which dealers and distributors have complied with the procedures established in paragraph (2); and (II) whether to impose upon manufacturers, dealers, or distributors (or any combination of such groups) any requirements which the Secretary determines will result in a significant increase in the percentage of first purchasers of tires with respect to whom records would be established and maintained.

"(ii) Manufacturers of tires shall reimburse dealers and distributors for all reasonable costs incurred by them in order to comply with any requirement imposed by the Secretary under clause (i).

"(iii) The Secretary may order by rule the imposition of requirements under clause (i) only if the Secretary determines that such requirements are necessary to reduce the risk to motor vehicle safety, after considering (I) the cost of such requirements to manufacturers and the burden of such requirements upon dealers and distributors, as compared to the additional percentage of first purchasers of tires with respect to whom records would be established and maintained as a result of the imposition of such requirements; and (II) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which dealers and distributors have complied with the procedures established in paragraph (2).

"(iv) The Secretary, upon making any determination under clause (i), shall submit a report to each House of the Congress containing a detailed statement of the nature of such determination, together with an explanation of the grounds for such determination.".

(b) Section 153(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1413(c)) is amended—

(1) in paragraph (2) thereof, by striking out "or tire,", and by striking out "or tire";

(2) by redesignating paragraph (4) and paragraph (5) thereof as paragraph (5) and paragraph (6), respectively, and by inserting after paragraph (3) thereof the following new paragraph:

"(4) in the case of a tire (A) by first-class mail to the most recent purchaser known to the manufacturer; and (B) by public notice in such manner

as the Secretary may order after consultation with the manufacturer, if the Secretary determines that such public notice is necessary in the interest of motor vehicle safety, after considering (i) the magnitude of the risk to motor vehicle safety caused by the defect or failure to comply; and (ii) the cost of such public notice as compared to the additional number of owners who could be notified as a result of such public notice;"; and

(3) in the last sentence thereof—

(A) by striking out "(or of a motor vehicle on which such tire was installed as original equipment)";

(B) by inserting "by first-class mail" after "notification" the first place it appears therin; and

(C) by striking out "(1) or (2)" and inserting in lieu thereof "(4)(A)".

Purpose and Summary

This legislation amends section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) (hereinafter the Safety Act) to authorize appropriations for the purpose of carrying out the Safety Act, not to exceed $51.4 million for fiscal year 1983; $55 million for fiscal year 1984; and $58.7 million for fiscal year 1985.

The legislation also amends the Motor Vehicle Information and Cost Savings Act (hereinafter the Cost Savings Act) to authorize appropriations not to exceed the following amounts:

Section 111 is amended to authorize appropriations to carry out Title I—Bumper Standards: $0.32 million for fiscal year 1983; $0.343 million for fiscal year 1984; and $.365 million for fiscal year 1985.

Section 209 is amended to authorize appropriations to carry out Title II—Automobile Consumer Information: $1.677 million for fiscal year 1983; $1.8 million for fiscal year 1984; and $1.95 million for fiscal year 1985.

Section 417 is amended to authorize appropriations to carry out Title IV—Odometer Requirements: $0.183 million for fiscal year 1983; $0.196 million for fiscal year 1984; and $0.21 million for fiscal year 1985.

Section 103(d) of the Safety Act (15 U.S.C. 1392(d)) is amended to codify that States shall not be prevented from enforcing any safety standards which are identical to Federal safety standards.

Section 158(b) of the Safety Act (15 U.S.C. 1418(b)) is amended to prohibit the National Highway Traffic Safety Administration (NHTSA) from requiring independent tire dealers and distributors to complete or compile tire registration forms. Instead, dealers are required to furnish purchasers of tires with standardized registration forms containing the tire identification numbers, which purchasers may return directly to tire manufacturers. NHTSA is also required after two years to evaluate the effectiveness of these new requirements, and may propose new requirements by rule, if a determination is made that such requirements are necessary to decrease the risk to vehicle safety. If it does so, manufacturers are required to reimburse dealers and distributors for all reasonable costs for compliance with such requirements.

Section 153(c) of the Safety Act (15 U.S.C. 1413(c)) is amended to give the Secretary of Transportation the authority to issue a public notice of a recall of defective tires after (1) consulting with tire manufacturers, (2) considering the magnitude of the risk caused by the defect, and (3) considering the cost of such public notice compared to the additional number of owners who could be notified by such action.

Basis for the Legislation

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT AUTHORIZATION OF APPROPRIATIONS

The National Traffic and Motor Vehicle Safety Act was enacted by Congress in 1966 to reduce accidents, deaths, and injuries to persons resulting from traffic accidents. To carry out these objectives, Congress determined that it is necessary to establish motor vehicle safety standards for motor vehicles and motor vehicle equipment and to undertake and support safety research and development. While safety standards established under the Act have been successful to date, a recent NHTSA study forecasts that yearly traffic fatalities will increase to 70,000 Americans by 1990 unless major safety improvements are made. The major cause of this projected increase is the shift to smaller, lighter, and more fuel-economic automobiles, which are inherently less safe in crashes than larger cars. Consequently, NHTSA's role at this juncture is critical in finding solutions to curtail what the Committee believes could be a rising toll in the number of deaths and serious injuries.

During the last year NHTSA has undergone a reorganization and a change in emphasis. While this is inherent in any change in Administration, witnesses at our hearing expressed concern about NHTSA changing and rescinding regulations. The Committee believes that a delicate balance must be struck between public safety and regulatory requirements.

The Committee encourages NHTSA to strive for the most cost-effective safety programs. However, regulatory costs must include more than just industry costs. Clearly, NHTSA's Congressional mandate to save lives must remain of paramount importance in determining any regulatory or deregulatory actions.

Subsequent to NHTSA's rescission of the Automatic Crash Protection Standard, NHTSA is planning to implement an air bag demonstration program and an occupant restraint usage (or "buckle-up") program in its place. While it is hoped that such a voluntary demonstration program will end the acrimonious debate on this subject that has raged on for years, to date no demonstration program has been implemented. The Committee directs that NHTSA keep the Committee informed on the progress of these programs.

Additionally, NHTSA is planning to spend between $8 and $10 million on a mass media "buckle-up" campaign to encourage seat belt usage. During oversight hearings on this issue, several witnesses expressed doubt that a mass media campaign would raise belt usage significantly over a meaningful period of time. However, some members of the committee feel that the belt use campaign is laudable. The Committee is concerned as to the cost-effectiveness of this media campaign in view of NHTSA limited resources. Therefore, the Committee hopes that NHTSA will examine the cost-effectiveness of this undertaking.

One of the more important activities in which the agency is engaged is research to make small cars more crashworthy. The Committee intends that NHTSA continue to develop alternative countermeasures for improving small car safety which advance the state-of-the-art in

automotive safety, concepts, and design. NHTSA should encourage efforts by the industry to incorporate cost-effective features embodied in the Research Safety Vehicle (RSV).

A final area of concern is NHTSA's defects investigation and compliance testing programs. During this past fiscal year, NHTSA opened only 2 defect investigations and initiated less than 20 engineering analyses, compared to 21 defect investigations, and 65 engineering analyses done in the first fiscal year of the previous administration. Similarly, NHTSA's compliance testing program has been cut in half, resulting in 3,500 fewer items of equipment tested in fiscal year 1982 than were tested in fiscal year 1981. The Committee notes than NHTSA has requested a small increase in funding for these two programs for fiscal year 1983. NHTSA must diligently carry out its enforcement mandate, as it is an integral part of the overall safety effort.

To assure that sufficient funds are available for these efforts, the Committee has authorized $51.4 million for fiscal year 1983, $55 million for fiscal year 1984 and $58.7 million for fiscal year 1985. This is consistent with the President's budget request for fiscal year 1983 and continues funding at current policy levels for fiscal years 1984 and 1985.

THE MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

The Motor Vehicle Information and Cost Savings Act was passed in 1972 and was a major attempt by Congress to provide consumers with meaningful information to make informed purchasing decisions, to avoid unnecessary damage to their cars, and to foster easy diagnosis and repair of passenger vehicles.

H.R. 6273, as amended, provides the following authorizations for Titles I, II, and IV of the Act:

Title I: Bumper Standards

Title I of the Motor Vehicle Information and Cost Savings Act requires NHTSA to promulgate standards applicable to bumpers which achieve "the maximum feasible reduction in costs to the public and to the consumer." In response to this Congressional direction NHTSA has taken a two-phased approach to promote damage-resistent bumpers. From 1973 to 1979 the standard required that bumpers protect automobile safety systems in low speed crashes. Phase II went into effect with 1979 models and required that both front and rear bumpers protect a car's body and grille and that the bumper itself sustain no damage in 5 mph crashes. NHTSA should continue evaluating the bumper standard and keep the Committee fully informed of the impact of any changes. The $0.32 million authorization for fiscal year 1983 increases very moderately to $0.343 million in fiscal year 1984 and $0.365 million in fiscal year 1985 to account for increased costs and program growth.

Title II—Automobile Consumer Information

Title II of the Motor Vehicle Information and Cost Savings Act requires NHTSA to compile information on motor vehicles in order to aid consumers in making purchasing decisions. NHTSA is required to disseminate information on damage susceptibility, crashworthiness, ease of diagnosis, repair, insurance, and operating costs of vehicles to consumers. Under the statute, information must be compiled and

furnished to the public in a "simple and readily understandable form to facilitate comparison among various makes and models of passenger motor vehicles." The intent of this law is two-fold: to assist automobile buyers in making informed purchases and to enhance the competitive atmosphere among auto manufacturers to improve their vehicles. The Committee is concerned that NHTSA is not carrying out this important statutory mandate. Last year NHTSA cancelled plans to republish its comparative information guide, the Car Book, and instead announced it would increase information available on its Consumer Hotline. However, the agency has not adequately staffed the Hotline, and has not advertised its existence so consumers can use it effectively. Moreover, the agency has stopped distributing consumer publications through the information center at Pueblo, Colorado, which will undoubtedly lead to higher distribution costs if publications are mailed from NHTSA. Additionally, the Agency has proceeded slowly with crash testing in order to assess the performance of new cars. Accordingly, the Committee wishes to be kept informed of the Agency's progress in implementing this Title.

In order to carry out the purposes of this title, the Committee authorizes $1.677 million for fiscal year 1983, $1.8 million for fiscal year 1984 and $1.95 million for fiscal year 1985.

Title IV—Odometer Fraud

Title IV of the Motor Vehicle Information and Cost Savings Act prohibits disconnecting, setting back, or otherwise tampering with an automobile's odometer. As contemplated by Congress, its purpose is to reduce the high cost to consumers of odometer tampering, estimated at over $1 billion per year. It requires transferors of automobiles to indicate the mileage of the automobile and provides for civil and criminal penalties, and private damage actions for violations.

In the past, only limited resources have been devoted to this area leaving the major enforcement burden to private citizens and state attorneys general. NHTSA Administrator Raymond Peck has testified that efforts in this area will be increased. The Committee wishes to be kept informed of the progress of this program.

To carry out purposes of this title the Committee has authorized $0.183 million for fiscal year 1983, $0.196 million for fiscal year 1984, and $0.210 million for fiscal year 1985.

STATE ENFORCEMENT AUTHORITY

Section 3 of H.R. 6273 amends Section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966 to provide that nothing in that section shall be construed as preventing any state from enforcing any safety standard which is identical to a Federal safety standard. The Committee intends that this language will clarify the role of states in enforcing federal safety standards which they have adopted as their own.

Current Section 103(d) provides that if a federal motor vehicle safety standard is in effect, no state or political subdivision of a state may establish a different standard. However, Section 103(d) does not directly address the authority of states to enforce such identical safety standards. Since the implementation of the Safety Act, states have as-

sumed an active role in enforcing federal safety standards which they have adopted as their own. In a formal interpretation of Section 103 (d) issued in 1971 NHTSA determined that States may enforce standards identical to Federal standards including requiring submission of items for state approval as long as such procedures do not prohibit the sale of a manufacturer's equipment pending state approval. States have followed this interpretation for the last decade.

At the Federal level NHTSA has self-certification requirements under Section 114 of the Safety Act, whereby a manufacturer simply states that the product complies with applicable federal standards and then markets that product until a time when (or if) NHTSA determines that such products are not in compliance with applicable standards. Because NHTSA can't test all products for compliance, (and budgetary constraints have severely impacted the Federal enforcement effort) states have felt that their approval systems complemented the Federal scheme, and insured that all equipment met Federal standards. NHTSA has a number of enforcement tools available to ensure that self-certified equipment is in compliance with such standards including random testing, inspections and investigations, recalls, prohibiting sale of non-complying equipment and civil penalties of $1000 per violation up to a maximum of $800,000.

The authority of states to enforce standards has also been addressed in two court cases, *Truck Safety Equipment Institute* v. *Kane*, 419 F. Supp. 688 (M.D.Pa. 1975); vacated, 558 F. 2d 1029 (3rd Cir. 1977); on remand, 466 F. Supp. 1242 (1979). Additionally, in January 1982, NHTSA issued a new opinion on Section 103(d) which paralleled the second court case, and stated that the Safety Act pre-empts states from presale enforcement of safety standards, prohibits states from requiring fees for state approval, and prohibits states from imposing requirements for approval which have the effect of prohibiting the sale of equipment which has been self-certified under the federal statute. In effect, this interpretation changes the methods available to states to enforce safety standards.

Because the Federal court cases and the NHTSA opinion change the scope of traditional state enforcement of safety standards, much uncertainty has resulted concerning the appropriate role of the states. It is the Committee's belief that states have an active and positive role to play in protecting motor vehicle safety, and that this is consistent with the federal statute. The Committee intends, however, that political subdivisions within states should not have separate enforcement authority because the exercise of such authority by large numbers of political subdivisions would impose unreasonable burdens on manufacturers.

The Committee intends that States are not pre-empted from enforcing safety standards identical to Federal standards which they have adopted. States may not require certification or approval of motor vehicles or motor vehicle equipment. However, state enforcement may be carried out according to applicable state laws. States may undertake independent testing, and also may require manufacturers to submit adequate test data concurrent with first sale or thereafter. States may make a determination of the adequacy of such data including review of laboratory qualifications. If test data is not submitted, if a state has good reason to believe that submitted data is inadequate, or if a

product does not comply with applicable Federal and identical state-adopted standards, states may use remedies, including prohibition of sale, in accordance with relevant state laws.

Because the Federal role in enforcing safety standards is one of compliance testing on a random basis, the Committee believes that State programs will complement the Federal regulatory scheme and not conflict with it. In enforcing standards, States should strive to limit duplication among themselves and with NHTSA. They should be encouraged to share information and administrative costs in order to attain this goal.

Tire Registration and Recall Procedures

According to NHTSA there is 100 percent tire registration under current law for *original equipment* tires, which come on cars when purchased. However, the registration rate for *replacement tires* for cars is considerably lower—around 46.6 percent. While stores owned by major domestic tire manufacturers (including chain and discount stores) and company owned stores register 80 to 90 percent of the tires sold, independently-owned dealerships (which account for 45 percent of the replacement market), register only 20 percent of the tires they sell. Given the low registration rate for independent dealers and distributors, the Committee believes that a system of voluntary registration for such dealers and distributors (whereby the purchaser fills out his own form and sends it to the manufacturer), would increase registration at least above the present level.

Section 4 of H.R. 6273 amends Section 158(b) of the Safety Act to prohibit NHTSA from requiring independent tire dealers or distributors to complete or compile registration records of tire purchasers. Instead, such dealers or distributors are required to furnish the first purchaser of a tire with a standardized registration form, containing the identification number of the tire, which would be recorded on the form by the dealer or distributor at or before the time of purchase. The form should be presented to the purchaser in a manner suitable for mailing and addressed to the tire manufacturer or his designee.

During Subcommittee hearings on tire registration, the National Tire Dealers and Retreaders Association (NTDRA) suggested that a greater number of tires would be registered overall by a voluntary system, in light of data from a nationwide poll. NTDRA commissioned a public opinion survey by Seasonwein Associates which concluded that if the voluntary registration system was enacted, between 50 and 60 percent of purchasers would return registration forms to manufacturers.

The Committee is willing to give this system a chance to work and hopes that registration will increase. However, given the relationship of tire registration to highway safety, and the necessity for tire owners to be notified quickly and efficiently in the event of a recall of defective tires, the Committee has provided for a review of the voluntary system by the Secretary of Transportation after 2 years.

The Committee intends that manufacturers of tires, manufacturer-owned stores, and brand named marketers of tires shall be required to continue to register first purchasers of tires. The new consumer registration system applies only to dealers not owned or controlled by a manufacturer. The Committee intends that "company owned or con-

trolled" means a significant component of direct equity ownership of the dealer or distributor which gives that party, as a factual matter, effective control of the business. Thus, it would not encompass buy-sell agreements, mortgages, notes, franchise agreements or similar financial arrangements which a tire company may have with a dealer or distributor.

Additionally, manufacturers of tires are not responsible for establishing and maintaining records of the names and addresses of first purchasers and for notifying by direct mail tire purchasers who have purchased tires from such independent dealers and distributors, provided that such purchasers do *not* return registration forms to the manufacturer or his designee.

After two years of voluntary registration by independent dealers and distributors the Secretary is required to evaluate the effectiveness of the new procedures, and determine whether any other requirements are necessary to increase the registration of tires. New requirements may be proposed by rule, but only if they are necessary to reduce the risk to motor vehicle safety after considering the cost of such requirements compared to the benefits, and the extent to which dealers and distributors have complied with the new procedures. Additional requirements do not necessarily entail a return to the mandatory registration system by independent dealers and distributors, but could take many forms, such as requiring that registration forms have pre-paid return postage. If the Secretary decides that new requirements are necessary, a report must be submitted to Congress. If new requirements are imposed, tire manufacturers must reimburse dealers and distributors for all reasonable costs for compliance with such requirements. The Committee made this decision because the advantages of the registration system extend to two groups: consumers and tire manufacturers. Consumers benefit from an efficient registration system in that they can be notified in a timely fashion in the event of a recall of defective tires. Additionally, tire manufacturers have an inherent interest in the success of the notification system for both product liability purposes, and to avoid costly and embarassing advertising campaigns which could become necessary if an insufficient number of tire purchasers cannot be notified of defects by mail. The cost of the current registration system, however, has been borne disproportionately by the dealers and distributors who bear the burdens of registration and receive no direct benefits from it.

The Committee intends that the Secretary should exercise discretion with due care, as allowed under Section 109(b) of the Safety Act in assessing penalties for violations by independent dealers and distributors for non-compliance with the voluntary registration procedures. The Committee would expect that such dealers and distributors would not receive the full $1,000 per violation, unless there is a clear, continuous pattern of violations of the procedures established here. The mere inadvertant failure of an employee to give a customer a form in an isolated instance should not be treated in the same way as a pattern of violations. The Committee intends to reiterate the safety aspects of the tire registration system, and its importance in alerting tire owners to potential defects, and safety risks, and thus, intends that tire dealers and distributors take active steps to encourage registration.

H.R. 6273 also amends Section 153(c) of the Safety Act to give the Secretary of Transportation the authority to issue a public notice of a recall of defective tires after (1) consultation with the tire manufacturer; and (2) considering the magnitude of the risk caused by the defect and the cost of such public notice compared to the additional number of owners who could be notified by such action.

These public notice provisions are intended to increase the efficiency and effectiveness of recalls of defective tires. Since less than half of the tires sold in the replacement market are currently registered, only about half of tire owners will receive notification by mail of a defect should a recall be undertaken. Therefore, the Committee feels that the Secretary of Transportation should have authority to require public notice, under the conditions set forth above, in order to insure that people driving with defective tires are informed of potential hazards as expeditiously as possible.

Committee Consideration

The Subcommittee on Telecommunications, Consumer Protection and Finance held a hearing on NHTSA authorization levels and activities on March 23, 1982. The Subcommittee heard from agency officials, former NHTSA officials, representatives from state Motor Vehicle Administrators, insurance company representatives, public interest groups and non-profit safety groups.

On June 4, 1981 the Subcommittee held a hearing on the tire registration and recall procedures which now comprise Section 4 of H.R. 6273. Tire dealers, the American Automobile Association, a representative from the American Farm Bureau Federation and from the Center for Auto Safety testified on this legislation.

The Subcommittee reported H.R. 6273 on May 6, 1982 with amendments. The full committee favorably ordered the bill to the House with amendments. The bill was ordered reported by voice vote, a quorum being present on May 12, 1982.

Oversight Findings and Recommendations of the Committee on Government Operations

Pursuant to Clause 2(l)(3)(d) Rule XI of the Rules of the House of Representatives, the Committee states that oversight hearings were conducted while considering the authorization of the National Highway Traffic Safety Administration. Committee recommendations are included within the body of this report. Pursuant to Clause 4(c)(2) Rule X of the Rules of the House of Representatives, no findings or recommendations have been submitted to the Committee by the Committee on Government Operations.

Inflationary Impact Statement

Pursant to Clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee makes the following statement regarding the inflationary impact of the reported bill:

The Committee is unaware of any inflationary impact on the economy that would result from the passage of H.R. 6273. The reported bill continues existing programs under the National Traffic and Motor

Vehicle Safety Act of 1966 and under the Motor Vehicle Information and Cost Savings Act.

In the case of the Safety Act, the $60 million funding level authorized since fiscal year 1976 would drop to $51.4 million in fiscal year 1983. In fiscal years 1984 and 1985 a moderate increase in authorized spending levels to $55 million and $58.7 million respectively is provided. This is both to permit program growth where needed and to compensate for general projected increases in the cost-of-living.

Information available to the Committee indicates that any inflationary impact of the bill will be negligible. The funds under the Safety Act will be used to conduct auto safety research, provide consumer information, conduct defect and non-compliance testing, promulgate safety standards, and generally enforce provisions of the Act. None of these activities would be expected to exert an inflationary force on the Nation's economy.

Funds allocated under the Motor Vehicle Information and Cost Savings Act will be used to evaluate cost savings to consumers by promoting damage-resistent bumpers, improve consumer access to cost saving information, and generally protect consumers from odometer fraud. It is conceivable that the net effect of the Cost Savings Act would have a deflationary impact on the national economy.

Similarly, the state enforcement provisions of H.R. 6273 will be complementary to Federal efforts and may result in an increase in overall efficiency of the marketplace, by detecting equipment or products that may be defective and could pose considerable safety risks.

The tire registration and recall provisions should reduce overall paperwork by manufacturers, dealers and distributors of tires, and may possibly have a deflationary effect on the cost of tires and related products.

Cost Estimate

In accordance with clause 7(a) of rule XIII of the Rules of the House of Representatives, the Committee states that the reported bill authorizes appropriations not to exceed $53.58 million for fiscal year 1983, $57.339 million for fiscal year 1984, and $61.225 million for fiscal year 1985. The agency request to the Congress is for an appropriation of $53.58 million for fiscal year 1983. The agency request to the Office of Management and Budget was $57.43 million for fiscal year 1983.

Congressional Budget Office—Cost Estimate

Pursuant to clauses (2)(l)(3) (b) and (c) of Rule XI of the Rules of the House of Representatives, the Committee sets forth the following letter and cost estimate prepared by the Congressional Budget Office with respect to H.R. 6273:

U.S. Congress,
Congressional Budget Office,
Washington, D.C., May 17, 1982.

Hon. John D. Dingell,
Chairman, Committee on Energy and Commerce, U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

Dear Mr. Chairman: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the

attached revised cost estimate for H.R. 6273, the Motor Vehicle Safety and Cost Savings Authorization Act of 1982.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

STANLEY L. GREIGG
(For Alice M. Rivlin, Director).

CONGRESSIONAL BUDGET OFFICE—REVISED COST ESTIMATE

MAY 17, 1982.

1. Bill number: H.R. 6273.

2. Bill title: Motor Vehicle Safety and Cost Savings Authorization Act of 1982.

3. Bill status: As ordered reported by the House Committee on Energy and Commerce, May 12, 1982.

4. Bill purpose: The bill authorizes total appropriations of $53.580 million for fiscal year 1983, $57.339 million for fiscal year 1984, and $61.225 million for fiscal year 1985 for operations and research activities of the National Highway Traffic Safety Administration (NHTSA).

The authorization levels in the bill are those requested in the President's budget for fiscal year 1983.

5. Cost estimate:

	Millions
Authorization level:	
Fiscal year:	
1983	$53.6
1984	57.3
1985	61.2
1986	----
1987	----
Estimated outlays:	
Fiscal year:	
1983	46.6
1984	54.2
1985	60.5
1986	7.8
1987	2.8

Including outlays from prior years' budget authority enacted to date, but excluding the approximately one-third share of outlays attributable to funding from the Highway Trust Fund, outlays for the activities authorized by this bill will be $52.2 million in fiscal year 1983.

The costs of this bill fall within budget function 400.

6. Basis of estimate: For the purposes of this estimate, it is assumed that the full amounts authorized will be appropriated prior to the beginning of each fiscal year. The authorization levels are those specified in the bill. Outlays were estimated using recent historical disbursement rates for NHTSA's operations and research activities.

Estimated outlays reflect only that portion of NHTSA activities authorized under the National Traffic and Motor Vehicle SafetyAct and the Motor Vehicle Information and Cost Savings Act. Approximately one-third of NHTSA operations and research activities are funded by the Highway Safety Act from the Highway Trust Fund

under the jurisdiction of the House Committee on Public Works and Transportation. Also, this authorization does not cover the automotive fuel economy program.

7. Estimate comparison: The Administration has estimated that the 1983 outlays for these activities funded through general funds will be approximately $52.2 million, assuming appropriation of the $53.6 million requested by the President.

8. Previous CBO estimate: On May 14, 1982 the Congressional Budget Office prepared a cost estimate on H.R. 6273, as ordered reported by the House Committee on Energy and Commerce. That estimate incorrectly included the automotive fuel economy program when comparing H.R. 6273 with the Administration's request.

9. Estimate prepared by: Patrick J. McCann.

10. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

SECTION-BY-SECTION ANALYSIS

Section 1.—Entitles the Act the "Motor Vehicle Safety and Cost Savings Act of 1982.

Section 2.—(a) Amends Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) and authorizes: $51,400,000 for fiscal year 1983, $55,000,000 for fiscal year 1984, and $58,700,000 for fiscal year 1985.

(b) Amends Section 111 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1921) and authorizes: $320,000 for fiscal year 1983, $343,000 for fiscal year 1984, and $365,000 for fiscal year 1985.

(c) Amends section 209 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1949) and authorizes: $1,677,000 for fiscal year 1983, $1,800,000 for fiscal year 1984, aand $1,950,000 for fiscal year 1985.

(d) Amends section 417 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1990g) and authorizes: $183,000 for fiscal year 1983, $196,000 for fiscal year 1984, and $210,000 for fiscal year 1985.

Section 3.—Amends Section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392(d)) to clarify that states may enforce safety standards.

Section 4.—(a) Amends Section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1418(b)) to establish procedures for tire registration.

(b) Amends Sections 153(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1413(c)) to give the Secretary of Transportation the authority to issue a public notice of a recall of defective tires.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 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 italics, existing law in which no change is proposed is shown in roman):

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966

TITLE I—MOTOR VEHICLE SAFETY STANDARDS

* * * * * * *

SEC. 103. (a) * * *

* * * * * * *

(d) Whenever a Federal motor vehicle safety standard established under this title is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, with respect to any motor vehicle or item of motor vehicle equipment any safety standard applicable to the same aspect of performance of such vehicle or item of equipment which is not identical to the Federal standard. *Nothing in this section shall be construed as preventing any State from enforcing any safety standard which is identical to a Federal safety standard.* Nothing in this section shall be construed to prevent the Federal Government or the government of any State or political subdivision thereof from establishing a safety requirement applicable to motor vehicles or motor vehicle equipment procured for its own use if such requirement imposes a higher standard of performance than that required to comply with the otherwise applicable Federal standard.

* * * * * * *

SEC. 121. There are authorized to be appropriated for the purpose of carrying out this Act, [not to exceed $13,000,000 for the transition period July 1, 1976, through September 30, 1976, $60,000,000 for the fiscal year ending September 30, 1977, and $60,000,000 for the fiscal year ending September 30, 1978.] *$51,400,000 for fiscal year 1983, $55,000,000 for fiscal year 1984, and $58,700,000 fiscal year 1985.*

* * * * * * *

PART B—DISCOVERY, NOTIFICATION, AND REMEDY OF MOTOR VEHICLE DEFECTS

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CONTENTS, TIME, AND FORM OF NOTICE

SEC. 153. (a) * * *

* * * * * * *

(c) The notification required by section 151 or 152 with respect to a motor vehicle or item of replacement equipment shall be accomplished—

(1) in the case of a motor vehicle, by first class mail to each person who is registered under State law as the owner of such vehicle and whose name and address is reasonably ascertainable by the manufacturer through State records or other sources available to him;

(2) in the case of a motor vehicle, [or tire,] by first class mail to the first purchaser (or if a more recent purchaser is known to the manufacturer, to the most recent purchaser known to the manufacturer) of each such vehicle [or tire] containing such de-

fect or failure to comply, unless the registered owner (if any) of such vehicle was notified under paragraph (1);

(3) in the case of an item of replacement equipment (other than a tire), (A) by first class mail to the most recent purchaser known to the manufacturer; and (B) if the Secretary determines that it is necessary in the interest of motor vehicle safety, by public notice in such manner as the Secretary may order after consultation with the manufacturer;

(4) in the case of a tire (A) by first-class mail to the most recent purchaser known to the manufacturer; and (B) by public notice in such manner as the Secretary may order after consultation with the manufacturer, if the Secretary determines that such public notice is necessary in the interest of motor vehicle safety, after considering (i) the magnitude of the risk to motor vehicle safety caused by the defect or failure to comply; and (ii) the cost of such public notice as compared to the additional number of owners who could be notified as a result of such public notice;

[(4)](*5*) by certified mail or other more expeditious means to the dealer or dealers of such manufacturer to whom such motor vehicle or replacement equipment was delivered; and

[(5)](*6*) by certified mail to the Secretary, if section 151 applies.

In the case of a tire which contains a defect or failure to comply [(or of a motor vehicle on which such tire was installed as original equipment)], the manufacturer who is required to provide notification *by first-class mail* under paragraph [(1) or (2)] (*4*)(*A*) may elect to provide such notification by certified mail.

* * * * * * *

INFORMATION, DISCLOSURE, AND RECORDKEEPING

SEC. 158. (a) * * *

(b)(*1*) Every manufacturer of motor vehicles or tires except the manufacturer of tires which have been retreaded, shall cause the establishment and maintenance of records of the name and address of the first purchaser of each motor vehicle and tire produced by such manufacturer. To the extent required by regulations of the Secretary, every manufacturer of motor vehicles or tires except the manufacturer of tires which have been retreaded, shall cause the establishment and maintenance of records of the name and address of the first purchaser of each item of replacement equipment other than a tire produced by such manufacturer. The Secretary may, by rule, specify the records to be established and maintained, and reasonable procedures to be followed by manufacturers in establishing and maintaining such records, including procedures to be followed by distributors and dealers to assist manufacturers to secure the information required by this subsection; except that the availability or not of such assistance shall not affect the obligation of manufacturers under this subsection. Such procedures shall be reasonable for the particular type of motor vehicle or tires for which they are prescribed, and shall provide reasonable assurance that customer lists of any dealer and distributor, and similar information, will not be made available to any person other than the dealer or distributor, except where necessary to carry out the purpose of this part.

(2)(A) Except as provided in paragraph (3), the Secretary shall not have any authority to establish any rule which requires a dealer or distributor to complete or compile the records and information specified in paragraph (1) if the business of such dealer or distributor is not owned or controlled by a manufacturer of tires.

(B) The Secretary shall require each dealer and distributor whose business is not owned or controlled by a manufacturer of tires to furnish the first purchaser of a tire with a registration form (containing the tire identification number of the tire) which the purchaser may complete and return directly to the manufacturer of the tire. The contents and format of such forms shall be established by the Secretary and shall be standardized for all tires. Sufficient copies of such forms shall be furnished to such dealers and distributors by manufacturers of tires.

(3)(A) At the end of the 2-year period following the effective date of this paragraph (and from time to time thereafter), the Secretary shall evaluate the extent to which the procedures established in paragraph (2) have been successful in facilitating the establishment and maintenance of records regarding the first purchasers of tires.

(B)(i) The Secretary, upon completion of any evaluation under subparagraph (A), shall determine (I) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which manufacturers, dealers, and distributors have complied with the procedures established in paragraph (2); and (II) whether to impose upon manufacturers, dealers, or distributors (or any combination of such groups) any requirements which the Secretary determines will result in a significant increase in the percentage of first purchasers of tires with respect to whom records would be established and maintained.

(ii) Manufacturers of tires shall reimburse dealers and distributors for all reasonable costs incurred by them in order to comply with any requirement imposed by the Secretary under clause (i).

(iii) The Secretary may order by rule the imposition of requirements under clause (i) only if the Secretary determines that such requirements are necessary to reduce the risk to motor vehicle safety, after considering (I) the cost of such requirements to manufacturers and the burden of such requirements upon dealers and distributors, as compared to the additional percentage of first purchasers of tires with respect to whom records would be established and maintained as a result of the imposition of such requirements; and (II) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which manufacturers, dealers, and distributors have complied with the procedures established in paragraph (2).

(iv) The Secretary, upon making any determination under clause (i), shall submit a report to each House of the Congress containing a detailed statement of the nature of such determination, together with an explanation of the grounds for such determination.

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MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

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TITLE I—BUMPER STANDARDS

* * * * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 111. There are authorized to be appropriated to carry out this [title $125,000 for the fiscal year ending June 30, 1976; $75,000 for the period beginning July 1, 1976, and ending September 30, 1976; $130,000 for the fiscal year ending September 30, 1977; and $395,000 for the fiscal year ending September 30, 1978.] *title $320,000 for fiscal year 1983, $343,000 for fiscal year 1984, and $365,000 for fiscal year 1985.*

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TITLE II—AUTOMOBILE CONSUMER INFORMATION STUDY

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AUTHORIZATION OF APPROPRIATIONS

SEC. 209. There are authorized to be appropriated to carry out this [title $1,875,000 for the fiscal year ending June 30, 1976; $500,000 for the period beginning July 1, 1976, and ending September 30, 1976; $3,385,000 for the fiscal year ending September 30, 1977; and $3,375,000 for the fiscal year ending September 30, 1978.] *title $1,677,000 for fiscal year 1983, $1,800,000 for fiscal year 1984, and $1,950,000 for fiscal year 1985.*

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TITLE IV—ODOMETER REQUIREMENTS

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AUTHORIZATION OF APPROPRIATIONS

SEC. 417. There are authorized to be appropriated to carry out this [title $450,000 for the fiscal year ending June 30, 1976; $100,000 for the period beginning July 1, 1976, and ending September 30, 1976; $650,000 for the fiscal year ending September 30, 1977; and $562,000 for the fiscal year ending September 30, 1978.] *title $183,000 for fiscal year 1983, $196,000 for fiscal year 1984, and $210,000 for fiscal year 1985.*

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Calendar No. 720

97TH CONGRESS 2d Session } SENATE { REPORT No. 97-505

MOTOR VEHICLE SAFETY AND COST SAVINGS AUTHORIZATION ACT OF 1982

JULY 27 (legislative day, JULY 12), 1982.—Ordered to be printed

Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 6273]

The Committee on Commerce, Science, and Transportation to which was referred the bill (H.R. 6273) to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF BILL

The National Highway Traffic Safety Administration (NHTSA) of the Department of Transportation (DOT) is responsible for motor vehicle safety on our Nation's highways. While existing safety standards have been successful to date, traffic fatalities are likely to significantly increase primarily due to the shift to smaller, more fuel-efficient automobiles which are inherently less safe in crashes than larger cars, unless major safety improvements are made.

This legislation amends the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985 for the purpose of carrying out various NHTSA programs. The legislation would also clarify State authority in enforcing motor vehicle equipment safety standards, establish a voluntary tire registration system for independent dealers and distributors, and provide the Secretary of Transportation with authority to issue public recall notices of defective tires.

Background and Needs

The National Traffic and Motor Vehicle Safety Act of 1966 directs the Secretary of Transportation, through the NHTSA Administrator, to establish motor vehicle safety standards, to undertake and support necessary safety research and development, and to order recalls or remedies of automotive defects or failure to comply with safety standards. The Motor Vehicle Information and Cost Savings Act was enacted in 1972 to provide consumers with information and cost savings relating to the purchase and maintenance of a motor vehicle.

In June 1982, the House passed the Motor Vehicle Safety and Cost Savings Authorization Act of 1982 (H.R. 6273). The bill was referred to the Commerce Committee, which approved the bill on July 14, 1982 by voice vote.

On March 31, 1982, the Subcommittee on Surface Transportation held a hearing on oversight of the NHTSA. While the need to improve highway safety was a common theme throughout the hearing, witnesses were divided as to NHTSA's performance in promoting safety.

At this hearing, the NHTSA Administrator reaffirmed NHTSA's commitment to saving lives on the highways, stating that NHTSA is, "committed to exploring all alternatives, not merely those which have been tried in the past." The NHTSA Administrator also noted the Agency's emphasis on achieving its mission objectives "through reform of our programs, through enhanced cooperation with other governments, the academic community and the private sector in vehicle research, and through increased emphasis on safety awareness by the driving public." In undertaking its review of all pending and proposed motor vehicle safety and fuel economy standards and regulations, in an effort to eliminate unnecessary regulatory and administrative costs, the NHTSA Administrator stressed that NHTSA's "primary concern with safety regulations has been, and always will be, to concentrate on requirements which directly reduce the threat to human life and debilitating injuries and to weigh carefully the costs associated with these regulations to see that they do not transcend any realistic gain in motor vehicle safety benefits."

Other witnesses, however, charged that NHTSA is not effectively carrying out its mandate to save lives. Witnesses pointed to the following NHTSA actions during 1981 and early 1982 as evidence:

Revoked the airbag standard, which would have required the phased introduction of passive restraints over the 1982–84 model years. NHTSA did indicate it would engage in a strenuous effort to get the auto companies to agree to voluntarily introduce airbags. To date, this effort has not been successful.

Allowed rulemakings governing side impact protection and pedestrian protection in crashes of under 20 miles-per-hour to lay dormant.

Revoked the motor vehicle visibility standard, a virtually no-cost standard to the automotive industry, involving only about 15 percent of the cars that do not meet it today.

Withdrew the Advanced Notice of Proposed Rulemaking for post-1985 fuel economy.

Arranged to transfer one of the key scientific sections of the Agency's vehicle research office—its fuel economy technology assessment activities—to the Department of Commerce.

Announced its intention to focus its major energies and functions on encouraging voluntary seat belt usage as the way to save lives on the highway, despite scientific evidence showing that this type of program—funded by government and industry alike—has not worked in the past in the United States or in many countries abroad.

Withheld or complicated acquisition of numerous different kinds of information which in the past have been readily available to the public. For example, NHTSA has refused to publish the 1982 Car Book to make crashworthiness and other safety information readily and easily available on a widespread basis to the American public. Rather, it has suggested that people should call and take notes over a hotline or request computer printouts on an individual car.

While some of these NHTSA actions may be justified on a cost/benefit basis, NHSTA clearly is embarking on a controversial course, calling into question its commitment to improving highway safety. The Committee intends to closely monitor NHSTA's future activities.

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966

The National Traffic and Motor Vehicle Safety Act of 1966 was enacted by Congress to reduce traffic accidents and deaths and injuries to persons resulting from traffic accidents. Congress thus determined that it is necessary: to establish safety standards for motor vehicles and equipment in interstate commerce; to undertake and support necessary safety research and development; and to expand the National Driver Register.

This act requires the Secretary of Transportation (through NHTSA) to take the following actions in prescribing standards under this act:

1. Consider relevant available motor vehicle safety data, including the results of research, development, testing, and evaluation activities conducted pursuant to this act;

2. As appropriate, consult with State or interstate agencies (including legislative committees);

3. Consider whether a proposed standard is reasonable, practicable and appropriate for the particular type of motor vehicle or item of motor vehicle equipment for which it is prescribed; and

4. consider the extent to which such standards will contribute to carrying out the purposes of this act.

To assure that sufficient funds are available for NHTSA's safety programs, the Committee has authorized $51.4 million for fiscal 1983, $55 million for fiscal 1984, and $58.7 million for fiscal 1985. This is consistent with the President's budget request for fiscal 1983 and continues funding at current policy levels for fiscal years 1984 and 1985.

The Motor Vehicle Information and Cost Savings Act was enacted in 1972 and represented a significant effort by Congress to provide consumers with meaningful information to make informed purchasing decisions, to avoid unnecessary damage to their cars, and to foster easy diagnosis and repair of passenger vehicles.

This act contains the following five Titles.

Title I—Bumper standards

Title I of the Motor Vehicle Information and Cost Savings Act has the purpose of reducing the extent of economic loss resulting from damage to passenger motor vehicles involved in motor vehicle accidents by providing for the promulgation and enforcement of bumper standards. Congress directed that bumper standards "seek to obtain the maximum feasible reduction of costs to the public and to the consumer," taking into account costs and benefits of the standard as well as health and safety considerations.

To enable NHTSA to continue evaluating the bumper standard, the Committee has authorized $320,000 for fiscal 1983, $343,000 for fiscal 1984, and $365,000 for fiscal 1985.

Title II—Automobile consumer information study

Title II of the Motor Vehicle Information and Cost Savings Act requires NHTSA to compile information relating to the damage susceptibility of passenger motor vehicles, the crashworthiness of such vehicles with respect to the ease of diagnosis and repair of mechanical and electrical systems which fail during use or which are damaged in motor vehicle accidents. NHTSA is required to furnish this information to the public "in a simple and readily understandable form in order to facilitate comparison among the various makes and models of passenger motor vehicles . . .".

In order to carry out the purposes of Title II, the Committee has authorized $1.677 million for fiscal 1983, $1.8 million for fiscal 1984, and $1.95 million for fiscal 1985.

Title III—Diagnosis inspection demonstration projects

Title III of the Motor Vehicle Information and Cost Savings Act required NHTSA to establish motor vehicle diagnostic inspection demonstration projects. These projects have been concluded and the data have been analyzed.

Title IV—Odometer requirements

Title IV of the Motor Vehicle Information and Cost Savings Act notes the importance of an accurate indication of the mileage travelled by a motor vehicle as it assists the purchaser in determining the safety and reliability of a vehicle. The purpose of this title is therefore to prohibit tampering with odometers on motor vehicles and to establish certain safeguards for the protection of purchasers with respect to the sale of motor vehicles having altered or reset odometers.

To carry out the purposes of this title, the Committee has authorized $0.183 million for fiscal 1983, $0.196 million for fiscal 1984, and $0.210 million for fiscal 1985.

Title V—Improving automotive efficiency

Title V of the Motor Vehicle Information and Cost Savings Act sets fuel economy standards for 1978–80 and 1985 and directs the Secretary to set standards for 1981–84. NHTSA does not plan to set standards beyond 1985 because it believes the marketplace is now demanding fuel efficiency.

STATE ENFORCEMENT AUTHORITY

Section 3 of H.R. 6273 amends section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966 to provide that States are not prevented from enforcing any safety standard which is identical to a Federal safety standard. The intent of this language is to clarify the role of States in enforcing Federal safety standards which they have adopted as their own.

At the Federal level, under section 114 of the National Traffic and Motor Vehicle Safety Act of 1966, each motor vehicle or motor vehicle equipment manufacturer or distributor must furnish to the dealer or distributor at the time of delivery of such vehicle or equipment the certification that each such vehicle or item of motor vehicle equipment conforms to all applicable Federal motor vehicle safety standards. Because NHTSA cannot test all products for compliance due to budgetary constraints. States have maintained that their approval systems complemented the Federal scheme and ensured that all equipment met Federal standards. NHTSA has a number of enforcement tools available to ensure that self-certified equipment is in compliance with such standards, including random testing, inspections and investigations, recalls, prohibiting sale of noncomplying equipment and civil penalties.

Current section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966 provides that if a Federal motor vehicle safety standard is in effect, no State or political subdivision of a State may establish a different standard. This section, however, does not directly address the authority of States to enforce safety standards identical to the Federal standards. Since the implementation of the National Traffic and Motor Vehicle Safety Act of 1966, States have assumed an active role in enforcing Federal safety standards which they have adopted as their own. In a formal interpretation of section 103(d) issued in 1971, NHTSA determined that States may enforce standards identical to Federal standards, including requiring submission of items for State approval, as long as such procedures do not prohibit the sale of a manufacturer's equipment pending State approval. States have followed this interpretation for the last decade.

The authority of states to enforce standards has also been addressed in two court cases, *Truck Safety Equipment Institute* v. *Kane*, 419 F. Supp. 688 (M.D.Pa. 1975); vacated, 558 F. 2d 1029 (3rd Cir. 1977); on remand, 466 F. Supp. 1242 (1979). Additionally, in January 1982, NHTSA issued a new opinion on section 103(d) which paralleled the second court case, and stated that the Safety Act pre-empts States from presale enforcement of safety standards, prohibits States from requiring fees for State approval, and prohibits States from imposing requirements for approval which have the effect of prohibiting the sale of equipment which has been self-certified under the Federal statute. In effect, this interpretation changes the methods available to States to enforce safety standards.

Because the Federal court cases and the NHTSA opinion change the scope of traditional State enforcement of safety standards, much uncertainty has resulted concerning the appropriate role of the States. It is the Committee's belief that States have an active and positive role to play in protecting motor vehicle safety, and that this is consistent with the federal statute. The Committee intends, however, that political subdivisions within States should not have separate enforcement authority because the exercise of such authority by large numbers of political subdivisions would impose unreasonable burdens on manufacturers.

The Committee intends that States are not pre-empted from enforcing safety standards identical to Federal standards which they have adopted. States may not require certification or approval of motor vehicles or motor vehicle equipment. However, State enforcement may be carried out according to applicable State laws. States may undertake independent testing, and also may require manufacturers to submit adequate test data concurrent with first sale or thereafter. States may make a determination of the adequacy of such data including review of laboratory qualifications. If test data are not submitted, if a State has good reason to believe that submitted data are inadequate, or if a product does not comply with applicable Federal and identical State-adopted standards, States may use remedies, including prohibition, in accordance with relevant State laws.

Because the Federal role in enforcing safety standards is one of compliance testing on a random basis, the Committee believes that State programs will complement the Federal regulatory scheme. In enforcing standards, States should strive to limit duplication among themselves and with NHTSA. They should be encouraged to share information and administrative costs in order to attain this goal.

TIRE REGISTRATION AND RECALL PROCEDURES

According to NHTSA there is 100 percent tire registration under current law for *original equipment* tires, which come on cars when purchased. However, the registration rate for *replacement tires* for cars is considerably lower—around 46.6 percent. While stores owned by major domestic tire manufacturers (including chain and discount stores) and company owned stores register 80 to 90 percent of the tires sold, independently-owned dealerships (which account for 45 percent of the replacement market), register only 20 percent of the tires they sell. Given the low registration rate for independent dealers and distributors, the Committee believes that a system of voluntary registration for such dealers and distributors (whereby the purchaser fills out his own form and sends it to the manufacturer), would increase registration at least above the present level.

Under current procedures (49 CFR Part 574), tire distributors and dealers are required to send the following information regarding a tire purchase to the manufacturer of the tire: (1) The name and address of the tire purchaser; (2) the tire's identification number; and (3) the name and address of the tire seller (or other means by which the manufacturer can identify the tire seller). This information must be forwarded to the tire manufacturer not less often than every 30 days, unless fewer than 30 tires are sold in that period. In such a case, for-

warding may be delayed until 40 tires are sold or 6 months has passed, whichever comes first. Manufacturers must provide a standard form to the distributor or dealer at his request, but the distributor or dealer may supply his own form.

Section 4 of H.R. 6273 amends section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit NHTSA from requiring independent tire dealers or distributors to complete or compile registration records of tire purchasers. Instead, these dealers or distributors are required to furnish the first purchaser of a tire with a standardized registration form, containing the identification number of the tire, which would be recorded on the form by the dealer or distributor at or before the time of purchase. The form should be presented to the purchaser in a manner suitable for mailing and addressed to the tire manufacturer or his designee.

The Committee has included this provision in the hopes that registration will increase. Given the relationship of tire registration to highway safety, and the necessity for tire owners to be notified quickly and efficiently in the event of a recall of defective tires, however, the Committee has provided for a review of the voluntary system by the Secretary of Transportation after 2 years, and periodically thereafter.

This new consumer registration system applies only to dealers not owned or controlled by a manufacturer. The Committee intends that manufacturers of tires, manufacturer-owned stores and brand-named marketeers of tires shall be required to continue to register first purchasers of tires. The Committee intends that "company owned or controlled" means a significant component of direct equity ownership of the dealer or distributor which gives that party, as a factual matter, effective control of the business. Thus, it would not encompass buy-sell agreements, mortgages, notes, franchise agreements or similar financial arrangements which a tire company may have with a dealer or distributor.

Additionally, manufacturers of tires are not responsible for establishing and maintaining records of the names and addresses of first purchasers and for notifying by direct mail tire purchasers who have purchased tires from such independent dealers and distributors, provided that such purchasers do *not* return registration forms to the manufacturer or his designee.

After 2 years of voluntary registration by independent dealers and distributors the Secretary is required to evaluate the effectiveness of the new procedures, and determine whether any other requirements are necessary to increase the registration of tires. New requirements may be proposed by rule, but only if they are necessary to reduce the risk to motor vehicle safety after considering the cost of such requirements compared to the benefits, and the extent to which dealers and distributors have complied with the new procedures. Additional requirements do not necessarily entail a return to the mandatory registration system by independent dealers and distributors, but could take many forms, such as requiring that registration forms have pre-paid return postage. If the Secretary decides that new requirements are necessary, a report must be submitted to Congress. If new requirements are imposed, tire manufacturers must reimburse dealers and distributors for all reasonable costs for compliance with such requirements.

During the Committee's consideration of this provision, concern was expressed as to the potential burden on tire manufactures if mandatory requirements are imposed if the voluntary system does not work. The Committee shares the concern that the "reasonable costs" of compliance to be borne by the manufacturers not be unduly burdensome. It is the sense of the Committee that NHTSA will consider any such costs in any rulemakings implementing mandatory registration requirements in the future. The Committee intends that the utmost care be used in determining the precise regulatory requirements which may be eligible for reimbursement by tire manufacturers as well as in establishing guidelines for determining "reasonable costs."

The Committee also intends that the Secretary should exercise discretion with due care, as allowed under section 109(b) of the National Traffic and Motor Vehicle Safety Act of 1966 in assessing penalties for violations by independent dealers and distributors for non-compliance with the voluntary registration procedures. The Committee would expect that such dealers and distributors would not receive the maximum penalty per violation, unless there is a clear, continuous pattern of violations of these procedures. The inadvertent failure of an employee to give a customer a form in an isolated instance should not be treated in the same manner as a pattern of violations. The Committee intends to emphasize the safety aspects of the tire registration system, and its importance in alerting tire owners to potential defects and safety risks. The Committee thus intends that tire dealers and distributors take active steps to encourage registration.

H.R. 6273 also amends section 153(c) of the National Traffic and Motor Vehicle Safety Act of 1966 to give the Secretary of Transportation the authority to issue a public notice of a recall of defective tires after consultation with the tire manufacturer and consideration of the magnitude of the safety risk caused by the defect and the cost of such public notice compared to the additional number of owners who could be notified by such action.

These public notice provisions are intended to increase the efficiency and effectiveness of recalls of defective tires. Less than half of the tires sold in the replacement market are currently registered, thus only about half of tire owners will receive notification by mail of a defect should a recall be undertaken. Therefore, the Committee believes that the Secretary of Transportation should have authority to require public notice, under the conditions set forth above, in order to ensure that people driving with defective tires are informed of potential hazards as expeditiously as possible.

LEGISLATIVE HISTORY

On March 31, 1982, the Subcommittee on Surface Transportation conducted a hearing on oversight of NHTSA. Testimony was presented by current and former NHTSA officials, representatives from State motor vehicle administrators, public interest groups, independent researchers, and nonprofit consumer groups.

In June 1982, the House passed the Motor Vehicle Safety and Cost Savings Authorization Act of 1982 (H.R. 6273). The bill was referred to the Commerce Committee.

On July 14, 1982, the Committee ordered H.R. 6273 reported by a voice vote.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., July 19, 1982.

Hon. BOB PACKWOOD,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 6273, the Motor Vehicle Safety and Cost Savings Authorization Act of 1982.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN. *Director.*

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

JULY 19, 1982.

1. Bill number: H.R. 6273.

2. Bill title: Motor Vehicle Safety and Cost Savings Authorization Act of 1982.

3. Bill status: As ordered reported by the Senate Committee on Commerce, Science and Transportation July 14, 1982.

4. Bill purpose: The bill authorizes total appropriations of $53.580 million for fiscal year 1983, $57.339 million for fiscal year 1984, and $61.225 million for fiscal year 1985 for operations and research activities of the National Highway Traffic Safety Administration (NHTSA).

The authorization levels in the bill are those requested in the President's budget for fiscal year 1983.

5. Cost estimate:

	Millions
Authorization level:	
Fiscal year:	
1983	$53.6
1984	57.3
1985	61.2
1986	-----
1987	-----
Estimated outlays:	
Fiscal year:	
1983	46.6
1984	54.2
1985	60.5
1986	7.8
1987	2.8

Including outlays from prior year's budget authority enacted to date, but excluding the approximately one-third share of outlays attrib-

utable to funding from the Highway Trust Fund, outlays for the activities authorized by this bill will be $52.2 million in fiscal year 1983.

The costs of this bill fall within budget function 400.

6. Basis of estimate: For the purposes of this estimate, it is assumed that the full amounts authorized will be appropriated prior to the beginning of each fiscal year. The authorization levels are those specified in the bill. Outlays were estimated using recent historical disbursement rates for NHTSA's operations and research activities. Estimated outlays reflect only that portion of NHTSA activities authorized under the National Traffic and Motor Vehicle Safety Act and the Motor Vehicle Information and Cost Savings Act.

7. Estimate comparison: The Administration has estimated that the 1983 outlays for these activities funded through general funds will be approximately $52.2 million, assuming appropriation of the $53.6 million requested by the President.

8. Previous CBO estimate: On May 14, 1982 the Congressional Budget Office prepared a cost estimate on H.R. 6273, as ordered reported by the House Committee on Energy and Commerce. That estimate incorrectly included the automotive fuel economy program when comparing H.R. 6273 with the Administrations' request.

On May 17, 1982 the Congressional Budget Office prepared a revised cost estimate for H.R. 6273, as ordered reported by the House Committee on Energy and Commerce. The estimate for that bill is identical to this estimate.

9. Estimate prepared by: Patrick J. McCann.

10. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impacts of the legislation:

NUMBER OF PERSONS COVERED

H.R. 6273, as reported, continues existing programs under the National Traffic and Motor Vehicle Information and Cost Savings Act. Thus the number of persons covered should be consistent with current levels.

ECONOMIC IMPACT

Section 2 of H.R. 6273 authorizes funding of $51.4 million in fiscal 1983, $55 million in fiscal 1984, and $58.7 million in fiscal 1985. These levels represent a decrease from the $60 million funding level authorized since fiscal 1976. The moderate increase in funding between fiscal years 1983 and 1985 is designed to permit program growth where needed and to compensate for general projected increases in the cost of living. This funding will be used to conduct auto safety research, provide consumer information, conduct defect and noncompliance testing, promulgate safety standards, and generally enforce provisions of

the act. These activities are not expected to have an inflationary impact on the Nation's economy.

Section 2 also authorizes appropriations of $2.18 million for fiscal 1983, $2.339 million for fiscal 1984, and $2.525 million for fiscal 1985 to fund various programs under the Motor Vehicle Information and Cost Savings Act. This funding will be used to evaluate cost savings to consumers by promoting damage-resistent bumpers, improve consumer access to cost saving information, and generally protect consumers from odometer fraud. It is conceivable that the net effect of these efforts would have a deflationary impact on the national economy.

Section 3 of H.R. 6273 contains provisions for State enforcement which should complement Federal efforts and may result in an increase in overall efficiency in the marketplace.

The tire registration and recall provisions of section 4 of H.R. 6273 should reduce overall paperwork and may possibly have a deflationary effect on the cost of tires and related products.

PAPERWORK

No additional reporting requirements are imposed by sections 2 or 3. Section 4 requires the Secretary of Transportation to submit a report to Congress if he decides that new tire registration requirements are necessary, after evaluation of the voluntary tire registration procedure. If new requirements are imposed, tire manufacturers must reimburse dealers and distributors for all reasonable costs for compliance with such requirements. The overall effect of this provision, however, together with the section 4 provision giving the Secretary authority to issue a public notice of recall of defective tires, would be to reduce overall paperwork by manufacturers, dealers and distributors of tires.

Section-by-Section Analysis

SECTION 1. SHORT TITLE

This section provides that the legislation may be cited as the "Motor Vehicle Safety and Cost Savings Authorization Act of 1982."

SECTION 2. AUTHORIZATION OF APPROPRIATIONS

This section amends section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations of $51.4 million for fiscal year 1983, $55 million for fiscal year 1984, and $58.7 million for fiscal year 1985, in order for NHTSA to carry out its motor vehicle safety responsibilities.

This section amends three sections of the Motor Vehicle Information and Cost Savings Act. Section 111 is amended to authorize appropriations of $320,000 for fiscal year 1983, $343,000 for fiscal year 1984, and $365,000 for fiscal year 1985 to enable NHTSA to carry out its responsibilities regarding establishment of bumper standards. Section 209 is amended to authorize appropriations of $1.677 million for fiscal year 1983, $1.8 million for fiscal year 1984, and $1.95 million for fiscal year 1985, to enable NHTSA to compile and provide information to the public on various makes and models of passenger motor vehicles. Sec-

tion 417 is amended to authorize appropriations of $183,000 for fiscal year 1983, $196,000 for fiscal year 1984, and $210,000 for fiscal year 1985 to enable NHTSA to carry out its responsibilities in preventing odometer fraud.

SECTION 3. STATE ENFORCEMENT AUTHORITY

This section amends section 103 of the National Traffic and Motor Vehicle Safety Act of 1966 to provide that States are not prevented from enforcing any safety standard which is identical to a Federal safety standard. Current law does not directly address the authority of States to enforce such identical safety standards.

SECTION 4. TIRE REGULATION INFORMATION: NOTICE OF TIRE DEFECTS

This section amends section 158 of the National Traffic and Motor Vehicle Safety Act of 1966 to establish a voluntary tire registration program to increase the registration rate for independent dealers and distributors. The first purchaser of a tire will be furnished a registration form which he may complete and return to the tire manufacturer. The Secretary of Transportation will be required to evaluate the effectiveness of the voluntary system after 2 years and determine whether any other requirements are necessary to increase tire registrations and reduce the risk to motor vehicle safety. If the Secretary decides that new requirements are necessary, a report must be submitted to Congress. If new requirements are imposed, tire manufacturers must reimburse dealers and distributors for all reasonable costs for compliance with such requirements.

This section also amends section 153 of the National Traffic and Motor Vehicle Safety Act of 1966 to give the Secretary the authority to issue a public notice of recall of defective tires after consultation with the tire manufacturer and consideration of the magnitude of the safety risk caused by the defect and the cost of such notice as compared to the additional number of owners who could be notified by the public notice.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, 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 material is printed in italics, existing law in which no change is proposed is shown in roman):

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY STANDARDS

* * * * * * *

SEC. 103. (a) * * *

* * * * * * *

(d) Whenever a Federal motor vehicle safety standard established under this title is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, with respect to any motor vehicle or item of motor vehicle equipment any safety standard applicable to the same aspect of per-

formance of such vehicle or item of equipment which is not identical to the Federal standard. *Nothing in this section shall be construed as preventing any State from enforcing any safety standard which is identical to a Federal safety standard.* Nothing in this section shall be construed to prevent the Federal Government or the government of any State or political subdivision thereof from establishing a safety requirement applicable to motor vehicles or motor vehicle equipment procured for its own use if such requirement imposes a higher standard of performance than that required to comply with the otherwise applicable Federal standard.

* * * * * * *

SEC. 121. There authorized to be appropriated for the purpose of carrying out this Act, [not to exceed $13,000,000 for the transition period July 1, 1976, through September 30, 1976, $60,000,000 for the fiscal year ending September 30, 1977, and $60,000,000 for the fiscal year ending September 30, 1978.] *$51,400,000 for fiscal year 1983, $55,000,000 for fiscal year 1984, and $58,700,000 for fiscal year 1985.*

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PART B—DISCOVERY, NOTIFICATION, AND REMEDY OF MOTOR VEHICLE DEFECTS

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CONTENTS, TIME, AND FORM OF NOTICE

SEC. 153. (a) * * *

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(c) The notification required by section 151 or 152 with respect to a motor vehicle or item of replacement equipment shall be accomplished—

(1) in the case of a motor vehicle, by first class mail to each person who is registered under State law as the owner of such vehicle and whose name and address is reasonably ascertainable by the manufacturer through State records or other sources available to him;

(2) in the case of a motor vehicle, [or tire,] by first class mail to the first purchaser (or if a more recent purchaser is known to the manufacturer, to the most recent purchaser known to the manufacturer) of each such vehicle [or tire] containing such defect or failure to comply, unless the registered owner (if any) of such vehicle was notified under paragraph (1);

(3) in the case of an item of replacement equipment (other than a tire), (A) by first class mail to the most recent purchaser known to the manufacturer; and (B) if the Secretary determines that it is necessary in the interest of motor vehicle safety, by public notice in such manner as the Secretary may order after consultation with the manufacturer;

(4) in the case of a tire (A) by first-class mail to the most recent purchaser known to the manufacturer; and (B) by public notice with the manufacturer, if the Secretary determines that such public notice is necessary in the interest of motor vehicle safety, after considering (i) the magnitude of the risk to motor

vehicle safety caused by the defect or failure to comply; and (ii) the cost of such public notice as compared to the additional number of owners who could be notified as a result of such public notice;

[(4)](*5*) by certified mail or other more expeditious means to the dealer or dealers of such manufacturer to whom such motor vehicle or replacement equipment was delivered; and

[(5)](*6*) by certified mail to the Secretary, if section 151 applies.

In the case of a tire which contains a defect or failure to comply [(or of a motor vehicle on which such tire was installed as original equipment)], the manufacturer who is required to provide notification *by first-class mail* under paragraph [(1) or (2)] (*4*)(*A*) may elect to provide such notification by certified mail.

* * * * * * *

INFORMATION, DISCLOSURE, AND RECORDKEEPING

SEC. 158. (a) * * *

(b)(*1*) Every manufacturer of motor vehicles or tires except the manufacturer of tires which have been retreaded, shall cause the establishment and maintenance of records of the name and address of the first purchaser of each motor vehicle and tire produced by such manufacturer. To the extent required by regulations of the Secretary, every manufacturer of motor vehicles or tires except the manufacturer of tires which have been retreaded, shall cause the establishment and maintenance of records of the name and address of the first purchaser of each item of replacement equipment other than a tire produced by such manufacturer. The Secretary may, by rule, specify the records to be established and maintained, and reasonable procedures to be followed by manufacturers in establishing and maintaining such records, including procedures to be followed by distributors and dealers to assist manufacturers to secure the information required by this subsection; except that the availability or not of such assistance shall not affect the obligation of manufacturers under this subsection. Such procedures shall be reasonable for the particular type of motor vehicle or tires for which they are prescribed, and shall provide reasonable assurance that customer lists of any dealer and distributor, and similar information, will not be made available to any person other than the dealer or distributor, except where necessary to carry out the purpose of this part.

(*2*)(*A*) *Except as provided in paragraph (3), the Secretary shall not have any authority to establish any rule which requires a dealer or distributor to complete or compile the records and information specified in paragraph (1) if the business of such dealer or distributor is not owned or controlled by a manufacturer of tires.*

(*B*) *The Secretary shall require each dealer and distributor whose business is not owned or controlled by a manufacturer of tires to furnish the first purchaser of a tire with a registration form (containing the tire identification number of the tire) which the purchaser may complete and return directly to the manufacturer of the tire. The contents and format of such forms shall be established by the Secretary and shall be standardized for all tires. Sufficient copies of such forms*

shall be furnished to such dealers and distributors by manufacturers of tires.

(3)(A) At the end of the 2-year period following the effective date of this paragraph (and from time to time thereafter), the Secretary shall evaluate the extent to which the procedures established in paragraph (2) have been successful in facilitating the establishment and maintenance of records regarding the first purchasers of tires.

(B)(i) The Secretary, upon completion of any evaluation under subparagraph (A), shall determine (I) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which manufacturers, dealers, and distributors have complied with the procedures established in paragraph (2); and (II) whether to impose upon manufacturers, dealers, or distributors (or any combination of such groups) any requirements which the Secretary determines will result in a significant increase in the percentage of first purchasers of tires with respect to whom records would be established and maintained.

(ii) Manufacturers of tires shall reimburse dealers and distributors for all reasonable costs incurred by them in order to comply with any requirement imposed by the Secretary under clause (i).

(iii) The Secretary may order by rule the imposition of requirements under clause (i) only if the Secretary determines that such requirements are necessary to reduce the risk to motor vehicle safety, after considering (I) the cost of such requirements to manufacturers and the burden of such requirements upon dealers and distributors, as compared to the additional percentage of first purchasers of tires with respect to whom records would be established and maintained as a result of the imposition of such requirements; and (II) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which manufacturers, dealers, and distributors have complied with the procedures established in paragraph (2).

(iv) The Secretary, upon making any determination under clause (i), shall submit a report to each House of the Congress containing a detailed statement of the nature of such determination, together with an explanation of the grounds for such determination.

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MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

* * * * * * *

TITLE I—BUMPER STANDARDS

* * * * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 111. There are authorized to be appropriated to carry out this [title $125,000 for the fiscal year ending June 30, 1976; $75,000 for the period beginning July 1, 1976, and ending September 30, 1976; $130,000 for the fiscal year ending September 30, 1977; and $395,000 for the fiscal year ending September 30, 1978.] *title $320,000 for fiscal*

year 1983, $343,000 for fiscal year 1984, and $365,000 for fiscal year 1985.

* * * * * * *

TITLE II—AUTOMOBILE CONSUMER INFORMATION STUDY

* * * * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 209. There are authorized to be appropriated to carry out this [title $1,875,000 for the fiscal year ending June 30, 1976; $500,000 for the period beginning July 1, 1976, and ending September 30, 1976; $3,385,000 for the fiscal year ending September 30, 1977; and $3,375,000 for the fiscal year ending September 30, 1978] *title $1,677,000 for fiscal year 1983, $1,800,000 for fiscal year 1984, and $1,950,000 for fiscal year 1985.*

* * * * * * *

TITLE IV—ODOMETER REQUIREMENTS

* * * * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 417. There are authorized to be appropriated to carry out this [title $450,000 for the fiscal year ending June 30, 1976; $100,000 for the period beginning July 1, 1976, and ending September 30, 1976; $650,000 for the fiscal year ending September 30, 1977; and $562,000 for the fiscal year ending September 30, 1978.] *title $183,000 for fiscal year 1983, $196,000 for fiscal year 1984, and $210,000 for fiscal year 1985.*

* * * * * * *

ADDITIONAL VIEWS OF MR. DANFORTH

I believe that the National Highway Traffic Safety Administration in its present tasks, and hopefully in its future, has a significant role to play in the area of traffic safety. Traffic safety is a very important subject in that each day about 140 Americans are killed in automobile accidents. The recent airplane crash in New Orleans killed 147 passengers and was the second largest air tragedy in U.S. history. Yet in traffic safety, 140 people are killed every day and we seem to just more or less go along as is.

NHTSA has a tremendous opportunity to take constructive steps toward increasing safety on our highways. As a matter of fact, the Federal Government has an interest in it. a monetary interest if no other, because with the cost of Medicaid and Medicare and disability insurance borne by the taxpayers, that cost goes up with the number of accidents and injuries.

Would the U.S. Congress allow the National Transportation Safety Board to do nothing if 140 persons were killed in a major airline crash every day for even a week? Clearly not. Yet here is an agency which seems under its present management intent on doing away with almost anything constructive with respect to traffic safety. For example, NHTSA has rescinded the passive restraint rule which was scheduled to go into effect with some model cars this fall, a rule which was expected to save as many as 10,000 lives a year. Now NHTSA is fighting in court to preserve its rescission—a rescission the court has called "arbitrary and illogical."

Or consider this, there are another 300,000 Americans who will be scarred this year by windshields that shatter into tiny knives. Technology has produced a new safety windshield which would prevent shattering glass from spraying all over peoples' faces by molding a thin layer of clear plastic in the inside of the windshield. This technology is already in use in Europe. However, an antiquated NHTSA regulation aimed at precluding the use of plastic on the outside of windshields, for abrasion-resistance reasons, has prevented the introduction of this proven safety feature in America. When asked more than a year ago to immediately rescind this regulation, NHTSA refused to do so, saying that it "simply does not know enough yet about glass plastic hazing to make a decision. . . ."

Congress created NHTSA to promote safety. I really do not know if this agency is aiding traffic safety or whether it is engaged in some sort of search and destroy mission against any useful idea that is put forward to make the highways safer. Indeed, NHTSA now seems to be doing all it can to thwart safety.

We need to ask the question: By continuing to fund NHTSA are we really achieving the objective we want to achieve? It is not clear what the design or the purpose of NHTSA is under its present management. I am acquiescing in the approval of additional funds only because I look forward to the day when we can have a NHTSA which does what it is supposed to do, that is, encourage more safety on the highways. America certainly needs it.

JOHN C. DANFORTH.

Congressional Record—House
May 5, 1982, E2014

INTRODUCTION OF NHTSA FUND ACT

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1982

● Mr. WIRTH. Mr. Speaker, today I am introducing the Motor Vehicle Safety and Cost Savings Authorization Act, which will authorize funds for the National Highway Traffic Safety Administration (NHTSA) through 1985.

This past year has been one of transition for NHTSA. Instead of pursuing an aggressive safety program we have witnessed the rescission of several important and cost-effective safety and consumer programs. Therefore, with the introduction of this bill I am hoping to reiterate the congressional intent that created the agency: In 1966 when Congress established NHTSA, it unequivocably mandated that NHTSA establish a coherent safety program in order to reduce the appalling carnage on our Nation's highways.

While NHTSA safety programs have been responsible for saving hundreds of thousands of lives during the last decade, the agency's role at this juncture is even more critical. With cars getting smaller, it has been estimated that more than 70,000 Americans will die each year in automobile accidents unless major safety improvements are made. NHTSA must not take this mission lightly. In terms of both lives and dollars the NHTSA statute remains one of the most important health and safety laws we have.

I am hopeful that after passagé of this legislation, NHTSA will realize the priority the Congress places on highway safety and will again begin to make some real effort toward reducing the automobile death toll. I believe that the President's budget request is adequate to continue NHTSA's mandate to save lives. However, I am deeply concerned about where priorities are placed in the agency. For example, we must not retreat from technological solutions in favor of modifying the behavior of drivers. This approach has failed over and over again. Additionally, NHTSA must continue to provide Americans with meaningful information about the cars they drive, as Congress envisioned when we passed the Motor Vehicle Information and Costs Savings Act. I will be working with Chairman Benjamin, of the Appropriations Subcommittee and with our counterparts in the Senate in insuring the NHTSA carry out its congressional mandate.

In addition to funding for activities under the National Traffic and Vehicle Safety Act and the Costs Savings Act, this bill includes a provision to clarify the rights of States in enforcing safety standards that are identical to Federal standards.●

Extracted from

Congressional Record—Daily Digest
June 14, 1982, D757

Suspensions: House voted to suspend the rules and pass the following bills:

. . . . . .

NHTSA authorizations: H.R. 6273, amended to amend the National Traffic and Motor Vehicle Safety Act of 1966, and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985; and

Pages H3437-H3440

Congressional Record—House
June 14, 1982, H3437—H3440

MOTOR VEHICLE SAFETY AND COST SAVINGS AUTHORIZATION ACT OF 1982

Mr. WIRTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6273) to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985, and for other purposes as amended.

The Clerk read as follows:

H.R. 6273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Motor Vehicle Safety and Cost Savings Authorization Act of 1982".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended by striking out "not" and all that follows through the period, and inserting in lieu thereof "$51,400,000 for fiscal year 1983, $55,000,000 for fiscal year 1984, and $58,700,000 for fiscal year 1985.".

(b) Section 111 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1921) is amended by striking out "title" and all that follows through the period, and inserting in lieu there of "title $320,000 for fiscal year 1983, $343,000 for fiscal year 1984, and $365,000 for fiscal year 1985.".

(c) Section 209 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1949) is amended by striking out "title" and all that follows through the period, and inserting in lieu thereof "title $1,677,000 for fiscal year 1983, $1,800,000 for fiscal year 1984, and $1,950,000 for fiscal year 1985.".

(d) Section 417 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1990g) is amended by striking out "title" and all that follows through the period, and inserting in lieu thereof "title $183,000 for fiscal year 1983, $196,000 for fiscal year 1984, and $210,000 for fiscal year 1985.".

STATE ENFORCEMENT AUTHORITY

SEC. 3. Section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392(d)) is amended by inserting after the first sentence thereof the following new sentence: "Nothing in this section shall be construed as preventing any State from enforcing any safety standard which is identical to a Federal safety standard.".

TIRE REGISTRATION INFORMATION; NOTICE OF TIRE DEFECTS

SEC. 4. (a) Section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1418(b)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraphs:

"(2)(A) Except as provided in paragraph (3), the Secretary shall not have any authority to establish any rule which requires a dealer or distributor to complete or compile the records and information specified in paragraph (1) if the business of such dealer or distributor is not owned or controlled by a manufacturer of tires.

"(B) The Secretary shall require each dealer and distributor whose business is not owned or controlled by a manufacturer of tires to furnish the first purchaser of a tire with a registration form (containing the tire identification number of the tire) which the purchaser may complete and return directly to the manufacturer of the tire. The contents and format of such forms shall be established by the Secretary and shall be standardized for all tires. Sufficient copies of such forms shall be furnished to such dealers and distributors by manufacturers of tires.

"(3)(A) At the end of the two-year period following the effective date of this paragraph (and from time to time thereafter), the Secretary shall evaluate the extent to which the procedures established in paragraph (2) have been successful in facilitating the establishment and maintenance of records regarding the first purchasers of tires.

"(B)(i) The Secretary, upon completion of any evaluation under subparagraph (A), shall determine (I) the extent to which deal-

ers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which dealers and distributors have complied with the procedures established in paragraph (2); and (II) whether to impose upon manufacturers, dealers, or distributors (or any combination of such groups) any requirements which the Secretary determines will result in a significant increase in the percentage of first purchasers of tires with respect to whom the records would be established and maintained.

"(ii) Manufacturers of tires shall reimburse dealers and distributors for all reasonable costs incurred by them in order to comply with any requirement imposed by the Secretary under clause (i).

"(iii) The Secretary may order by rule the imposition of requirements under clause (i) only if the Secretary determines that such requirements are necessary to reduce the risk to motor vehicle safety, after considering (I) the cost of such requirements to manufacturers and the burden of such requirements upon dealers and distributors, as compared to the additional percentage of first purchasers of tires with respect to whom records would be established and maintained as a result of the imposition of such requirements; and (II) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which dealers and distributors have complied with the procedures established in paragraph (2).

"(iv) The Secretary, upon making any determination under clause (i), shall submit a report to each House of the Congress containing a detailed statement of the nature of such determination, together with an explanation of the grounds for such determination.".

(d) Section 153(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1413(c)) is amended—

(1) in paragraph (2) thereof, by striking out "or tire,", and by striking out "or tire";

(2) by redesignating paragraph (4) and paragraph (5) thereof as paragraph (5) and paragraph (6), respectively, and by inserting after paragraph (3) thereof the following new paragraph:

"(4) in the case of a tire (A) by first-class mail to the most recent purchaser known to the manufacturer; and (B) by public notice in such manner as the Secretary may order after consultation with the manufacturer, if the Secretary determines that such public notice is necessary in the interest of motor vehicle safety, after considering (i) the magnitude of the risk to motor vehicle safety caused by the defect or failure to comply; and (ii) the cost of such public notice as compared to the additional number of owners who could be notified as a result of such public notice;"; and

(3) in the last sentence thereof—

(A) by striking out "(or of a motor vehicle on which such tire was installed as original equipment)";

(B) by inserting "by first-class mail" after "notification" the first place it appears therein; and

(C) by striking out "(1) or (2)" and inserting in lieu thereof "(4)(A)".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Colorado (Mr. WIRTH) will be recognized for 20 minutes, and the gentleman from California (Mr. MOORHEAD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. WIRTH).

(Mr. WIRTH asked and was given permission to revise and extend his remarks.)

Mr. WIRTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6273 authorizes appropriations for the National Highway Traffic Safety Administration (NHTSA) for fiscal years 1983, 1984, and 1985. The authorization levels are consistent with the administration's requests for fiscal year 1983 and continues funding at that current policy level for fiscal year 1984 and 1985. This a bare-bones budget for NHTSA. Overall, the agency has sustained budget reductions in several areas, but still must address the awesome and important congressional mandate of reducing the highway death toll of 50,000 Americans each year.

In 1966, when the National Traffic and Motor Vehicle Safety Act was passed, Congress mandated that NHTSA establish a coherent safety program to mitigate the increasing fatality rate. While safety standards established under the act have been tremendously successful to date, a recent NHTSA study forecasts that yearly traffic fatalities will increase to 70,000 by 1990 unless major safety improvements are made. Because cars are getting smaller, and therefore less safe, NHTSA's role at this juncture is even more critical in advancing the state-of-the-art in technological solutions to stem this tragic trend. The funds authorized for the Vehicle Safety Act today will allow NHTSA to continue to develop and promulgate safety standards, conduct safety research, and to order recalls or remedies of automotive defects. Given the potential loss of life and limb involved, and the yearly cost of nearly $50 billion to Americans due to auto accidents, a more important and cost-effective use of funds can hardly be imagined.

This bill also authorizes appropriations under the Motor Vehicle Information and Cost Savings Act. Passed in 1972, this landmark legislation reaf-

firmed the consumer's right to know about the safety and cost of operating our cars. Under this act NHTSA is mandated to provide consumers with meaningful and comparative information on automobiles in order to make informed purchasing decisions. The agency is also directed to devise standards for bumpers to minimize consumer costs in low-speed collisions, and to generally establish protections for consumers against odometer tampering and fraud. In our report, the Committee on Energy and Commerce expressed concern that NHTSA may not be carrying out this important statutory mandate with sufficient enthusiasm. In authorizing funds for these programs, I hope that NHTSA will place a much higher priority on these programs.

In addition to authorizing NHTSA, H.R. 6273 clarifies the role of States in enforcing safety standards identical to Federal standards, which they have adopted. Since the implementation of the Safety Act, States have played an active role in enforcing Federal safety standards. Because NHTSA has a policy of self-certification—whereby a manufacturer simply states that the product complies with applicable standards until a time when or if NHTSA determines that the product is not in compliance—States have felt that their approval and testing programs have complemented the Federal enforcement effort. Until very recently, NHTSA and the States have followed agency guidelines established in 1971, which allowed States to enforce safety standards by requiring submission of items for State approval, as long as the sale of equipment was permitted pending approval.

However, a recent court case and NHTSA opinion have changed the scope of traditional State enforcement.

Given that section 103(d) of the Vehicle Safety Act did not specifically address State enforcement of safety standards, this legislation establishes a scheme for State efforts. Specifically, the bill reiterates that States are not preempted from enforcing any safety standard identical to Federal standards. While States may not require certification or approval of motor vehicles or equipment, States may disapprove these products in determinations made through independent testing, or examination of test data submitted by manufacturers. Additionally, if a State finds that a product does not comply with applicable Federal standards, it may prohibit the sale of the product within its borders. In developing this scheme, our committee determined that a partnership of Federal and State enforcement of safety standards best served the national interest by providing the necessary checks by States of the Federal self-certification program.

The final section of H.R. 6273 provides for the registration of tires on a voluntary basis by the purchaser, rather than by independent tire dealers of distributors. Specifically, independent dealers and distributors are required to furnish purchasers with standardized registration forms, which purchasers may return directly to tire manufacturers. After 2 years, the Secretary of Transportation is required to evaluate the effectiveness of this voluntary registration program and may propose new requirements by rule if this is necessary to decrease the risk to motor vehicle safety. Under this section of the bill the Department of Transportation is also authorized to issue a public notice of a recall of defective tires after consulting with tire manufacturers, considering the safety risk caused by the defect and the cost of the public notice. Taken together, these provisions will greatly enhance the speed and efficiency of recall notification and safety. Mr. Speaker, H.R. 6273 enjoys bipartisan support on the Committee on Energy and Commerce and in the House and I urge my colleagues to pass it favorably today.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6273, the Motor Vehicle Safety and Cost Savings Authorization Act of 1982. This legislation amends the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985. The bill also contains a provision to clarify the authority of States to enforce motor vehicle safety standards and a provision to change the system of registration of tires and notice of tire defects. H3439

Congress has not authorized appropriations since 1978 for the two statutes under consideration today. The National Highway Traffic Safety Administration, which administers these statutes, has in past years exercised somewhat poor judgment in carrying

out its mandate to promote motor vehicle safety and provide consumers with information on which to base automobile purchases.

Last year, in April 1981, the agency announced a comprehensive regulatory reform effort and a review of a number of regulations and rulemakings in progress. NHTSA has reviewed and is in the continuing process of reviewing both regulations currently in effect and those which have been promulgated and are scheduled to become effective in future years. I commend NHTSA for this effort and urge that it continue to review the many regulations and requirements imposed on motor vehicle manufacturing to insure that they are cost-effective while still promoting safety.

The legislation before us today authorizes funding for 3 years for the National Traffic and Motor Vehicle Safety Act of 1966. This statute provides for the establishment of Federal motor vehicle safety standards and authorizes NHTSA to order recalls or remedies of automotive defects or failures to comply with safety standards. The bill follows the administration's budget request for fiscal year 1983 and continues funding at current policy levels for fiscal years 1984 and 1985. The legislation authorizes $51.4 million for fiscal year 1983, $55 million for fiscal year 1984, and $58.7 million for fiscal year 1985.

The bill also authorizes funding for three titles of the Motor Vehicle Information and Cost Savings Act. Title I of the act, which requires NHTSA to establish crash resistance standards for automobile bumpers, is authorized in the amounts of $320,000 for fiscal year 1983, $343,000 for fiscal year 1984, and $365,000 for fiscal year 1985.

Title II of the Cost Savings Act requires NHTSA to study crashworthiness and maintenance costs of automobiles and to disseminate this information to consumers to aid them in making purchasing decisions. This title is authorized in the amounts of $1,677,000 for fiscal year 1983, $1,800,000 for fiscal year 1984, and $1,950,000 for fiscal year 1985.

Title IV prohibits the disconnection of or tampering with automobile odometers. It also requires transferors of automobiles to indicate their mileage and provides civil and criminal penalties, as well as private damage action, for violation. Funding to carry out this title is authorized in the amounts of $183,000 for fiscal year 1983, $196,000 for fiscal year 1984, and $210,000 for fiscal year 1985. The authorization figures in the Motor Vehicle Information and Cost Savings Act also comply with administration budget figures.

Section 3 of H.R. 6273 clarifies the rights of States to enforce Federal safety standards which they have adopted as their own. It amends section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966. This section presently provides that if a Federal motor vehicle safety standard has been established, States may not adopt different standards. Under the present statutory language, the authority of States to enforce State standards identical to Federal standards is unclear. This section provides an affirmative statement that States have a role to play in enforcing motor vehicle safety standards.

The committee report states specifically that States may not require certification or approval of motor vehicles or motor vehicle equipment. The committee also intends that States may not impose fees for laboratory approvals, although it is appropriate that States review manufacturers' test data and review the qualifications of the laboratory selected by a manufacturer, whether in-house or out-of-house. If a manufacturer, upon reasonable request, fails to submit test data demonstrating compliance, or if a State determines that a product does not comply with Federal and identical State standards, States may prohibit sale of the product or exercise other remedies in accordance with State law.

Section 4 of H.R. 6273 changes the present system of tire registration and provides NHTSA with authority, in certain circumstances, to require public notice of recalls of defective tires. This section is very similar to H.R. 1508, the Consumer Tire Registration and Public Notice Improvement Act, which many Members of the House have consponsored.

Under present law, tire dealers must fill out registration forms for each tire sold and return them to manufacturers. The bill changes this system for independent tire dealers and distributors and requires them to furnish tire purchasers with registration forms which they may complete and return to the manufacturer. The bill also contains a provision requiring NHTSA to evaluate the new procedures under this section after 2 years to insure that they are working effectively.

Another part of this section authorizes NHTSA to require tire manufac-

turers to give public notice of recalls of defective tires. Before requiring such public notice, NHTSA must consult with manufacturers and must consider the risk to public safety of the defect and the cost of public notice compared to the additional number of tire owners who would be notified.

I urge the House to suspend the rules and pass H.R. 6273.

● Mr. DINGELL. Mr. Speaker, H.R. 6273 amends the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act in order to authorize appropriations for fiscal years 1983, 1984, and 1985.

The National Traffic and Motor Vehicle Safety Act was enacted by Congress in 1966 to reduce accidents, deaths, and injuries to persons resulting from traffic accidents. To carry out these objectives, Congress determined that it is necessary to establish safety standards for motor vehicles and motor vehicle equipment and to undertake and support safety research and development.

The National Highway and Traffic Safety Administration (NHTSA) is responsible for implementation of these programs.

To assure that sufficient funds are available for these efforts, the committee has authorized $51.4 million for fiscal year 1983, $55 million for fiscal year 1984, and $58.7 million for fiscal year 1985. This is consistent with the President's budget request for fiscal year 1983 and continues funding at current policy levels for fiscal years 1984 and 1985.

NHTSA also administers the Motor Vehicle Information and Cost Savings Act. This legislation was passed in 1972 and was a major attempt by Congress to provide consumers with meaningful information to make informed purchasing decisions, to avoid unnecessary damage to their cars, and to foster easy diagnosis and repair of passenger vehicles.

Title I of the Motor Vehicle Information and Cost Savings Act requires NHTSA to promulgate standards applicable to bumpers. Under H.R. 6273, the agency is authorized $320,000 in fiscal year 1983 to continue work on the bumper standard. This amount increases very moderately to $343,000 in fiscal year 1984 and $365,000 in fiscal year 1985 to account for increased costs and program growth.

Title II of the Motor Vehicle Information and Cost Savings Act requires NHTSA to compile information on motor vehicles in order to aid consumers in making purchasing decisions. NHTSA is required to disseminate information on damage susceptibility, crashworthiness, ease of diagnosis, repair, insurance, and operating costs of vehicles to consumers.

In order to carry out the purposes of this title, H.R. 6273 authorizes $1.677 million for fiscal year 1983, $1.8 million for fiscal year 1984 and $1.95 million for fiscal year 1985.

Title IV of the Motor Vehicle Information and Cost Savings Act prohibits disconnecting, setting back, or otherwise tampering with an automobile's odometer. As contemplated by Congress, its purpose is to reduce the high cost to consumer of odometer tampering, estimated at over $1 billion per year. It requires transferors of automobiles to indicate the mileage of the automobile and provides for civil and criminal penalties, and private damage actions for violations. H3440

To carry out purposes of this title, H.R. 6273 authorizes $183,000 for fiscal year 1983, $196,000 for fiscal year 1984, and $210,000 for fiscal year 1985.

H.R. 6273 also addresses the question of State enforcement authority. To assure uniform national motor vehicle safety standards, section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966 prevents the States from promulgating State standards different from applicable Federal standards. The authority of the States to use various enforcement mechanisms has been the subject of NHTSA interpretations and court cases. In January 1982, NHTSA issued an opinion stating that section 103(d) preempts States from presale enforcement of safety standards, prohibits States from requiring fees for State approval, and prohibits States from imposing requirements for approval which have the effect of prohibiting the sale of equipment which has been self-certified under the Federal statute.

Section 3 of H.R. 6273 is consistent with this ruling and clarifies the extent of State authority to enforce Federal standards. States may not require certification or approval of motor vehicles or motor vehicle equipment, and hence may not impose product certification or approval fees, including fees for laboratory approvals. However, States may undertake independent testing of vehicles or equipment, and may require manufacturers

to submit adequate test data concurrently with the first sale within a State, or thereafter. Moreover, States may review a manufacturer's laboratory testing data as well as the qualifications of the laboratory selected by a manufacturer. States may not, however, require manufacturers to use outside laboratories, or specified laboratories. Finally, political subdivisions of a State may not exercise separate enforcement authority.

H.R. 6273 also addresses tire registration and recall provisions. It amends section 158(b) of the Safety Act to prohibit NHTSA from requiring independent tire dealers or distributors to complete or compile registration records of tire purchasers. Instead, such dealers or distributors are required to furnish the first purchaser of a tire with a standardized registration form, containing the identification number of the tire, which would be recorded on the form by the dealer or distributor at or before the time of purchase. Purchasers may then directly return these registration forms to manufacturers. The current mandatory system would continue for manufacturers of tires, manufacturer-owned stores, and brand-named marketers of tires. The new voluntary system would apply only to independent tire dealers or distributors. After 2 years, NHTSA is required to evaluate the effectiveness of the new procedures, and determine whether any other requirements are necessary to increase the registration of tires.

Mr. Speaker, H.R. 6273 is a well-crafted and carefully considered piece of legislation. It clarifies current law and alters existing requirements in ways that will improve public safety without burdening an ailing industry. It authorizes enough to allow NHTSA to carry out its tasks of providing for automobile safety and consumer protection, but no more. It provides a lean, cost-effective budget.

I urge my colleagues to consider this legislation favorably.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. WIRTH) that the House suspend the rules and pass the bill, H.R. 6273, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Senate Debate

Extracted from

Congressional Record—Daily Digest
October 1, 1982, D1320

National Traffic and Motor Vehicle Programs Authorizations: Senate passed H.R. 6273, authorizing funds for fiscal years 1983, 1984, and 1985, for programs of the National Traffic and Motor Vehicle Safety Act and the Motor Vehicle Information and Cost Savings Act.

Pages S13192-S13194

Congressional Record—Senate
October 1, 1982, S13191—S13194

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, I ask the minority leader if he is in a position to consider the budget waiver, Senate Resolution 433, calendar No. 737, and the underlying bill, H.R. 6273, at this time.

Mr. ROBERT C. BYRD. Yes, Mr. President, this side is ready to proceed.

Mr. BAKER. First, Mr. President, I ask the Chair to lay before the Senate, Senate Resolution 433.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 433) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 6273.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 433) was agreed to, as follows:

S. RES. 433

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 6273. Such waiver is necessary because H.R. 6273 authorizes the enactment of new budget authority which would first become available in fiscal year 1983, and such bill was not reported on or before May 15, 1978, as required by section 402(a) of the Congressional Budget Act of 1974.

Specifically section 2 of H.R. 6273 would authorize the appropriation of $53,580,000 for fiscal year 1983 for various programs under the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act. These programs include: Overall motor vehicle safety responsibilities of the National Highway Traffic Safety Administration (NHTSA) ($51.4 million); establishment of bumper standards ($320,000); compilation and provision of information to the public on passenger motor vehicles ($1.677 million); and prevention of odometer fraud ($183,000).

Congress has not authorized appropriations since 1978 for NHTSA operations under the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act. The authorizations contained in H.R. 6273 are necessary to assure that sufficient funds are available for NHTSA to carry out its safety programs, which include continuing development and promulgation of safety standards, conducting safety research, and ordering recalls or remedies of automotive defects. *S13192*

MOTOR VEHICLE SAFETY AND COST-SAVINGS AUTHORIZATION ACT OF 1982

Mr. BAKER. Now, Mr. President, I ask that the Chair lay before the Senate the underlying measure, H.R. 6273.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6273) to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost-Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

● Mr. DANFORTH. Mr. President, we have under consideration today H.R. 6273, the Motor Vehicle Safety and Cost Authorization Act of 1982. This bill does three things:

First. It authorizes appropriations for fiscal years 1983, 1984, and 1985 for funding the National Highway Traffic Safety Administration;

Second. It specifies that States are not prevented from enforcing any safety standard which is identical to a Federal safety standard; and

Third. It establishes a voluntary tire registration program for independent dealers and distributors, and modifies tire recall procedure.

Mr. President, the Department of Transportation's National Highway Traffic Safety Administration is responsible for implementing and enforcing the provisions of three landmark pieces of legislation—the National Traffic and Motor Vehicle Safety Act of 1966, the Highway Safety Act of 1966, and the Motor Vehicle Information and Cost Savings Act of 1972. Under these acts, NHTSA is required to establish motor vehicle safety standards, undertake safety research and development, order recalls where there are automotive defects, mandate compliance with safety standards, and provide consumers with information relating to the purchase and maintenance of motor vehicles.

Motor vehicle safety is of profound national importance. Over 49,000 people were killed in traffic accidents last year alone. Recent studies indicate that those death figures will significantly increase in the years to come, due largely to the shift to smaller cars, unless major safety improvements are made. Clearly, Congress charged NHTSA with a solemn obligation in assigning it the task of curtailing this slaughter.

However, over the past 18 months, NHTSA has undertaken numerous disturbing actions which call into question its commitment to improving highway safety.

Mr. President, recent NHTSA initiatives seem completely at odds with its congressional mandate to save lives. NHTSA has set a course that is causing serious setbacks in long-standing highway safety efforts. For example, NHTSA rescinded the passive restraint standard—a standard which would have saved an estimated 9,000 to 12,000 lives annually, prevent over 100,000 serious injuries annually, and save consumers $10 for every $1 cost.

NHTSA refused to rescind a regulation that prevents installation of a safety windshield in U.S. automobiles. This windshield, which is currently in use in Europe, would prevent vehicle occupants from severe lacerations caused by shattering window glass. This would spare an estimated 360,000 Americans from being scarred each year by windshields that shatter into tiny knives.

NHTSA changed its requirement that bumpers must be able to withstand damage in 5 mph barrier crashes. NHTSA reduced this requirement to 2.5 mph, despite agency data showing that a 5 mph "no damage" rule would be beneficial to consumers, despite results of surveys which show overwhelming public support for the 5 mph bumper, and despite the fact that insurance collision coverage costs are reduced by 10 to 20 percent with the 5 mph bumper.

Finally, NHTSA canceled the standard which would have required odometers to be tamper-resistant, to protect against consumer fraud, and would have limited speedometers to top speeds of 85 mph.

Mr. President, this is not all NHTSA has been doing. Let me list just a few of NHTSA's other recent actions which call into question its commitment to safety:

Multipiece rims—Rulemaking canceled.

Low tire pressure warning indicator—Rulemaking terminated.

Visibility requirements—Requirements for passenger cars terminated; rulemaking to apply the standard to other vehicles terminated.

Fuel economy—Post 1985 standards for passenger cars rescinded.

Theft protection—Standard delayed 1 year.

Battery explosions—Exploratory rulemaking canceled.

Side door strength—Rulemaking to upgrade protection terminated.

As I said in my comments accompanying the report on this bill, I really do not know if NHTSA is aiding traffic safety or whether it is engaged in some sort of search and destroy mission against any useful safety idea that is put forward. Indeed, NHTSA now seems to be doing all it can to thwart safety.

Mr. President, I am also concerned because two of NHTSA's actions—the rescission of the passive restraint standard and the rollback of the bumper standard—have been challenged in court. This puts NHTSA, the agency created by Congress to promote safety, in the inconsistent position of arguing against auto safety. In addition, NHTSA is wasting valuable time and our tax dollars fighting these court battles. It is time for NHTSA to stop dismantling the existing auto safety program and start making efforts to improve safety.

Mr. President, I would like to submit for the record some background on these and other examples of recent NHTSA actions which are likely to result in significant setbacks in efforts to improve highway safety.

I must admit that I am reluctant to continue funding the type of safety program administered by NHTSA if we want to improve highway safety. Frankly, I question NHTSA's intent in the highway safety area. But I reluctantly move the passage of this legislation in the hope that, in approving additional funds, NHTSA will seek to fulfill its congressional mandate to encourage motor vehicle safety. I assure my colleagues that, as chairman of the Surface Transportation Subcommittee, I will conscientiously perform my oversight responsibilities by closely monitoring NHTSA's use of these funds and its highway safety activities.

AUTOMATIC RESTRAINTS

According to the Center for Auto Safety, passive restraint regulations would save 9,000 to 12,000 lives annually, prevent over 100,000 serious injuries, and save consumers $10 for every $1 cost.

Early in 1981, NHTSA issued a final rule delaying the automatic restraint requirement for large cars from the 1982 model year to the 1983 model year. Later in 1981, however, NHTSA issued an order to cancel the passive restraint regulation, thus relieving auto manufacturers selling cars in the United States of the obligation to provide their customers with automatic restraints for improved protection in crashes.

NHTSA named two principal reasons for dropping standard:

First. "Uncertainty" about public acceptability and use of automatic safety belts; and

Second. "The relatively substantial cost of automatic restraints"—NHTSA estimated that the standard would have resulted in roughly $1 billion a year in vehicle price increases.

In testimony before the Surface Transportation Subcommittee in March 1982, NHTSA Administrator Peck said:

(W)hen I rescinded the passive restraint standard it was precisely because it was not going to work as it was intended. As I said at the time, had I had any assurance that we were going to in fact have, under that regulation, truly automatic occupant protection, I would have had a much different decision before me * * * I am confident at this point—and I have received no negative implications from any manufacturer—that we will have airbags in cars. We will have airbags in all probability earlier than we would have had under the 208 standard. We have in fact been pressing on that technology issue.

S13193

NHTSA was taken to court on its rescission of the passive restraint standard. On June 1, 1982, the U.S. Court of Appeals for the District of Columbia Circuit reversed NHTSA's rescission of the standard, with the following comment:

NHTSA's rescission of the safety standard presents a paradigm of arbitrary and capricious agency action because NHTSA drew conclusions that are unsupported by evidence in the record and then artifically narrowed the range of alternatives available to it under its legislative mandate. NHTSA thus failed to demonstrate the reasoned decisionmaking that is the essence of lawful administrative action.

NHTSA subsequently filed with the court a notice of proposed supplemental rulemaking to be published in the Federal Register in order to comply with and meet the deadline imposed by the court for resolving the questions raised in the court's opinion. Further comments from both sides were filed and on August 4, the court reinstated the passive restraint standard, effective September 1, 1983. NHTSA must inform the court by October 1, 1982, whether such a compliance date is achievable or whether a longer period is required. NHTSA is now appealing this case to the Supreme Court.

ANTI-LACERATIVE WINDSHIELD

An estimated 300,000 Americans are scarred each year by windshields that shatter into tiny knives. A new type of safety windshield, which would protect vehicle occupants from severe lacerations caused by shattering windshield glass, has been developed. This windshield, the securiflex inner guard, is currently in use in Europe. It molds a thin layer of a special clear plastic on the interior surface of the windshield. This plastic film acts as a shield between occupants and shattered glass. A NHTSA regulation aimed at precluding the use of plastic on the outside of windshields for abrasion-resistance reasons has prevented the introduction of this proven safety feature in America. Laminated windshields currently must pass an abrasion test developed for both interior and exterior surfaces.

NHTSA is aware of the problem in this area. In an August 1981 "request for proposal" for a research project to study windshield characteristics, NHTSA noted:

> • • • more than 210,000 laceration injuries to passenger car occupants are occuring per year in the United States due to broken windshield glass, with an additional 100,000 lacerations involving broken side window glass.

Nevertheless, when asked more than a year ago to rescind this regulation, NHTSA refused to do so, saying that it "simply does not know enough yet about glass plastic hazing to make a decision."

NHTSA has been evaluating the benefits (or disbenefits) of two windshield standards—glazing materials an windshield mounting—both singly and in combination. According to NHTSA, the windshield of the Calspan/Chrysler Research Safety Vehicle (RSV) provides much improved protection against facial lacerations, but it does not meet current Federal requirements. NHTSA is testing this type of glazing further and reviewing its requirements to see if this windshield could be used.

In July 1982, NHTSA issued a notice of proposed rulemaking to amend its glazing materials safety standard to permit a new type of bullet-resistant glazing. The amendment would allow a transparent, plastic, bullet-resistant shield to be installed inside a vehicle behind the windshield and other windows. NHTSA notes, however, that the proposed amendment should have no major impact on safety, apparently neither favorably nor unfavorably.

BUMPER STANDARDS

At present, automatic bumpers must be able to withstand damage in 5 mph barrier crashes. This requirement started with 1974 model year cars.

A 1979 NHSTA analysis concluded that a 5 mph "no damage" rule would be beneficial to consumers. In 1981, using revised cost estimate assumptions, NHTSA concluded that a 5 mph frontal test impact requirement would be beneficial for consumers while such a standard for rear bumpers is not worth the cost.

Nevertheless, NHTSA announced in early 1981 plans to roll back the bumper standard and this year reduced the bumper requirement to 2.5 mph front and rear.

A 1981 Insurance Institute for Highway Safety (IIHS) survey of 1,103 car owners found that a overwhelming number of respondents said the 5 mph bumpers are a good feature of new cars and are worth $50 to $100 more in a car's value.

A more recent IIHS survey found that when the people interviewed knew that 2.5 mph bumpers would save gas, cost $20 to $40 less in the purchase price of their new car, and increase insurance collision coverage costs by 10 to 20 percent, more than three-quarters of them prefered 5 mph bumpers.

The IIHS has petitioned NHTSA to reconsider its decision to roll back the Federal bumper standard to 2.5 mph. Among other things, IIHS notes that NHTSA gave no serious consideration to amending its standard to encourage "lighter-weight, effective, and inexpensive 5 mph bumpers" on future new cars.

State Farm Mutual Insurance Co. and the Center for Auto Safety have also filed petitions with the U.S. Court of Appeals for the District of Columbia asking judicial review of the NHTSA decision.

MULTIPIECE RIMS

Certain rims consisting of two or more parts for trucks and campers have been subject to explosive separations. NHTSA acknowledged that it had verified 549 incidents of explosive separations of multipiece rims between 1954-78, which resulted in 368 injuries and 89 deaths.

Early in 1982, NHTSA canceled a rulemaking to require certain performance levels for these rims. In terminating the rulemaking, NHTSA said that "introduction of the problematic multipiece rims has virtually ceased" and

that OSHA is regulating the occupational hazards involved.

NHTSA estimated that the cost of converting the trucking industry from multipiece rims would be from $598 million to $747 million. NHTSA said:

> This substantial cost cannot be justified in light of the agency's belief that the separations of multipiece rims will decrease without the imposition of these costs.

LOW TIRE PRESSURE WARNING

In 1981, NHTSA terminated a rulemaking on the low tire pressure warning indicator. This standard would have required low tire pressure warning devices for all vehicles.

According to the Center for Auto Safety, 25 percent of the cars on the road have underinflated tires. Inflating these tires to the proper pressure could save 41 million barrels of petroleum each year and improve gas mileage by about 5 percent which would save each motorist about $30 per year, according to CAS.

An EPA study estimated that over 60 percent of vehicle tires are underinflated.

ODOMETERS/SPEEDOMETERS

Early in 1982, NHTSA canceled the standard on speedometer display and tamper-resistant odometers. This standard would have required tamper-resistant odometers to protect against consumer fraud and required speedometers to have top speeds of 85 mph.

In March 1982 testimony before the Surface Transportation Subcommittee, the NHTSA Administrator said that:

> Speedometers and odometers was a well-intentioned standard aimed at the wrong end of the problem * * * (T)he minor technical changes, expensive but ineffective, that would have been required for compliance with that standard would not have addressed the real problem, which occurs when an entire fleet of well-maintained cars changes hands twice in a few days, with 90,000 miles gone from the speedometer.

CONSUMER INFORMATION

NHTSA decided not to print a 1982 edition of "The Car Book," a consumer guide to car-buying produced during the Carter administration. A 1982 edition of "The Car Book," however, was published privately. Over 1.25 million copies of the 1981 version were mailed to consumers.

In February 1982, NHTSA announced the start of an expanded program to provide automobile consumer and safety information to the American public through broader use of a toll-free nationwide NHTSA hotline service. The information program is an outgrowth of NHTSA's belief that, an informed marketplace is the key to improving automobile safety and performance. S13194

Former NHTSA Administrator Joan Claybrook, however, has charged that the number of citizens who could be serviced by the hotline is far smaller than the potential users of "The Car Book."

It is interesting to note that a 1981 NHTSA survey of 2,331 recent or prospective new car purchasers found that 78 percent of those surveyed agreed with the statement made by interviewers that they like the idea of Government ratings of things, like safety and maintenance costs. Further, more than 71 percent of the respondents said they would be willing to spend an additional $400 for a safer car.

VISIBILITY REQUIREMENTS

In mid-1981, NHTSA rescinded the "fields of direct view" requirements for passenger cars and terminated a proposed rulemaking to apply these requirements to trucks, buses, and multipurpose passenger vehicles. This standard would have required adequate views from the front, rear, and sides of the vehicle's window.

NHTSA Administrator Peak said in March 1982 testimony before the Surface Transportation Subcommittee that:

> It is not an accurate characterization of the fields of direct view standard to describe it as something designed to prevent major holes in vision. The fields of direct view standard was rescinded because based on our review of actual design plans it was not necessary and because the tolerances that were imposed by it, the tolerances down to one-sixteenth of one inch, were beyond the levels that manufacturers could reasonably meet in actual assembly line processes.

At the same hearing, Joan Claybrook, the former NHTSA Administrator, stated:

> This standard had been under development for 11 years by the agency and was virtually a no-cost standard to the automotive industry. It merely required that by 1985-86 some 15 percent of the cars today which don't already meet it be cleaned up so that occupants can readily see traffic both frontally and rearward. It would have affected mostly the "hot" Trans-Am and other

sporty cars which are heavily over-involved in crashes today. It would have also required a reduction in tinting of the glass to assist night-time visibility, a time when a large proportion of crashes occur. Reductions of tinting is particularly important for older drivers. This change would have been required primarily in General Motors' cars with limited luminous transmittance.

FUEL ECONOMY

In 1981, NHTSA terminated its rulemaking on post-1985 fuel economy standards for passenger cars.

In March 1982 testimony before the Surface Transportation Subcommittee, NHTSA Administrator Peck said:

Current plans of the major manufacturers for the early to mid-1980's indicate that they will easily meet or exceed the existing fuel economy standards through MY 1985 for both passenger cars and light trucks. The primary reason for this trend is the increased demand in the marketplace for fuel-efficient vehicles.

NHTSA is now undertaking a survey of drivers of late-model vehicles (1977-81), asking them to maintain a record of their fuel purchases for a 1-month period.

Of NHTSA's decision to terminate the fuel economy requirements, former NHTSA Administrator Joan Claybrook charged that:

The agency ignored the historical reluctance of the automotive industry to significantly improve the fuel economy of their vehicles.

OTHER NHTSA ACTIONS

The final rule on occupant crash protection was rescinded in October 1981.

NHTSA has initiated a rulemaking for "substantial simplification and revision" of the uniform tire quality grading standards. NHTSA has also proposed suspending on an interim basis the treadwear grading requirements of the standards. The standard now provides consumers at retail tire outlets with comparative information on treadwear, traction, and heat resistance by tire make and model.

NHTSA has also proposed to eliminate information requirements on tire reserve load capacity and reduce the minimum advance notice manufacturers are required to give NHTSA on new model introduction.

NHTSA amended the regulation on safety belt comfort and convenience to eliminate all requirements except belt tension and to delay the effective date for 1 year. As most of the provisions of this regulation were applicable to automatic safety belts, however, the regulation is being reevaluated as a result of the decision to rescind the passive restraint requirements.

NHTSA delayed for 1 year the theft protection standard and removed from it a provision that vehicles be so equipped that the ignition key cannot be removed while the vehicle is in motion.

NHTSA terminated exploratory rulemaking activity which would have established test procedures and standards to prevent battery explosions.

NHTSA terminated a rulemaking proceeding to amend its side door strength standard to upgrade motor vehicle side impact protection and to extend the applicability of the standard to light trucks, vans, and multipurpose passenger vehicles. NHTSA said the rulemaking will be reopened "after research has progressed to the point that definitive test methods and performance parameters can be developed."●

● Mr. HAYAKAWA. Mr. President, there is another part of this bill which gives me some cause for concern.

Specifically, I am referring to that language in section 4 relating to tire registration procedures which states that tire manufacturers will have to reimburse independent tire dealers and distributors for all "reasonable" costs associated with those latter groups having to comply with some unknown and as yet unwritten regulations.

I have discussed my anxiety over this provision with NHTSA Administrator Raymond Peck, and Mr. Peck assured me that he believes voluntary registration will serve to greatly improve on the current situation. There would thus appear to be no possibility that he, or any other Administrator, would be faced with a set of circumstances which would trigger the rulemaking authority provided in this part of the bill. As to my concern that this possible transfer of authority, which would permit one segment of an industry to exercise control over and fix regulatory costs on another segment of the same industry, is of questionable constitutionality, Mr. Peck agrees that there are constitutional questions raised, although he has observed that the provision in the bill calls for any mandatory requirements to be implemented through a rulemaking proceeding in which all interested parties would be able to express their views. Finally, I believe that this provision in

the bill gives the Administrator a level of authority to allocate financial burdens he should not have in the absence of any recall, and one which is probably unprecedented, and Mr. Peck concurs.

Mr. President, it troubles me that we are about to pass a bill which includes questionable language, however remote the possibility of its being brought into play. Yet I do recognize that there are other compelling and overriding concerns which indicate that this legislation should move forward.

I thank the Chair.

Mr. DANFORTH. Mr. President, the committee does not foresee circumstances occurring that would put the rulemaking authority into effect, although admittedly the possiblity does exist.

I appreciate the time and effort my colleauge from California has taken to clarify the language and intent in section 4 of this bill. I would like to add that it was not the intent of this Senator, nor that of the committee, to impose excessive regulation on any segment of the tire industry.

Mr. HAYAKAWA. I thank the Senator from Missouri, and I thank the Chair.●

The bill was considered, ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Extracted from

Congressional Record—Daily Digest
October 1, 1982, D1320

Budget Waiver: Senate agreed to S. Res. 433, waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 6273, listed above.

Page S13191

Congressional Record—Senate
October 20, 1982, S13437

AUTOMOBILE SAFETY AND CONSUMER PROTECTION

● Mr. RIEGLE. Mr. President, on October 1, 1982, the Senate passed H.R. 6273, an authorization bill for NHTSA for the years 1983, 1984, 1985, which allows NHTSA to carry out its tasks of providing for automobile safety and consumer protection without unnecessarily burdening ailing industries.

Section 3 of H.R. 6273, the State enforcement authority provision, is intended to clarify the State role in enforcing a safety standard identical to a Federal safety standard through processes not inconsistent with the provisions of the National Traffic and Motor Vehicle Safety Act.

Thus, while a State may not require manufacturers to pay approval, laboratory, testing, administrative or any other compliance fees, a State may conduct its own compliance testing at State expense of regulated products or undertake a review of a manufacturer's test report, or equivalent, upon reasonable notice and without postponing the first sale of a regulated product in the State pending the completion of any such review process. These enforcement mechanisms serve to allow the States to complement the Federal self-certification program.●

Calendar No. 720

97TH CONGRESS
2D SESSION

H. R. 6273

[Report No. 97-505]

To amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 15 (legislative day, JUNE 8), 1982
Received; read twice and referred to the Committee on Commerce, Science, and Transportation

JULY 27 (legislative day, JULY 12), 1982
Reported by Mr. PACKWOOD, without amendment

AN ACT

To amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Motor Vehicle Safety and Cost Savings Authorization Act of 1982".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended by striking out "not" and all that follows through the period, and inserting in lieu thereof "$51,400,000 for fiscal year 1983, $55,000,000 for fiscal year 1984, and $58,700,000 for fiscal year 1985.".

(b) Section 111 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1921) is amended by striking out "title" and all that follows through the period, and inserting in lieu thereof "title $320,000 for fiscal year 1983, $343,000 for fiscal year 1984, and $365,000 for fiscal year 1985.".

(c) Section 209 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1949) is amended by striking out "title" and all that follows through the period, and inserting in lieu thereof "title $1,677,000 for fiscal year 1983, $1,800,000 for fiscal year 1984, and $1,950,000 for fiscal year 1985.".

(d) Section 417 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1990g) is amended by striking out "title" and all that follows through the period, and insert-

ing in lieu thereof "title $183,000 for fiscal year 1983, $196,000 for fiscal year 1984, and $210,000 for fiscal year 1985.".

STATE ENFORCEMENT AUTHORITY

SEC. 3. Section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392(d)) is amended by inserting after the first sentence thereof the following new sentence: "Nothing in this section shall be construed as preventing any State from enforcing any safety standard which is identical to a Federal safety standard.".

TIRE REGISTRATION INFORMATION; NOTICE OF TIRE DEFECTS

SEC. 4. (a) Section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1418(b)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraphs:

"(2)(A) Except as provided in paragraph (3), the Secretary shall not have any authority to establish any rule which requires a dealer or distributor to complete or compile the records and information specified in paragraph (1) if the business of such dealer or distributor is not owned or controlled by a manufacturer of tires.

"(B) The Secretary shall require each dealer and distributor whose business is not owned or controlled by a manufacturer of tires to furnish the first purchaser of a tire with a registration form (containing the tire identification number of the tire) which the purchaser may complete and return directly to the manufacturer of the tire. The contents and format of such forms shall be established by the Secretary and shall be standardized for all tires. Sufficient copies of such forms shall be furnished to such dealers and distributors by manufacturers of tires.

"(3)(A) At the end of the two-year period following the effective date of this paragraph (and from time to time thereafter), the Secretary shall evaluate the extent to which the procedures established in paragraph (2) have been successful in facilitating the establishment and maintenance of records regarding the first purchasers of tires.

"(B)(i) The Secretary, upon completion of any evaluation under subparagraph (A), shall determine (I) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which dealers and distributors have complied with the procedures established in paragraph (2); and (II) whether to impose upon manufacturers, dealers, or distributors (or any combination of such groups) any requirements which the Secretary determines will result in a significant increase in the percentage of

first purchasers of tires with respect to whom records would be established and maintained.

"(ii) Manufacturers of tires shall reimburse dealers and distributors for all reasonable costs incurred by them in order to comply with any requirement imposed by the Secretary under clause (i).

"(iii) The Secretary may order by rule the imposition of requirements under clause (i) only if the Secretary determines that such requirements are necessary to reduce the risk to motor vehicle safety, after considering (I) the cost of such requirements to manufacturers and the burden of such requirements upon dealers and distributors, as compared to the additional percentage of first purchasers of tires with respect to whom records would be established and maintained as a result of the imposition of such requirements; and (II) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which dealers and distributors have complied with the procedures established in paragraph (2).

"(iv) The Secretary, upon making any determination under clause (i), shall submit a report to each House of the Congress containing a detailed statement of the nature of such determination, together with an explanation of the grounds for such determination.".

(b) Section 153(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1413(c)) is amended—

(1) in paragraph (2) thereof, by striking out "or tire,", and by striking out "or tire";

(2) by redesignating paragraph (4) and paragraph (5) thereof as paragraph (5) and paragraph (6), respectively, and by inserting after paragraph (3) thereof the following new paragraph:

"(4) in the case of a tire (A) by first-class mail to the most recent purchaser known to the manufacturer; and (B) by public notice in such manner as the Secretary may order after consultation with the manufacturer, if the Secretary determines that such public notice is necessary in the interest of motor vehicle safety, after considering (i) the magnitude of the risk to motor vehicle safety caused by the defect or failure to comply; and (ii) the cost of such public notice as compared to the additional number of owners who could be notified as a result of such public notice;"; and

(3) in the last sentence thereof—

(A) by striking out "(or of a motor vehicle on which such tire was installed as original equipment)";

(B) by inserting "by first-class mail" after "notification" the first place it appears therein; and

(C) by striking out "(1) or (2)" and inserting in lieu thereof "(4)(A)".

Passed the House of Representatives June 14, 1982.

Attest: EDMUND L. HENSHAW, JR.,
Clerk.

By THOMAS E. LADD,
Assistant to the Clerk.

Calendar No. 720

97TH CONGRESS
2D SESSION

H. R. 6273

[Report No. 97-505]

AN ACT

To amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985, and for other purposes.

JULY 27 (legislative day, JULY 12), 1982

Reported without amendment

97TH CONGRESS
2D SESSION

H. R. 6273

IN THE SENATE OF THE UNITED STATES

JUNE 15 (legislative day, JUNE 8), 1982

Received; read twice and referred to the Committee on Commerce, Science, and Transportation

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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SECTION 1. This Act may be cited as the "Motor Vehicle Safety and Cost Savings Authorization Act of 1982".

AUTHORIZATION OF APPROPRIATIONS

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"(iii) The Secretary may order by rule the imposition of requirements under clause (i) only if the Secretary determines

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Passed the House of Representatives June 14, 1982.

Attest: EDMUND L. HENSHAW, JR.,
Clerk.

By THOMAS E. LADD,
Assistant to the Clerk.

Union Calendar No. 358

97TH CONGRESS
2D SESSION

H. R. 6273

[Report No. 97–576]

To amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 1982

Mr. WIRTH introduced the following bill; which was referred to the Committee on Energy and Commerce

MAY 19, 1982

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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SECTION 1. This Act may be cited as the "Motor Vehicle Safety and Cost Savings Authorization Act of 1982".

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~~STATE ENFORCEMENT AUTHORITY~~

~~SEC. 3. Section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392(d)) is amended by inserting after the first sentence thereof the following new sentence: "Nothing in this section shall be construed to prevent any State or political subdivision of a State from establishing any procedures for the enforcement of identical safety standards, unless such procedures impose substantial burdens upon interstate commerce or are contrary to the purposes of this Act.".~~

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Union Calendar No. 358

97TH CONGRESS
2D SESSION

H. R. 6273

[Report No. 97–576]

A BILL

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MAY 19, 1982

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IN THE HOUSE OF REPRESENTATIVES

MAY 5, 1982

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(b) Section 111 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1921) is amended by striking out "title" and all that follows through the period, and inserting in lieu thereof "title $320,000 for fiscal year 1983, $343,000 for fiscal year 1984, and $365,000 for fiscal year 1985.".

(c) Section 209 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1949) is amended by striking out "title" and all that follows through the period, and inserting in lieu thereof "title $1,677,000 for fiscal year 1983, $1,800,000 for fiscal year 1984, and $1,950,000 for fiscal year 1985.".

(d) Section 417 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1990g) is amended by striking out "title" and inserting in lieu thereof "title $183,000 for fiscal year 1983, $196,000 for fiscal year 1984, and $210,000 for fiscal year 1985.".

STATE ENFORCEMENT AUTHORITY

SEC. 3. Section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392(d)) is amended by inserting after the first sentence thereof the fol-

As Enacted—Section 3

STATE ENFORCEMENT AUTHORITY

SEC. 3. Section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392(d)) is amended by inserting after the first sentence thereof the following new sentence: "Nothing in this section shall be construed as preventing any State from enforcing any safety standard which is identical to a Federal safety standard.".

House Passed Act—Section 3

Congressional Record—House
June 14, 1982, H3437

STATE ENFORCEMENT AUTHORITY

SEC. 3. Section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392(d)) is amended by inserting after the first sentence thereof the following new sentence: "Nothing in this section shall be construed as preventing any State from enforcing any safety standard which is identical to a Federal safety standard.".

House Debate—Section 3

Congressional Record—House
June 14, 1982, H3438—H3440

Mr. WIRTH.

In addition to authorizing NHTSA, H.R. 6273 clarifies the role of States in enforcing safety standards identical to Federal standards, which they have adopted. Since the implementation of the Safety Act, States have played an active role in enforcing Federal safety standards. Because NHTSA has a policy of self-certification—whereby a manufacturer simply states that the product complies with applicable standards until a time when or if NHTSA determines that the product is not in compliance—States have felt that their approval and testing programs have complemented the Federal enforcement effort. Until very recently, NHTSA and the States have followed agency guidelines established in 1971, which allowed States to enforce safety standards by requiring submission of items for State approval, as long as the sale of equipment was permitted pending approval.

However, a recent court case and NHTSA opinion have changed the scope of traditional State enforcement.

Given that section 103(d) of the Vehicle Safety Act did not specifically address State enforcement of safety standards, this legislation establishes a scheme for State efforts. Specifically, the bill reiterates that States are not preempted from enforcing any safety standard identical to Federal stand-

ards. While States may not require certification or approval of motor vehicles or equipment, States may disapprove these products in determinations made through independent testing, or examination of test data submitted by manufacturers. Additionally, if a State finds that a product does not comply with applicable Federal standards, it may prohibit the sale of the product within its borders. In developing this scheme, our committee determined that a partnership of Federal and State enforcement of safety standards best served the national interest by providing the necessary checks by States of the Federal self-certification program.

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Mr. MOORHEAD.

H3439

Section 3 of H.R. 6273 clarifies the rights of States to enforce Federal safety standards which they have adopted as their own. It amends section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966. This section presently provides that if a Federal motor vehicle safety standard has been established, States may not adopt different standards. Under the present statutory language, the authority of States to enforce State standards identical to Federal standards is unclear. This section provides an affirmative statement that States have a role to play in enforcing motor vehicle safety standards.

The committee report states specifically that States may not require certification or approval of motor vehicles or motor vehicle equipment. The committee also intends that States may not impose fees for laboratory approvals, although it is appropriate that States review manufacturers' test data and review the qualifications of the laboratory selected by a manufacturer, whether in-house or out-of-house. If a manufacturer, upon reasonable request, fails to submit test data demonstrating compliance, or if a State determines that a product does not comply with Federal and identical State standards, States may prohibit sale of the product or exercise other remedies in accordance with State law.

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Mr. DINGELL.

H3440

H.R. 6273 also addresses the question of State enforcement authority. To assure uniform national motor vehicle safety standards, section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966 prevents the States from promulgating State standards different from applicable Federal standards. The authority of the States to use various enforcement mechanisms has been the subject of NHTSA interpretations and court cases. In January 1982, NHTSA issued an opinion stating that section 103(d) preempts States from presale enforcement of safety standards, prohibits States from requiring fees for State approval, and prohibits States from imposing requirements for approval which have the effect of prohibiting the sale of equipment which has been self-certified under the Federal statute.

Section 3 of H.R. 6273 is consistent with this ruling and clarifies the extent of State authority to enforce Federal standards. States may not require certification or approval of motor vehicles or motor vehicle equipment, and hence may not impose product certification or approval fees, including fees for laboratory approvals. However, States may undertake independent testing of vehicles or equipment, and may require manufacturers to submit adequate test data concurrently with the first sale within a State, or thereafter. Moreover, States may review a manufacturer's laboratory testing data as well as the qualifications of the laboratory selected by a manufacturer. States may not, however, require manufacturers to use outside laboratories, or specified laboratories. Finally, political subdivisions of a State may not exercise separate enforcement authority.

House Committee Report—Section 3

House Report 97-576, Pages 3, 6-8, 11, and 13

Section 103(d) of the Safety Act (15 U.S.C. 1392(d)) is amended to codify that States shall not be prevented from enforcing any safety standards which are identical to Federal safety standards.

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STATE ENFORCEMENT AUTHORITY

Section 3 of H.R. 6273 amends Section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966 to provide that nothing in that section shall be construed as preventing any state from enforcing any safety standard which is identical to a Federal safety standard. The Committee intends that this language will clarify the role of states in enforcing federal safety standards which they have adopted as their own. 6

Current Section 103(d) provides that if a federal motor vehicle safety standard is in effect, no state or political subdivision of a state may establish a different standard. However, Section 103(d) does not directly address the authority of states to enforce such identical safety standards. Since the implementation of the Safety Act, states have assumed an active role in enforcing federal safety standards which they have adopted as their own. In a formal interpretation of Section 103 (d) issued in 1971 NHTSA determined that States may enforce standards identical to Federal standards including requiring submission of items for state approval as long as such procedures do not prohibit the sale of a manufacturer's equipment pending state approval. States have followed this interpretation for the last decade. 7

At the Federal level NHTSA has self-certification requirements under Section 114 of the Safety Act, whereby a manufacturer simply states that the product complies with applicable federal standards and then markets that product until a time when (or if) NHTSA determines that such products are not in compliance with applicable standards. Because NHTSA can't test all products for compliance, (and budgetary constraints have severely impacted the Federal enforcement effort) states have felt that their approval systems complemented the Federal scheme, and insured that all equipment met Federal standards. NHTSA has a number of enforcement tools available to ensure that self-certified equipment is in compliance with such standards including random testing, inspections and investigations, recalls, prohibiting sale of non-complying equipment and civil penalties of $1000 per violation up to a maximum of $800,000.

The authority of states to enforce standards has also been addressed in two court cases, *Truck Safety Equipment Institute* v. *Kane*, 419 F. Supp. 688(M.D.Pa. 1975); vacated, 558 F. 2d 1029 (3rd Cir. 1977); on remand, 466 F. Supp. 1242 (1979). Additionally, in January 1982, NHTSA issued a new opinion on Section 103(d) which paralleled the second court case, and stated that the Safety Act pre-empts states from

presale enforcement of safety standards, prohibits states from requiring fees for state approval, and prohibits states from imposing requirements for approval which have the effect of prohibiting the sale of equipment which has been self-certified under the federal statute. In effect, this interpretation changes the methods available to states to enforce safety standards.

Because the Federal court cases and the NHTSA opinion change the scope of traditional state enforcement of safety standards, much uncertainty has resulted concerning the appropriate role of the states. It is the Committee's belief that states have an active and positive role to play in protecting motor vehicle safety, and that this is consistent with the federal statute. The Committee intends, however, that political subdivisions within states should not have separate enforcement authority because the exercise of such authority by large numbers of political subdivisions would impose unreasonable burdens on manufacturers.

The Committee intends that States are not pre-empted from enforcing safety standards identical to Federal standards which they have adopted. States may not require certification or approval of motor vehicles or motor vehicle equipment. However, state enforcement may be carried out according to applicable state laws. States may undertake independent testing, and also may require manufacturers to submit adequate test data concurrent with first sale or thereafter. States may make a determination of the adequacy of such data including review of laboratory qualifications. If test data is not submitted, if a state has good reason to believe that submitted data is inadequate, or if a product does not comply with applicable Federal and identical state-adopted standards, states may use remedies, including prohibition of sale, in accordance with relevant state laws. 8

Because the Federal role in enforcing safety standards is one of compliance testing on a random basis, the Committee believes that State programs will complement the Federal regulatory scheme and not conflict with it. In enforcing standards, States should strive to limit duplication among themselves and with NHTSA. They should be encouraged to share information and administrative costs in order to attain this goal.

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Similarly, the state enforcement provisions of H.R. 6273 will be complementary to Federal efforts and may result in an increase in overall efficiency of the marketplace, by detecting equipment or products that may be defective and could pose considerable safety risks. 11

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Section 3.—Amends Section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392(d)) to clarify that states may enforce safety standards. 13

Senate Passed Act—Section 3

Identical to House Passed Bill.

Senate Debate—Section 3

Congressional Record—Senate
October 1, 1982, S13192

Mr. DANFORTH.

Second. It specifies that States are not prevented from enforcing any safety standard which is identical to a Federal safety standard; and

Congressional Record—Senate
October 20, 1982, S13437

AUTOMOBILE SAFETY AND CONSUMER PROTECTION

● Mr. RIEGLE. Mr. President, on October 1, 1982, the Senate passed H.R. 6273, an authorization bill for NHTSA for the years 1983, 1984, 1985, which allows NHTSA to carry out its tasks of providing for automobile safety and consumer protection without unnecessarily burdening ailing industries.

Section 3 of H.R. 6273, the State enforcement authority provision, is intended to clarify the State role in enforcing a safety standard identical to a Federal safety standard through processes not inconsistent with the provisions of the National Traffic and Motor Vehicle Safety Act.

Thus, while a State may not require manufacturers to pay approval, laboratory, testing, administrative or any other compliance fees, a State may conduct its own compliance testing at State expense of regulated products or undertake a review of a manufacturer's test report, or equivalent, upon reasonable notice and without postponing the first sale of a regulated product in the State pending the completion of any such review process. These enforcement mechanisms serve to allow the States to complement the Federal self-certification program.●

Senate Committee Report—Section 3

Senate Report 97-505, Pages 5, 6, 11, and 12

STATE ENFORCEMENT AUTHORITY

Section 3 of H.R. 6273 amends section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966 to provide that States are not prevented from enforcing any safety standard which is identical to a Federal safety standard. The intent of this language is to clarify the role of States in enforcing Federal safety standards which they have adopted as their own.

At the Federal level, under section 114 of the National Traffic and Motor Vehicle Safety Act of 1966, each motor vehicle or motor vehicle equipment manufacturer or distributor must furnish to the dealer or distributor at the time of delivery of such vehicle or equipment the certification that each such vehicle or item of motor vehicle equipment conforms to all applicable Federal motor vehicle safety standards. Because NHTSA cannot test all products for compliance due to budgetary constraints. States have maintained that their approval systems complemented the Federal scheme and ensured that all equipment met Federal standards. NHTSA has a number of enforcement tools available to ensure that self-certified equipment is in compliance with such standards, including random testing, inspections and investigations, recalls, prohibiting sale of noncomplying equipment and civil penalties.

Current section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966 provides that if a Federal motor vehicle safety standard is in effect, no State or political subdivision of a State may establish a different standard. This section, however, does not directly address the authority of States to enforce safety standards identical to the Federal standards. Since the implementation of the National Traffic and Motor Vehicle Safety Act of 1966, States have assumed an active role in enforcing Federal safety standards which they have adopted as their own. In a formal interpretation of section 103(d) issued in 1971, NHTSA determined that States may enforce standards identical to Federal standards, including requiring submission of items for State approval, as long as such procedures do not prohibit the sale of a manufacturer's equipment pending State approval. States have followed this interpretation for the last decade.

The authority of states to enforce standards has also been addressed in two court cases, *Truck Safety Equipment Institute* v. *Kane*, 419 F. Supp. 688 (M.D.Pa. 1975); vacated, 558 F. 2d 1029 (3rd Cir. 1977); on remand, 466 F. Supp. 1242 (1979). Additionally, in January 1982, NHTSA issued a new opinion on section 103(d) which paralleled the second court case, and stated that the Safety Act pre-empts States from presale enforcement of safety standards, prohibits States from requiring fees for State approval, and prohibits States from imposing requirements for approval which have the effect of prohibiting the sale of equipment which has been self-certified under the Federal statute. In effect, this interpretation changes the methods available to States to enforce safety standards.

Because the Federal court cases and the NHTSA opinion change the scope of traditional State enforcement of safety standards, much uncertainty has resulted concerning the appropriate role of the States. It is the Committee's belief that States have an active and positive role to play in protecting motor vehicle safety, and that this is consistent with the federal statute. The Committee intends, however, that political subdivisions within States should not have separate enforcement authority because the exercise of such authority by large numbers of political subdivisions would impose unreasonable burdens on manufacturers. 6

The Committee intends that States are not pre-empted from enforcing safety standards identical to Federal standards which they have adopted. States may not require certification or approval of motor ve-

hicles or motor vehicle equipment. However, State enforcement may be carried out according to applicable State laws. States may undertake independent testing, and also may require manufacturers to submit adequate test data concurrent with first sale or thereafter. States may make a determination of the adequacy of such data including review of laboratory qualifications. If test data are not submitted, if a State has good reason to believe that submitted data are inadequate, or if a product does not comply with applicable Federal and identical State-adopted standards, States may use remedies, including prohibition, in accordance with relevant State laws.

Because the Federal role in enforcing safety standards is one of compliance testing on a random basis, the Committee believes that State programs will complement the Federal regulatory scheme. In enforcing standards, States should strive to limit duplication among themselves and with NHTSA. They should be encouraged to share information and administrative costs in order to attain this goal.

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Section 3 of H.R. 6273 contains provisions for State enforcement which should complement Federal efforts and may result in an increase in overall efficiency in the marketplace. 11

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SECTION 3. STATE ENFORCEMENT AUTHORITY 12

This section amends section 103 of the National Traffic and Motor Vehicle Safety Act of 1966 to provide that States are not prevented from enforcing any safety standard which is identical to a Federal safety standard. Current law does not directly address the authority of States to enforce such identical safety standards.

As Introduced—Section 3

H.R. 6273, May 5, 1982, Pages 2 and 3

STATE ENFORCEMENT AUTHORITY

SEC. 3. Section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392(d)) is amended by inserting after the first sentence thereof the following new sentence: "Nothing in this section shall be construed to prevent any State or political subdivision of a State 3

from establishing any procedures for the enforcement of identical safety standards, unless such procedures impose substantial burdens upon interstate commerce or are contrary to the purposes of this Act.".

As Enacted—Section 4

TIRE REGISTRATION INFORMATION; NOTICE OF TIRE DEFECTS 1

SEC. 4. (a) Section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1418(b)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraphs: 2

"(2)(A) Except as provided in paragraph (3), the Secretary shall not have any authority to establish any rule which requires a dealer or distributor to complete or compile the records and information specified in paragraph (1) if the business of such dealer or distributor is not owned or controlled by a manufacturer of tires.

"(B) The Secretary shall require each dealer and distributor whose business is not owned or controlled by a manufacturer of tires to furnish the first purchaser of a tire with a registration form (containing the tire identification number of the tire) which the purchaser may complete and return directly to the manufacturer of the tire. The contents and format of such forms shall be established by the Secretary and shall be standardized for all tires. Sufficient copies of such forms shall be furnished to such dealers and distributors by manufacturers of tires.

"(3)(A) At the end of the two-year period following the effective date of this paragraph (and from time to time thereafter), the Secretary shall evaluate the extent to which the procedures established in paragraph (2) have been successful in facilitating the establishment and maintenance of records regarding the first purchasers of tires.

"(B)(i) The Secretary, upon completion of any evaluation under subparagraph (A), shall determine (I) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which dealers and distributors have complied with the procedures established in paragraph (2); and (II) whether to impose upon manufacturers, dealers, or distributors (or any combination of such groups) any requirements which the Secretary determines will result in a significant increase in the percentage of first purchasers of tires with respect to whom records would be established and maintained.

"(ii) Manufacturers of tires shall reimburse dealers and distributors for all reasonable costs incurred by them in order to comply with any requirement imposed by the Secretary under clause (i).

"(iii) The Secretary may order by rule the imposition of requirements under clause (i) only if the Secretary determines that such requirements are necessary to reduce the risk to motor vehicle safety, after considering (I) the cost of such requirements to manufacturers and the burden of such requirements upon dealers and distributors, as compared to the additional percentage of first purchasers of tires with respect to whom records would be established and maintained as a result of the imposition of such requirements; and (II) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which dealers and distributors have complied with the procedures established in paragraph (2).

Report to Congress.

"(iv) The Secretary, upon making any determination under clause (i), shall submit a report to each House of the Congress containing a detailed statement of the nature of such determination, together with an explanation of the grounds for such determination.".

(b) Section 153(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1413(c)) is amended—

(1) in paragraph (2) thereof, by striking out "or tire,", and by striking out "or tire";

(2) by redesignating paragraph (4) and paragraph (5) thereof as paragraph (5) and paragraph (6), respectively, and by inserting after paragraph (3) thereof the following new paragraph:

"(4) in the case of a tire (A) by first-class mail to the most recent purchaser known to the manufacturer; and (B) by public notice in such manner as the Secretary may order after consultation with the manufacturer, if the Secretary determines that such public notice is necessary in the interest of motor vehicle safety, after considering (i) the magnitude of the risk to motor vehicle safety caused by the defect or failure to comply; and (ii) the cost of such public notice as compared to the additional number of owners who could be notified as a result of such public notice;"; and

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(3) in the last sentence thereof—

(A) by striking out "(or of a motor vehicle on which such tire was installed as original equipment)";

(B) by inserting "by first-class mail" after "notification" the first place it appears therein; and

(C) by striking out "(1) or (2)" and inserting in lieu thereof "(4)(A)".

House Passed Act—Section 4

Congressional Record—House
June 14, 1982, H3437 and H3438

TIRE REGISTRATION INFORMATION; NOTICE OF TIRE DEFECTS

SEC. 4. (a) Section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1418(b)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraphs:

"(2)(A) Except as provided in paragraph (3), the Secretary shall not have any authority to establish any rule which requires a dealer or distributor to complete or compile the records and information specified in paragraph (1) if the business of such dealer or distributor is not owned or controlled by a manufacturer of tires.

"(B) The Secretary shall require each dealer and distributor whose business is not owned or controlled by a manufacturer of tires to furnish the first purchaser of a tire with a registration form (containing the tire identification number of the tire) which the purchaser may complete and return directly to the manufacturer of the tire. The contents and format of such forms shall be established by the Secretary and shall be standardized for all tires. Sufficient copies of such forms shall be furnished to such dealers and distributors by manufacturers of tires.

"(3)(A) At the end of the two-year period following the effective date of this paragraph (and from time to time thereafter),

the Secretary shall evaluate the extent to which the procedures established in paragraph (2) have been successful in facilitating the establishment and maintenance of records regarding the first purchasers of tires.

"(B)(i) The Secretary, upon completion of any evaluation under subparagraph (A), shall determine (I) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which dealers and distributors have complied with the procedures established in paragraph (2); and (II) whether to impose upon manufacturers, dealers, or distributors (or any combination of such groups) any requirements which the Secretary determines will result in a significant increase in the percentage of first purchasers of tires with respect to whom the records would be established and maintained.

H3438

"(ii) Manufacturers of tires shall reimburse dealers and distributors for all reasonable costs incurred by them in order to comply with any requirement imposed by the Secretary under clause (i).

"(iii) The Secretary may order by rule the imposition of requirements under clause (i) only if the Secretary determines that such requirements are necessary to reduce the risk to motor vehicle safety, after considering (I) the cost of such requirements to manufacturers and the burden of such requirements upon dealers and distributors, as compared to the additional percentage of first purchasers of tires with respect to whom records would be established and maintained as a result of the imposition of such requirements; and (II) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which dealers and distributors have complied with the procedures established in paragraph (2).

"(iv) The Secretary, upon making any determination under clause (i), shall submit a report to each House of the Congress containing a detailed statement of the nature of such determination, together with an explanation of the grounds for such determination.".

(d) Section 153(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1413(c)) is amended—

(1) in paragraph (2) thereof, by striking out "or tire,", and by striking out "or tire";

(2) by redesignating paragraph (4) and paragraph (5) thereof as paragraph (5) and paragraph (6), respectively, and by inserting after paragraph (3) thereof the following new paragraph:

"(4) in the case of a tire (A) by first-class mail to the most recent purchaser known to the manufacturer; and (B) by public notice in such manner as the Secretary may order after consultation with the manufacturer, if the Secretary determines that such public notice is necessary in the interest of motor vehicle safety, after considering (i) the magnitude of the risk to motor vehicle safety caused by the defect or failure to comply; and (ii) the cost of such public notice as compared to the additional number of owners who could be notified as a result of such public notice;"; and

(3) in the last sentence thereof—

(A) by striking out "(or of a motor vehicle on which such tire was installed as original equipment)";

(B) by inserting "by first-class mail" after "notification" the first place it appears therein; and

(C) by striking out "(1) or (2)" and inserting in lieu thereof "(4)(A)".

House Debate—Section 4

Congressional Record—House
June 14, 1982, H3438—H3440

Mr. WIRTH.

The final section of H.R. 6273 provides for the registration of tires on a voluntary basis by the purchaser, rather than by independent tire dealers of distributors. Specifically, independent dealers and distributors are required to furnish purchasers with standardized registration forms, which purchasers may return directly to tire manufacturers. After 2 years, the Secretary of Transportation is required to evaluate the effectiveness of this voluntary registration program and may propose new requirements by rule if this is necessary to decrease the risk to motor vehicle safety. Under this section of the bill the Department of Transportation is also authorized to issue a public notice of a recall of defective tires after consulting with tire

manufacturers, considering the safety risk caused by the defect and the cost of the public notice. Taken together, these provisions will greatly enhance the speed and efficiency of recall notification and safety. Mr. Speaker, H.R. 6273 enjoys bipartisan support on the Committee on Energy and Commerce and in the House and I urge my colleagues to pass it favorably today.

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Mr. MOORHEAD.

H3439

Section 4 of H.R. 6273 changes the present system of tire registration and provides NHTSA with authority, in certain circumstances, to require public notice of recalls of defective tires. This section is very similar to H.R. 1508, the Consumer Tire Registration and Public Notice Improvement Act, which many Members of the House have consponsored.

Under present law, tire dealers must fill out registration forms for each tire sold and return them to manufacturers. The bill changes this system for independent tire dealers and distributors and requires them to furnish tire purchasers with registration forms which they may complete and return to the manufacturer. The bill also contains a provision requiring NHTSA to evaluate the new procedures under this section after 2 years to insure that they are working effectively.

Another part of this section authorizes NHTSA to require tire manufacturers to give public notice of recalls of defective tires. Before requiring such public notice, NHTSA must consult with manufacturers and must consider the risk to public safety of the defect and the cost of public notice compared to the additional number of tire owners who would be notified.

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Mr. DINGELL.

H3440

H.R. 6273 also addresses tire registration and recall provisions. It amends section 158(b) of the Safety Act to prohibit NHTSA from requiring independent tire dealers or distributors to complete or compile registration records of tire purchasers. Instead, such dealers or distributors are required to furnish the first purchaser of a tire with a standardized registration form, containing the identification number of the tire, which would be recorded on the form by the dealer or distributor at or before the time of purchase. Purchasers may then directly return these registration forms to manufacturers. The current mandatory system would continue for manufacturers of tires, manufacturer-owned stores, and brand-named marketers of tires. The new voluntary system would apply only to independent tire dealers or distributors. After 2 years, NHTSA is required to evaluate the effectiveness of the new procedures, and determine whether any other requirements are necessary to increase the registration of tires.

Mr. Speaker, H.R. 6273 is a well-crafted and carefully considered piece of legislation. It clarifies current law and alters existing requirements in ways that will improve public safety without burdening an ailing industry. It authorizes enough to allow NHTSA to carry out its tasks of providing for automobile safety and consumer protection, but no more. It provides a lean, cost-effective budget.

House Committee Report—Section 4

House Report 97-576, Pages 3, 8-11, and 13

Section 158(b) of the Safety Act (15 U.S.C. 1418(b)) is amended to prohibit the National Highway Traffic Safety Administration (NHTSA) from requiring independent tire dealers and distributors to complete or compile tire registration forms. Instead, dealers are required to furnish purchasers of tires with standardized registration forms containing the tire identification numbers, which purchasers may return directly to tire manufacturers. NHTSA is also required after two years to evaluate the effectiveness of these new requirements, and may propose new requirements by rule, if a determination is made that such requirements are necessary to decrease the risk to vehicle safety. If it does so, manufacturers are required to reimburse dealers and distributors for all reasonable costs for compliance with such requirements.

Section 153(c) of the Safety Act (15 U.S.C. 1413(c)) is amended to give the Secretary of Transportation the authority to issue a public notice of a recall of defective tires after (1) consulting with tire manufacturers, (2) considering the magnitude of the risk caused by the defect, and (3) considering the cost of such public notice compared to the additional number of owners who could be notified by such action.

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TIRE REGISTRATION AND RECALL PROCEDURES

According to NHTSA there is 100 percent tire registration under current law for *original equipment* tires, which come on cars when purchased. However, the registration rate for *replacement tires* for cars is considerably lower—around 46.6 percent. While stores owned by major domestic tire manufacturers (including chain and discount stores) and company owned stores register 80 to 90 percent of the tires sold, independently-owned dealerships (which account for 45 percent of the replacement market), register only 20 percent of the tires they sell. Given the low registration rate for independent dealers and distributors, the Committee believes that a system of voluntary registration for such dealers and distributors (whereby the purchaser fills out his own form and sends it to the manufacturer), would increase registration at least above the present level.

Section 4 of H.R. 6273 amends Section 158(b) of the Safety Act to prohibit NHTSA from requiring independent tire dealers or distributors to complete or compile registration records of tire purchasers. Instead, such dealers or distributors are required to furnish the first purchaser of a tire with a standardized registration form, containing the identification number of the tire, which would be recorded on the form by the dealer or distributor at or before the time of purchase. The form should be presented to the purchaser in a manner suitable for mailing and addressed to the tire manufacturer or his designee.

During Subcommittee hearings on tire registration, the National Tire Dealers and Retreaders Association (NTDRA) suggested that a

greater number of tires would be registered overall by a voluntary system, in light of data from a nationwide poll. NTDRA commissioned a public opinion survey by Seasonwein Associates which concluded that if the voluntary registration system was enacted, between 50 and 60 percent of purchasers would return registration forms to manufacturers.

The Committee is willing to give this system a chance to work and hopes that registration will increase. However, given the relationship of tire registration to highway safety, and the necessity for tire owners to be notified quickly and efficiently in the event of a recall of defective tires, the Committee has provided for a review of the voluntary system by the Secretary of Transportation after 2 years.

The Committee intends that manufacturers of tires, manufacturer-owned stores, and brand named marketers of tires shall be required to continue to register first purchasers of tires. The new consumer registration system applies only to dealers not owned or controlled by a manufacturer. The Committee intends that "company owned or controlled" means a significant component of direct equity ownership of the dealer or distributor which gives that party, as a factual matter, effective control of the business. Thus, it would not encompass buy-sell agreements, mortgages, notes, franchise agreements or similar financial arrangements which a tire company may have with a dealer or distributor.

Additionally, manufacturers of tires are not responsible for establishing and maintaining records of the names and addresses of first purchasers and for notifying by direct mail tire purchasers who have purchased tires from such independent dealers and distributors, provided that such purchasers do *not* return registration forms to the manufacturer or his designee.

After two years of voluntary registration by independent dealers and distributors the Secretary is required to evaluate the effectiveness of the new procedures, and determine whether any other requirements are necessary to increase the registration of tires. New requirements may be proposed by rule, but only if they are necessary to reduce the risk to motor vehicle safety after considering the cost of such requirements compared to the benefits, and the extent to which dealers and distributors have complied with the new procedures. Additional requirements do not necessarily entail a return to the mandatory registration system by independent dealers and distributors, but could take many forms, such as requiring that registration forms have pre-paid return postage. If the Secretary decides that new requirements are necessary, a report must be submitted to Congress. If new requirements are imposed, tire manufacturers must reimburse dealers and distributors for all reasonable costs for compliance with such requirements. The Committee made this decision because the advantages of the registration system extend to two groups: consumers and tire manufacturers. Consumers benefit from an efficient registration system in that they can be notified in a timely fashion in the event of a recall of defective tires. Additionally, tire manufacturers have an inherent interest in the success of the notification system for both product liability purposes, and to avoid costly and embarassing advertising campaigns which could become necessary if an

insufficient number of tire purchasers cannot be notified of defects by mail. The cost of the current registration system, however, has been borne disproportionately by the dealers and distributors who bear the burdens of registration and receive no direct benefits from it.

The Committee intends that the Secretary should exercise discretion with due care, as allowed under Section 109(b) of the Safety Act in assessing penalties for violations by independent dealers and distributors for non-compliance with the voluntary registration procedures. The Committee would expect that such dealers and distributors would not receive the full $1,000 per violation, unless there is a clear, continuous pattern of violations of the procedures established here. The mere inadvertant failure of an employee to give a customer a form in an isolated instance should not be treated in the same way as a pattern of violations. The Committee intends to reiterate the safety aspects of the tire registration system, and its importance in alerting tire owners to potential defects, and safety risks, and thus, intends that tire dealers and distributors take active steps to encourage registration.

H.R. 6273 also amends Section 153(c) of the Safety Act to give the Secretary of Transportation the authority to issue a public notice of a recall of defective tires after (1) consultation with the tire manufacturer; and (2) considering the magnitude of the risk caused by the defect and the cost of such public notice compared to the additional number of owners who could be notified by such action. 10

These public notice provisions are intended to increase the efficiency and effectiveness of recalls of defective tires. Since less than half of the tires sold in the replacement market are currently registered, only about half of tire owners will receive notification by mail of a defect should a recall be undertaken. Therefore, the Committee feels that the Secretary of Transportation should have authority to require public notice, under the conditions set forth above, in order to insure that people driving with defective tires are informed of potential hazards as expeditiously as possible.

. . . . . .

The tire registration and recall provisions should reduce overall paperwork by manufacturers, dealers and distributors of tires, and may possibly have a deflationary effect on the cost of tires and related products. 11

. . . . . .

Section 4.—(a) Amends Section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1418(b)) to establish procedures for tire registration. 13

(b) Amends Sections 153(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1413(c)) to give the Secretary of Transportation the authority to issue a public notice of a recall of defective tires.

Senate Passed Act—Section 4

Identical to House Passed Bill.

Senate Debate—Section 4

Congressional Record—Senate
October 1, 1982, S13192 and S13194

Mr. DANFORTH.

Third. It establishes a voluntary tire registration program for independent dealers and distributors, and modifies tire recall procedure.

. . . . . .

S13194 ● Mr. HAYAKAWA. Mr. President, there is another part of this bill which gives me some cause for concern.

Specifically, I am referring to that language in section 4 relating to tire registration procedures which states that tire manufacturers will have to reimburse independent tire dealers and distributors for all "reasonable" costs associated with those latter groups having to comply with some unknown and as yet unwritten regulations.

I have discussed my anxiety over this provision with NHTSA Administrator Raymond Peck, and Mr. Peck assured me that he believes voluntary registration will serve to greatly improve on the current situation. There would thus appear to be no possibility that he, or any other Administrator, would be faced with a set of circumstances which would trigger the rulemaking authority provided in this part of the bill. As to my concern that this possible transfer of authority, which would permit one segment of an industry to exercise control over and fix regulatory costs on another segment of the same industry, is of questionable constitutionality, Mr. Peck agrees that there are constitutional questions raised, although he has observed that the provision in the bill calls for any mandatory requirements to be implemented through a rulemaking proceeding in which all interested parties would be able to express their views. Finally, I believe that this provision in the bill gives the Administrator a level of authority to allocate financial burdens he should not have in the absence of any recall, and one which is probably unprecedented, and Mr. Peck concurs.

Mr. President, it troubles me that we are about to pass a bill which includes questionable language, however remote the possibility of its being brought into play. Yet I do recognize that there are other compelling and overriding concerns which indicate that this legislation should move forward.

I thank the Chair.

Mr. DANFORTH. Mr. President, the committee does not foresee circumstances occurring that would put the rulemaking authority into effect, although admittedly the possiblity does exist.

I appreciate the time and effort my colleauge from California has taken to clarify the language and intent in section 4 of this bill. I would like to add that it was not the intent of this Senator, nor that of the committee, to impose excessive regulation on any segment of the tire industry.

Mr. HAYAKAWA. I thank the Senator from Missouri, and I thank the Chair.●

Senate Committee Report—Section 4

Senate Report 97-505, Pages 6-8, 11, and 12

TIRE REGISTRATION AND RECALL PROCEDURES

According to NHTSA there is 100 percent tire registration under current law for *original equipment* tires, which come on cars when purchased. However, the registration rate for *replacement tires* for cars is considerably lower—around 46.6 percent. While stores owned by major domestic tire manufacturers (including chain and discount stores) and company owned stores register 80 to 90 percent of the tires sold, independently-owned dealerships (which account for 45 percent of the replacement market), register only 20 percent of the tires they sell. Given the low registration rate for independent dealers and distributors, the Committee believes that a system of voluntary registration for such dealers and distributors (whereby the purchaser fills out his own form and sends it to the manufacturer), would increase registration at least above the present level.

Under current procedures (49 CFR Part 574), tire distributors and dealers are required to send the following information regarding a tire purchase to the manufacturer of the tire: (1) The name and address of the tire purchaser; (2) the tire's identification number; and (3) the name and address of the tire seller (or other means by which the manufacturer can identify the tire seller). This information must be forwarded to the tire manufacturer not less often than every 30 days, unless fewer than 30 tires are sold in that period. In such a case, forwarding may be delayed until 40 tires are sold or 6 months has passed, whichever comes first. Manufacturers must provide a standard form to the distributor or dealer at his request, but the distributor or dealer may supply his own form.

Section 4 of H.R. 6273 amends section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit NHTSA from requiring independent tire dealers or distributors to complete or compile registration records of tire purchasers. Instead, these dealers or distributors are required to furnish the first purchaser of a tire with a standardized registration form, containing the identification number of the tire, which would be recorded on the form by the dealer or distributor at or before the time of purchase. The form should be presented to the purchaser in a manner suitable for mailing and addressed to the tire manufacturer or his designee.

The Committee has included this provision in the hopes that registration will increase. Given the relationship of tire registration to highway safety, and the necessity for tire owners to be notified quickly and efficiently in the event of a recall of defective tires, however, the Committee has provided for a review of the voluntary system by the Secretary of Transportation after 2 years, and periodically thereafter.

This new consumer registration system applies only to dealers not owned or controlled by a manufacturer. The Committee intends that manufacturers of tires, manufacturer-owned stores and brand-named

marketeers of tires shall be required to continue to register first purchasers of tires. The Committee intends that "company owned or controlled" means a significant component of direct equity ownership of the dealer or distributor which gives that party, as a factual matter, effective control of the business. Thus, it would not encompass buy-sell agreements, mortgages, notes, franchise agreements or similar financial arrangements which a tire company may have with a dealer or distributor.

Additionally, manufacturers of tires are not responsible for establishing and maintaining records of the names and addresses of first purchasers and for notifying by direct mail tire purchasers who have purchased tires from such independent dealers and distributors, provided that such purchasers do *not* return registration forms to the manufacturer or his designee.

After 2 years of voluntary registration by independent dealers and distributors the Secretary is required to evaluate the effectiveness of the new procedures, and determine whether any other requirements are necessary to increase the registration of tires. New requirements may be proposed by rule, but only if they are necessary to reduce the risk to motor vehicle safety after considering the cost of such requirements compared to the benefits, and the extent to which dealers and distributors have complied with the new procedures. Additional requirements do not necessarily entail a return to the mandatory registration system by independent dealers and distributors, but could take many forms, such as requiring that registration forms have pre-paid return postage. If the Secretary decides that new requirements are necessary, a report must be submitted to Congress. If new requirements are imposed, tire manufacturers must reimburse dealers and distributors for all reasonable costs for compliance with such requirements.

During the Committee's consideration of this provision, concern was expressed as to the potential burden on tire manufactures if mandatory requirements are imposed if the voluntary system does not work. The Committee shares the concern that the "reasonable costs" of compliance to be borne by the manufacturers not be unduly burdensome. It is the sense of the Committee that NHTSA will consider any such costs in any rulemakings implementing mandatory registration requirements in the future. The Committee intends that the utmost care be used in determining the precise regulatory requirements which may be eligible for reimbursement by tire manufacturers as well as in establishing guidelines for determining "reasonable costs."

The Committee also intends that the Secretary should exercise discretion with due care, as allowed under section 109(b) of the National Traffic and Motor Vehicle Safety Act of 1966 in assessing penalties for violations by independent dealers and distributors for non-compliance with the voluntary registration procedures. The Committee would expect that such dealers and distributors would not receive the maximum penalty per violation, unless there is a clear, continuous pattern of violations of these procedures. The inadvertent failure of an employee to give a customer a form in an isolated instance should not be treated in the same manner as a pattern of violations. The Committee intends to emphasize the safety aspects of the tire registration

system, and its importance in alerting tire owners to potential defects and safety risks. The Committee thus intends that tire dealers and distributors take active steps to encourage registration.

H.R. 6273 also amends section 153(c) of the National Traffic and Motor Vehicle Safety Act of 1966 to give the Secretary of Transportation the authority to issue a public notice of a recall of defective tires after consultation with the tire manufacturer and consideration of the magnitude of the safety risk caused by the defect and the cost of such public notice compared to the additional number of owners who could be notified by such action.

These public notice provisions are intended to increase the efficiency and effectiveness of recalls of defective tires. Less than half of the tires sold in the replacement market are currently registered, thus only about half of tire owners will receive notification by mail of a defect should a recall be undertaken. Therefore, the Committee believes that the Secretary of Transportation should have authority to require public notice, under the conditions set forth above, in order to ensure that people driving with defective tires are informed of potential hazards as expeditiously as possible.

. . . . . .

The tire registration and recall provisions of section 4 of H.R. 6273 should reduce overall paperwork and may possibly have a deflationary effect on the cost of tires and related products. 11

. . . . . .

Section 4 requires the Secretary of Transportation to submit a report to Congress if he decides that new tire registration requirements are necessary, after evaluation of the voluntary tire registration procedure. If new requirements are imposed, tire manufacturers must reimburse dealers and distributors for all reasonable costs for compliance with such requirements. The overall effect of this provision, however, together with the section 4 provision giving the Secretary authority to issue a public notice of recall of defective tires, would be to reduce overall paperwork by manufacturers, dealers and distributors of tires.

. . . . . .

SECTION 4. TIRE REGULATION INFORMATION: NOTICE OF TIRE DEFECTS 12

This section amends section 158 of the National Traffic and Motor Vehicle Safety Act of 1966 to establish a voluntary tire registration program to increase the registration rate for independent dealers and distributors. The first purchaser of a tire will be furnished a registration form which he may complete and return to the tire manufacturer. The Secretary of Transportation will be required to evaluate the effectiveness of the voluntary system after 2 years and determine whether any other requirements are necessary to increase tire registrations and reduce the risk to motor vehicle safety. If the Secretary decides that new requirements are necessary, a report must be submitted to Congress. If new requirements are imposed, tire manufacturers must reimburse dealers and distributors for all reasonable costs for compliance with such requirements.

This section also amends section 153 of the National Traffic and Motor Vehicle Safety Act of 1966 to give the Secretary the authority to issue a public notice of recall of defective tires after consultation with the tire manufacturer and consideration of the magnitude of the safety risk caused by the defect and the cost of such notice as compared to the additional number of owners who could be notified by the public notice.

As Introduced—Section 4

Not included in the original version of H.R. 6273. Included in the reported version of the bill (see House Report No. 97-576), as follows:

House Report 97-576, Pages 2 and 3

TIRE REGISTRATION INFORMATION; NOTICE OF TIRE DEFECTS

SEC. 4. (a) Section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1418(b)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraphs:

"(2)(A) Except as provided in paragraph (3), the Secretary shall not have any authority to establish any rule which requires a dealer or distributor to complete or compile the records and information specified in paragraph (1) if the business of such dealer or distributor is not owned or controlled by a manufacturer of tires.

"(B) The Secretary shall require each dealer and distributor whose business is not owned or controlled by a manufacturer of tires to furnish the first purchaser of a tire with a registration form (containing the tire identification number of the tire) which the purchaser may complete and return directly to the manufacturer of the tire. The contents and format of such forms shall be established by the Secretary and shall be standardized for all tires. Sufficient copies of such forms shall be furnished to such dealers and distributors by manufacturers of tires.

"(3)(A) At the end of the 2-year period following the effective date of this paragraph (and from time to time thereafter), the Secretary shall evaluate the extent to which the procedures established in paragraph (2) have been successful in facilitating the establishment and maintenance of records regarding the first purchasers of tires.

"(B)(i) The Secretary, upon completion of any evaluation under subparagraph (A), shall determine (I) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which dealers and distributors have complied with the procedures established in paragraph (2); and (II) whether to impose upon manufacturers, dealers, or distributors (or any combination of such groups) any requirements which the Secretary determines will result in a significant increase in the percentage of first purchasers of tires with respect to whom records would be established and maintained.

"(ii) Manufacturers of tires shall reimburse dealers and distributors for all reasonable costs incurred by them in order to comply with any requirement imposed by the Secretary under clause (i).

"(iii) The Secretary may order by rule the imposition of requirements under clause (i) only if the Secretary determines that such requirements are necessary to reduce the risk to motor vehicle safety, after considering (I) the cost of such

requirements to manufacturers and the burden of such requirements upon dealers and distributors, as compared to the additional percentage of first purchasers of tires with respect to whom records would be established and maintained as a result of the imposition of such requirements; and (II) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which dealers and distributors have complied with the procedures established in paragraph (2).

"(iv) The Secretary, upon making any determination under clause (i), shall submit a report to each House of the Congress containing a detailed statement of the nature of such determination, together with an explanation of the grounds for such determination.".

(b) Section 153(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1413(c)) is amended—

(1) in paragraph (2) thereof, by striking out "or tire,", and by striking out "or tire";

(2) by redesignating paragraph (4) and paragraph (5) thereof as paragraph (5) and paragraph (6), respectively, and by inserting after paragraph (3) thereof the following new paragraph:

"(4) in the case of a tire (A) by first-class mail to the most recent purchaser known to the manufacturer; and (B) by public notice in such manner as the Secretary may order after consultation with the manufacturer, if the Secretary determines that such public notice is necessary in the interest of motor vehicle safety, after considering (i) the magnitude of the risk to motor vehicle safety caused by the defect or failure to comply; and (ii) the cost of such public notice as compared to the additional number of owners who could be notified as a result of such public notice;"; and

(3) in the last sentence thereof—

(A) by striking out "(or of a motor vehicle on which such tire was installed as original equipment)";

(B) by inserting "by first-class mail" after "notification" the first place it appears therin; and

(C) by striking out "(1) or (2)" and inserting in lieu thereof "(4)(A)".

Legislative History of Section 414 of the "Surface Transportation Assistance Act of 1982": Splash and Spray Suppressant Devices

Public Law 97-424

Contents

Section 414

As Enacted—Section 414

SPLASH AND SPRAY SUPPRESSANT DEVICES

SEC. 414. (a) The Congress declares that visibility on wet roadways on the Interstate System should be improved by reducing, by a practicable and reliable means, splash and spray from truck tractors, semitrailers, and trailers. 49 USC 2314.

(b) The Secretary shall by regulation— Minimum standards, establishment.

(1) within one year after the date of the enactment of this title, establish minimum standards with respect to the performance and installation of splash and spray suppression devices for use on truck tractors, semitrailers, or trailers;

(2) within two years after the date of the enactment of this title, require that all new truck tractors, semitrailers, and trailers operated on the Interstate System be equipped with any splash and spray suppression device which satisfies the standards established pursuant to paragraph (1) of this subsection; and

(3) within five years after the date of the enactment of this title, require that all truck trailers, semitrailers, and trailers operated on the Interstate System be equipped with any splash and spray suppression device which satisfies the standards established pursuant to paragraph (1) of this subsection.

(c) For the purposes of this section, the term— Definitions.

(1) "truck tractor" means the noncargo carrying power unit that operates in combination with a semitrailer or trailer(s);

(2) "semitrailer" and "trailer" mean any semitrailer or trailer, respectively, with respect to which section 422 of this title applies; and

(3) "Interstate System" has the same meaning provided in section 101 of title 23, United States Code.

This provision is included in the "Surface Transportation Assistance Act of 1982" (Public Law 97-424), which was approved by the President on January 6, 1983.

Conference Report—Section 414

House Report 97-987, Page 174

SPLASH AND SPRAY SUPPRESSANT DEVICES

House bill

No comparable provision.

Senate amendment

The Secretary of Transportation is required to set standards for the use of splash and spray suppressant devices for tractors, semitrailers, and trailers.

Conference substitute

Senate Passed Act—Section 414

Congressional Record—Senate
December 14, 1982, S14630

SPLASH AND SPRAY SUPPRESSANT DEVICES

SEC. 427. (a) The Congress declares that visibility on wet roadways on the Interstate System should be improved by reducing, by a practicable and reliable means, splash and spray from truck tractors, semitrailers, and trailers.

(b) The Secretary shall—

(1) within one year after the date of the enactment of this title, establish minimum standards with respect to the performance and installation of splash and spray suppression devices for use on truck tractors, semitrailers, or trailers;

(2) within two years after the date of the enactment of this title, require that all new truck tractors, semitrailers, and trailers operated on the Interstate System be equipped with any splash and spray suppression device which satisfies the standards established pursuant to paragraph (1) of this subsection; and

(3) within five years after the date of the enactment of this title, require that all truck trailers, semitrailers, and trailers operated on the Interstate System be equipped with any splash and spray suppression device which satisfies the standards established pursuant to paragraph (1) of this subsection.

(c) For the purposes of this section, the term—

(1) "truck tractor" means the noncargo carrying power unit that operates in combination with a semitrailer or trailer(s);

(2) "semitrailer" and "trailer" mean any semitrailer or trailer, respectively, with respect to which section 422 of this title applies; and

(3) "Interstate System" has the same meaning provided in section 101 of title 23, United States Code.

H.R. 6211 passed the Senate on December 20, 1982 (see S 15767 of the *Congressional Record* for that date).

Senate Debate—Section 414

Congressional Record—Senate
December 7, 1982, S14019, S14024, S14025, and S14030

Mr. PACKWOOD.

I ask unanimous consent that the text of title IV of S. 3044 as reported by the Commerce Committee, and a section-by-section analysis of that title, be printed in the RECORD immediately following this statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TITLE IV, S. 3044—COMMERCIAL MOTOR VEHICLE SAFETY

. . . . . .

S14024

SPLASH AND SPRAY SUPPRESSANT DEVICES

SEC. 427. (a) The Congress declares that visibility on wet roadways on the Interstate System should be improved by reducing, by

S14025

a practicable and reliable means, splash and spray from truck tractors, semitrailers, and trailers.

(b) The Secretary shall—

(1) within one year after the date of the enactment of this title, establish minimum standards with respect to the performance and installation of splash and spray suppression devices for use on truck tractors, semitrailers, or trailers;

(2) within two years after the date of the enactment of this title, require that all new truck tractors, semitrailers, and trailers operated on the Interstate System be equipped with any splash and spray suppression device which satisfies the standards estab-

lished pursuant to paragraph (1) of this subsection; and

(3) within five years after the date of the enactment of this title, require that all truck trailers, semitrailers, and trailers operated on the Interestate System be equipped with any splash and spray suppression device which satisfies the standards established pursuant to paragraph (1) of this subsection.

(c) For the purposes of this section, the term—

(1) "truck tractor" means the noncargo carrying power unit that operates in combination with a semitrailer or trailer(s);

(2) "semitrailer" and "trailer" mean any semitrailer or trailer, respectively, with respect to which section 422 of this title applies; and

(3) "Interstate System" has the same meaning provided in section 101 of title 23, United States Code.

. . . . . .

S14030 *Section 427.*—Splash and Spray Suppressant Devices. The Secretary of Transportation is required to set standards for the use of splash and spray suppressant devices for tractors, semi-trailers, and trailers.

On December 14, 1982, the Senate considered Senator Howard Baker's Printed Amendment No. 1440 to H.R. 6211, "Surface Transportation Assistance Act of 1982", in the nature of substitute for S. 3044 (which included the provision on Splash and Spray Suppressant Devices) as follows:

Congressional Record—Senate December 14, 1982, S14630

SPLASH AND SPRAY SUPPRESSANT DEVICES

SEC. 427. (a) The Congress declares that visibility on wet roadways on the Interstate System should be improved by reducing, by a practicable and reliable means, splash and spray from truck tractors, semitrailers, and trailers.

(b) The Secretary shall—

(1) within one year after the date of the enactment of this title, establish minimum standards with respect to the performance and installation of splash and spray suppression devices for use on truck tractors, semitrailers, or trailers;

(2) within two years after the date of the enactment of this title, require that all new truck tractors, semitrailers, and trailers operated on the Interstate System be equipped with any splash and spray suppression device which satisfies the standards established pursuant to paragraph (1) of this subsection; and

(3) within five years after the date of the enactment of this title, require that all truck trailers, semitrailers, and trailers operated on the Interstate System be equipped with any splash and spray suppression device which satisfies the standards established pursuant to paragraph (1) of this subsection.

(c) For the purposes of this section, the term—

(1) "truck tractor" means the noncargo carrying power unit that operates in combination with a semitrailer or trailer(s);

(2) "semitrailer" and "trailer" mean any semitrailer or trailer, respectively, with respect to which section 422 of this title applies; and

(3) "Interstate System" has the same meaning provided in section 101 of title 23, United States Code.

Section-By-Section Analysis at S 14650

Section 427.—Splash and Spray Suppressant Devices. The Secretary of Transportation is required to set standards for the use of splash and spray suppressant devices for tractors, semi-trailers, and trailers.

As Introduced—Section 414

Identical to section 427 of the Senate-passed bill.

Related Bill—Section 414

Section 8 (page 10) of S. 1402, as reported by the Senate Committee on Commerce, Science, and Transportation (Report No. 97-298) on December 14, 1981, a bill

> "To establish uniform national standards for continued regulation, by the several States, of commercial motor vehicle width and length on interstate highways."

SPLASH AND SPRAY SUPPRESSANT DEVICES

SEC. 8. To improve safety on the Interstate Highway System, the Secretary of Transportation shall, within 2 years after the date of enactment of this Act, require all tractors, semitrailers, and trailers subject to section 3 of this Act to be equipped with such splash and spray suppressant devices as are approved for use by the Secretary.

AMENDMENT TO SECTION 414(b) OF THE SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982 (49 U.S.C. 23214(b))—AS PROVIDED BY SECTION 223 OF THE TANDEM TRUCK SAFETY ACT OF 1984 (PUBLIC LAW 98-554)

The legislative events leading to the enactment of the amendment to Section 414(b) of the Surface Transportation Assistance Act of 1982, as provided by Section 223 of the Tandem Truck Safety Act of 1984, may be summarized as follows:

1. On October 11, 1984, the House amended and passed S. 2217, a bill entitled the "Tandem Truck Safety Act of 1984. The House amendment included the amendment of Section 414(b) of the Surface Transportation Assistance Act of 1982 as Section 223 of the House-passed act.
2. On October 11, 1984, the Senate agreed to the House-passed amendments to S. 2217.
3. On October 30, 1984, the President approved S. 2217 (Public Law 98-554).
4. On January 3, 1985, Senator Danforth discussed the amendment to Section 414 contained in Public Law 98-554, and presented a section-by-section analysis of the "Tandem Truck Safety Act of 1984," which included an analysis of Section 223 of the Act which amends Section 414(b) of the Surface Transportation Assistance Act of 1982.

As Enacted—Section 223

SPLASH AND SPRAY SUPPRESSANT DEVICES

SEC. 223. Section 414(b) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2314(b)) is amended—

(1) in paragraph (2) by striking out "two years after the date of the enactment of this title," and inserting in lieu thereof "one year after the date on which the standards are established under paragraph (1) of this subsection,"; and

(2) in paragraph (3) by striking out "five years after the date of the enactment of this title," and inserting in lieu thereof "four years after the date on which the standards are established under paragraph (1) of this subsection,".

House Passed Act—Section 223

Identical to the provision as enacted.

Senate Passed Act—Section 223

Identical to the provision as enacted.

Senate Remarks—Section 223

Congressional Record—Senate
January 3, 1985, S38, S39, and S42

S. 2217, THE TANDEM TRUCK SAFETY ACT OF 1984

● Mr. DANFORTH. Mr. President, on October 2, the Senate passed S. 2217, the Tandem Truck Safety Act of 1984, also comprising the provisions of S. 2174, the Motor Carrier Safety Act of 1984. On October 11, the House and the Senate passed a modified version
S39 of S. 2217, and on October 30, President Reagan signed this bill into law. This important legislation, which is the culmination of several years of work and study, will ensure that motor carrier operations on our Nation's highways are truly safe.

I would like to take this opportunity to comment on one of the provisions included in the final legislation that was not part of the original Senate bill. Section 223 of S. 2217, "Splash and Spray Suppressant Devices," amends section 414 of the Surface Transportation Assistance Act of 1982 [STAA]. The 1982 legislation required DOT to establish minimum standards for the performance and installation of splash and spray suppression devices for use on truck tractors, semitrailers, and trailers operated on interstate highways. The STAA required that new truck tractors, semitrailers, and trailers meet the DOT standards by January 1985 and that all truck tractors, semitrailers, and trailers meet the DOT standards by January 1988. DOT was required to issue the standards in January of 1984. Because DOT has not yet issued these standards, section 223 changes the effective dates of the STAA's splash and spray suppressant devices requirement to 1 and 4 years respectively, after the date on which DOT establishes the standards for new and all truck tractors, semitrailers, and trailers which operate on interstate highways.

The purpose of this provision is to ensure that there is no confusion as to when compliance with the splash and spray standards will be necessary. This provision does not diminish my commitment to seeing that these devices are installed on trucks. I intend to continue to monitor DOT's rulemaking efforts on this matter, and I am hopeful that the splash and spray standards can be promptly issued.

. . . . . .

Lastly, Mr. President, I ask that a section-by-section analysis of S. 2217, as enacted, be printed in the RECORD, in its entirety.

The analysis follows:

SECTION-BY-SECTION SUMMARY

S. 2217—THE "TANDEM TRUCK SAFETY ACT OF 1984"

S42 Section 223—Splash and Spray Suppressant Devices

This section amends section 414 of the Surface Transporation Assistance Act of 1982, which required DOT to establish minimum standards with respect to the performance and installation of splash and spray suppression devices for use on truck tractors, semi-trailers, or trailers. Section 223 changes the effective dates of the splash and spray suppressant devices requirement of the STAA to: (1) for new truck tractors, semi-trailers, and trailers operated on Interstate highways, one year after the date on which the standards are established by DOT; and (2) for all truck tractors, semi-trailer and trailers operated on Interstate highways, four years after the date on which the standards are established by DOT. The original provision contained effective dates of two years and five years after the date of enactment of the STAA, respectively. DOT to date, however, has not yet issued these standards.

Legislative History of Section 402(17) of the "Federal District Court Organization Act of 1984": The Elimination of the District Court Expediting Requirement Under Section 155(a) of the National Traffic and Motor Vehicle Safety Act of 1966

Public Law 98-620

Contents

Section 402(17)

As Enacted—Section 402(17)

AMENDMENTS TO OTHER LAWS

SEC. 402. The following provisions of law are amended—

(17) Section 155(a) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1415(a)) is amended by striking out "(1)" and by striking out paragraph (2).

This provision is included in the "Federal District Court Organization Act of 1984" (Public Law 98-620), which was approved by the President on November 8, 1984. The enacted bill was H.R. 6163.

House Passed Act—Section 402(17)

Considered and passed the House on September 11, 1984, (H9289-H9292) as Section 3(17) of H.R. 5645. The provision as passed by the House is identical to the section as enacted.

House Debate—Section 402(17)

Congressional Record—House
September 11, 1984, H9291 and H9292

H9291

Mr. KASTENMEIER. Mr. Speaker, this afternoon the House has before it H.R. 5645, a bill to restructure the way in which the Federal courts prioritize the cases before them. This bill has the support of the administration, the Judicial Conference of the United States, the American Bar Association and the Association of the Bar of the city of New York.

The basic purpose of this bill is to create an orderly system of civil priorities. Under current Federal law there are over 80 types of civil cases which must receive expedited treatment. It is clearly impossible for each of these categories of cases to be first—at the same time. The reason the courts have been presented with this chaotic mix of inconsistent directions is the inability of Congress to rationalize competing interests. Each time a committee passes out a new Federal cause of action it believes that those cases should be given a priority. This ad hoc type of development is incoherent and impossible to follow.

The bill repeals virtually all the existing civil priorities and creates a general rule. The general rule is that cases involving liberty such as habeas corpus or collateral review cases shall be given priority. In addition, Federal courts shall give priority to applications for temporary or preliminary injunctive relief. Finally, the courts may grant a priority status to other cases for good cause shown. This last provision is designed to permit the courts to sort out important cases from the frivolous. Not all civil cases contain the same intrinsic merit, even those brought under important Federal statutes. In sum, we trust Federal judges to decide cases on the merits; the least we can do is to trust them to set their own calendar within these general confines.

I do not believe there is any controversy about this bill; it passed the House unanimously last Congress and it is without opposition this Congress.

Mr. KINDNESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope that the members of other committees of this House will pay some attention to H.R. 5645 and hopefully not report to this House in the future bills to set up a lot of new civil case priorities. It tends to have happened in a piecemeal fashion over the years.

I would like to commend the chairman and members of the Courts Subcommittee for their excellent work on H.R. 5645, the Federal Courts Civil Priorities Act, which would permit courts of the United States to establish the order of hearing for certain civil cases. The legislation accomplishes the objective basically by repealing most of the statutory provisions that require the expediting of civil cases in the Federal courts.

Now lately we have had a rush of provisions in other legislation to try to establish Federal causes of action, Federal civil actions. That is another thing, another fad, just like the civil priorities that have been established over a period of time and that this bill seeks to wipe out so that we can have an orderly way of dealing with civil litigation in the Federal courts.

The need to bring some semblance of order to the vast array of civil priorities that are spread throughout the United States Code, from title 2 to title 49, is well documented. The Department of Justice in their testimony before the Subcommittee on Courts, Civil Liberties and the Administration of Justice accurately observed that:

> These provisions have been enacted in a piecemeal fashion over the years with no attention to their cumulative impact on the courts and no effort to create an integrated, internally consistent set of instructions that can be effectively implemented by the courts. Thus, for instance, there are a number of provisions which require the court to hear particular categories of cases before all others, but no indication of how conflicts between such categorical priorities are to be resolved.

So, in other words, everything becomes first.

The current situation of unreconciled civil priorities led the Association of the Bar of the city of New York to conclude in their report on "The Impact of Civil Expediting provisions of the U.S. Courts of Appeals," that "• • • it becomes impossible to comply literally with the statutory requirements." H.R. 5645 effectively addresses this problem by revoking all but the most necessary expediting provisions, such as habeas corpus, and replaces them with a single standard which the courts can apply to all cases to determine the need for expedition.

This is as it should be.

H9292

H.R. 5645 is needed and important legislation that I urge my colleagues to actively support.

Mr. KASTENMEIER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. SCHROEDER], a member of the subcommittee.

Mrs. SCHROEDER. Mr. Speaker, I rise in support of H.R. 5645, the Federal Courts Civil Priorities Act. This bill recognizes that the courts are in the best position to determine which particular cases need to be expedited on their docket. The courts, after weighing the relative needs of various cases on their dockets, can then establish an order of hearing that treats all litigants fairly.

The bill would retain priority status for only three types of cases: Cases involving personal liberty, cases involving requests for temporary restraining orders or preliminary injunctions, and cases where "good cause" had been shown.

I want to commend Chairman KASTENMEIER for addressing the unique nature of cases filed under the Freedom of Information Act [FOIA] and establishing it as a priority under the "good cause" clause.

The Freedom of Information Act is a major tool through which the public and the press obtain information about their Government. Such information is perishable in most cases. Prompt review of decisions denying access to Government information is critical to insure its value to the public.

I offered an amendment to H.R. 5645 during full Judiciary Committee deliberations that would have given expedited treatment to FOIA cases. The committee instead adopted a substitute offered by Chairman KASTENMEIER that defined "good cause" so that FOIA cases could be eligible for expedited treatment. The bill's report language clearly states FOIA cases' priority.

Chairman KASTENMEIER has done a great job of preserving FOIA's strength. He has insured the American public that their right to know their Government's actions is secure.

□ 1410

Mr. KASTENMEIER. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentlewoman from Wisconsin.

Mr. KASTENMEIER. Mr. Speaker, I want to compliment the gentleman for her role in the subcommittee for bringing forward the concern that the press in this country have continued ability to bring freedom of information cases in terms of the timing of

cases before Federal courts. And it was in response to that concern that we placed in the bill the "good cause" language, specifically relating to section 522 of title 5, United States Code, and courts' involvement in that type of case.

So I want to commend the gentlewoman from Colorado for her role and reaffirm that what she says is correct in terms of freedom of information cases.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Wisconsin very much.

● Mr. MOORHEAD. Mr. Speaker, I rise in support of H.R. 5645 which would eliminate most of the existing civil priorities. Over the past 200 years various Congresses have acted in an ad hoc and random fashion to grant priority to particular and diverse types of civil cases. Unfortunately, so many expediting provisions have been added that it is impossible for the courts to intelligently categorize cases.

When this proposal was originally introduced, approximately 40 expediting provisions had been located. As a result of a further computer assisted search by the Library of Congress and Federal Judicial Center, an additional 40 priority provisions have been located.

This bill wipes the slate clean of such priorities with certain narrow exceptions. The courts are instructed under the bill to give appropriate priority to criminal cases and habeas corpus cases, because of the involvement of personal liberty. In addition, the courts are directed to give priority treatment to cases that involve either applications for temporary restraining orders or preliminary injunctions or to any other cases where good cause has been demonstrated. Moreover, because every congressional committee assumes that actions involving their jurisdiction are the most important, it is virtually impossible to reconcile competing priorities among the tens of provisions.

H.R. 5645 which is supported by the administration, the Judicial Conference, the American Bar Association, and the Bar of the city of New York represents an important court reform initiative and I urge my colleagues' support for it.●

Mr. KINDNESS. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. KASTENMEIER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FRANK). The question is on the motion offered by the gentleman from Wisconsin [Mr. KASTENMEIER] that the House suspend the rules and pass the bill, H.R. 5645, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

House Committe Report—Section 402(17)

House Report 98-985 (To accompany H.R. 5654), August 31, 1984

SUMMARY [1]

This bill has the net effect of eliminating most of the existing civil priorities. Over the past two hundred years various Congresses have acted in an *ad hoc* and random fashion to grant "priority" to particular and diverse types of civil cases. Unfortunately, so many expediting provisions have been added that it is impossible for the courts to intelligently categorize cases.

When a bill (H.R. 4396) was introduced on this subject last Congress approximately forty expediting provisions had been located.

As a result of a further computer-assisted search by the Library of Congress and the Federal Judicial Center, an additional forty priority provisions were located in a bill which passed the House on suspension September 20, 1982, H.R. 6872 (title III). This bill wipes the slate clean of such priorities with certain narrow exceptions. The courts are instructed under the bill to give appropriate priority to criminal cases and habeas corpus cases, because of the involvement of personal liberty. In addition, the courts are directed to give priority treatment to cases that involve either applications for temporary restraining orders or preliminary injunctions or to any other cases where *good cause* has been demonstrated.

The Committee accepted the recommendations of the Judicial Conference and the Administration to eliminate virtually all of the existing civil priorities. Witnesses for these entities argued persuasively that it was impossible to categorize types of cases (e.g., mandamus actions against the Interior Department or actions brought under the Federal Rodenticide, Pesticide and Insecticide Act) that should always be granted priority. Moreover, because every Congressional committee assumes that actions involving their jurisdiction are the most important, it is virtually impossible to reconcile competing priorities among the tens of provisions.

BACKGROUND

The bill alters the method of analyzing which civil cases should be given priority or expedited status on the dockets of the various Federal courts. The fundamental reform worked by this bill is to remove the existing statutory authority for expediting the treatment of over eighty different types of cases and replace it with a set of general rules. *See infra* (sectional analysis in connection with proposed section 1657 of title 28, section 1 of the bill).

The impetus for reform in this area came from suggestions first made by the American Bar Association. It concluded, after an extensive study of expediting provisions, that a reform of the way Congress dealt with the questions of civil priorities was called for. *See* American Bar Association Special Committee on Coordination of Judicial Improvements, Report to the House of Delegates (1977). In addition, the Judicial Conference of the United States suggested that action on this topic was imperative. Finally, the Association of the Bar of the City of New York conducted an extensive survey of the practices and problems associated with the use of existing civil priorities for cases in the various Courts of Appeals. 37 *Rec. Assn. B.C.N.Y.* 19 (1982).

These suggestions for reform were originally embodied in H.R. 4396 by Mr. Kastenmeier in the 97th Congress. After the legislation was introduced, the Department of Justice was asked to submit formal comments on it. After consulting with the affected divisions and sub-units, the Justice Department concluded that the approach taken in the legislation was a sound one.

During the hearings on this bill last Congress, the Judicial Conference made a number of suggestions for minor amendments, as did the American Bar Association and the Department of Justice.

All of these suggestions were adopted by the Committee, as explained in greater detail in the sectional analysis.

H.R. 5645 is virtually the same bill as passed the House on September 20, 1982, last Congress.

Rationale for General Civil Priority Rules

Under current Federal law, there are so many civil priorities that in some cases those cases with such priorities cannot be reached at all. *See* Federal Judicial Center, "Priorities for the Handling of Litigation in the United States District Courts" (FJC No. 76-2, April 1976); Federal Judicial Center, "Priorities for Handling Litigation in the United States Courts of Appeals," (FJC R-77-1, May 1977). In addition, due to the sheer number of priorities, it is ". . . impossible to literally comply with the statutory requirements."

As Deputy Assistant Attorney General Timothy J. Finn, Office of Legal Policy, Department of Justice, aptly observed in the Committee hearings last Congress:

> We believe that the approach taken by [the bill] to this problem is fundamentally correct. We believe that all but the most clearly necessary and justifiable priority provisions should be revoked and replaced with a single standard which the courts can apply to all cases to determine the need for expedition. The courts are, in general, in the best position to determine the need for expedition in the circumstances of any particular case, to weigh the relative needs of various cases on their dockets, and to establish an order of hearing that treats all litigants most fairly. Litigants who can persuasively assert that there is a special public or private interest in expeditious treatment of their case will be able to use the general expedition provision provided in [the bill] to the same effect as existing priority provisions.[2]

The Committee believes that the bill improves the efficiency of Federal courts. In addition, the bill should discourage the creation of any new civil priorities unless there has been a strong and compelling case made for such a provision.

Section-by-Section Analysis

Section 1 provides the short title is the "Federal Courts Civil Priorities Act."

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[2] Mandatory Appellate Jurisdiction of the Supreme Court—Abolition of Civil Priorities—Juror's Rights: Hearings on H.R. 2406, H.R. 4395 and 4396 before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the House Committee on the Judiciary, 97th Cong., 1st Session, Serial No. 65 (1982).

Section 2 adds a new section to title 28, to be numbered 1657. This new section establishes for the first time in Federal law a general rule with respect to the expedition (or priority status) of civil actions in the Federal courts.

The new section has two subsections. The first subsection has six elements. First, the phrase "notwithstanding any other provision of law" generally eliminates civil [3] expediting requirements, including those which are not explicitly repealed in section 302 of the bill. *See, e.g.*, Fed. R. App. P. 21(b). Second, it automatically requires expedition in actions under chapter 153 of title 28 United States Code. This perpetuates existing rules requiring prompt consideration and hearing in habeas corpus and other collateral proceedings,[4] notwithstanding the bill's general repeal of civil priorities. Third, it automatically requires expedition in actions under section 1826 of title 28. This preserves section 1826(b)'s 30-day time limit on concluding appeals of civil contempt commitments, again notwithstanding the bill's general repeal of civil priorities. Fourth, it automatically requires expedition of any action for temporary or preliminary injunctive relief.[5] Fifth, it requires expedition of any other action if "good cause" for expedition is shown.

Outside of the specific expediting requirements discussed above, 6
the bill provides that each court of the United States shall determine the order in which civil actions are heard and determined. The Committee concluded that if we can entrust judges with the duty to decide cases on the merits we can permit them to decide when to decide which case on the docket. Thus, the Judicial Coun-

[3] The bill does not affect criminal cases, which are processed under the rules of the Speedy Trial Act, 18 U.S.C. 3161-74. In addition to having no effect on statutes governing the timing or priority of criminal cases, the bill does not affect Rules of Procedure relating to criminal proceedings. *See e.g.*, Fed. R. App. P. 9(b) (prompt determination of motions relating to conditional release).

[4] *See* Rules 4, 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts, 28 U.S.C. foll. § 2254; Rules 4, 8(c) of the Rules Governing Section 2255 Proceedings for the United States District Courts, 28 U.S.C. foll. § 2255; 28 U.S.C. § 2255 (first sentence of third paragraph).

[5] Subsection (a) of proposed section 1657 in the original bill of last Congress, H.R. 4396, would have provided expediting requirements for any actions seeking an injunction of any sort. Many of the witnesses who testified before the Subcommittee suggested that this phrase was too broad and should be narrowed to the formulation found in the reported bill.

There is currently no comparable codified priority, but it is the general practice of the courts to give expedited consideration to applications for temporary restraining orders and preliminary injunctions since such applications by their nature require speedy judicial response. The bill's expedition requirement for actions for temporary or preliminary injunctive relief is intended to perpetuate the general practice of the courts in this area.

While the requirement that such actions be "expedited" does not impose any specific time limit, it should, of course, be understood to mean that applications for temporary restraining orders and preliminary injunctions must at least be heard and decided in time to prevent the harm threatened if the relief requested is found to be warranted. For example, 15 U.S.C. § 18a(f) establishes a categorical priority for requests for preliminary injunctions against acquisitions and mergers in violation of the Sherman or Clayton Acts. While the specific priority established by 15 U.S.C. § 18a(f) would be repealed by section 302 of the bill, it would remain incumbent on the courts to hear and decide such a meritorious application in time to prevent the challenged acquisition or merger from being carried out.

cils of the various Circuits will be able to issue rules that require expedited treatment of general classes of cases by the Circuit Court itself or by the District Courts within the Circuit.[9] The Judicial Councils will, moreover, be able to resolve unwarranted discrepancies between expediting or priority rules adopted by the District Courts within their Circuits in the same way that the Judicial Conference will be able to resolve unwarranted inter-circuit differences under subsection (b) of proposed section 1657. While the bill allows the courts to establish general rules of expedition, nothing in it requires that such rules be established.

Subsection (b) of proposed section 1657 provides that the Judicial Conference of the United States may modify the civil priority rules adopted by the courts in order to establish consistency among the circuits. This provision was added at the suggestion of the Judicial Conference.

The Committee fully expects the Conference to act in a dispassionate manner, with due time given to Federal judges, court employees, and other interested parties for comment. The Committee also feels that it should be consulted on significant modifications to the civil priority rules. Such consultation should not weaken the separation of powers; rather it enforces it.

Section 3

This section amends over eighty priority or expediting provisions relating to civil actions in Federal District Courts, the Courts of Appeal or various specialized courts. *See* L. Beck, Library of Congress, Congressional Research Service, American Law Division, "Priorities in Deciding Cases Before United States Courts," June 17, 1982 (the single most comprehensive discussion of the topic currently available).

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[9] The authority of the Judicial Councils to make such rules is clear in existing law. See 28 U.S.C. 332(d)(1) ("each judicial council shall make all necessary and appropriate orders for the effective and expeditious administration of justice within its circuit."); *In re Imperial "400" National, Inc.*, 481 F.2d 41, 45–46 (3d Cir. 1973). The use of the phrase "court of the United States" in the proposed section is not intended to limit in any way the authority of the Judicial Councils. In addition to acting through the Judicial Councils, the Circuit Courts sometimes adopt rules for the District Courts or the conduct of their own business in the course of deciding particular cases. There is also no purpose in the bill to limit the existing authority of the Circuit Courts to adopt rules in this manner.

In general, the bill's repeal of categorical priorities is not meant to limit the powers of the courts, but simply to restore to them the control over their calendars that was withdrawn by the repealed priority provisions. The repeal of statutory priorities by the bill is not intended to eliminate, or to discourage the continuation of judicially created priorities or to prevent the creation by the courts of new priorities which experience shows to be warranted. *See e.g.*, 26 U.S.C. 7609(h) (expediting provision for actions to enforce IRS summonses which was preceded by, and has been supplemented by, caselaw expediting rules recognized in such cases as *United States v. Kis*, 658 F.2d 526, 535–36 (7th Cir. 1981), *United States v. Hodgson*, 492 F.2d 1175, 1178 (10th Cir. 1974), and *United States v. Davey*, 426 F.2d 842, 845 (2d Cir. 1970)), 7 U.S.C. 8(a) (expediting provision for appeals from decisions of the Commodity Futures Trading Commission refusing to designate a board of trade as a contract market or suspending or revoking an existing designation of a board of trade as a contract market).

Subsection (17) removes the expediting provision that related to certain actions in District Court to enforce motor vehicle safety standard violations. 15 U.S.C. 1415(a)(2). 9

OVERSIGHT FINDINGS 14

Pursuant to the House Rules the Committee makes certain oversight findings with respect to the establishment of priorities for the handling of civil cases in Federal District Courts and in the Courts of Appeals. The Committee finds that such provisions have been added in an *ad hoc,* haphazard manner over the years. The Committee further finds that because these priority provisions arise from bills ordered reported by different committees that there is no method of either centralizing or rationalizing them. Moreover, the Committee finds that frequently the addition of such expediting provisions appears to be the result of a less than complete policy analysis.[10]

The Committee considered and rejected as unwieldy the adoption of a House Rule that would have required the referral of every bill that contained a priority provision to the Committee on the Judiciary. The preferable solution appears to be a request that the Speaker take into account the need to rationally deal with these provisions in making decisions with respect to joint or sequential referral of bills.

Senate Passed Act—Section 402(17)

Considered and passed the Senate as Section 401(17) of H.R. 6163 on October 3, 1984 (S12919-S12930). The provision as passed by the Senate is identical to the section as enacted.

Senate Debate—Section 402(17)

Congressional Record—Senate
October 3, 1984, S12930

THE FEDERAL COURTS CIVIL PRIORITIES ACT

● Mr. LEAHY. I think every Member of this body, and particularly members of the Judiciary Committee, must be aware of the importance of the Federal Courts Civil Priorities Act. There are so many different priorities scattered through the Federal statutes right now that no Federal judge can be expected to resolve conflicts.

I am pleased that we are eliminating the problem, and I am doubly pleased that we are doing so in a way that acknowledges the special importance of the Freedom of Information Act.

. . . . . .

There is just one more point I would like to raise. The House report makes it very clear that the repeal of statutory priorities is not intended to eliminate or discourage the continuation of judicially created priorities which experience shows are warranted.

● Mr. DOLE. That is an important point. We are making our statutes simpler and less rigid for the very purpose of giving room to judges to use their practical experience. It would be ironic, and wrong, if anyone construed

this bill to have the effect of eliminating priorities that judges know are needed.

● Mr. LEAHY. In the House report, the committee gives some specific examples, and cites *United States* v. *Hodgson*, 492 F.2d 1175, 1178 (10th Cir. 1974) and *United States* v. *Davey*, 426 F.2d 842,845 (2d Cir. 1970), concerning certain appeals from decisions of the Commodity Futures Trading Commission.

Where cases, such as the Commodities Futures Trading Commission cases, have deserved priority in the past, the judicial discretion that led to that priority should be applied under the new "good cause" standard.●

As Introduced—Section 402(17)

Section 401(17) was originally introduced by Mr. Kastenmeier on May 10, 1984 as Section 3(17) of H.R. 5645, and that provision is identical to the provision as it was enacted.

Related Bill—Section 402(17)

Section 202(16) of S. 645, introduced by Senator Dole on March 1, 1983, a bill "To establish an Intercircuit Tribunal and for other purposes," is identical to the provision as it was introduced and as it was enacted.

APPENDIX A

Administration of the National Traffic and Motor Vehicle Safety Act of 1966, As Amended

Administration of the National Traffic and Motor Vehicle Safety Act of 1966, As Amended

1. On September 9, 1966, the date of enactment of the National Traffic and Motor Vehicle Safety Act of 1966 (P.L. 89-563) ("the Act"), §115 of the Act provided that the Act was to be administered by the Secretary, which at the time was the Secretary of Commerce (*see* §102(10) of the Act), through a National Traffic Safety Agency, which was to be referred to as the " Bureau".

Notwithstanding the enactment of the National Traffic and Motor Vehicle Safety Act of 1966, however, the Highway Safety Act of 1966 (P.L. 89-564), also originally enacted on September 9, 1966, provided, in the last sentence of §201, that: "The President is authorized to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 through the [National Highway Safety] Agency and Administrator authorized by this section."

2. On October 15, 1966, the date of enactment of the Department of Transportation Act (P.L. 89-670) (the "DOT Act"), the DOT Act transferred the functions, powers, and duties of the Secretary of Commerce for the administration of the National Traffic and Motor Vehicle Safety Act of 1966 to the Secretary of Transportation (*see* §6(a)(6)(A)). Section 3(f)(1) of the DOT Act also provided: "The Secretary [of Transportation] shall carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718) through a National Traffic Safety Bureau (hereafter referred to in this paragraph as 'Bureau'), which he shall establish in the Department of Transportation. The Bureau shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate prescribed for level V of the Executive Schedule. All other provisions of the National Traffic and Motor Vehicle Safety Act of 1966 shall apply."

Section 3(f)(3) of the DOT Act repeated the provision noted above in §201 of the Highway Safety Act of 1966, that "The President is authorized, as provided in §201 of the Highway Safety Act of 1966, to carry out the provisions of the National Traffic and Motor

Vehicle Safety Act of 1966 through the Bureau and Director authorized by §201 of the Highway Safety Act of 1966."

Section 8(i) of the DOT Act amended §115 of the National Traffic and Motor Vehicle Safety Act of 1966 by striking the word "Agency" wherever it occurred in §115 and inserting in lieu thereof the word "Bureau", and by striking the word "Administrator" wherever it occurred in such section and inserting in lieu thereof the word "Director".

3. On June 6, 1967, Executive Order 11357 (32 *Federal Register* 8225) ordered that the provisions of the National Traffic and Motor Vehicle Safety Act of 1966, as amended, be carried out through the National Highway Safety Bureau (and the Bureau's Director). This National Highway Safety Bureau was originally established as a National Highway Safety Agency in §201 of the Highway Safety Act of 1966, and amended to be a National Highway Safety Bureau in §8(h) of the DOT Act. Section 3(f)(2) of the DOT Act directed the Secretary to carry out the Highway Safety Act of 1966 through a National Traffic Safety Bureau, headed by a Director appointed by the President, by and with the advice and consent of the Senate.

4. On December 31, 1970, the Highway Safety Act of 1970 (P.L. 91-605) amended §201 of the Highway Safety Act of 1966 to:

a. Establish within the Department of Transportation a National Highway Traffic Safety Administration, to be referred to as the "Administration";

b. Provide that the Administration be headed by an Administrator appointed by the President, with the advice and consent of the Senate, and compensated at an annual rate of basic pay of level III of the Executive Schedule in §5314 of title 5, United States Code;

c. Provide a Deputy Administrator of the Administration appointed by the Secretary of Transportation, with the approval of the President, and compensated at the annual rate of basic pay of level V of the Executive Schedule of §5316 of title 5, United States Code;

d. Direct that the Administrator perform such duties as delegated to him by the Secretary, and that on matters

pertaining to the design, construction, maintenance, and operation of highways, the Administrator must consult with the Federal Highway Administrator;

e. Authorize the Secretary to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 through the Administration and the Administrator authorized by this section;

f. Permit the President to authorize any person, who immediately before the date of enactment of this section held the office of Director of the National Highway Safety Bureau, to act as Administrator of the National Highway Traffic Safety Administration until the first Administrator is appointed in accordance with this section; and

g. Permit the President to authorize any person serving as Acting Administrator to receive compensation at the rate authorized for the office of Administrator, which compensation, if authorized, must be in lieu of, and not in addition to, any other compensation from the United States that such person may be entitled.

APPENDIX B

National Traffic and Motor Vehicle Safety Act of 1966 As Amended Through The 99th Congress, 2d Session

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966

(References in brackets [ ] are to title 15, United States Code)

AN ACT To provide for a coordinated national safety program and establishment of safety standards for motor vehicles in interstate commerce to reduce accidents involving motor vehicles and to reduce the deaths and injuries occurring in such accidents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress hereby declares that the purpose of this Act is to reduce traffic accidents and deaths and injuries to persons resulting from traffic accidents. Therefore, Congress determines that it is necessary to establish motor vehicle safety standards for motor vehicles and equipment in interstate commerce; to undertake and support necessary safety research and development; and to expand the national driver register.

TITLE I—MOTOR VEHICLE SAFETY STANDARDS

SEC. 101. [1381] This Act may be cited as the "National Traffic and Motor Vehicle Safety Act of 1966".

PART A—GENERAL PROVISIONS

SEC. 102. [1391] As used in this title—

(1) "Motor vehicle safety" means the performance of motor vehicles or motor vehicle equipment in such a manner that the public is protected against unreasonable risk of accidents occurring as a result of the design, construction or performance of motor vehicles and is also protected against unreasonable risk of death or injury to persons in the event accidents do occur, and includes nonoperational safety of such vehicles.

(2) "Motor vehicle safety standards" means a minimum standard for motor vehicle performance, or motor vehicle equipment performance, which is practicable, which meets the need for motor vehicle safety and which provides objective criteria.

(3) "Motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails.

(4) "Motor vehicle equipment" means any system, part, or component of a motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as any accessory, or addition to the motor vehicle, and any device, article, or apparel not a system, part, or component of a motor vehicle (other than medicines, or eyeglasses prescribed by a physician or other duly li-

censed practitioner), which is manufactured, sold, delivered, offered, or intended for use exclusively to safeguard motor vehicles, drivers, passengers, and other highway users from risk of accident, injury, or death.

(5) "Manufacturer" means any person engaged in the manufacturing or assembling of motor vehicles or motor vehicle equipment, including any person importing motor vehicles or motor vehicle equipment for resale.

(6) "Distributor" means any person primarily engaged in the sale and distribution of motor vehicles or motor vehicle equipment for resale.

(7) "Dealer" means any person who is engaged in the sale and distribution of new motor vehicles or motor vehicle equipment primarily to purchasers who in good faith purchase any such vehicle or equipment for purposes other than resale.

(8) "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(9) "Interstate commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State.

(10) "Secretary" means the Secretary of Transportation.

(11) "Defect" includes any defect in performance, construction, components, or materials in motor vehicles or motor vehicle equipment.

(12) "United States district courts" means the Federal district courts of the United States and the United States courts of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(13) "Vehicle Equipment Safety Commission" means the Commission established pursuant to the joint resolution of the Congress relating to highway traffic safety, approved August 20, 1958 (72 Stat. 635), or as it may be hereafter reconstituted by law.

(14) "Schoolbus" means a passenger motor vehicle which is designed to carry more than 10 passengers in addition to the driver, and which the Secretary determines is likely to be significantly used for the purpose of transporting primary, preprimary, or secondary school students to or from such schools or events related to such schools; and

(15) "Schoolbus equipment" means equipment designed primarily as a system, part, or component of a schoolbus, or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as an accessory or addition to a schoolbus.

SEC. 103. [1392] (a) The Secretary shall establish by order appropriate Federal motor vehicle safety standards. Each such Federal motor vehicle safety standard shall be practicable, shall meet the need for motor vehicle safety, and shall be stated in objective terms.

(b) The Administrative Procedure Act shall apply to all orders establishing, amending, or revoking a Federal motor vehicle safety standard under this title.

(c) Each order establishing a Federal motor vehicle safety standard shall specify the date such standard is to take effect which shall not be sooner than one hundred and eighty days or later than one year from the date such order is issued, unless the Secretary finds, for good cause shown, that an earlier or later effective date is in the public interest, and publishes his reasons for such finding.

(d) Whenever a Federal motor vehicle safety standard established under this title is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, with respect to any motor vehicle or item of motor vehicle equipment any safety standard applicable to the same aspect of performance of such vehicle or item of equipment which is not identical to the Federal standard. Nothing in this section shall be construed as preventing any State from enforcing any safety standard which is identical to a Federal safety standard. Nothing in this section shall be construed to prevent the Federal Government or the government of any State or political subdivision thereof from establishing a safety requirement applicable to motor vehicles or motor vehicle equipment procured for its own use if such requirement imposes a higher standard of performance than that required to comply with the otherwise applicable Federal standard.

(e) The Secretary may by order amend or revoke any Federal motor vehicle safety standard established under this section. Such order shall specify the date on which such amendment or revocation is to take effect which shall not be sooner than one hundred and eighty days or later than one year from the date the order is issued, unless the Secretary finds, for good cause shown, that an earlier or later effective date is in the public interest, and publishes his reasons for such finding.

(f) In prescribing standards under this section, the Secretary shall—

(1) consider relevant available motor vehicle safety data, including the results of research, development, testing and evaluation activities conducted pursuant to this Act;

(2) consult with the Vehicle Equipment Safety Commission, and such other State or interstate agencies (including legislative committees) as he deems appropriate;

(3) consider whether any such proposed standard is reasonable, practicable and appropriate for the particular type of motor vehicle or item of motor vehicle equipment for which it is prescribed; and

(4) consider the extent to which such standards will contribute to carrying out the purposes of this Act.

(g) In prescribing safety regulations covering motor vehicles subject to part II of the Interstate Commerce Act, as amended (49 U.S.C. 301 et seq.), or the Transportation of Explosives Act, as amended (18 U.S.C. 831–835), the Interstate Commerce Commission shall not adopt or continue in effect any safety regulation which differs from a motor vehicle safety standard issued by the Secretary under this title, except that nothing in this subsection shall be deemed to prohibit the Interstate Commerce Commission from prescribing for any motor vehicle operated by a carrier subject to regulation under either or both of such Acts, a safety regulation which

imposes a higher standard of performance subsequent to its manufacture than that required to comply with the applicable Federal standard at the time of manufacture.

(h) The Secretary shall issue initial Federal motor vehicle safety standards based upon existing safety standards on or before January 31, 1967. On or before January 31, 1968, the Secretary shall issue new and revised Federal motor vehicle safety standards under this title.

(i)(1)(A) Not later than 6 months after the date of enactment of this subsection, the Secretary shall publish proposed Federal motor vehicle safety standards to be applicable to schoolbuses and schoolbus equipment. Such proposed standards shall include minimum standards for the following aspects of performance:

(i) Emergency exits.
(ii) Interior protection for occupants.
(iii) Floor strength.
(iv) Seating systems.
(v) Crash worthiness of body and frame (including protection against rollover hazards).
(vi) Vehicle operating systems.
(vii) Windows and windshields.
(viii) Fuel systems.

(B) Not later than 15 months after the date of enactment of this subsection, the Secretary shall promulgate Federal motor vehicle safety standards which shall provide minimum standards for those aspects of performance set out in clauses (i) through (viii) of subparagraph (A) of this paragraph, and which shall apply to each schoolbus and item of schoolbus equipment which is manufactured in or imported into the United States on or after April 1, 1977.

(2) The Secretary may prescribe regulations requiring that any schoolbus be test driven by the manufacturer before introduction into commerce.

(3) Not later than six months after the date of enactment of this section, the Secretary shall conduct a study and report to Congress on (A) the factors relating to the schoolbus vehicle which contribute to the occurrence of schoolbus accidents and resultant injuries, and (B) actions which can be taken to reduce the likelihood of occurrence of such accidents and severity of such injuries. Such study shall consider, among other things, the extent to which injuries may be reduced through the use of seat belts and other occupant restraint systems in schoolbus accidents, and an examination of the extent to which the age of schoolbuses increases the likelihood of accidents and resultant injuries.

SEC. 104.* [1393] (a)(1) The Secretary shall establish a National Motor Vehicle Safety Advisory Council, a majority of which shall be representatives of the general public, including representatives of State and local governments, and the remainder shall include representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers.

(2) For the purposes of this section, the term "representative of the general public" means an individual who (A) is not in the

*Section 104 was repealed effective October 1, 1977.

employ of, or holding any official relation to any person who is (i) a manufacturer, dealer, or distributor, or (ii) a supplier of any manufacturer, dealer, or distributor, (B) does not own stock or bonds of substantial value in any person described in subparagraph (A)(i) or (ii), and (C) is not in any other manner directly or indirectly pecuniarily interested in such a person. The Secretary shall publish the names of the members of the Council annually and shall designate which members represent the general public. The Chairman of the Council shall be chosen by the Council from among the members representing the general public.

(b) The Secretary shall consult with the Advisory Council on motor vehicle safety standards under this Act.

(c) Members of the National Motor Vehicle Safety Advisory Council may be compensated at a rate not to exceed $100 per diem (including travel time) when engaged in the actual duties of the Advisory Council. Such members, while away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2), for persons in the Government service employed intermittently. Payments under this section shall not render members of the Advisory Council employees or officials of the United States for any purpose.

SEC. 105. [1394] (a)(1) In a case of actual controversy as to the validity of any order under section 103, any person who will be adversely affected by such order when it is effective may at any time prior to the sixtieth day after such order is issued file a petition with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such order. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his order, as provided in section 2112 of title 28 of the United States Code.

(2) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, and to be adduced upon the hearing, in such manner and upon such terms and conditions as to the court may seem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original order, with the return of such additional evidence.

(3) Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to review the order in accordance with section 10 of the Administrative Procedure Act (5 U.S.C. 1009) and to grant appropriate relief as provided in such section.

(4) The judgment of the court affirming or setting aside, in whole or in part, any such order of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(5) Any action instituted under this subsection shall survive, notwithstanding any change in the person occupying the office of Secretary of any vacancy in such office.

(6) The remedies provided for in this subsection shall be in addition to and not in substitution for any other remedies provided by law.

(b) A certified copy of the transcript of the record and proceedings under this section shall be furnished by the Secretary to any interested party at his request, and payment of the costs thereof, and shall be admissible in any criminal, exclusion of imports, or other proceeding arising under or in respect of this title, irrespective of whether proceedings with respect to the order have previously been initiated or become final under subsection (a).

SEC. 106. [1395] (a) The Secretary shall conduct research, testing, development, and training necessary to carry out the purposes of this title, including, but not limited to—

(1) collecting data from any source for the purpose of determining the relationship between motor vehicle or motor vehicle equipment performance characteristics and (A) accidents involving motor vehicles, and (B) the occurrence of death, or personal injury resulting from such accidents;

(2) procuring (by negotiation or otherwise) experimental and other motor vehicles or motor vehicle equipment for research and testing purposes;

(3) selling or otherwise disposing of test motor vehicles and motor vehicle equipment and reimbursing the proceeds of such sale or disposal into the current appropriation available for the purpose of carrying out this title.

(b) The Secretary is authorized to conduct research, testing, development, and training as authorized to be carried out by subsection (a) of this section by making grants for the conduct of such research, testing, development, and training to States, interstate agencies, and nonprofit institutions.

(c) Whenever the Federal contribution for any research or development activity authorized by this Act encouraging motor vehicle safety is more than minimal, the Secretary shall include in any contract, grant, or other arrangement for such research or development activity, provisions effective to insure that all information, uses, processes, patents, and other developments resulting from that activity will be made freely and fully available to the general public. Nothing herein shall be construed to deprive the owner of any background patent of any right which he may have thereunder.

SEC. 107. [1396] The Secretary is authorized to advise, assist, and cooperate with, other Federal departments and agencies, and State and other interested public and private agencies, in the planning and development of—

(1) motor vehicle safety standards;

(2) methods for inspecting and testing to determine compliance with motor vehicle safety standards.

SEC. 108. [1397] (a)(1) No person shall—

(A) manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States, any motor vehicle or item of motor vehicle equipment manufactured on or after the date any applicable Federal motor vehicle safety standard takes effect under this title unless it is in conformity with such standard except as provided in subsection (b) of this section;

(B) fail or refuse access to or copying of records, or fail to make reports or provide information, or fail or refuse to permit entry or inspection, as required under section 112; fail to keep specified records in accordance with such section; or fail or refuse to permit impounding, as required under section 112(a);

(C) fail to issue a certificate required by section 114, or issue a certificate to the effect that a motor vehicle or item of motor vehicle equipment conforms to all applicable Federal motor vehicle safety standards, if such person in the exercise of due care has reason to know that such certificate is false or misleading in a material respect;

(D) fail—

(i) to furnish notification,

(ii) to remedy any defect or failure to comply, or

(iii) to maintain records,

as required by part B of this title; or fail to comply with any order or other requirement applicable to any manufacturer, distributor, or dealer pursuant to such part B;

(E) fail to comply with any rule, regulation, or order issued under section 112 or 114; and

(F) to fail to comply with regulations of the Secretary under section 103(i)(2).

(2)(A) No manufacturer, distributor, dealer, or motor vehicle repair business shall knowingly render inoperative, in whole or part, any device or element of design installed on or in a motor vehicle or item of motor vehicle equipment in compliance with an applicable Federal motor vehicle safety standard, unless such manufacturer, distributor, dealer, or repair business reasonably believes that such vehicle or item of equipment will not be used (other than for testing or similar purposes in the course of maintenance or repair) during the time such device or element of design is rendered inoperative. For purposes of this paragraph, the term "motor vehicle repair business" means any person who holds himself out to the public as in the business of repairing motor vehicles or motor vehicle equipment for compensation.

(B) The Secretary may by regulation exempt any person from this paragraph if he determines that such exemption is consistent with motor vehicle safety and the purposes of this Act. The Secretary may prescribe regulations defining the term "render inoperative".

(C) This paragraph shall not apply with respect to the rendering inoperative of (i) any safety belt interlock (as defined in section

125(f)(1)) or (ii) any continuous buzzer (as defined in section 125(f)(4)) designed to indicate that safety belts are not in use.

(D) Paragraph (1)(A) of this subsection shall not apply to the sale or offering for sale of any motor vehicle which has such a buzzer or interlock rendered inoperative by a dealer at the request of the first purchaser of such vehicle.

(b)(1) Paragraph (1)(A) of subsection (a) shall not apply to the sale, the offer for sale, or the introduction or delivery for introduction in interstate commerce of any motor vehicle or motor vehicle equipment after the first purchase of it in good faith for purposes other than resale. In order to assure a continuing and effective national traffic safety program, it is the policy of Congress to encourage and strengthen the enforcement of State inspection of used motor vehicles. Therefore to that end the Secretary shall conduct a thorough study and investigation to determine the adequacy of motor vehicle safety standards and motor vehicle inspection requirements and procedures applicable to used motor vehicles in each State, and the effect of programs authorized by this title upon such standards, requirements, and procedures for used motor vehicles, and report to Congress as soon as practicable but not later than one year after the date of enactment of this title, the results of such study, and recommendations for such additional legislation as he deems necessary to carry out the purposes of this Act. As soon as practicable after the submission of such report, but no later than one year from the date of submission of such report, the Secretary, after consultation with the Council and such interested public and private agencies and groups as he deems advisable, shall establish uniform Federal motor vehicle safety standards applicable to all used motor vehicles. Such standards shall be expressed in terms of motor vehicle safety performance. The Secretary is authorized to amend or revoke such standards pursuant to this Act.

(2) Paragraph (1)(A) of subsection (a) shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that such vehicle or item of motor vehicle equipment is not in conformity with applicable Federal motor vehicle safety standards, or to any person who, prior to such first purchase, holds a certificate issued by the manufacturer or importer of such motor vehicle or motor vehicle equipment, to the effect that such vehicle or equipment conforms to all applicable Federal motor vehicle safety standards, unless such person knows that such vehicle or equipment does not so conform.

(3) A motor vehicle or item of motor vehicle equipment offered for importation in violation of paragraph (1)(A) of subsection (a) shall be refused admission into the United States under joint regulations issued by the Secretary of the Treasury and the Secretary; except that the Secretary of the Treasury and the Secretary may, by such regulations, provide for authorizing the importation of such motor vehicle or item of motor vehicle equipment into the United States upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such motor vehicle or item of motor vehicle equipment will be brought into conformity with any applicable Federal motor

vehicle safety standard prescribed under this title, or will be exported or abandoned to the United States.

(4) The Secretary of the Treasury and the Secretary may, by joint regulations, permit the temporary importation of any motor vehicle or item of motor vehicle equipment after the first purchase of it in good faith for purposes other than resale.

(5) Paragraph (1)(A) of subsection (a) shall not apply in the case of a motor vehicle or item of motor vehicle equipment intended solely for export, and so labeled or tagged on the vehicle or item itself and on the outside of the container, if any, which is exported.

(c) Compliance with any Federal motor vehicle safety standard issued under this title does not exempt any person from any liability under common law.

SEC. 109. [1398] (a) Whoever violates any provision of section 108, or any regulation issued thereunder, shall be subject to a civil penalty of not to exceed $1,000 for each such violation. Such violation of a provision of section 108, or regulations issued thereunder, shall constitute a separate violation with respect to each motor vehicle or item of motor vehicle equipment or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty shall not exceed $800,000 for any related series of violations.

(b) Any such civil penalty may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

SEC. 110. [1399] (a) The United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of tne Federal Rules of Civil Procedure, to restrain violations of this title (or rules, regulations or orders thereunder), or to restrain the sale, offer for sale, or the introduction or delivery for introduction, in interstate commerce, or the importation into the United States, of any motor vehicle or item of motor vehicle equipment which is determined, prior to the first purchase of such vehicle in good faith for purposes other than resale, not to conform to applicable Federal motor vehicle safety standards prescribed pursuant to this title, or to contain a defect (A) which relates to motor vehicle safety and (B) with respect to which notification has been given under section 151 or has been required to be given under section 152(b), upon petition by the appropriate United States attorney or the Attorney General on behalf of the United States. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and, except in the case of a knowing and willful violation, shall afford him reasonable opportunity to achieve compliance or to remedy the defect. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, which violation also constitutes a violation of this title, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

(c) Except as provided in section 155(a), actions under subsection (a) of this section and section 109(a) of this title may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

(d) In any actions brought under subsection (a) of this section and section 109(a) of this title, subpoenas for witnesses who are required to attend a United States district court may run into any other district.

(e) It shall be the duty of every manufacturer offering a motor vehicle or item of motor vehicle equipment for importation into the United States to designate in writing an agent upon whom service of all administrative and judicial processes, notices, orders, decisions and requirements may be made for and on behalf of said manufacturer, and to file such designation with the Secretary, which designation may from time to time be changed by like writing, similarly filed. Service of all administrative and judicial processes, notices, orders, decisions and requirements may be made upon said manufacturer by service upon such designated agent at his office or usual place of residence with like effect as if made personally upon said manufacturer, and in default of such designation of such agent, service of process, notice, order, requirement or decision in any proceeding before the Secretary or in any judicial proceeding for enforcement of this title or any standards prescribed pursuant to this title may be made by posting such process, notice, order, requirement or decision in the Office of the Secretary.

SEC. 111. [1400] (a) If any motor vehicle or item of motor vehicle equipment is determined not to conform to applicable Federal motor vehicle safety standards, or contains a defect which relates to motor vehicle safety, after the sale of such vehicle or item of equipment by a manufacturer or a distributor to a distributor or a dealer and prior to the sale of such vehicle or item of equipment by such distributor or dealer:

(1) The manufacturer or distributor, as the case may be, shall immediately repurchase such vehicle or item of motor vehicle equipment from such distributor or dealer at the price paid by such distributor or dealer, plus all transportation charges involved and a reasonable reimbursement of not less than 1 per centum per month of such price paid prorated from the date of notice of such nonconformance to the date of repurchase by the manufacturer or distributor; or

(2) In the case of motor vehicles, the manufacturer or distributor, as the case may be, at his own expense, shall immediately furnish the purchasing distributor or dealer the required

conforming part or parts or equipment for installation by the distributor or dealer on or in such vehicle and for the installation involved the manufacturer shall reimburse such distributor or dealer for the reasonable value of such installation plus a reasonable reimbursement of not less than 1 per centum per month of the manufacturer's or distributor's selling price prorated from the date of notice of such nonconformance to the date such vehicle is brought into conformance with applicable Federal standards: *Provided, however,* That the distributor or dealer proceeds with reasonable diligence with the installation after the required part, parts or equipment are received.

(b) In the event any manufacturer or distributor shall refuse to comply with the requirements of paragraphs (1) and (2) of subsection (a), then the distributor or dealer, as the case may be, to whom such nonconforming vehicle or equipment has been sold may bring suit against such manufacturer or distributor in any district court of the United States in the district in which said manufacturer or distributor resides, or is found, or has an agent, without respect to the amount in controversy, and shall recover the damage by him sustained, as well as all court costs plus reasonable attorneys' fees. Any action brought pursuant to this section shall be forever barred unless commenced within three years after the cause of action shall have accrued.

(c) The value of such installations and such reasonable reimbursements as specified in subsection (a) of this section shall be fixed by mutual agreement of the parties, or failing such agreement, by the court pursuant to the provisions of subsection (b) of this section.

SEC. 112. [1401] (a)(1) The Secretary is authorized to conduct any inspection or investigation—

(A) which may be necessary to enforce this title or any rules, regulations, or orders issued thereunder, or

(B) which relates to the facts, circumstances, conditions, and causes of any motor vehicle accident and which is for the purposes of carrying out his functions under this Act.

The Secretary shall furnish the Attorney General and, when appropriate, the Secretary of the Treasury any information obtained indicating noncompliance with this title or any rules, regulations, or orders issued thereunder, for appropriate action. In making investigations under subparagraph (B), the Secretary shall cooperate with appropriate State and local officials to the greatest extent possible consistent with the purposes of this subsection.

(2) For purposes of carrying out paragraph (1), officers or employees duly designated by the Secretary, upon presenting appropriate credentials and written notice to the owner, operator, or agent in charge, are authorized at reasonable times and in a reasonable manner—

(A) to enter (i) any factory, warehouse, or establishment in which motor vehicles or items of motor vehicle equipment are manufactured, or held for introduction into interstate commerce or are held for sale after such introduction, or (ii) any premises where a motor vehicle or item of motor vehicle equipment involved in a motor vehicle accident is located;

(B) to impound for a period not to exceed 72 hours, any motor vehicle or item of motor vehicle equipment involved in a motor vehicle accident; and

(C) to inspect any factory, warehouse, establishment, vehicle, or equipment referred to in subparagraph (A) or (B).

Each inspection under this paragraph shall be commenced and completed with reasonable promptness.

(3)(A) Whenever, under the authority of paragraph (2)(B), the Secretary inspects or temporarily impounds for the purpose of inspection any motor vehicle (other than a vehicle subject to part II of the Interstate Commerce Act) or an item of motor vehicle equipment, he shall pay reasonable compensation to the owner of such vehicle to the extent that such inspection or impounding results in the denial of the use of the vehicle to its owner or in the reduction in value of the vehicle.

(B) As used in this subsection, "motor vehicle accident" means an occurrence associated with the maintenance, use, or operation of a motor vehicle or item of motor vehicle equipment in or as a result of which any person suffers death or personal injury, or in which there is property damage.

(b) Every manufacturer of motor vehicles and motor vehicle equipment shall establish and maintain such records and every manufacturer, dealer, or distributor shall make such reports, as the Secretary may reasonably require to enable him to determine whether such manufacturer, dealer, or distributor has acted or is acting in compliance with this title or any rules, regulations, or orders issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee to inspect appropriate books, papers, records, and documents relevant to determining whether such manufacturer, dealer, or distributor has acted or is acting in compliance with this title or any rules, regulations, or orders issued thereunder. Nothing in this subsection shall be construed as imposing recordkeeping requirements on distributors or dealers, except those requirements imposed under section 158 and regulations and orders promulgated thereunder.

(c)(1) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(2) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevent to any function of the Secretary under this title.

(3) The Secretary is authorized to require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating

to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(4) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under paragraph (1) or paragraph (3) of this subsection, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(5) Witnesses summoned pursuant to this subsection shall be paid the same fees and mileage which are paid witnesses in the courts of the United States.

(6)(A) The Secretary is authorized to request from any department, agency or instrumentality of the Federal Government such statistics, data, program reports, and other materials as he deems necessary to carry out his functions under this title; and each such department, agency, or instrumentality is authorized and directed to cooperate with the Secretary and to furnish such statistics, data, program reports, and other materials to the Department of Transportation upon request made by the Secretary. Nothing in this subparagraph shall be deemed to affect any provision of law limiting the authority of an agency, department, or instrumentality of the Federal Government to provide information to another agency, department, or instrumentality of the Federal Government.

(B) The head of any Federal department, agency, or instrumentality is authorized to detail, on a reimbursable basis, any personnel of such department, agency, or instrumentality to assist in carrying out the duties of the Secretary under this title.

(d) Every manufacturer of motor vehicles and motor vehicle equipment shall provide to the Secretary such performance data and other technical data related to performance and safety as may be required to carry out the purposes of this Act. The Secretary is authorized to require the manufacturer to give such notification of such performance and technical data as the Secretary determines necessary to carry out the purposes of this Act in the following manner—

(1) to each prospective purchaser of a motor vehicle or item of equipment before its first sale for purposes other than resale at each location where any such manufacturer's vehicles or items of motor vehicle equipment are offered for sale by a person with whom such manufacturer has a contractual, proprietary, or other legal relationship in a manner determined by the Secretary to be appropriate which may include, but is not limited to, printed matter (A) available for retention by such prospective purchaser and (B) sent by mail to such prospective purchaser upon his request; and

(2) to the first person who purchases a motor vehicle or item of equipment for purposes other than resale, at the time of such purchase, in printed matter placed in the motor vehicle or attached to or accompanying the item of motor vehicle equipment.

(e) Except as otherwise provided in section 158(a)(2) and section 113(b), all information reported to or otherwise obtained by the Secretary or his representative pursuant to this title which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this section shall authorize the withholding of information by the Secretary or any officer or employee under his control, from the duly authorized committees of the Congress.

SEC. 113. [1402] (a) Whenever any manufacturer opposes an action of the Secretary under section 103, or under any other provision of this Act, on the ground of increased cost, the manufacturer shall submit such cost information (in such detail as the Secretary may by regulation or order prescribe) as may be necessary in order to properly evaluate the manufacturer's statement. The Secretary shall thereafter promptly prepare an evaluation of such cost information.

(b)(1) Subject to paragraph (2), such cost information together with the Secretary's evaluation thereof, shall be available to the public. Notice of the availability of such information shall be published in the Federal Register.

(2) If the manufacturer satisfies the Secretary that any portion of such information contains a trade secret or other confidential matter, such portion may be disclosed to the public only in such manner as to preserve the confidentiality of such trade secret or other confidential matter, except that any such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this subsection shall authorize the withholding of information by the Secretary or any officer or employee under his control, from the duly authorized committees of the Congress.

(c) For purposes of this section, the term "cost information" means information with respect to alleged cost increases resulting from action by the Secretary, in such form as to permit the public and the Secretary to make an informed judgment on the validity of the manufacturer's statements. Such term includes both the manufacturer's cost and the cost to retail purchasers.

(d) The Secretary is authorized to establish rules and regulations prescribing forms and procedures for the submission of cost information under this section.

(e) Nothing in this section shall be construed to restrict the authority of the Secretary to obtain, or require submission of, information under any provision of this Act.

SEC. 114. [1403] Every manufacturer or distributor of a motor vehicle or motor vehicle equipment shall furnish to the distributor or dealer at the time of delivery of such vehicle or equipment by such manufacturer or distributor the certification that each such vehicle or item of motor vehicle equipment conforms to all applicable Federal motor vehicle safety standards. In the case of an item of motor vehicle equipment such certification may be in the form

of a label or tag on such item or on the outside of a container in which such item is delivered. In the case of a motor vehicle such certification shall be in the form of a label or tag permanently affixed to such motor vehicle.

SEC. 115. [1404] The Secretary shall carry out the provisions of this Act through a National Traffic Safety Agency (hereinafter referred to as the "Bureau"), which he shall establish in the Department of Commerce. The Bureau shall be headed by a Traffic Safety Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall be a citizen of the United States, and shall be appointed with due regard for his fitness to discharge efficiently the powers and the duties delegated to him pursuant to this Act. The Director shall perform such duties as are delegated to him by the Secretary.

SEC. 116. [1405] Nothing contained herein shall be deemed to exempt from the antitrust laws of the United States any conduct that would otherwise be unlawful under such laws, or to prohibit under the antitrust laws of the United States any conduct that would be lawful under such laws.

SEC. 117. [1301n] (a) The Act entitled "An Act to provide that hydraulic brake fluid sold or shipped in commerce for use in motor vehicles shall meet certain specifications prescribed by the Secretary of Commerce", approved September 5, 1962 (76 Stat. 437; Public Law 87-637), and the Act entitled "An Act to provide that seat belts sold or shipped in interstate commerce for use in motor vehicles shall meet certain safety standards", approved December 13, 1963 (77 Stat. 361; Public Law 88-201), are hereby repealed.

(b) Whoever, prior to the date of enactment of this section, knowingly and willfully violates any provision of law repealed by subsection (a) of this section, shall be punished in accordance with the provisions of such laws as in effect on the date such violation occurred.

(c) All standards issued under authority of the laws repealed by subsection (a) of this section which are in effect at the time this section takes effect, shall continue in effect as if they had been effectively issued under section 103 until amended or revoked by the Secretary, or a court of competent jurisdiction by operation of law.

(d) Any proceeding relating to any provision of law repealed by subsection (a) of this section which is pending at the time this section takes effect shall be continued by the Secretary as if this section had not been enacted, and orders issued in any such proceeding shall continue in effect as if they had been effectively issued under section 103 until amended or revoked by the Secretary in accordance with this title, or by operation of law.

(e) The repeals made by subsection (a) of this section shall not affect any suit, action, or other proceeding lawfully commenced prior to the date this section takes effect, and all such suits, actions, and proceedings, shall be continued, proceedings therein had, appeals therein taken, and judgments therein rendered, in the same manner and with the same effect as if this section had not been enacted. No suit, action, or other proceeding lawfully commenced by or against any agency or officer of the United States in relation to the discharge of official duties under any provision of

law repealed by subsection (a) of this section shall abate by reason of such repeal, but the court, upon motion or supplemental petition filed at any time within 12 months after the date of enactment of this section showing the necessity for the survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained.

SEC. 118. [1406] The Secretary, in exercising the authority under this title, shall utilize the services, research and testing facilities of public agencies to the maximum extent practicable in order to avoid duplication.

SEC. 119. [1407] The Secretary is authorized to issue, amend, and revoke such rules and regulations as he deems necessary to carry out this title.

SEC. 120. [1408] (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on July 1 of each year a comprehensive report on the administration of this Act for the preceding calendar year. Such report shall include but not be restricted to (1) a thorough statistical compilation of the accidents and injuries occurring in such year; (2) a list of Federal motor vehicle safety standards prescribed or in effect in such year; (3) the degree of observance of applicable Federal motor vehicle standards; (4) a summary of all current research grants and contracts together with a description of the problems to be considered by such grants and contracts; (5) an analysis and evaluation, including relevant policy recommendations, of research activities completed and technological progress achieved during such year; (6) a statement of enforcement actions including judicial decisions, settlements, or pending litigation during such year; and (7) the extent to which technical information was disseminated to the scientific community and consumer-oriented information was made available to the motoring public.

(b) The report required by subsection (a) of this section shall contain such recommendations for additional legislation as the Secretary deems necessary to promote cooperation among the several States in the improvement of traffic safety and to strengthen the national traffic safety program.

SEC. 121. [1409] There are authorized to be appropriated for the purpose of carrying out this Act, $51,400,000 for fiscal year 1983, $55,000,000 for fiscal year 1984, and $58,700,000 for fiscal year 1985.

SEC. 122. [1403n] The provisions of this title for certification of motor vehicles and items of motor vehicle equipment shall take effect on the effective date of the first standard actually issued under section 103 of this title.

SEC. 123. [1410] (a) Except as provided in subsection (d) of this section, upon application by a manufacturer at such time, in such manner, and containing such information as required in this section and as the Secretary shall prescribe, the Secretary may, after publication of notice and opportunity to comment and under such terms and conditions and to such extent as he deems appropriate, temporarily exempt or renew the exemption of a motor vehicle from any motor vehicle safety standard established under this title if he finds—

(1)(A) that compliance would cause such manufacturer substantial economic hardship and that the manufacturer has, in good faith, attempted to comply with each standard from which it requests to be exempted.

(B) that such temporary exemption would facilitate the development or field evaluation of new motor vehicle safety features which provide a level of safety which is equivalent to or exceeds the level of safety established in each standard from which an exemption is sought,

(C) that such temporary exemption would facilitate the development or field evaluation of a low-emission motor vehicle and would not unreasonably degrade the safety of such vehicle, or

(D) that requiring compliance would prevent a manufacturer from selling a motor vehicle whose overall level of safety is equivalent to or exceeds the overall level of safety of nonexempted motor vehicles; and

(2) that such temporary exemption would be consistent with the public interest and the objectives of the Act.

Notice of each decision to grant a temporary exemption and the reasons for granting it shall be published in the Federal Register.

(b) The Secretary shall require permanent labeling of each exempted motor vehicle. Such label shall either name or describe each of the standards from which the motor vehicle is exempted and be affixed to such exempted vehicles. The Secretary may require that written notification of the exemption be delivered to the dealer and first purchaser for purposes other than the resale of such exempted motor vehicle in such manner as he deems appropriate.

(c)(1) No exemption or renewal granted under paragraph (1)(A) of subsection (a) of this section shall be granted for a period longer than three years and no renewal shall be granted without reapplication and approval conforming to the requirements of subsection (a).

(2) No exemption or renewal granted under paragraph (1)(B), (1)(C), or (1)(D) of subsection (a) of this section shall be granted for a period longer than two years and no renewal shall be granted without reapplication and approval conforming to the requirements of subsection (a).

(d)(1) No manufacturer whose total motor vehicle production in its most recent year of production exceeds 10,000, as determined by the Secretary, shall be eligible to apply for an exemption under paragraph (1)(A) of subsection (a) of this section.

(2) No manufacturer shall be eligible to apply for exemption under paragraph (1)(B), (1)(C), or (1)(D) of subsection (a) of this section for more than 2,500 vehicles to be sold in the United States in any 12 month period, as determined by the Secretary.

(e) Any manufacturer applying for an exemption on the basis of paragraph (1)(A) of subsection (a) of this section shall include in the application a complete financial statement showing the basis of the economic hardship and a complete description of its good faith efforts to comply with the standards. Any manufacturer applying for an exemption on the basis of paragraph (1)(B) of subsection (a) of

this section shall include in the application research, development, and testing documentation establishing the innovational nature of the safety features and a detailed analysis establishing that the level of safety of the new safety feature is equivalent to or exceeds the level of safety established in the standard from which the exemption is sought. Any manufacturer applying for an exemption on the basis of paragraph (1)(C) of subsection (a) of this section shall include in the application research, development, and testing documentation establishing that the safety of such vehicle is not unreasonably degraded and that such vehicle is a low-emission motor vehicle. Any manufacturer applying for an exemption on the basis of paragraph (1)(D) of subsection (a) of this section shall include in the application a detailed analysis of how the vehicle provides an overall level of safety equivalent to or exceeding the overall level of safety of nonexempted motor vehicles.

(f) The Secretary shall promulgate regulations within 90 days (which time may be extended by the Secretary by a notice published in the Federal Register stating good cause therefor) after the date of the enactment of this subsection for applications for exemption from any motor vehicle safety standard provided for in this section. The Secretary may make public within 10 days of the date of filing an application under this section all information contained in such application or other information relevant thereto unless such information concerns or relates to a trade secret, or other confidential business information, not relevant to the application for exemption.

(g) For the purpose of this section, the term "low-emission motor vehicle" means any motor vehicle which—

(1) emits any air pollutant in amounts significantly below new motor vehicle standards applicable under section 202 of the Clean Air Act (42 U.S.C. 1857f-1) at the time of manufacture to that type of vehicle; and

(2) with respect to all other air pollutants meets the new motor vehicle standards applicable under section 202 of the Clean Air Act at the time of manufacture to that type of vehicle.

SEC. 124. [1410a] (a) Any interested person may file with the Secretary a petition requesting him (1) to commence a proceeding respecting the issuance of an order pursuant to section 103 or to commence a proceeding to determine whether to issue an order pursuant to section 152(b) of this Act.

(b) Such petition shall set forth (1) facts which it is claimed establish that an order is necessary, and (2) a brief description of the substance of the order which it is claimed should be issued by the Secretary.

(c) The Secretary may hold a public hearing or may conduct such investigation or proceeding as he deems appropriate in order to determine whether or not such petition should be granted.

(d) Within 120 days after filing of a petition described in subsection (b), the Secretary shall either grant or deny the petition. If the Secretary grants such petition, he shall promptly commence the proceeding requested in the petition. If the Secretary denies such

petition he shall publish in the Federal Register his reasons for such denial.

(e) The remedies under this section shall be in addition to, and not in lieu of, other remedies provided by law.

SEC. 125. [1410b] (a) Not later than 60 days after the date of enactment of this section, the Secretary shall amend the Federal motor vehicle safety standard numbered 208 (49 CFR 571.208), so as to bring such standard into conformity with the requirements of paragraphs (1), (2), and (3) of subsection (b) of this section. Such amendment shall take effect not later than 120 days after the date of enactment of this section.

(b) After the effective date of the amendment prescribed under subsection (a):

(1) No Federal motor vehicle safety standard may—

(A) have the effect of requiring, or

(B) provide that a manufacturer is permitted to comply with such standard by means of,

any continuous buzzer designed to indicate that safety belts are not in use, or any safety belt interlock system.

(2) Except as otherwise provided in paragraph (3), no Federal motor vehicle safety standard respecting occupant restraint systems may—

(A) have the effect of requiring, or

(B) provide that a manufacturer is permitted to comply with such standard by means of,

an occupant restraint system other than a belt system.

(3)(A) Paragraph (2) shall not apply to a Federal motor vehicle safety standard which provides that a manufacturer is permitted to comply with such standard by equipping motor vehicles manufactured by him with either—

(i) a belt system, or

(ii) any other occupant restraint system specified in such standard.

(B) Paragraph (2) shall not apply to any Federal motor vehicle safety standard which the Secretary elects to promulgate in accordance with the procedure specified in subsection (c), unless it is disapproved by both Houses of Congress by concurrent resolution in accordance with subsection (d).

(C) Paragraph (2) shall not apply to a Federal motor vehicle safety standard if at the time of promulgation of such standard (i) the 60-day period determined under subsection (d) has expired with respect to any previously promulgated standard which the Secretary has elected to promulgate in accordance with subsection (c), and (ii) both Houses of Congress have not by concurrent resolution within such period disapproved such previously promulgated standard.

(c) The procedure referred to in subsection (b)(3)(B) and (C) in accordance with which the Secretary may elect to promulgate a standard is as follows:

(1) The standard shall be promulgated in accordance with section 103 of this Act, subject to the other provisions of this subsection.

(2) Section 553 of title 5, United States Code, shall apply to such standard; except that the Secretary shall afford interested persons an opportunity for oral as well as written presentation of data, views, or arguments. A transcript shall be kept of any oral presentation.

(3) The chairmen and ranking minority members of the House Interstate and Foreign Commerce Committee and the Senate Commerce Committee shall be notified in writing of any proposed standard to which this section applies. Any Member of Congress may make an oral presentation of data, views, or arguments under paragraph (2).

(4) Any standard promulgated pursuant to this subsection shall be transmitted to both Houses of Congress, on the same day and to each House while it is in session. In addition, such standard shall be transmitted to the chairmen and ranking minority members of the committees referred to in paragraph (3).

(d)(1) A standard which the Secretary has elected to promulgate in accordance with subsection (c) shall not be effective if during the first period of 60 calendar days of continuous session of Congress after the date of transmittal to Congress, both Houses of Congress pass a concurrent resolution the matter after the resolving clause of which reads as follows: "The Congress disapproves the Federal motor vehicle safety standard transmitted to Congress on———, 19—."; (the blank space being filled with date of transmittal of the standard to Congress). If both Houses do not pass such a resolution during such period, such standard shall not be effective until the expiration of such period (unless the standard specifies a later date).

(2) For purposes of this section—

(A) continuity of session of Congress is broken only by an adjournment sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 60-day period.

(e) This section shall not impair any right which any person may have to obtain judicial review of a Federal motor vehicle safety standard.

(f) For purposes of this section:

(1) The term "safety belt interlock" means any system designed to prevent starting or operation of a motor vehicle if one or more occupants of such vehicle are not using safety belts.

(2) The term "belt system" means an occupant restraint system consisting of integrated lap and shoulder belts for front outboard occupants and lap belts for other occupants. With respect to (A) motor vehicles other than passenger vehicles, (B) convertibles, and (C) open-body type vehicles, such term also includes an occupant restraint system consisting of lap belts or lap belts combined with detachable shoulder belts.

(3) The term "occupant restraint system" means a system the principal purpose of which is to assure that occupants of a motor vehicle remain in their seats in the event of a collision

or rollover. Such term does not include a warning device designed to indicate that seat belts are not in use.

(4) The term "continuous buzzer" means a buzzer other than a buzzer which operates only during the 8 second period after the ignition is turned to the "start" or "on" position.

PART B—DISCOVERY, NOTIFICATION, AND REMEDY OF MOTOR VEHICLE DEFECTS

NOTIFICATION RESPECTING MANUFACTURER'S FINDING OF DEFECT OR FAILURE TO COMPLY

SEC. 151. [1411] If a manufacturer—

(1) obtains knowledge that any motor vehicle or item of replacement equipment manufactured by him contains a defect and determines in good faith that such defect relates to motor vehicle safety; or

(2) determines in good faith that such vehicle or item of replacement equipment does not comply with an applicable Federal motor vehicle safety standard prescribed pursuant to section 103 of this Act;

he shall furnish notification to the Secretary and to owners, purchasers, and dealers, in accordance with section 153, and he shall remedy the defect or failure to comply in accordance with section 154.

NOTIFICATION RESPECTING SECRETARY'S FINDING OF DEFECT OR FAILURE TO COMPLY

SEC. 152. [1412] (a) If through testing, inspection, investigation, or research carried out pursuant to this Act, or examination of communications under section 158(a)(1), or otherwise, the Secretary determines that any motor vehicle or item of replacement equipment—

(1) does not comply with an applicable Federal motor vehicle safety standard prescribed pursuant to section 103 of this Act; or

(2) contains a defect which relates to motor vehicle safety;

he shall immediately notify the manufacturer of such motor vehicle or item of replacement equipment of such determination, and shall publish notice of such determination in the Federal Register. The notification to the manufacturer shall include all information upon which the determination of the Secretary is based. Such notification (including such information) shall be available to any interested person, subject to section 158(a)(2)(B). The Secretary shall afford such manufacturer an opportunity to present data, views, and arguments to establish that there is no defect or failure to comply or that the alleged defect does not affect motor vehicle safety; and shall afford other interested persons an opportunity to present data, views, and arguments respecting the determination of the Secretary.

(b) If, after such presentations by the manufacturer and interested persons, the Secretary determines that such vehicle or item of replacement equipment does not comply with an applicable Federal

motor vehicle safety standard, or contains a defect which relates to motor vehicle safety, the Secretary shall order the manufacturer (1) to furnish notification respecting such vehicle or item of replacement equipment to owners, purchasers, and dealers in accordance with section 153, and (2) to remedy such defect or failure to comply in accordance with section 154.

CONTENTS, TIME, AND FORM OF NOTICE

SEC. 153. [1413] (a) The notification required by section 151 or 152 respecting a defect in or failure to comply of a motor vehicle or item of replacement equipment shall contain, in addition to such other matters as the Secretary may prescribe by regulation—

(1) a clear description of such defect or failure to comply;

(2) an evaluation of the risk to motor vehicle safety reasonably related to such defect or failure to comply;

(3) a statement of the measures to be taken to obtain remedy of such defect or failure to comply;

(4) a statement that the manufacturer furnishing the notification will cause such defect or failure to comply to be remedied without charge pursuant to section 154;

(5) the earliest date (specified in accordance with the second and third sentences of section 154(b)(2)) on which such defect or failure to comply will be remedied without charge and, in the case of tires, the period during which such defect or failure to comply will be remedied without charge pursuant to section 154; and

(6) a description of the procedure to be followed by the recipient of the notification in informing the Secretary whenever a manufacturer, distributor, or dealer fails or is unable to remedy without charge such defect or failure to comply.

(b) The notification required by section 151 or 152 shall be furnished—

(1) within a reasonable time after the manufacturer first makes a determination with respect to a defect or failure to comply under section 151; or

(2) within a reasonable time (prescribed by the Secretary) after the manufacturer's receipt of notice of the Secretary's determination pursuant to section 152 that there is a defect or failure to comply.

(c) The notification required by section 151 or 152 with respect to a motor vehicle or item of replacement equipment shall be accomplished—

(1) in the case of a motor vehicle, by first class mail to each person who is registered under State law as the owner of such vehicle and whose name and address is reasonably ascertainable by the manufacturer through State records or other sources available to him;

(2) in the case of a motor vehicle, by first class mail to the first purchaser (or if a more recent purchaser is known to the manufacturer, to the most recent purchaser known to the manufacturer) of each such vehicle containing such defect or failure to comply, unless the registered owner (if any) of such vehicle was notified under paragraph (1);

(3) in the case of an item of replacement equipment (other than a tire), (A) by first class mail to the most recent purchaser known to the manufacturer; and (B) if the Secretary determines that it is necessary in the interest of motor vehicle safety, by public notice in such manner as the Secretary may order after consultation with the manufacturer;

(4) in the case of a tire (A) by first-class mail to the most recent purchaser known to the manufacturer; and (B) by public notice in such manner as the Secretary may order after consultation with the manufacturer, if the Secretary determines that such public notice is necessary in the interest of motor vehicle safety, after considering (i) the magnitude of the risk to motor vehicle safety caused by the defect or failure to comply; and (ii) the cost of such public notice as compared to the additional number of owners who could be notified as a result of such public notice;

(5) by certified mail or other more expeditious means to the dealer or dealers of such manufacturer to whom such motor vehicle or replacement equipment was delivered; and

(6) by certified mail to the Secretary, if section 151 applies.

In the case of a tire which contains a defect or failure to comply, the manufacturer who is required to provide notification by first-class mail under paragraph (4)(A) may elect to provide such notification by certified mail.

REMEDY OF DEFECT OR FAILURE TO COMPLY

SEC. 154. [1414] (a)(1) If notification is required under section 151 or by an order under section 152(b) with respect to any motor vehicle or item of replacement equipment which fails to comply with an applicable Federal motor vehicle safety standard or contains a defect which relates to motor vehicle safety, then the manufacturer of each such motor vehicle or item of replacement equipment presented for remedy pursuant to such notification shall cause such defect or failure to comply in such motor vehicle or such item of replacement equipment to be remedied without charge. In the case of notification required by an order under section 152(b), the preceding sentence shall not apply during any period during which enforcement of the order has been restrained in an action to which section 155(a) applies or if such order has been set aside in such an action.

(2)(A) In the case of a motor vehicle presented for remedy pursuant to such notification, the manufacturer (subject to subsection (b) of this section) shall cause the vehicle to be remedied by whichever of the following means he elects:

(i) By repairing such vehicle.

(ii) By replacing such motor vehicle without charge with an identical or reasonably equivalent vehicle.

(iii) By refunding the purchase price of such motor vehicle in full, less a reasonable allowance for depreciation.

Replacement or refund may be subject to such conditions imposed by the manufacturer as the Secretary may permit by regulation.

(B) In the case of an item of replacement equipment the manufacturer shall (at his election) cause either the repair of such item

of replacement equipment, or the replacement of such item of replacement equipment without charge with an identical or reasonably equivalent item of replacement equipment.

(3) The dealer who effects remedy pursuant to this section without charge shall receive fair and equitable reimbursement for such remedy from the manufacturer.

(4) The requirement of this section that remedy be provided without charge shall not apply if the motor vehicle or item of replacement equipment was purchased by the first purchaser more than 8 calendar years (3 calendar years in the case of a tire, including an original equipment tire) before (A) notification respecting the defect or failure to comply is furnished pursuant to section 151, or (B) the Secretary orders such notification under section 152, whichever is earlier.

(5)(A) The manufacturer of a tire (including an original equipment tire) presented for remedy by an owner or purchaser pursuant to notification under section 153 shall not be obligated to remedy such tire if such tire is not presented for remedy during the 60-day period beginning on the later of (i) the date on which the owner or purchaser received such notification or (ii) if the manufacturer elects replacement, the date on which the owner or purchaser received notice that a replacement tire is available.

(B) If the manufacturer elects replacement and if a replacement tire is not in fact available during the 60-day period, then the limitation under subparagraph (A) on the manufacturer's remedy obligation shall be applicable only if the manufacturer provides a notification (subsequent to the notification provided under subparagraph (A)(ii)) that replacement tires are to be available during a later 60-day period (beginning after such subsequent notification), and in that case the manufacturer's obligation shall be limited to tires presented for remedy during the later 60-day period if the tires are in fact available during that period.

(b)(1) Whenever a manufacturer has elected under subsection (a) to cause the repair of a defect in a motor vehicle or item of replacement equipment or of a failure of such vehicle or item of replacement equipment to comply with a motor vehicle safety standard, and he has failed to cause such defect or failure to comply to be adequately repaired within a reasonable time, then (A) he shall cause the motor vehicle or item of replacement equipment to be replaced with an identical or reasonably equivalent vehicle or item of replacement equipment without charge, or (B) (in the case of a motor vehicle and if the manufacturer so elects) he shall cause the purchase price to be refunded in full, less a reasonable allowance for depreciation. Failure to adequately repair a motor vehicle or item of replacement equipment within 60 days after tender of the motor vehicle or item of replacement equipment for repair shall be prima facie evidence of failure to repair within a reasonable time; unless prior to the expiration of such 60-day period the Secretary, by order, extends such 60-day period for good cause shown and published in the Federal Register.

(2) For purposes of this subsection, the term "tender" does not include presenting a motor vehicle or item of replacement equipment for repair prior to the earliest date specified in the notifica-

tion pursuant to section 153(a) on which such defect or failure to comply will be remedied without charge, or (if notification was not afforded pursuant to section 153(a)) prior to the date specified in any notice required to be given under section 155(d). In either case, such date shall be specified by the manufacturer and shall be the earliest date on which parts and facilities can reasonably be expected to be available. Such date shall be subject to disapproval by the Secretary.

(c) The manufacturer shall file with the Secretary a copy of his program pursuant to this section for remedying any defect or failure to comply, and the Secretary shall make the program available to the public. Notice of such availability shall be published in the Federal Register.

ENFORCEMENT OF NOTIFICATION AND REMEDY ORDERS

SEC. 155. [1415] (a) An action under section 110(a) to restrain a violation of an order issued under section 152(b), or under section 109 to collect a civil penalty with respect to a violation of such an order, or any other civil action with respect to such an order, may be brought only in the United States district court for the District of Columbia or the United States district court for a judicial district in the State of incorporation (if any) of the manufacturer to which the order applies; unless on motion of any party the court orders a change of venue to any other district court for good cause shown. All actions (including enforcement actions) brought with respect to the same order under section 152(b) shall be consolidated in an action in a single judicial district, in accordance with an order of the court in which the first such action is brought (or if such first action is transferred to another court, by order of such other court).

(b) If a civil action which relates to an order under section 152(b), and to which subsection (a) of this section applies, has been commenced, the Secretary may order the manufacturer to issue a provisional notification which shall contain—

(A) a statement that the Secretary has determined that a defect which relates to motor vehicle safety, or failure to comply with a Federal motor vehicle safety standard, exists, and that the manufacturer is contesting such determination in a proceeding in a United States district court,

(B) a clear description of the Secretary's stated basis for his determination that there is such a defect or failure,

(C) the Secretary's evaluation of the risk to motor vehicle safety reasonably related to such defect or failure to comply,

(D) any measures which in the judgment of the Secretary are necessary to avoid an unreasonable hazard resulting from the defect or failure to comply,

(E) a statement that the manufacturer will cause such defect or failure to comply to be remedied without charge pursuant to section 154, but that this obligation of the manufacturer is conditioned on the outcome of the court proceeding, and

(F) such other matters as the Secretary may prescribe by regulation or in such order.

Issuance of notification under this subsection does not relieve the manufacturer of any liability for failing to issue notification required by an order under section 152(b).

(c)(1) If a manufacturer fails to notify owners or purchasers in accordance with section 153(c) within the period specified under section 153(b), the court may hold him liable for a civil penalty with respect to such failure to notify, unless the manufacturer prevails in an action described in subsection (a) of this section or unless the court in such an action restrains the enforcement of such order (in which case he shall not be liable with respect to any period for which the effectiveness of the order was stayed). The court shall restrain the enforcement of such an order only if it determines, (A) that the failure to furnish notification is reasonable, and (B) that the manufacturer has demonstrated that he is likely to prevail on the merits.

(2) If a manufacturer fails to notify owners or purchasers as required by an order under subsection (b) of this section, the court may hold him liable for a civil penalty without regard to whether or not he prevails in an action (to which subsection (a) applies) with respect to the validity of the order issued under section 152(b).

(d) If (i) a manufacturer fails within the period specified in section 153(b) to comply with an order under section 152(b) to afford notification to owners and purchasers, (ii) a civil action to which subsection (a) applies is commenced with respect to such order, and (iii) the Secretary prevails in such action, then the Secretary shall order the manufacturer—

(1) to afford notice (which notice may be combined with any notice required by an order under section 152(b)) to each owner, purchaser, and dealer described in section 153(c) of the outcome of the proceeding and containing such other information as the Secretary may require;

(2) to specify (in accordance with the second and third sentences of section 154(b)) the earliest date on which such defect or failure will be remedied without charge; and

(3) if notification was required under subsection (b) of this section, to reimburse such owner or purchaser for any reasonable and necessary expenses (not in excess of any amount specified in the order of the Secretary) which are incurred (A) by such owner or purchaser; (B) for the purpose of repairing the defect or failure to comply to which the order relates; and (C) during the period beginning on the date such notification under subsection (b) was required to be issued and ending on the date such owner or purchaser receives notification pursuant to this subsection.

REASONABLENESS OF NOTIFICATION AND REMEDY

SEC. 156. [1416] Upon petition of any interested person or on his own motion, the Secretary may hold a hearing in which any interested person (including a manufacturer) may make oral (as well as written) presentations of data, views, and arguments on the question of whether a manufacturer has reasonably met his obligation to notify under section 151 or 152, and to remedy a defect or failure to comply under section 154. If the Secretary determines

the manufacturer has not reasonably met such obligation, he shall order the manufacturer to take specified action to comply with such obligation; and, in addition, the Secretary may take any other action authorized by this title.

EXEMPTION FOR INCONSEQUENTIAL DEFECT OR FAILURE TO COMPLY

SEC. 157. [1417] Upon application of a manufacturer, the Secretary shall exempt such manufacturer from any requirement under this part to give notice with respect to, or to remedy, a defect or failure to comply, if he determines, after notice in the Federal Register and opportunity for interested persons to present data, views, and arguments, that such defect or failure to comply is inconsequential as it relates to motor vehicle safety.

INFORMATION, DISCLOSURE, AND RECORDKEEPING

SEC. 158. [1418] (a)(1) Every manufacturer shall furnish to the Secretary a true or representative copy of all notices, bulletins, and other communications to the dealers of such manufacturer or to owners or purchasers or motor vehicle or replacement equipment produced by such manufacturer regarding any defect or failure to comply in such vehicle or equipment which is sold or serviced.

(2)(A) Except as provided in subparagraph (B), the Secretary shall disclose to the public so much of any information which is obtained under this Act and which relates to a defect which relates to motor vehicle safety or to a failure to comply with an applicable Federal motor vehicle safety standard, as he determines will assist in carrying out the purposes of this part or as may be required by section 152.

(B) Any information described in subparagraph (A) which contains or relates to a trade secret or other matter referred to in section 1905 of title 18, United States Code, shall be considered confidential for purposes of that section and shall not be disclosed; unless the Secretary determines that disclosure of such information is necessary to carry out the purposes of this title.

(C) Any obligation to disclose information under this paragraph shall be in addition to and not in lieu of the requirements of section 552 of title 5, United States Code.

(b)(1) Every manufacturer of motor vehicles or tires except the manufacturer of tires which have been retreaded, shall cause the establishment and maintenance of records of the name and address of the first purchaser of each motor vehicle and tire produced by such manufacturer. To the extent required by regulations of the Secretary, every manufacturer of motor vehicles or tires except the manufacturer of tires which have been retreaded, shall cause the establishment and maintenance of records of the name and address of the first purchaser of each item of replacement equipment other than a tire produced by such manufacturer. The Secretary may, by rule, specify the records to be established and maintained, and reasonable procedures to be followed by manufacturers in establishing and maintaining such records, including procedures to be followed by distributors and dealers to assist manufacturers to secure the information required by this subsection; except that the availabil-

ity or not of such assistance shall not affect the obligation of manufacturers under this subsection. Such procedures shall be reasonable for the particular type of motor vehicle or tires for which they are prescribed, and shall provide reasonable assurance that customer lists of any dealer and distributor, and similar information, will not be made available to any person other than the dealer or distributor, except where necessary to carry out the purpose of this part.

(2)(A) Except as provided in paragraph (3), the Secretary shall not have any authority to establish any rule which requires a dealer or distributor to complete or compile the records and information specified in paragraph (1) if the business of such dealer or distributor is not owned or controlled by a manufacturer of tires.

(B) The Secretary shall require each dealer and distributor whose business is not owned or controlled by a manufacturer to tires to furnish the first purchaser of a tire with a registration form (containing the tire identification number of the tire) which the purchaser may complete and return directly to the manufacturer of the tire. The contents and format of such forms shall be established by the Secretary and shall be standardized for all tires. Sufficient copies of such forms shall be furnished to such dealers and distributors by manufacturers of tires.

(3)(A) At the end of the two-year period following the effective date of this paragraph (and from time to time thereafter), the Secretary shall evaluate the extent to which the procedures established in paragraph (2) have been successful in facilitating the establishment and maintenance of records regarding the first purchasers of tires.

(B)(i) The Secretary, upon completion of any evaluation under subparagraph (A), shall determine (I) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which dealers and distributors have complied with the procedures established in paragraph (2); and (II) whether to impose upon manufacturers, dealers, or distributors (or any combination of such groups) any requirements which the Secretary determines will result in a significant increase in the percentage of first purchasers of tires with respect to whom records would be established and maintained.

(ii) Manufacturers of tires shall reimburse dealers and distributors for all reasonable costs incurred by them in order to comply with any requirement imposed by the Secretary under clause (i).

(iii) The Secretary may order by rule the imposition of requirements under clause (i) only if the Secretary determines that such requirements are necessary to reduce the risk to motor vehicle safety, after considering (I) the cost of such requirements to manufacturers and the burden of such requirements upon dealers and distributors, as compared to the additional percentage of first purchasers of tires with respect to whom records would be established and maintained as a result of the imposition of such requirements; and (II) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which dealers and distributors have complied with the procedures established in paragraph (2).

(iv) The Secretary, upon making any determination under clause (i), shall submit a report to each House of the Congress containing a detailed statement of the nature of such determination, together with an explanation of the grounds for such determination.

DEFINITIONS

SEC. 159. [1419] For purposes of this part:

(1) The retreader of tires shall be deemed the manufacturer of tires which have been retreaded, and the brand name owner of tires marketed under a brand name not owned by the manufacturer of the tire shall be deemed the manufacturer of tires marketed under such brand name.

(2) Except as otherwise provided in regulations of the Secretary:

(A) The term "original equipment" means an item of motor vehicle equipment (including a tire) which was installed in or on a motor vehicle at the time of its delivery to the first purchaser.

(B) The term "replacement equipment" means motor vehicle equipment (including a tire) other than original equipment.

(C) A defect in, or failure to comply of, an item of original equipment shall be deemed to be a defect in, or failure to comply of, the motor vehicle in or on which such equipment was installed at the time of its delivery to the first purchaser.

(D) If the manufacturer of a motor vehicle is not the manufacturer of original equipment installed in or on such vehicle at the time of its delivery to the first purchaser, the manufacturer of the vehicle (rather than the manufacturer of such equipment) shall be considered the manufacturer of such item of equipment.

(3) The term "first purchaser" means first purchaser for purposes other than resale.

(4) The term "adequate repair" does not include any repair which results in substantially impaired operation of a motor vehicle or item of replacement equipment.

EFFECT ON OTHER LAWS

SEC. 160. [1420] The provisions of this part shall not create or affect any warranty obligation under State or Federal law. Consumer remedies under this part are in addition to, and not in lieu of, any other right or remedy under State or Federal law.

TITLE II—TIRE SAFETY

SEC. 201. [1421] In all standards for pneumatic tires established under title I of this Act, the Secretary shall require that tires subject thereto be permanently and conspicuously labeled with such safety information as he determines to be necessary to carry out the purposes of this Act. Such labeling shall include—

(1) suitable identification of the manufacturer, or in the case of a retreaded tire suitable identification of the retreader, unless the tire contains a brand name other than the name of the manufacturer in which case it shall also contain a code mark which would permit the seller of such tire to identify the manufacturer thereof to the purchaser upon his request.

(2) the composition of the material used in the ply of the tire.

(3) the actual number of plies in the tire.

(4) the maximum permissible load for the tire.

(5) a recital that the tire conforms to Federal minimum safe performance standards, except that in lieu of such recital the Secretary may prescribe an appropriate mark or symbol for use by those manufacturers or retreaders who comply with such standards.

The Secretary may require that additional safety related information be disclosed to the purchaser of a tire at the time of sale of the tire.

SEC. 202. [1422] In standards established under title I of this Act the Secretary shall require that each motor vehicle be equipped by the manufacturer or by the purchaser thereof at the time of the first purchase thereof in good faith for purposes other than resale with tires which meet the maximum permissible load standards when such vehicle is fully loaded with the maximum number of passengers it is designed to carry and a reasonable amount of luggage.

SEC. 203. [1423] In order to assist the consumer to make an informed choice in the purchase of motor vehicle tires, within two years after the enactment of this title, the Secretary shall, through standards established under title I of this Act, prescribe by order, and publish in the Federal Register, a uniform quality grading system for motor vehicle tires. Such order shall specify the date such system is to take effect which shall not be sooner than one hundred and eighty days or later than one year from the date such order is issued, unless the Secretary finds, for good cause shown, that an earlier or later effective date is in the public interest, and publishes his reasons for such finding. The Secretary shall also cooperate with industry and the Federal Trade Commission to the maximum extent practicable in efforts to eliminate deceptive and confusing tire nomenclature and marketing practices.

SEC. 204. [1424] (a) No person shall sell, offer for sale, or introduction for sale, or deliver for introduction in interstate commerce,

any tire or motor vehicle equipped with any tire which has been regrooved, except that the Secretary may by order permit the sale, offer for sale, introduction for sale, or delivery for introduction in interstate commerce, of regrooved tires and motor vehicles equipped with regrooved tires which he finds are designed and constructed in a manner consistent with the purposes of this Act.

(b) Violations of this section shall be subject to civil penalties and injunction in accordance with sections 109 and 110 of this Act.

(c) For the purposes of this section the term "regrooved tire" means a tire on which a new tread has been produced by cutting into the tread of a worn tire.

SEC. 205. [1425] In the event of any conflict between the requirements of orders or regulations issued by the Secretary under this title and title I of this Act applicable to motor vehicle tires and orders or administrative interpretations issued by the Federal Trade Commission, the provisions of orders or regulations issued by the Secretary shall prevail.

SEC. 206. [1426] The Secretary shall, not later than one year after the date of enactment of this section, establish safety standards under title I of this Act setting limits on the age of tire carcasses which can be retreaded. Such standards shall establish varying age limits for such carcasses based on the extent to which the carcass was designed and constructed to be retreaded, the rate of deterioration of the materials in such tire, and such other factors as he determines necessary to carry out the purposes of this Act.

TITLE III—RESEARCH AND TEST FACILITIES

SEC. 301. [1431] (a) The Secretary of Transportation is authorized to plan, design, and construct (including the alteration of existing facilities) facilities suitable to conduct research, development, and compliance and other testing in traffic safety (including highway safety and motor vehicle safety), except that no appropriation shall be made for any such planning, designing, or construction involving an expenditure in excess of $100,000 if such planning, designing, or construction has not been approved by resolutions adopted in substantially the same form by the Committees on Interstate and Foreign Commerce and on Public Works of the House of Representatives, and by the Committees on Commerce and on Public Works of the Senate. For the purpose of securing consideration of such approval the Secretary shall transmit to Congress a prospectus of the proposed facility including (but not limited to)—

(1) a brief description of the facility to be planned, designed, or constructed;

(2) the location of the facility, and an estimate of the maximum cost of the facility;

(3) a statement of those agencies, private and public, which will use such facility, together with the contribution to be made by each such agency toward the cost of such facility; and

(4) a statement of justification of the need for such facility.

(b) The estimated maximum cost of any facility approved under this section as set forth in the prospectus may be increased by the amount equal to the percentage increase, if any, as determined by the Secretary, in construction costs, from the date of the transmittal of such prospectus to Congress, but in no event shall the increase authorized by this subsection exceed 10 per centum of such estimated maximum cost.

Sec. 401. The Act entitled "An Act to provide for a register in the Department of Commerce* in which shall be listed the names of certain persons who have had their motor vehicle operator's license revoked," approved July 14, 1960, as amended (74 Stat. 526; 23 U.S.C. 313 note), is hereby amended to read as follows: "That the Secretary of Commerce shall establish and maintain a register identifying each individual reported to him by a State, or political subdivision thereof, as an individual with respect to whom such State or political subdivision has denied, terminated, or temporarily withdrawn (except a withdrawal for less than six months based on a series of nonmoving violations) an individual's license or privilege to operate a motor vehicle.

"Sec. 2. Only at the request of a State, a political subdivision thereof, or a Federal department or agency, shall the Secretary furnish information contained in the register established under the first section of this Act, and such information shall be furnished only to the requesting party and only with respect to an individual applicant for a motor vehicle operator's license or permit.

"Sec. 3. As used in this Act, the term 'State' includes each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands, the Canal Zone, and American Samoa."

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*This Act is now administered by the U.S. Department of Transportation.

This title was effectively repealed and replaced by the Act of Oct. 25, 1982, P.L. 97-364, Title II, §§201-211, 96 Stat. 1740-1747 (*see* 23 U.S.C. §401 note.). A transition from the provision enacted on Sept. 9, 1966 to the provision enacted on Oct. 25, 1982 was provided in the 1982 Act, pursuant to §203(c)(1)-(2) of the 1982 Act.

Miscellaneous Traffic and Motor Vehicle Safety Provisions

Section 41 of the Surface Transportation Assistance Act of 1982, As Amended [49 U.S.C. Appx §2314]

Splash and Spray Suppressant Devices

SEC. 414. (a) The Congress declares that visibility on wet roadways on the Interstate System should be improved by reducing, by a practicable and reliable means, splash and spray from truck tractors, semitrailers, and trailers.

(b) The Secretary shall by regulation--

(1) within one year after the date of the enactment of this title, establish minimum standards with respect to the performance and installation of splash and spray suppression devices for use on truck tractors, semitrailers, or trailers;

(2) within one year after the date on which the standards are established under paragraph (1) of this subsection, require that all new truck tractors, semitrailers, and trailers operated on the Interstate System be equipped with any splash and spray suppression device which satisfies the standards established pursuant to paragraph (1) of this subsection; and

(3) within four years after the date on which the standards are established under paragraph (1) of this subsection, require that all truck trailers, semitrailers, and trailers operated on the Interstate System be equipped with any splash and spray suppression device which satisfies the standards established pursuant to paragraph (1) of this subsection.

(c) For the purposes of this section, the term--

(1) "truck tractor" means the noncargo carrying power unit that operates in combination with a semitrailer or trailer(s);

(2) "semitrailer" and "trailer" mean any semitrailer or trailer, respectively, with respect to which section 422 of this title applies; and

(3) "Interstate System" has the same meaning provided in section 101 of title 23, United States Code.

Section-by-Section Legislative History Summary National Traffic and Motor Vehicle Safety Act of 1966, As Amended

Section 1. Sept. 9, 1966, P.L. 89-563, §1, 80 Stat. 718.

Title I—Motor Vehicle Safety Standards

Section 101. Sept. 9, 1966, P.L. 89-563, §1, 80 Stat. 718.

Part A—General Provisions

Section 102. Sept. 9, 1966, P.L. 89-563, Title I, Part A, §102, 80 Stat. 718; May 22, 1970, P.L. 91-265, §2, 84 Stat. 262; Oct. 27, 1974, P.L. 93-492, Titles I, §§102(b)(1), 110(a), Title II, §201, 88 Stat. 1477, 1484.

Section 103. Sept. 9, 1966, P.L. 89-563, Title I, Part A, §103, 80 Stat. 719; Oct. 27, 1974, P.L. 93-492, Title I, II, §§102(b)(1), 202, 88 Stat. 1477, 1484; July 8, 1976, P.L. 94-346, §§2, 3, 90 Stat. 815; Oct 15, 1982, P.L. 97-331, §3, 96 Stat. 1619.

An uncodified ratification of the Fuel System Integrity Standard was provided by the Act of Oct. 27, 1974, P.L. 93-492, Title I, §108, 88 Stat. 1482.

Section 104. Repealed. This section [enacted Sept. 9, 1966, P.L. 89-563,Title I, Part A, §104, 80 Stat. 720; Oct. 27, 1974, P.L. 93-492, Title I, §§102(b)(1), 107(a), 88 Stat. 1477, 1481] was repealed, effective Oct. 1, 1977, by the Act of Oct. 27, 1974, P.L. 93-492, Title I, §107(b), 88 Stat 1482.

Section 105. Sept. 9, 1966, P.L. 89-563, Title I, Part A, §105, 80 Stat. 720; Oct. 27, 1974, P.L. 93-492, Title I, §102(b)(1), 88 Stat. 1477.

Section 106. Sept. 9, 1966, P.L. 89-563, Title I, Part A, §106, 80 Stat. 721; Oct. 27, 1974, P.L. 93-492, Title I, §102(b)(1), 88 Stat. 1477.

Section 107. Sept. 9, 1966, P.L. 89-563, Title I, Part A, §107, 80 Stat. 721; Oct. 27, 1974, P.L. 93-492, Title I, §102(b)(1), 88 Stat. 1477.

Section 108. Sept. 9, 1966, P.L. 89-563, Title I, Part A, §108, 80 Stat.722; Oct. 27, 1974, P.L. 93-492, Title I, §§102(b)(1), 103(a), Title II, 203, 88 Stat. 1477, 1485.

Section 109. Sept. 9, 1966, P.L. 89-563, Title I, Part A, §109, 80 Stat. 723; Oct. 27, 1974, P.L. 93-492, Title I, §§102(b)(1), 103(b), 88 Stat. 1478.

Section 110. Sept. 9, 1966, P.L. 89-563, Title I, Part A, §110, 80 Stat. 723; Oct.27, 1974, P.L. 93-492, Title I, §§102(b), 103(c), 88 Stat. 1477, 1478.

Section 111. Sept. 9, 1966, P.L. 89-563, Title I, Part A, §111, 80 Stat. 724; Oct. 27, 1974, P.L. 93-492, Title I, §102(b)(1), 88 Stat. 1477.

Section 112. Sept. 9, 1966, P.L. 89-563, Title I, Part A, §112, 80 Stat. 725; May 22, 1970, P.L. 91-265, §3, 84 Stat. 262; Oct. 27, 1974, P.L. 93-492, Title I, §§102(b)(1), 104, 88 Stat. 1477, 1478.

Section 113. This section [enacted Sept. 9, 1966, P.L. 89-563, Title I, Part A, §113, 80 Stat. 725; May 22, 1970, P.L. 91-265, §4(a)-(c), 84 Stat. 262] was repealed and replaced by the Act of Oct. 27, 1974, P.L. 93-492, Title I, §§102(b)(1), 105, 88 Stat. 1477, 1480.

Section 114. Sept. 9, 1966, P.L. 89-563, Title I, Part A, §114, 80 Stat. 726; Oct. 27, 1974, P.L. 93-492, Title I, §102(b)(1), 88 Stat. 1477.

Section 115. This section [enacted Sept. 9, 1966, P.L. 89-563, Title I, Part A, §115, 80 Stat. 727; Oct. 15, 1966, P.L. 89-670, §8(i), 80 Stat. 943; Sept. 11, 1967, P.L. 90-83, §10(b), 81 Stat. 223] has been effectively replaced by provisions of §201 of the Highway Safety Act of 1970, P.L. 91-605, 84 Stat. 1739 (see Appendix A in Volume V of this legislative history, "Administration of the National Traffic and Motor Vehicle Safety Act of 1966, As Amended). As a result, this section is no longer classified to the United States Code.

Section 116. Sept. 9, 1966, P.L. 89-563, Title I, Part A, §116, 80 Stat. 727; Oct. 27, 1974, P.L. 93-492, Title I, §102(b)(1), 88 Stat. 1477.

Section 117. Subsection (a) of this section [Act of Sept. 9, 1966, P.L. 89-563, Title I, §117(a), 80 Stat. 727] repealed:

1. The Act of Sept. 5, 1962, P.L. 87-637, §§1-3, 76 Stat. 437, which provided for the promulgation of standards for hydraulic brake fluid used in motor vehicles and set the penalty for the unlawful sale, importation, or introduction into commerce of fluid not meeting the published standards (see 15 U.S.C. §§1301-1303 note); and

2. The Act of Dec. 13, 1963, P.L. 88-201, §§1-3, 77 Stat. 361, which provided for the promulgation of standards for seat belts in motor vehicles and set the penalty for the unlawful sale, importation, or introduction into commerce of seat belts not meeting the published standards (see 15 U.S.C. §§1321-1323 note.

Section 118. Sept. 9, 1966, P.L. 89-563, Title I, Part A, §118, 80 Stat. 728; Oct. 27, 1974, P.L. 93-492, Title I, §102(b)(1), 88 Stat. 1477.

Section 119. Sept. 9, 1966, P.L. 89-563, Title I, Part A, §119, 80 Stat. 728; Oct. 27, 1974, P.L. 93-492, Title I, §102(b)(1), 88 Stat. 1477.

Section 120. Sept. 9, 1966, P.L. 89-563, Title I, Part A, §120, 80 Stat. 728; May 22, 1970, P.L. 91-265, §5, 84 Stat. 263; Oct. 27, 1974, P.L. 93-492, Title I, §§102(b)(1), 110(b), 88 Stat. 1484.

Section 121. Sept. 9, 1966, P.L. 89-563, Title I, Part A, §121, 80 Stat. 728; May 22, 1970, P.L. 91-265, §1, 84 Stat. 262; Oct. 25, 1972, P.L. 92-548, §2, 86 Stat. 1159; Oct. 27, 1974, P.L. 93-492, Title I, §§101, 102(b)(1), 88 Stat. 1470, 1477; July 8, 1976, P.L. 94-346, §1, 90 Stat. 815; Oct. 15, 1982, P.L. 97-331, §2(a), 96 Stat. 1619.

Section 122. Sept. 9, 1966, P.L. 89-563, Title I, Part A, §122, 80 Stat. 728; Oct. 27, 1974, P.L. 93-492, Title I, §102(b)(1), 88 Stat. 1477; see also §114 of the Act of Sept. 9, 1966, P.L. 89-563, Title I, Part A, 80 Stat. 728.

Section 123. This section was added to the Act of Sept. 9, 1966, P.L. 89-563, Title I, Part A, in substitution for a former §123 enacted on April 10, 1968, P.L. 90-283, 82 Stat. 72, on Oct. 25, 1972, P.L. 92-548, §3, 86 Stat. 1159; Oct. 27, 1974, P.L. 93-492, Title I, §102(b)(1), 88 Stat. 1477.

Section 124. This section was added to the Act of Sept. 9, 1966, P.L. 89-563, Title I, Part A, on Oct. 27, 1974, P.L 93-492, Title I, §§102(b)(1), 106, 88 Stat. 1477, 1481.

Section 125. This section was added to the Act of Sept. 9, 1966, P.L. 89-563, Title I, Part A, on Oct 27, 1974, P.L. 93-492, Title I, §§102(b(1), 109, 88 Stat. 1477, 1482.

Part B—Discovery, Notification, and Remedy of Motor Vehicle Defects

Notification Respecting Manufacturer's Finding of Defect or Failure to Comply

Section 151. This section was added to the Act of Sept. 9, 1966, P.L. 89-563, Title I, Part B, on Oct. 27, 1974, P.L. 93-492, Title I, §102(a), 88 Stat. 1470.

Notification Respecting Secretary's Finding of Defect or Failure to Comply

Section 152. This section was added to the Act of Sept. 9, 1966, P.L. 89-563, Title I, Part B, on Oct. 27, 1974, P.L. 93-492, Title I, §102(a), 88 Stat. 1470.

Contents, Time, and Form of Notice

Section 153. This section was added to the Act of Sept. 9, 1966, P.L.89-563, Title I, Part B, on Oct. 27, 1974, P.L. 93-492, Title I, §102(a), 88 Stat.1471, and amended by the Act of Oct. 15, 1982, P.L. 97-331, §4(b), 96 Stat. 1620.

Remedy of Defect or Failure to Comply

Section 154. This section was added to the Act of Sept.9, 1966, P.L. 89-563, Title I, Part B, on Oct. 27, 1974, P.L. 93-492, Title I, §102(a), 88 Stat. 1472.

Enforcement of Notification and Remedy Orders

Section 155. This section was added to the Act of Sept. 9, 1966, P.L. 89-563, Title I, Part B, on Oct. 27, 1974, P.L. 93-492, Title I, §102(a), 88 Stat.1474, and amended by the Act of Nov. 8, 1984, P.L. 98-620, §402(17), 98 Stat. 3358.

Reasonableness of Notification and Remedy

Section 156. This section was added to the Act of Sept. 9, 1966, P.L. 89-563 ,Title I, Part B, on Oct. 27, 1974, P.L. 93-492, Title I, §102(a), 88 Stat. 1475.

Exemption for Inconsequential Defect or Failure to Comply

Section 157. This section was added to the Act of Sept. 9, 1966, P.L. 89-563, Title I, Part B, on Oct. 27, 1974, P.L. 93-492, Title I, §102(a), 88 Stat. 1475.

Information, Disclosure, and Recordkeeping

Section 158. This section was added to the Act of Sept. 9, 1966, P.L. 89-563, Title I, Part B, on Oct. 27, 1974, P.L. 93-492, Title I, §102(a), 88 Stat. 1475; Nov. 6, 1978, P.L. 95-599, Title III, §317, 92 Stat. 2752; Oct. 15, 1982, P.L. 97-331, §4(a), 96 Stat. 1619.

Definitions

Section 159. This section was added to the Act of Sept. 9, 1966, P.L. 89-563, Title I, Part B, on Oct. 27, 1974, P.L. 93-492, Title I, §102(a), 88 Stat. 1476.

Effect on Other Laws

Section 160. This section was added to the Act of Sept. 9, 1966, P.L. 89-563, Title I, Part B, on Oct. 27, 1974, P.L. 93-492, Title I, §102(a), 88 Stat. 1477.

Title II—Tire Safety

Section 201. Sept. 9, 1966, P.L. 89-563, Title II, §201, 80 Stat. 728.

Section 202. Sept. 9, 1966, P.L. 89-563, Title II, §202, 80 Stat. 729.

Section 203. Sept. 9, 1966, P.L. 89-563, Title II, §203, 80 Stat. 729.

Section 204. Sept. 9, 1966, P.L. 89-563, Title II, §204, 80 Stat. 729; Oct. 27, 1974, P.L. 93-492, Title I, §110(c), 88 Stat. 1484.

Section 205. Sept. 9, 1966, P.L.89-563, Title II, §205, 80 Stat. 729.

Section 206. This section was added to the Act of Sept. 9, 1966, P.L. 89-563, Title II, on May 22, 1970, P.L. 91-265, §6, 84 Stat. 263.

Title III—Research and Test Facilities

Section 301. This section [enacted Sept. 9, 1966, P.L. 89-563, Title III, §301, 80 Stat. 729] was repealed and replaced by the Act of May 22, 1970, P.L. 91-265, §7, 84 Stat. 263.

Title IV—National Driver Registration

Section 401. This section was enacted on Sept. 9, 1966, P.L. 89-563, Title IV, §401, 80 Stat. 730, and was preceded by the following Acts: July 14, 1960, P.L. 86-660, 74 Stat. 526; Oct. 14, 1961, P.L. 87-359, 75 Stat. 779 (see 23 U.S.C. §313 note). This section was effectively repealed and replaced by the Act of Oct. 25, 1982, P.L. 97-364, Title II, §§201-211, 96 Stat. 1740-1747 (see 23 U.S.C. §401 note). A transition from the provision as enacted on Sept. 9, 1966 to the provision enacted on Oct. 25, 1982 was provided in the 1982 Act, pursuant to §203(c)(1)-(2) of the 1982 Act.

Miscellaneous Traffic and Motor Vehicle Safety Provisions

Splash and Spray Suppressant Devices

Section 414 of the Surface Transportation Assistance Act of 1982 [49 U.S.C. Appx §2314]. Jan. 6, 1983, P.L. 97-424, Title IV, Part B, §414, 96 Stat. 2161; Oct. 30, 1984, P.L. 98-554, Title II, §223, 98 Stat. 2847.

GENERAL INDEX

References are to volume number and to page number. Thus, a reference to Volume II, page 35 will be listed as "II-35." References in brackets are to sections of the National Traffic and Motor Vehicle Safety Act of 1966, As Amended.

A

B

C

D

E

F

G

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I

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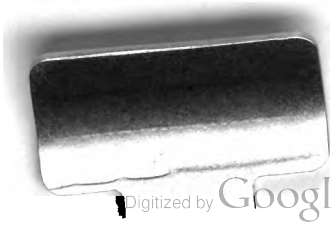

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