

Calendar No. 699

107TH CONGRESS
2D SESSION

S. 2950

[Report No. 107-311]

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2002

Mr. HOLLINGS (for himself, Mr. MCCAIN, Mr. ROCKEFELLER, Mrs. HUTCHISON, Mr. BREAUX, and Mr. SMITH of Oregon) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

OCTOBER 10, 2002

Reported by Mr. HOLLINGS, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, and for other purposes.

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

1 ***TITLE I—NTSB AUTHORIZATION***

2 **~~SECTION 1.~~ SEC. 101. SHORT TITLE.**

3 This ~~Act~~ *title* may be cited as the “National Trans-
4 portation Safety Board Reauthorization Act of 2002”.

5 **~~SEC. 2.~~ 102. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) FISCAL YEARS 2003–2005.—Section 1118(a) of
7 title 49, United States Code, is amended—

8 (1) by striking “and”; and

9 (2) by striking “such sums to” and inserting
10 the following: “\$73,325,000 for fiscal year 2003,
11 \$84,999,000 for fiscal year 2004, and \$89,687,000
12 for fiscal year 2005. Such sums shall”.

13 (b) EMERGENCY FUND.—Section 1118(b) of such
14 title is amended by striking the second sentence and in-
15 serting the following: “In addition, there are authorized
16 to be appropriated such sums as may be necessary to in-
17 crease the fund to, and maintain the fund at, a level not
18 to exceed \$3,000,000.”.

19 (c) NTSB ACADEMY.—Section 1118 of such title is
20 amended by adding at the end the following:

21 “(c) ACADEMY.—

22 “(1) AUTHORIZATION.—There are authorized to
23 be appropriated to the Board for necessary expenses
24 of the National Transportation Safety Board Acad-
25 emy, not otherwise provided for, \$3,347,000 for fis-

1 cal year 2003, \$4,896,000 for fiscal year 2004, and
 2 \$4,995,000 for fiscal year 2005. Such sums shall re-
 3 main available until expended.

4 “(2) FEES.—The Board may impose and collect
 5 such fees as it determines to be appropriate for serv-
 6 ices provided by or through the Academy.

7 “(3) RECEIPTS CREDITED AS OFFSETTING COL-
 8 LECTIONS.—Notwithstanding section 3302 of title
 9 31, any fee collected under this paragraph—

10 “(A) shall be credited as offsetting collec-
 11 tions to the account that finances the activities
 12 and services for which the fee is imposed;

13 “(B) shall be available for expenditure only
 14 to pay the costs of activities and services for
 15 which the fee is imposed; and

16 “(C) shall remain available until expended.

17 “(4) REFUNDS.—The Board may refund any
 18 fee paid by mistake or any amount paid in excess of
 19 that required.”.

20 (d) REPORT ON ACADEMY OPERATIONS.—The Na-
 21 tional Transportation Safety Board shall transmit an an-
 22 nual report to the Congress on the activities and oper-
 23 ations of the National Transportation Safety Board Acad-
 24 emy.

1 **SEC. 3. 103. ASSISTANCE TO FAMILIES OF PASSENGERS IN-**
 2 **VOLVED IN AIRCRAFT ACCIDENTS.**

3 (a) RELINQUISHMENT OF INVESTIGATIVE PRI-
 4 ORITY.—Section 1136 of title 49, United States Code, is
 5 amended by adding at the end the following:

6 “(j) RELINQUISHMENT OF INVESTIGATIVE PRI-
 7 ORITY.—

8 “(1) GENERAL RULE.—This section (other than
 9 subsection (g)) shall not apply to an aircraft acci-
 10 dent if the Board has relinquished investigative pri-
 11 ority under section 1131(a)(2)(B) and the Federal
 12 agency to which the Board relinquished investigative
 13 priority is willing and able to provide assistance to
 14 the victims and families of the passengers involved
 15 in the accident.

16 “(2) BOARD ASSISTANCE.—If this section does
 17 not apply to an aircraft accident because the Board
 18 has relinquished investigative priority with respect to
 19 the accident, the Board shall assist, to the maximum
 20 extent possible, the agency to which the Board has
 21 relinquished investigative priority in assisting fami-
 22 lies with respect to the accident.”.

23 (b) REVISION OF MOU.—Not later than 1 year after
 24 the date of enactment of this Act, the National Transpor-
 25 tation Safety Board and the Federal Bureau of Investiga-
 26 tion shall revise their 1977 agreement on the investigation

1 of accidents to take into account the amendments made
 2 by this section and shall submit a copy of the revised
 3 agreement to the Committee on Transportation and Infra-
 4 structure of the House of Representatives and the Com-
 5 mittee on Commerce, Science, and Transportation of the
 6 Senate.

7 **SEC. 4. 104. RELIEF FROM CONTRACTING REQUIREMENTS**
 8 **FOR INVESTIGATIONS SERVICES.**

9 Section 1113(b) of title 49, United States Code, is
 10 amended—

11 (1) by striking “Statutes;” in paragraph (1)(B)
 12 and inserting “Statutes, and, for investigations con-
 13 ducted under section 1131, enter into such agree-
 14 ments or contracts without regard to any other pro-
 15 vision of law requiring competition if necessary to
 16 expedite the investigation;”; and

17 (2) by adding at the end the following:

18 “(3) The Board, as a component of its annual report
 19 under section 1117, shall include an enumeration of each
 20 contract for \$25,000 or more executed under this section
 21 during the preceding calendar year.”.

22 ***TITLE II—CHILD PASSENGER***
 23 ***SAFETY***

24 ***SEC. 201. SHORT TITLE.***

25 *This title may be cited as “Anton’s Law”.*

1 **SEC. 202. IMPROVEMENT OF SAFETY OF CHILD RESTRAINTS**
2 **IN PASSENGER MOTOR VEHICLES.**

3 (a) *IN GENERAL.*—Not later than 12 months after the
4 date of the enactment of this title, the Secretary of Trans-
5 portation shall initiate a rulemaking proceeding to estab-
6 lish performance requirements for child restraints, includ-
7 ing booster seats, for the restraint of children weighing more
8 than 50 pounds.

9 (b) *ELEMENTS FOR CONSIDERATION.*—In the rule-
10 making proceeding required by subsection (a), the Secretary
11 shall—

12 (1) *consider whether to include injury perform-*
13 *ance criteria for child restraints, including booster*
14 *seats and other products for use in passenger motor*
15 *vehicles for the restraint of children weighing more*
16 *than 40 pounds, under the requirements established in*
17 *the rulemaking proceeding;*

18 (2) *consider whether to establish performance re-*
19 *quirements for seat belt fit when used with booster*
20 *seats and other belt guidance devices;*

21 (3) *consider whether to develop a solution for*
22 *children weighing more than 40 pounds who only*
23 *have access to seating positions with lap belts, such*
24 *as allowing tethered child restraints for such children;*
25 *and*

1 (4) *review the definition of the term “booster*
 2 *seat” in Federal motor vehicle safety standard No.*
 3 *213 under section 571.213 of title 49, Code of Federal*
 4 *Regulations, to determine if it is sufficiently com-*
 5 *prehensive.*

6 (c) *COMPLETION.—The Secretary shall complete the*
 7 *rulemaking proceeding required by subsection (a) not later*
 8 *than 30 months after the date of the enactment of this Act.*

9 **SEC. 203. REPORT ON DEVELOPMENT OF CRASH TEST**
 10 **DUMMY SIMULATING A 10-YEAR OLD CHILD.**

11 *Not later than 120 days after the date of the enactment*
 12 *of this Act, the Secretary of Transportation shall submit*
 13 *to the Committee on Commerce, Science, and Transpor-*
 14 *tation of the Senate and the Committee on Energy and*
 15 *Commerce of the House of Representatives a report on the*
 16 *current schedule and status of activities of the Department*
 17 *of Transportation to develop, evaluate, and certify a com-*
 18 *mercially available dummy that simulates a 10-year old*
 19 *child for use in testing the effectiveness of child restraints*
 20 *used in passenger motor vehicles.*

21 **SEC. 204. REQUIREMENTS FOR INSTALLATION OF LAP AND**
 22 **SHOULDER BELTS.**

23 (a) *IN GENERAL.—Not later than 24 months after the*
 24 *date of the enactment of this Act, the Secretary of Transpor-*
 25 *tation shall complete a rulemaking proceeding to amend*

1 *Federal motor vehicle safety standard No. 208 under section*
 2 *571.208 of title 49, Code of Federal Regulations, relating*
 3 *to occupant crash protection, in order to—*

4 (1) *require a lap and shoulder belt assembly for*
 5 *each rear designated seating position in a passenger*
 6 *motor vehicle with a gross vehicle weight rating of*
 7 *10,000 pounds or less, except that if the Secretary de-*
 8 *termines that installation of a lap and shoulder belt*
 9 *assembly is not practicable for a particular des-*
 10 *ignated seating position in a particular type of pas-*
 11 *senger motor vehicle, the Secretary may exclude the*
 12 *designated seating position from the requirement; and*

13 (2) *apply that requirement to passenger motor*
 14 *vehicles in phases in accordance with subsection (b).*

15 (b) *IMPLEMENTATION SCHEDULE.—The requirement*
 16 *prescribed under subsection (a)(1) shall be implemented in*
 17 *phases on a production year basis beginning with the pro-*
 18 *duction year that begins not later than 12 months after the*
 19 *end of the year in which the regulations are prescribed*
 20 *under subsection (a). The final rule shall apply to all pas-*
 21 *senger motor vehicles with a gross vehicle weight rating of*
 22 *10,000 pounds or less that are manufactured in the third*
 23 *production year of the implementation phase-in under the*
 24 *schedule.*

25 (c) *REPORT ON DETERMINATION TO EXCLUDE.—*

1 (1) *REQUIREMENT.*—If the Secretary determines
 2 under subsection (a)(1) that installation of a lap and
 3 shoulder belt assembly is not practicable for a par-
 4 ticular designated seating position in a particular
 5 type of motor vehicle, the Secretary shall submit to
 6 the Committee on Commerce, Science, and Transpor-
 7 tation of the Senate and the Committee on Energy
 8 and Commerce of the House of Representatives a re-
 9 port specifying the reasons for the determination.

10 (2) *DEADLINE.*—The report under paragraph (1)
 11 shall be submitted, if at all, not later than 30 days
 12 after the date on which the Secretary issues a final
 13 rule under subsection (a).

14 **SEC. 205. TWO-YEAR EXTENSION OF CHILD PASSENGER**
 15 **PROTECTION EDUCATION GRANTS PROGRAM.**

16 Section 2003(b)(7) of the Transportation Equity Act
 17 for the 21st Century (23 U.S.C. 405 note; 112 Stat. 328)
 18 is amended by striking “and 2001.” and inserting “through
 19 2004.”

20 **SEC. 206. GRANTS FOR IMPROVING CHILD PASSENGER**
 21 **SAFETY PROGRAMS.**

22 (a) *IN GENERAL.*—Chapter 4 of title 23, United States
 23 Code, is amended by adding at the end the following new
 24 section:

1 **“§412. Grant program for improving child passenger**
 2 **safety programs**

3 “(a) *STANDARDS AND REQUIREMENTS REGARDING*
 4 *CHILD RESTRAINT LAWS.*—Not later than October 1, 2003,
 5 *the Secretary shall establish appropriate criteria applicable*
 6 *to child restraint laws for purposes of eligibility for grants*
 7 *under this section. The criteria shall be consistent with the*
 8 *provisions of Anton’s Law.*

9 “(b) *REQUIREMENT TO MAKE GRANTS.*—

10 “(1) *IN GENERAL.*—*The Secretary shall make a*
 11 *grant to each State and Indian tribe that, as deter-*
 12 *mined by the Secretary, has a child restraint law in*
 13 *effect on September 30, 2004.*

14 “(2) *LIMITATION ON NUMBER OF GRANTS.*—*Not*
 15 *more than one grant may be made to a State or In-*
 16 *dian tribe under this section.*

17 “(3) *COMMENCEMENT.*—*The requirement in*
 18 *paragraph (1) shall commence on October 1, 2004.*

19 “(c) *GRANT AMOUNT.*—*The amount of the grant to a*
 20 *State or Indian tribe under this section shall be the amount*
 21 *equal to five times the amount provided to the State or In-*
 22 *dian tribe, as the case may be, under section 2003(b)(7)*
 23 *of the Transportation Equity Act for the 21st Century (23*
 24 *U.S.C. 405 note) in fiscal year 2003.*

25 “(d) *USE OF GRANT AMOUNTS.*—

1 “(1) *IN GENERAL.*—*A State or Indian tribe shall*
2 *use any amount received by the State or Indian tribe,*
3 *as the case may be, under this section to carry out*
4 *child passenger protection programs for children*
5 *under the age of 16 years, including programs for*
6 *purposes as follows:*

7 “(A) *To educate the public concerning the*
8 *proper use and installation of child restraints,*
9 *including booster seats.*

10 “(B) *To train and retain child passenger*
11 *safety professionals, police officers, fire and*
12 *emergency medical personnel, and educators con-*
13 *cerning all aspects of the use of child restraints.*

14 “(C) *To provide child restraint systems, in-*
15 *cluding booster seats and the hardware needed*
16 *for their proper installation, to families that*
17 *cannot otherwise afford such systems.*

18 “(D) *To support enforcement of the child re-*
19 *straint law concerned.*

20 “(2) *LIMITATION ON FEDERAL SHARE.*—*The*
21 *Federal share of the cost of a program under para-*
22 *graph (1) that is carried out using amounts from a*
23 *grant under this section may not exceed 80 percent of*
24 *the cost of the program.*

1 “(e) *ADMINISTRATIVE EXPENSES.*—*The amount of ad-*
 2 *ministrative expenses under this section in any fiscal year*
 3 *may not exceed the amount equal to five percent of the*
 4 *amount available for making grants under this section in*
 5 *the fiscal year.*

6 “(f) *APPLICABILITY OF CHAPTER 1.*—*The provisions*
 7 *of section 402(d) of this title shall apply to funds authorized*
 8 *to be appropriated to make grants under this section as if*
 9 *such funds were highway safety funds authorized to be ap-*
 10 *propriated to carry out section 402 of this title.*

11 “(g) *DEFINITIONS.*—*In this section:*

12 “(1) *CHILD RESTRAINT LAW.*—*The term ‘child*
 13 *restraint law’ means a law that—*

14 “(A) *satisfies standards established by the*
 15 *Secretary under Anton’s Law for the proper re-*
 16 *straint of children who are over the age of 3*
 17 *years or who weigh at least 40 pounds;*

18 “(B) *prescribes a penalty for operating a*
 19 *passenger motor vehicle in which any occupant*
 20 *of the vehicle who is under the age of 16 years*
 21 *is not properly restrained in an appropriate re-*
 22 *straint system (including seat belts, booster seats*
 23 *used in combination with seat belts, or other*
 24 *child restraints); and*

1 “(C) meets any criteria established by the
2 Secretary under subsection (a) for purposes of
3 this section.

4 “(2) *PASSENGER MOTOR VEHICLE*.—The term
5 ‘passenger motor vehicle’ has the meaning given that
6 term in section 405(f)(5) of this title.

7 “(3) *STATE*.—The term ‘State’ has the meaning
8 given in section 101 of this title and includes any
9 Territory or possession of the United States.”.

10 (b) *CLERICAL AMENDMENT*.—The table of sections at
11 the beginning of that chapter is amended by inserting after
12 the item relating to section 411 the following new item:

 “412. Grant program for improving child passenger safety programs.”.

13 **SEC. 207. DEFINITIONS.**

14 *In this Act:*

15 (1) *CHILD RESTRAINT*.—The term “child re-
16 straint” means any product designed to provide re-
17 straint to a child (including booster seats and other
18 products used with a lap and shoulder belt assembly)
19 that meets applicable Federal motor vehicle safety
20 standards prescribed by the National Highway Traf-
21 fic Safety Administration.

22 (2) *PRODUCTION YEAR*.—The term “production
23 year” means the 12-month period between September
24 1 of a year and August 31 of the following year.

1 (3) *PASSENGER MOTOR VEHICLE.*—*The term*
2 *“passenger motor vehicle” has the meaning given that*
3 *term in section 405(f)(5) of title 23, United States*
4 *Code.*

5 **SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

6 *There are authorized to be appropriated to the Sec-*
7 *retary of Transportation such sums as may be necessary*
8 *to carry out this Act, including the making of grants under*
9 *section 412 of title 23, United States Code, as added by*
10 *section 206.*

Calendar No. 699

107TH CONGRESS
2D SESSION

S. 2950

[Report No. 107-311]

A BILL

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, and for other purposes.

OCTOBER 10, 2002

Reported with amendments