

111TH CONGRESS
2D SESSION

S. 3268

To amend title 49, United States Code, to prohibit individuals who have worked on motor vehicle safety issues at NHTSA from assisting motor vehicle manufacturers with NHTSA compliance matters for a period of 3 years after terminating employment at NHTSA, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2010

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to prohibit individuals who have worked on motor vehicle safety issues at NHTSA from assisting motor vehicle manufacturers with NHTSA compliance matters for a period of 3 years after terminating employment at NHTSA, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Motor Vehicle Safety
5 Integrity Employment Act”.

1 **SEC. 2. PROFESSIONAL RESPONSIBILITY INTEGRITY PE-**
 2 **RIOD.**

3 (a) IN GENERAL.—Subchapter I of chapter 301 of
 4 title 49, United States Code, is amended by adding at the
 5 end the following:

6 **“§ 30107. Restriction on certain employment activi-**
 7 **ties.**

8 “(a) NHTSA EMPLOYEES.—

9 “(1) IN GENERAL.—A individual to whom this
 10 subsection applies who is employed by the National
 11 Highway Traffic Safety Administration may not
 12 commence employment with, or otherwise advise,
 13 provide assistance to, or represent for compensation,
 14 a manufacturer or other person subject to regulation
 15 under this chapter during the 36-month period com-
 16 mencing upon that individual’s termination of em-
 17 ployment with the National Highway Traffic Safety
 18 Administration if such employment, advice, assist-
 19 ance, or representation involves—

20 “(A) written or oral communication with
 21 the National Highway Traffic Safety Adminis-
 22 tration on any matter relating to compliance
 23 with the requirements of this chapter on behalf
 24 of the manufacturer or person;

25 “(B) representing or advising a manufac-
 26 turer with respect to a motor vehicle safety or

1 fuel economy issue, including any defect related
2 to motor vehicle safety, compliance with a
3 motor vehicle safety standard, or compliance
4 with an average fuel economy standard pre-
5 scribed under chapter 329 of this title; or

6 “(C) assisting a manufacturer in respond-
7 ing to a request for information from the Na-
8 tional Highway Traffic Safety Administration.

9 “(2) APPLICATION.—

10 “(A) IN GENERAL.—This subsection ap-
11 plies to any individual—

12 “(i) to whom section 207 (c) or (d) of
13 title 18 applies; or

14 “(ii) whose responsibilities during his
15 or her last 12 months of employment at
16 the National Highway Traffic Safety Ad-
17 ministration included administrative, man-
18 agerial, supervisory, legal, or senior tech-
19 nical responsibility for any motor vehicle
20 safety-related program or activity.

21 “(3) SAFE HARBOR.—This subsection does not
22 apply to any individual employed by a manufacturer
23 or other person subject to regulation under this
24 chapter as of the date of enactment of the Motor Ve-
25 hicle Safety Integrity Employment Act.

1 “(b) MANUFACTURERS.—It is unlawful for any man-
 2 ufacturer or other person subject to regulation under this
 3 chapter to employ or contract for the services of an indi-
 4 vidual to whom subsection (a) applies during the 36-
 5 month period commencing on the individual’s termination
 6 of employment with the National Highway Traffic Safety
 7 Administration in a capacity in which the individual is
 8 prohibited from serving during that period.”.

9 (b) CIVIL PENALTY.—Section 30165(a) of title 49,
 10 United States Code, is amended by adding at the end the
 11 following:

12 “(4) SECTION 30107.—An individual who vio-
 13 lates section 30107(a) is liable to the United States
 14 Government for a civil penalty as determined under
 15 section 216(b) of title 18 for an offense under sec-
 16 tion 207 of that title. A manufacturer or other per-
 17 son subject to regulation under this chapter who vio-
 18 lates section 30107(b) is liable to the United States
 19 Government for a civil penalty of the sum of—

20 “(A) an amount equal to not less than
 21 \$100,000; and

22 “(B) an amount equal to 90 percent of the
 23 annual compensation or fee paid or payable to
 24 the individual with respect to whom the viola-
 25 tion occurred.”.

1 (c) CONFORMING AMENDMENT.—The table of con-
 2 tents for chapter 301 of title 49, United States Code, is
 3 amended by inserting after the item relating to section
 4 30106 the following:

“30107. Restriction on certain employment activities.”.

5 **SEC. 3. STUDY OF DEPARTMENT OF TRANSPORTATION**
 6 **POLICIES ON OFFICIAL COMMUNICATION**
 7 **WITH FORMER MOTOR VEHICLE SAFETY**
 8 **ISSUE EMPLOYEES.**

9 Within 1 year after the date of enactment of this Act
 10 the Department of Transportation Inspector General
 11 shall—

12 (1) review the Department’s policies and proce-
 13 dures applicable to official communication with
 14 former employees concerning motor vehicle safety
 15 compliance matters for which they had responsibility
 16 during the last 12 months of their tenure at the De-
 17 partment, including any limitations on the ability of
 18 such employees to submit comments, or otherwise
 19 communicate directly with the Department, on
 20 motor vehicle safety issues; and

21 (2) submit a report to the Senate Committee on
 22 Commerce, Science, and Transportation and the
 23 House of Representatives Committee on Energy and
 24 Commerce containing the Inspector General’s find-
 25 ings, conclusions, and recommendations for

1 strengthening those policies and procedures to mini-
 2 mize the risk of undue influence without compro-
 3 mising the ability of the Department to employ and
 4 retain highly qualified individuals for such respon-
 5 sibilities.

6 **SEC. 4. POST-EMPLOYMENT POLICY STUDY.**

7 (a) IN GENERAL.—The Department of Transpor-
 8 tation Inspector General shall conduct a study of the De-
 9 partment’s policies relating to post-employment restric-
 10 tions on employees who perform functions related to trans-
 11 portation safety.

12 (b) REPORT.—Not later than 1 year after the date
 13 of enactment of this Act, the Inspector General shall sub-
 14 mit a report containing the results of the study conducted
 15 under subsection (a) to—

16 (1) the Senate Committee on Commerce,
 17 Science, and Transportation;

18 (2) the House of Representatives Committee on
 19 Energy and Commerce; and

20 (3) the Secretary of Transportation.

21 (c) USE OF RESULTS.—The Secretary of Transpor-
 22 tation shall review the results of the study and take what-
 23 ever action the Secretary determines to be appropriate.

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