

Union Calendar No. 274

105TH CONGRESS
2^D SESSION

H. R. 2691

[Report No. 105-477]

To reauthorize and improve the operations of the National Highway Traffic Safety Administration.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 22, 1997

Mr. TAUZIN introduced the following bill; which was referred to the Committee on Commerce

APRIL 1, 1998

Additional sponsor: Mr. FORBES

APRIL 1, 1998

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 italics]

[For text of introduced bill, see copy of bill as introduced on October 22, 1997]

A BILL

To reauthorize and improve the operations of the National Highway Traffic Safety Administration.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “National Highway Traf-*
3 *fic Safety Administration Reauthorization Act of 1998”.*

4 **SEC. 2. AUTHORIZATIONS OF APPROPRIATIONS.**

5 (a) *MOTOR VEHICLE SAFETY ACTIVITIES.*—Section
6 *30104 of title 49, United States Code, is amended to read*
7 *as follows:*

8 **“§30104. Authorization of appropriations**

9 *“There is authorized to be appropriated to the Sec-*
10 *retary \$81,200,000 for the National Highway Traffic Safe-*
11 *ty Administration to carry out this part in each fiscal year*
12 *beginning in fiscal year 1999 and ending in fiscal year*
13 *2001.”.*

14 (b) *MOTOR VEHICLE INFORMATION ACTIVITIES.*—Sec-
15 *tion 32102 of title 49, United States Code, is amended to*
16 *read as follows:*

17 **“§32102. Authorization of appropriations**

18 *“There is authorized to be appropriated to the Sec-*
19 *retary \$6,200,000 for the National Highway Traffic Safety*
20 *Administration to carry out this part in each fiscal year*
21 *beginning in fiscal year 1999 and ending in fiscal year*
22 *2001.”.*

23 **SEC. 3. RESTRICTIONS ON LOBBYING ACTIVITIES.**

24 (a) *AMENDMENT.*—Subchapter I of chapter 301 of title
25 *49, United States Code, is amended by adding at the end*
26 *the following:*

1 **“§ 30105. Restriction on lobbying activities**

2 *“No funds appropriated to the Secretary pursuant to*
3 *section 30104 or 32102 may be available for any activity*
4 *specifically designed to urge a State or local legislator to*
5 *favor or oppose the adoption of any specific legislative pro-*
6 *posal pending before any State or local legislature.”.*

7 **(b) CLERICAL AMENDMENT.**—*The table of contents in*
8 *subchapter I of chapter 301 of title 49, United States Code,*
9 *is amended by adding at the end the following:*

“30105. Restriction on lobbying activities.”.

10 **SEC. 4. RISK AND BENEFIT DISCLOSURE.**

11 **(a) IN GENERAL.**—*Within one year of the date of the*
12 *enactment of this Act, the Secretary of Transportation shall*
13 *communicate to the public information regarding the rea-*
14 *sonable risks and benefits of any major device or element*
15 *of design to be installed on or in a motor vehicle or motor*
16 *vehicle equipment in compliance with a motor vehicle safety*
17 *standard issued under section 30111 of title 49, United*
18 *States Code, determined by the Secretary to be important*
19 *to the protection of motor vehicle occupants.*

20 **(b) NOTICE AND COMMENT.**—*In carrying out sub-*
21 *section (a), the Secretary of Transportation shall provide*
22 *notice that the Secretary is considering the means for carry-*
23 *ing out subsection (a) and shall provide opportunity for*
24 *comment on—*

1 (1) *the extent to which the information to be*
2 *communicated under subsection (a) can be commu-*
3 *nicated in a manner which is scientifically objective*
4 *and which relies upon scientific findings; and*

5 (2) *the extent to which such information can be*
6 *made available to consumers in a clear and easily*
7 *understandable format through the Internet, public li-*
8 *braries, and such other means as the Secretary may*
9 *deem appropriate.*

10 (c) *NO REQUIREMENT.*—*Unless the Secretary of*
11 *Transportation determines that it is essential to ensuring*
12 *motor vehicle safety, the Secretary may not require a manu-*
13 *facturer or distributor to distribute any statement of rea-*
14 *sonable risks and benefits which the Secretary is to commu-*
15 *nicate under subsection (a).*

16 **SEC. 5. OCCUPANT PROTECTION PREFERENCES.**

17 *Section 30111 of title 49, United States Code is*
18 *amended by inserting after subsection (e) the following:*

19 “(f) *SPECIAL CONSIDERATIONS RELATING TO OCCU-*
20 *PANT PROTECTION.*—*When prescribing or revising a motor*
21 *vehicle safety standard under this section or section 30127*
22 *relating to the protection of motor vehicle occupants under*
23 *this chapter, the Secretary shall, to the extent relevant and*
24 *practicable, design such standard to protect improperly re-*
25 *strained and positioned occupants only to the extent that*

1 *such a design would not substantially increase the risk of*
2 *injury to properly restrained and positioned occupants.”.*

3 **SEC. 6. ODOMETERS.**

4 (a) *TRANSFERS OF NEW MOTOR VEHICLES.*—Section
5 32705(a) of title 49, United States Code, is amended by
6 adding at the end the following:

7 “(4)(A) *This subsection shall apply to all transfers of*
8 *motor vehicles (unless otherwise exempted by the Secretary*
9 *by regulation), except in the case of transfers of new motor*
10 *vehicles from a vehicle manufacturer jointly to a dealer and*
11 *a person engaged in the business of renting or leasing vehi-*
12 *cles for a period of 30 days or less.*

13 “(B) *For purposes of subparagraph (A), the term ‘new*
14 *motor vehicle’ means any motor vehicle driven with no more*
15 *than the limited use necessary in moving, transporting, or*
16 *road testing such vehicle prior to delivery from the vehicle*
17 *manufacturer to a dealer, but in no event shall the odometer*
18 *reading of such vehicle exceed 300 miles.”.*

19 (b) *EXEMPTED VEHICLES.*—Section 32705(a) of title
20 49, United States Code, as amended by subsection (a), is
21 amended by adding at the end the following new paragraph:

22 “(5) *The Secretary may exempt such classes or cat-*
23 *egories of vehicles as the Secretary deems appropriate from*
24 *these requirements. Until such time as the Secretary*

1 *amends or modifies the regulations set forth in 49 CFR*
2 *580.6, such regulations shall have full force and effect.”.*

3 **SEC. 7. INTERNATIONAL HARMONIZATION.**

4 *(a) AMENDMENT.—Subchapter III of chapter 301 of*
5 *title 49, United States Code, is amended by adding at the*
6 *end the following:*

7 **“§30148. International motor vehicle safety outreach**

8 *“(a) ACTIVITIES.—The Secretary is authorized, in con-*
9 *sultation with the Secretaries of State and Commerce where*
10 *appropriate, to engage in activities that improve worldwide*
11 *motor vehicle safety through appropriate activities. Such*
12 *activities may include—*

13 *“(1) promoting the adoption of international*
14 *and national vehicle standards that are harmonized*
15 *with, functionally equivalent to, or compatible with*
16 *United States vehicle standards;*

17 *“(2) participating in efforts to foster an inter-*
18 *national acceptance of globally harmonized or func-*
19 *tionally equivalent or compatible motor vehicle regu-*
20 *lations and standards to otherwise improve inter-*
21 *national highway and motor vehicle safety;*

22 *“(3) promoting international cooperative pro-*
23 *grams for conducting research, development, dem-*
24 *onstration projects, training, and other forms of tech-*
25 *nology transfer and exchange, including safety con-*

1 *ferences, seminars, and expositions to enhance inter-*
2 *national motor vehicle safety; and*

3 *“(4) providing technical assistance to other coun-*
4 *tries relating to their adoption of United States vehi-*
5 *cle regulations or standards functionally equivalent to*
6 *United States vehicle standards.*

7 *“(b) COOPERATION.—The Secretary may carry out the*
8 *authority granted by this section, in cooperation with ap-*
9 *propriate United States Government agencies, any State or*
10 *local agency, and any authority, association, institution,*
11 *corporation (profit or nonprofit), foreign government, mul-*
12 *tinational institution, or any other organization or person.*

13 *“(c) CONSIDERATION.—When engaging in activities to*
14 *improve worldwide motor vehicle safety, the Secretary shall*
15 *ensure that these activities maintain or improve the level*
16 *of safety of motor vehicles and motor vehicle equipment sold*
17 *in the United States.*

18 *“(d) PUBLIC MEETINGS AND INFORMATION.—To en-*
19 *sure public awareness of, and opportunity to comment on,*
20 *decision-making meetings concerning the adoption of a*
21 *globally harmonized motor vehicle regulation or standard,*
22 *described in subsection (a)(2), by an international body or*
23 *representatives of any foreign nation the Secretary shall—*

24 *“(1) not less than quarterly, provide notice of,*
25 *and hold a public meeting to receive comments on the*

1 *subject matter of, any decision-making meetings*
2 *scheduled to be held with an international body or*
3 *representatives of any foreign nation before the next*
4 *public meeting required to be held under this para-*
5 *graph; and*

6 “(2) *make available to the public any relevant*
7 *information and records, including any proposed text,*
8 *concerning the matter of any decision-making meet-*
9 *ings scheduled with an international body or rep-*
10 *resentatives of any foreign nation as those materials*
11 *become available.”.*

12 **(b) CLERICAL AMENDMENT.**—*The table of contents in*
13 *subchapter III of chapter 301 of title 49, United States*
14 *Code, is amended by adding at the end the following:*

 “30148. *International motor vehicle safety outreach.*”.

15 **SEC. 8. MISCELLANEOUS AMENDMENTS.**

16 **(a) NOTIFICATION OF DEFECTS AND NONCOMPLI-**
17 **ANCE.**—*Sections 30118(d) and 30120(h) of title 49, United*
18 *States Code, are each amended by striking the second sen-*
19 *tence.*

20 **(b) REMEDIES FOR DEFECTS AND NONCOMPLIANCE.**—
21 *Section 30120(i)(1) of title 49, United States Code, is*
22 *amended by inserting “(including retailers of motor vehicle*
23 *equipment)” after “dealer” the first time it appears.*

24 **(c) TIRES.**—*Section 30123 of title 49, United States*
25 *Code, is amended by striking subsections (a), (b), and (c)*

1 *and by redesignating subsections (d), (e), and (f), as sub-*
2 *sections (a), (b), and (c), respectively.*

3 *(d) AUTOMATIC OCCUPANT CRASH PROTECTION AND*
4 *SEAT BELT USE.—Section 30127(g)(1) of title 49, United*
5 *States Code, is amended by striking “every 6 months” and*
6 *inserting “annually”.*

7 *(e) MISCELLANEOUS.—*

8 *(1) DEFINITIONS.—*

9 *(A) COUNTRY OF ORIGIN.—Section*
10 *32304(a)(3)(B) of title 49, United States Code, is*
11 *amended by inserting before the period the fol-*
12 *lowing: “, plus the assembly and labor costs in-*
13 *curring for the final assembly of such engines and*
14 *transmissions”.*

15 *(B) FINAL ASSEMBLY PLACE.—Section*
16 *32304(a)(5) of title 49, United States Code, is*
17 *amended is amended by adding at the end the*
18 *following: “Such term does not include facilities*
19 *for engine and transmission fabrication and as-*
20 *sembly and the facilities for fabrication of motor*
21 *vehicle equipment component parts which are*
22 *produced at the same final assembly place using*
23 *forming processes such as stamping, machining,*
24 *or molding processes.”.*

1 (C) *OUTSIDE SUPPLIER CONTENT REPORT-*
2 *ING.—Section 32304(a)(9)(A) of title 49, United*
3 *States Code, is amended to read as follows:*

4 “(A) *for an outside supplier—*

5 “(i) *the full purchase price of pas-*
6 *senger motor vehicle equipment whose pur-*
7 *chase price contains at least 70 percent*
8 *value added in the United States and Can-*
9 *ada; or*

10 “(ii) *that portion of the purchase price*
11 *of passenger motor vehicle equipment con-*
12 *taining less than 70 percent value added in*
13 *the United States and Canada that is at-*
14 *tributable to the percent value added in the*
15 *United States and Canada when such per-*
16 *cent is expressed to the nearest 5 percent;*
17 *and”.*

18 (2) *COUNTRY OF ASSEMBLY.—Section 32304(d)*
19 *of title 49, United States Code, is amended by adding*
20 *at the end the following; “A manufacturer may add*
21 *to the label required under subsection (b) a line stat-*
22 *ing the country in which vehicle assembly was com-*
23 *pleted.”.*

24 (3) *VEHICLE CONTENT PERCENTAGE BY ASSEM-*
25 *BLY PLANT.—Section 32304 of title 49, United States*

1 Code, is amended by redesignating subsections (c)
2 through (f) as subsections (f) through (i), respectively,
3 and by adding after subsection (b) the following:

4 “(c) *VEHICLE CONTENT PERCENTAGE BY ASSEMBLY*
5 *PLANT*.—A manufacturer may display separately on the
6 label required by subsection (b) the domestic content of a
7 vehicle based on the country in which the assembly plant
8 is located. Such display shall occur after the matter re-
9 quired to be in the label by subsection (b)(1)(A).”.

10 (4) *SUPPLIERS FAILING TO REPORT*.—Section
11 32304 of title 49, United States Code, is amended by
12 adding after subsection (c), as added by paragraph
13 (3), the following:

14 “(d) *VALUE ADDED DETERMINATION*.—If a manufac-
15 turer or allied supplier requests information in a timely
16 manner from one or more of its outside suppliers concerning
17 the U.S./Canadian content of particular equipment, but
18 does not receive that information despite a good faith effort
19 to obtain it, the manufacturer or allied supplier may make
20 its own good faith value added determinations, subject to
21 the following:

22 “(1) The manufacturer or allied supplier shall
23 make the same value added determinations as would
24 be made by the outside supplier, that is, whether 70

1 *percent or more of the value of equipment is added in*
2 *the United States and/or Canada.*

3 “(2) *The manufacturer or allied supplier shall*
4 *consider the amount of value added and the location*
5 *in which the value was added for all of the stages that*
6 *the outside supplier would be required to consider.*

7 “(3) *The manufacturer or allied supplier may*
8 *determine that the value added in the United States*
9 *and/or Canada is 70 percent or more only if it has*
10 *a good faith basis to make that determination.*

11 “(4) *A manufacturer and its allied suppliers*
12 *may, on a combined basis, make value added deter-*
13 *minations for no more than 10 percent, by value, of*
14 *a carline’s total parts content from outside suppliers.*

15 “(5) *Value added determinations made by a*
16 *manufacturer or allied supplier under this paragraph*
17 *shall have the same effect as if they were made by the*
18 *outside supplier.*

19 “(6) *This provision does not affect the obligation*
20 *of outside suppliers to provide the requested informa-*
21 *tion.”.*

22 (5) *ACCOUNTING FOR THE VALUE OF SMALL*
23 *PARTS.—Section 32304 of title 49, United States*
24 *Code, is amended by adding after subsection (d), as*
25 *added by paragraph (4), the following:*

1 “(e) *SMALL PARTS.*—*The country of origin of nuts,*
2 *bolts, clips, screws, pins, braces, gasoline, oil, blackout,*
3 *phosphate rinse, windshield washer fluid, fasteners, tire as-*
4 *sembly fluid, rivets, adhesives, grommets, and any system,*
5 *subassembly, or component installed in a vehicle shall be*
6 *considered to be the country in which such parts were in-*
7 *cluded in the final assembly of such vehicle.”.*

8 (f) *STUDY.*—*The National Highway Traffic Safety Ad-*
9 *ministration shall conduct a study of the benefits to motor*
10 *vehicle drivers of a regulation to require the installation*
11 *in a motor vehicle of an interior device to release the trunk*
12 *lid. Not later than 18 months after the date of the enactment*
13 *of this Act, the Administration shall submit a report on*
14 *the results of the study to the Committee on Commerce of*
15 *the House of Representatives and the Committee on Com-*
16 *merce, Science, and Transportation of the Senate.*

17 **SEC. 9. IMPORTATION OF MOTOR VEHICLE FOR SHOW OR**
18 **DISPLAY.**

19 (a) *IMPORTATION OF NONCOMPLYING MOTOR VEHI-*
20 *CLES.*—*Section 30114 of title 49, United States Code, is*
21 *amended by striking “or competitive racing events” and in-*
22 *serting “competitive racing events, show, or display”.*

23 (b) *TRANSITION RULE.*—*A person who is the owner*
24 *of a motor vehicle located in the United States on the date*
25 *of enactment of this Act may seek an exemption under sec-*

1 *tion 30114 of title 49, United States Code, as amended by*
2 *subsection (a) of this section, for a period of 6 months after*
3 *the date regulations of the Secretary of Transportation pro-*
4 *mulgated in response to such amendment take effect.*

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