

2004; to the Committee on Environment and Public Works.

EC-5948. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Operating Permits Program; San Diego County Air Pollution Control District" (FRL#7603-1) received on January 15, 2004; to the Committee on Environment and Public Works.

EC-5949. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Control of Emissions from Highway Motorcycles; Final Rule" (FRL#7604-8) received on January 5, 2004; to the Committee on Environment and Public Works.

EC-5950. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified, Ventura, Santa Barbara Counties, and Monterey Bay Unified Air Pollution Control Districts and Yolo Solana, Bay Area, and Mojave Desert Air Quality Management Districts" (FRL#7598-1) received on January 5, 2004; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DeWINE:

S. 2024. A bill to reduce the incidence of motor vehicle-related child injuries and deaths occurring inside or outside of motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DeWINE:

S. 2025. A bill to amend title 23, United States Code, to improve highway safety; to the Committee on Environment and Public Works.

By Mr. DeWINE:

S. 2026. A bill to improve consumer awareness of motor vehicle safety; to the Committee on Commerce, Science, and Transportation.

By Mr. DeWINE:

S. 2027. A bill to amend title 23 and 49, United States Code, to improve national highway traffic safety through improved motor vehicle driver education and licensing programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DeWINE:

S. 2028. A bill to improve tire safety and labeling, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 2029. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses of individual taxpayers with respect to a dependent of the taxpayer who suffers from Alzheimer's Disease or related organic brain disorders; to the Committee on Finance.

By Ms. SNOWE:

S. 2030. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 291. A resolution to authorize testimony and legal representation in the case of James McKoy v. North Fork Services/Joint Venture; considered and agreed to.

ADDITIONAL COSPONSORS

S. 491

At the request of Mr. REID, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 491, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 557

At the request of Ms. COLLINS, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1485

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1485, a bill to amend the Fair Labor Standards Act of 1938 to protect the rights of employees to receive overtime compensation.

S. 1666

At the request of Mr. COCHRAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1666, a bill to amend the Public Health Service Act to establish comprehensive State diabetes control and prevention programs, and for other purposes.

S. 1841

At the request of Mrs. CLINTON, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1841, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era.

S. 1909

At the request of Mr. COCHRAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1909, a bill to amend the Public Health Service Act to improve stroke preven-

tion, diagnosis, treatment, and rehabilitation.

S. 1916

At the request of Ms. LANDRIEU, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1916, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 2004

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2004, a bill to permanently reenact chapter 12 of title 11, United States Code, and for other purposes.

S. 2006

At the request of Mr. KENNEDY, the names of the Senator from Nevada (Mr. REID), the Senator from Indiana (Mr. BAYH) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2006, a bill to extend and expand the Temporary Extended Unemployment Compensation Act of 2003, and for other purposes.

S. 2007

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2007, a bill to provide better protection against bovine spongiform encephalopathy and other prion diseases.

S. CON. RES. 67

At the request of Mr. COCHRAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Con. Res. 67, a concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and supporting the designation of a National Brain Injury Awareness Month.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DeWINE:

S. 2024. A bill to reduce the incidence of motor vehicle-related child injuries and deaths occurring inside or outside of motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2024

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe Kids, Safe Cars Act of 2004".

SEC. 2. INCORPORATION OF CHILD DUMMIES IN MOTOR VEHICLE SAFETY TESTS.

(a) RULEMAKING REQUIRED.—Not later than 2 years after the date of the enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall

conduct a rulemaking to require increased utilization of child dummies, including Hybrid-III child dummies, in motor vehicle safety tests, including crash tests, conducted by the Administration.

(b) **CRITERIA.**—In conducting the rulemaking under subsection (a), the Administrator shall select motor vehicle safety tests in which the inclusion of child dummies will lead to—

(1) increased understanding of crash dynamics with respect to children; and

(2) measurably improved child safety.

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Transportation shall publish a report regarding the implementation of this section.

SEC. 3. CHILD SAFETY IN ROLLOVER CRASHES.

(a) **CONSUMER INFORMATION PROGRAM.**—

(1) **REQUIREMENT FOR PROGRAM.**—The Secretary of Transportation shall carry out a consumer information program relating to child safety in rollover crashes. The Secretary shall make information related to the program available to the public.

(2) **TIME FOR IMPLEMENTATION.**—The program shall commence not later than 2 years after the date of the enactment of this Act.

(b) **CHILD DUMMY DEVELOPMENT.**—

(1) **IN GENERAL.**—Not later than 6 years after the date of the enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall develop for use in motor vehicle safety crash testing a biofidelic child dummy that is capable of measuring injury forces in a simulated rollover crash.

(2) **REPORT.**—Not later than 3 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on progress made in the development of a dummy required under paragraph (1).

SEC. 4. REPORT ON ENHANCED VEHICLE SAFETY TECHNOLOGIES.

Not later than 2 years after the date of the enactment of this Act, the Secretary of Transportation shall submit to Congress a report that describes, evaluates, and determines the relative effectiveness of—

(1) devices and technologies that are designed to reduce the incidence of injuries and deaths to children involved outside of motor vehicles in nontraffic, noncrash motor vehicle accidents, including accidents in which motor vehicles are backed over children;

(2) currently available and emerging technologies, including auto-reverse functions and child-safe window switches, that are designed to prevent and reduce the number of injuries and deaths to children left unattended inside parked motor vehicles, including injuries and deaths that result from hyperthermia or are related to power windows or power sunroofs; and

(3) currently available and emerging technologies that are designed to improve the performance of motor vehicle safety belts for effectively protecting the safety of motor vehicle occupants aged between 4 and 8 years old.

SEC. 5. COMPLETION OF RULEMAKING REGARDING MOTOR VEHICLE POWER WINDOWS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall—

(1) complete the rulemaking initiated by the National Highway Traffic Safety Administration that is ongoing on the date of the enactment of this Act and relates to a requirement that window switches be designed to reduce the accidental closing by children of power windows; and

(2) issue regulations to take effect not later than January 1, 2006, requiring that window switches or related technologies in-

corporated into motor vehicles be designed to prevent the accidental closing by children of power windows.

SEC. 6. DATABASE ON INJURIES AND DEATHS IN NONTRAFFIC, NONCRASH EVENTS.

(a) **IN GENERAL.**—The Secretary of Transportation shall establish a new database of, and collect data regarding, injuries and deaths in nontraffic, noncrash events involving motor vehicles. The database shall include information regarding—

(1) the number, types, and proximate causes of injuries and deaths resulting from such events;

(2) the characteristics of motor vehicles involved in such events;

(3) the characteristics of the motor vehicle operators and victims involved in such events; and

(4) the presence or absence in motor vehicles involved in such events of advanced technologies designed to prevent such injuries and deaths.

(b) **AVAILABILITY.**—The Secretary shall make the database available to the public.

By Mr. DEWINE:

S. 2025. A bill to amend title 23, United States Code, to improve highway safety; to the Committee on Environment and Public Works.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2025

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe Streets and Highways Act of 2004".

SEC. 2. HIGHWAY SAFETY IMPROVEMENT PROGRAM

(a) **IN GENERAL.**—Section 148 of title 23, United States Code, is amended to read as follows:

"§ 148. Highway safety improvement program

"(a) **DEFINITIONS.**—In this section:

"(1) **HIGHWAY SAFETY IMPROVEMENT PROGRAM.**—The term 'highway safety improvement program' means the program carried out under this section.

"(2) **HIGHWAY SAFETY IMPROVEMENT PROJECT.**—

"(A) **IN GENERAL.**—The term 'highway safety improvement project' means a project described in the State strategic highway safety plan that—

"(i) corrects or improves a hazardous road location or feature; or

"(ii) addresses a highway safety problem.

"(B) **INCLUSIONS.**—The term 'highway safety improvement project' includes a project for—

"(i) an intersection safety improvement;

"(ii) pavement and shoulder widening (including addition of a passing lane to remedy an unsafe condition);

"(iii) installation of rumble strips or another warning device, if the rumble strips or other warning devices do not adversely affect the safety or mobility of bicyclists and pedestrians;

"(iv) installation of a skid-resistant surface at an intersection or other location with a high frequency of accidents;

"(v) an improvement for pedestrian or bicyclist safety;

"(vi) (I) construction of any project for the elimination of hazards at a railway-highway crossing that is eligible for funding under section 130, including the separation or pro-

tection of grades at railway-highway crossings;

"(II) construction of a railway-highway crossing safety feature; or

"(III) the conduct of a model traffic enforcement activity at a railway-highway crossing;

"(vii) construction of a traffic calming feature;

"(viii) elimination of a roadside obstacle;

"(ix) improvement of highway signage and pavement markings;

"(x) installation of a priority control system for emergency vehicles at signalized intersections;

"(xi) installation of a traffic control or other warning device at a location with high accident potential;

"(xii) safety-conscious planning;

"(xiii) improvement in the collection and analysis of crash data;

"(xiv) planning, equipment, operational activities, or traffic enforcement activities (including police assistance) relating to workzone safety;

"(xv) installation of guardrails, barriers (including barriers between construction work zones and traffic lanes for the safety of motorists and workers), and crash attenuators;

"(xvi) the addition or retrofitting of structures or other measures to eliminate or reduce accidents involving vehicles and wildlife; or

"(xvii) installation and maintenance of signs (including fluorescent, yellow-green signs, and signs designed to identify, or reduce the number and severity of accidents occurring at, a hazardous location) at pedestrian-bicycle crossings and in school zones.

"(3) **SAFETY PROJECT UNDER ANY OTHER SECTION.**—

"(A) **IN GENERAL.**—The term 'safety project under any other section' means a project carried out for the purpose of safety under any other section of this title.

"(B) **INCLUSION.**—The term 'safety project under any other section' includes a project to—

"(i) promote the awareness of the public and educate the public concerning highway safety matters; or

"(ii) enforce highway safety laws.

"(4) **STATE HIGHWAY SAFETY IMPROVEMENT PROGRAM.**—The term 'State highway safety improvement program' means projects or strategies included in the State strategic highway safety plan carried out as part of the State transportation improvement program under section 135(f).

"(5) **STATE STRATEGIC HIGHWAY SAFETY PLAN.**—The term 'State strategic highway safety plan' means a plan developed by the State transportation department that—

"(A) is developed after consultation with—

"(i) a highway safety representative of the Governor of the State;

"(ii) regional transportation planning organizations, if any;

"(iii) representatives of major modes of transportation;

"(iv) local traffic enforcement and engineering officials;

"(v) persons responsible for administering section 130 at the State level;

"(vi) representatives conducting Operation Lifesaver;

"(vii) representatives conducting a motor carrier safety program under section 31104 or 31107 of title 49;

"(viii) motor vehicle administration agencies; and

"(ix) other major State and local safety stakeholders;

"(B) analyzes and makes effective use of State, regional, or local crash data;

"(C) addresses engineering, management, operation, education, enforcement, and

emergency services elements of highway safety as key factors in evaluating highway projects;

“(D) considers safety needs of, and high-fatality segments of, public roads;

“(E) considers the results of State, regional, or local transportation and highway safety planning processes in existence as of the date of enactment of this section;

“(F) describes a program of projects or strategies to reduce or eliminate safety hazards;

“(G) is approved by the Governor of the State or a responsible State agency; and

“(H) is consistent with the requirements of section 135(f).—

“(b) PROGRAM.—

“(1) IN GENERAL.—The Secretary shall carry out a highway safety improvement program.

“(2) PURPOSE.—The purpose of the highway safety improvement program shall be to achieve a significant reduction in traffic fatalities and serious injuries on public roads.

“(c) ELIGIBILITY.—

“(1) IN GENERAL.—To receive funds under this section, a State shall have in effect a State highway safety improvement program under which the State—

“(A) develops and implements a State strategic highway safety plan that identifies and analyzes highway safety problems and opportunities as provided in paragraph (2);

“(B) produces a program of projects or strategies to reduce identified safety problems; and

“(C) evaluates the plan on a regular basis to ensure the accuracy of the data and priority of proposed improvements.

“(2) IDENTIFICATION AND ANALYSIS OF HIGHWAY SAFETY PROBLEMS AND OPPORTUNITIES.—As part of the State strategic highway safety plan, a State shall—

“(A) have in place a crash data system with the ability to perform safety problem identification and countermeasure analysis;

“(B) based on the analysis required by subparagraph (A)—

“(i) identify hazardous locations, sections, and elements (including roadside obstacles, railway-highway crossing needs, and unmarked or poorly marked roads) that constitute a danger to motorists, bicyclists, pedestrians, and other highway users; and

“(ii) using such criteria as the State determines to be appropriate, establish the relative severity of those locations, in terms of accidents, injuries, deaths, and other relevant data;

“(C) adopt strategic and performance-based goals that—

“(i) address traffic safety, including behavioral and infrastructure problems and opportunities on all public roads;

“(ii) focus resources on areas of greatest need; and

“(iii) are coordinated with other State highway safety programs;

“(D) advance the capabilities of the State for traffic records data collection, analysis, and integration with other sources of safety data (such as road inventories) in a manner that—

“(i) complements the State highway safety program under chapter 4 and the commercial vehicle safety plan under section 31102 of title 49;

“(ii) includes all public roads;

“(iii) identifies hazardous locations, sections, and elements on public roads that constitute a danger to motorists, bicyclists, and pedestrians; and

“(iv) includes a means of identifying the relative severity of hazardous locations described in clause (iii) in terms of accidents, injuries, and deaths;

“(E)(i) determine priorities for the correction of hazardous road locations, sections,

and elements (including railway-highway crossing improvements), as identified through crash data analysis;

“(ii) identify opportunities for preventing the development of such hazardous conditions; and

“(iii) establish and implement a schedule of highway safety improvement projects for hazard correction and hazard prevention; and

“(F)(i) establish an evaluation process to analyze and assess results achieved by highway safety improvement projects carried out in accordance with procedures and criteria established by this section; and

“(ii) use the information obtained under clause (i) in setting priorities for highway safety improvement projects.

“(d) ELIGIBLE PROJECTS.—

“(1) IN GENERAL.—A State may obligate funds apportioned to the State under this section to carry out—

“(A) any highway safety improvement project on any public road or publicly owned bicycle or pedestrian pathway or trail; or

“(B) as provided in subsection (e), for other safety projects.

“(2) USE OF OTHER FUNDING FOR SAFETY.—

“(A) EFFECT OF SECTION.—Nothing in this section prohibits the use of funds made available under other provisions of this title for highway safety improvement projects.

“(B) USE OF OTHER FUNDS.—States are encouraged to address the full scope of their safety needs and opportunities by using funds made available under other provisions of this title (except a provision that specifically prohibits that use).

“(3) LOW-TECH, LOW-COST SAFETY IMPROVEMENTS.—

“(A) PROGRAM.—Each State shall carry out a program for the reduction of accidents, injuries, and deaths at hazardous locations through means described in clauses (i), (ii), (v), (ix), (xi), and (xvii) of subsection (a)(2)(B).

“(B) FUNDS.—Of the funds apportioned to a State under this section for a fiscal year, 10 percent shall be available only for safety programs described in subparagraph (A).

“(e) FLEXIBLE FUNDING FOR STATES WITH A STRATEGIC HIGHWAY SAFETY PLAN.—

“(1) IN GENERAL.—To further the implementation of a State strategic highway safety plan, a State may use up to 25 percent of the amount of funds made available under this section for a fiscal year to carry out safety projects under any other section as provided in the State strategic highway safety plan.

“(2) OTHER TRANSPORTATION AND HIGHWAY SAFETY PLANS.—Nothing in this subsection requires a State to revise any State process, plan, or program in effect on the date of enactment of this section.

“(f) REPORTS.—

“(1) IN GENERAL.—A State shall submit to the Secretary a report that—

“(A) describes progress being made to implement highway safety improvement projects under this section;

“(B) assesses the effectiveness of those improvements;

“(C) describes the extent to which the improvements funded under this section contribute to the goals of—

“(i) reducing the number of fatalities on roadways;

“(ii) reducing the number of roadway-related injuries;

“(iii) reducing the occurrences of roadway-related accidents;

“(iv) mitigating the consequences of roadway-related accidents; and

“(v) reducing the occurrences of roadway-railroad grade crossing accidents;

“(D) describes the most severe hazardous locations in the State identified under subsection (c)(2), including not less than 5 per-

cent of locations determined by the State to be most hazardous or potentially hazardous in terms of accidents, injuries, and deaths; and

“(E) contains an assessment of—

“(i) potential remedies to hazardous locations identified;

“(ii) estimated costs associated with those remedies; and

“(iii) impediments to implementation other than cost associated with those remedies.

“(2) CONTENTS; SCHEDULE.—The Secretary shall establish the content and schedule for a report under paragraph (1).

“(3) TRANSPARENCY.—The Secretary shall make reports under paragraph (1) available to the public through—

“(A) the Internet site of the Department; and

“(B) such other means as the Secretary determines to be appropriate.

“(4) WAIVER OF LIABILITY.—Notwithstanding any other provision of law, no report, survey, schedule, list, or other data compiled or collected for any purpose directly or indirectly relating to paragraph (1), or published by the Secretary in accordance with paragraph (3), shall be—

“(A) subject to discovery or admitted into evidence in any Federal or State judicial proceeding; or

“(B) considered for any other purpose in any action for damages arising from an occurrence at a location identified or addressed in the report, survey, schedule, list, or other collection of data.

“(g) FEDERAL SHARE OF HIGHWAY SAFETY IMPROVEMENT PROJECTS.—The Federal share of the cost of a highway safety improvement project carried out with funds made available under this section shall be 90 percent.”.

(2) ALLOCATIONS OF APPORTIONED FUNDS.—Section 133(d) of title 23, United States Code, is amended—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(C) in paragraph (2) (as redesignated by subparagraph (B))—

(i) in the first sentence of subparagraph (A)—

(I) by striking “subparagraphs (C) and (D)” and inserting “subparagraph (C)”; and

(II) by striking “80 percent” and inserting “90 percent”;

(ii) by striking subparagraph (C);

(iii) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(iv) in subparagraph (C) (as redesignated by clause (iii)), by adding a period at the end; and

(D) in paragraph (4)(A) (as redesignated by subparagraph (B)), by striking “paragraph (2)” and inserting “paragraph (1)”.

(3) CONFORMING AMENDMENTS.—

(A) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 148 and inserting the following:

“148. Highway safety improvement program.”.

(B) Sections 154, 164, and 409 of title 23, United States Code, are amended by striking “152” each place it appears and inserting “148”.

(b) APPORTIONMENT OF HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS.—Section 104(b) of title 23, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting after “Improvement program,” the following: “the highway safety improvement program,”; and

(2) by adding at the end the following:

“(5) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—

“(A) IN GENERAL.—For the highway safety improvement program, in accordance with the following formula:

“(i) 25 percent of the apportionments in the ratio that—

“(I) the total lane miles of Federal-aid highways in each State; bears to

“(II) the total lane miles of Federal-aid highways in all States.

“(ii) 40 percent of the apportionments in the ratio that—

“(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

“(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

“(iii) 35 percent of the apportionments in the ratio that—

“(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

“(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

“(B) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of $\frac{1}{2}$ of 1 percent of the funds apportioned under this paragraph.”.

(C) ELIMINATION OF HAZARDS RELATING TO HIGHWAY FACILITIES.—

(1) FUNDS FOR PROTECTIVE DEVICES.—Section 130(e) of title 23, United States Code, is amended—

(A) in the heading, by striking “PROTECTIVE DEVICES” and inserting “RAILWAY-HIGHWAY CROSSINGS”;

(B) by striking the first sentence and inserting the following:

“(I) IN GENERAL.—For each fiscal year, at least \$200,000,000 of the funds authorized and expended under section 148 shall be available for the elimination of hazards and the installation of protective devices at railway-highway crossings.”; and

(C) by striking “Sums authorized” and inserting the following:

“(2) OBLIGATION.—Sums authorized”.

(2) BIENNIAL REPORTS TO CONGRESS.—Section 130(g) of title 23, United States Code, is amended in the third sentence—

(A) by inserting “and the Committee on Commerce, Science, and Transportation,” after “Public Works”; and

(B) by striking “not later than April 1 of each year” and inserting “every other year”.

(3) EXPENDITURE OF FUNDS; APPORTIONMENT.—Section 130 of title 23, United States Code, is amended by adding at the end the following:

“(k) EXPENDITURE OF FUNDS; APPORTIONMENT.—Funds made available to carry out this section shall be—

“(1) available for expenditure on compilation and analysis of data in support of activities carried out under subsection (g); and

“(2) apportioned in accordance with section 104(b)(5).”.

(d) TRANSITION.—

(1) IMPLEMENTATION.—Except as provided in paragraph (2), to qualify for funding under section 148 of title 23, United States Code (as amended by subsection (a)), a State shall develop and implement a State strategic highway safety plan as required by subsection (c) of that section not later than October 1 of the second fiscal year after the date of enactment of this Act.

(2) INTERIM PERIOD.—

(A) IN GENERAL.—Before October 1 of the second fiscal year after the date of enactment of this Act and until the date on which a State develops and implements a State strategic highway safety plan, the Secretary shall apportion funds to a State for the high-

way safety improvement program and the State may obligate funds apportioned to the State for the highway safety improvement program under section 148 for projects that were eligible for funding under sections 130 and 152 of that title, as in effect on the day before the date of enactment of this Act.

(B) NO STRATEGIC HIGHWAY SAFETY PLAN.—If a State has not developed a strategic highway safety plan by October 1 of the second fiscal year after the date of enactment of this Act, but demonstrates to the satisfaction of the Secretary that progress is being made toward developing and implementing such a plan, the Secretary shall continue to apportion funds for 1 additional fiscal year for the highway safety improvement program under section 148 of title 23, United States Code, to the State, and the State may continue to obligate funds apportioned to the State under this section for projects that were eligible for funding under sections 130 and 152 of that title, as in effect on the day before the date of enactment of this Act.

(C) PENALTY.—If a State has not adopted a strategic highway safety plan by the date that is 2 years after the date of enactment of this Act, funds made available to the State under section 1101(6) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 shall be redistributed to other States in accordance with section 104(b) of title 23, United States Code.

(D) ADDITIONAL PENALTIES.—If, for any of fiscal years 2005 through 2009, a State fails to comply with section 148(f)(3) of title 23, United States Code, not less than 5 percent of funds made available to a State under paragraphs (1) and (2) of section 1101 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 for the fiscal year shall be obligated for projects described in section 1101(6) of that Act.

SEC. 3. STATE AND COMMUNITY GRANT PROGRAM REVISIONS.

Section 402(a) of title 23, United States Code, is amended—

(1) in the fifth sentence, by inserting before the period at the end the following: “to reduce the number of accidents, injuries, and deaths attributable to hazardous locations on public roads”; and

(2) by striking the eleventh sentence and inserting the following: “The criteria shall include, at a minimum, criteria on deaths and injuries resulting from police pursuits, school bus accidents, and speeding, traffic-related deaths and injuries at highway construction sites, and the configuration of commercial motor vehicles involved in motor vehicle accidents (including as a result of hazardous or antiquated roadway design).”.

SEC. 4. OBLIGATION OF FUNDS.

Section 104 of title 23, United States Code, is amended by adding at the end the following:

“(m) PROPORTIONAL OBLIGATION.—

“(1) IN GENERAL.—During each of the periods of fiscal years 2005 through 2006 and fiscal years 2007 through 2009, a State shall make available for the highway safety improvement program under section 148 an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs that is equal to the amount obtained by multiplying—

“(A) the aggregate amount of funds apportioned to the State for the highway safety improvement program during the period; and

“(B) the proportion that—

“(i) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to

“(ii) the total of the sums apportioned to the State for Federal-aid highways and high-

way safety construction programs (excluding sums not subject to an obligation limitation) during the period.

“(2) JOINT RESPONSIBILITY.—Each State and the Secretary shall jointly ensure compliance with paragraph (1).”.

SEC. 5. STUDY ON INCREASED SPEEDS.

(a) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation (referred to in this section as the “Secretary”) shall conduct a study to examine the effects of increased speed limits enacted by States after 1995.

(2) REQUIREMENTS.—The study shall identify empirical data regarding—

(A) increases or decreases in driving speeds on Interstate highways since 1995;

(B) correlations between changes in driving speeds and accident, injury, and fatality rates;

(C) correlations between posted speed limits and observed driving speeds;

(D) the overall impact on motor vehicle safety resulting from the repeal of the national maximum speed limit in 1995; and

(E) such other matters as the Secretary determines to be appropriate.

(b) REPORT.—Not later than 1 year after the date of completion of the study under subsection (a), the Secretary shall submit to Congress a report that describes the results of the study.

By Mr. DEWINE:

S. 2026. A bill to improve consumer awareness of motor vehicle safety; to the Committee on Commerce, Science, and Transportation.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2026

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consumer Vehicle Safety Awareness Act of 2004”.

SEC. 2. AMENDMENT OF AUTOMOBILE INFORMATION DISCLOSURE ACT.

(a) SAFETY LABELING REQUIREMENT.—Section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232) is amended by adding at the end the following:

“(g) if a safety rating for such automobile has been assigned and formally published by the National Highway Safety Administration under the New Car Assessment Program for at least 60 days prior to the delivery or introduction date of the automobile, the safety rating assigned to such automobile, displayed in text or graphics that—

“(1) include, as applicable—

“(A) a graphic depiction of the number of stars that corresponds to such safety rating displayed in a bright color clearly differentiated from stars indicating the unattained safety rating;

“(B) a statement that the automobile has been assigned a safety rating of zero stars in text of similar size and in the same location as the stars would otherwise have been depicted; or

“(C) a statement explaining that multiple safety ratings have been assigned and listing such ratings;

“(2) cover at least 8 percent of the total area of the label; and

“(3) contain a heading titled ‘Government Safety Information’ and a disclaimer including the following text: ‘Star ratings can be

compared between vehicles of similar size and weight. For more information on safety and testing, please visit <http://www.nhtsa.dot.gov>; and

“(h) if no safety rating has been assigned to such automobile by the National Highway Traffic Safety Administration under the New Car Assessment Program, a statement to that effect.”

(b) REGULATIONS.—Not later than January 1, 2006, the Secretary of Transportation shall prescribe regulations to implement the labeling requirements added pursuant to subsection (a).

(c) CONFORMING AND TECHNICAL AMENDMENTS.—Section 3 of such Act is further amended—

(1) in subsection (e), by striking “and” after the semicolon; and

(2) in subsection (f)—

(A) by adding “and” at the end of paragraph (3); and

(B) by striking the period at the end and inserting a semicolon.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) and subsection (c) shall take effect on January 1, 2006.

By Mr. DEWINE:

S. 2027. A bill to amend title 23 and 49, United States Code, to improve national highway traffic safety through improved motor vehicle driver education and licensing programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2027

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Driver Education and Licensing Improvement Act of 2004”.

SEC. 2. GRANTS FOR SUPPORT OF ALCOHOL-IMPAIRED DRIVING COUNTER-MEASURES.

(a) REVISED ELIGIBILITY REQUIREMENTS.—Subparagraph (D) of section 410(b)(1) of title 23, United States Code, is amended to read as follows:

“(D) GRADUATED LICENSING SYSTEM.—A multiple-stage graduated licensing system for young drivers that, at a minimum, authorizes the issuance of an initial license or learner’s permit to a driver no earlier than the driver’s 16th birthday, makes it unlawful for a person under age 21 to operate a motor vehicle with a blood alcohol concentration of .02 percent or greater, provides for a learning stage of at least six months and an intermediate stage of at least 6 months, and applies the following restrictions and features to such stages and to such other stage or stages as may be provided under State law:

“(i) A restriction that no more than 2 passengers may occupy a vehicle while it is being operated by a young driver.

“(ii) Nighttime driving restrictions applicable, at a minimum, during the hours between 10:00 o’clock post meridiem and 5:00 o’clock ante meridiem.

“(iii) Special penalties (including delays in progression through the stages of the graduated licensing system) for violations of restrictions under the system and violations of other State laws relating to operation of motor vehicles.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect one year after the date of the enactment of this Act.

SEC. 3. NATIONAL OFFICE OF DRIVER TRAINING.

Section 105 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(f)(1) There is a National Office of Driver Training in the National Highway Traffic Safety Administration.

“(2) The head of the National Office of Driver Training is the Director.

“(3) The functions of the National Office of Driver Training are as follows:

“(A) To provide States with services for coordinating the motor vehicle driver training and licensing programs of the States.

“(B) To develop and make available to the States a recommended motor vehicle driver education and licensing curriculum that incorporates the best practices in driver education and licensing, and to carry out such research (pursuant to cooperative agreements or otherwise) and undertake such other activities as the Director determines appropriate to develop and, on an ongoing basis, improve the recommended curriculum.

“(C) To provide States with technical assistance for the implementation of the motor vehicle driver education and licensing curriculum recommended under subparagraph (B).

“(D) To develop and recommend to the States methods for harmonizing the presentation of motor vehicle driver education and licensing with the requirements of multi-stage graduated licensing systems, including systems described in section 410(b)(1)(D) of title 23.

“(E) To provide States with financial assistance under section 30201 of this title for—

“(i) the implementation of the motor vehicle driver education and licensing curriculum recommended under subparagraph (B);

“(ii) the establishment or improved administration of multistage graduated licensing systems; and

“(iii) the support of other improvements in motor vehicle driver education and licensing programs.

“(F) To perform such other functions relating to motor vehicle driver education or licensing as the Secretary may require.”

SEC. 4. GRANT PROGRAM FOR IMPROVEMENT OF DRIVER EDUCATION AND LICENSING.

(a) AUTHORITY.—Part A of subtitle VI of title 49, United States Code, is amended by inserting after chapter 301 the following new chapter:

“CHAPTER 302—OTHER DRIVER PROGRAMS

“Sec.

“30201. Driver education and licensing: grant assistance.

“§ 30201. Driver education and licensing: grant assistance

“(a) AUTHORITY.—

“(1) IN GENERAL.—The Secretary shall carry out a program to provide States, by grant, with financial assistance to support the improvement of motor vehicle driver education programs and the establishment and improved administration of graduated licensing systems, including systems described in section 410(b)(1)(D) of title 23.

“(2) ADMINISTRATIVE OFFICE.—The Secretary shall administer the program under this section through the Director of the National Office of Driver Training.

“(b) ELIGIBILITY REQUIREMENTS.—

“(1) REGULATIONS.—The Secretary shall prescribe in regulations the eligibility requirements, application and approval proce-

dures and standards, and authorized uses of grant proceeds for the grant program under this section. The regulations shall, at a minimum, authorize use of grant proceeds for the following activities:

“(A) Quality assurance testing.

“(B) Improvement of motor vehicle driver education curricula.

“(C) Training of instructors for motor vehicle driver education programs.

“(D) Monitoring and evaluation of the motor vehicle driver performance of graduates of motor vehicle driver education programs.

“(E) Testing and evaluation of motor vehicle driver performance.

“(F) Public education and outreach regarding motor vehicle driver education and licensing.

“(G) Improvements with respect to State graduated licensing programs, as well as related enforcement activities.

“(2) CONSULTATION REQUIREMENT.—In prescribing the regulations, the Secretary shall consult with the following:

“(A) The Administrator of the National Highway Traffic Safety Administration.

“(B) The heads of such other departments and agencies of the United States as the Secretary considers appropriate on the basis of relevant interests or expertise.

“(C) Appropriate officials of the governments of States and political subdivisions of States.

“(D) Representatives of private sector organizations recognized for relevant expertise.

“(c) MAXIMUM AMOUNT OF GRANT.—The maximum amount of a grant of financial assistance for a program, project, or activity under this section may not exceed 75 percent of the total cost of such program, project, or activity.”

(b) TIME FOR PROMULGATION OF REGULATIONS.—The Secretary of Transportation shall promulgate the regulations under section 30201(b) of title 49, United States Code (as added by subsection (a)), not later than October 1, 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are authorized to be appropriated for carrying out section 30201(b) of title 49, United States Code (as added by subsection (a)), for fiscal years and in amounts as follows:

(1) For fiscal year 2005, \$20,000,000.

(2) For fiscal year 2006, \$22,000,000.

(3) For fiscal year 2007, \$24,000,000.

(4) For fiscal year 2008, \$26,000,000.

(5) For fiscal year 2009, \$28,000,000.

(6) For fiscal year 2010, \$30,000,000.

SEC. 5. GRANT PROGRAM FOR PUBLIC AWARENESS OF ORGAN DONATION THROUGH DRIVER LICENSING PROGRAMS.

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 302 of title 49, United States Code (as added by section 4), is amended by adding at the end the following new section:

“SEC. 30202. ORGAN DONATION THROUGH DRIVER LICENSING: GRANT ASSISTANCE.

“(a) AUTHORITY.—

“(1) IN GENERAL.—The Secretary shall carry out a program to provide eligible recipients, by grant, with financial assistance to carry out campaigns to increase public awareness of, and training on, authority and procedures under State law to provide for the donation of organs through a declaration recorded on a motor vehicle driver license.

“(2) ADMINISTRATIVE OFFICE.—The Secretary shall administer the program under this section through the Director of the National Office of Driver Training.

“(b) ELIGIBILITY REQUIREMENTS.—

“(1) REGULATIONS.—The Secretary shall prescribe in regulations the eligibility requirements, application and approval procedures and standards, and authorized uses of grant proceeds for the grant program under this section.

“(2) CONSULTATION REQUIREMENT.—In prescribing the regulations, the Secretary shall consult with the following:

“(A) The Administrator of the National Highway Traffic Safety Administration.

“(B) The heads of such other departments and agencies of the United States as the Secretary considers appropriate on the basis of relevant interests or expertise.

“(C) Appropriate officials of the governments of States and political subdivisions of States.

“(D) Representatives of private sector organizations recognized for relevant expertise.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“30202. Organ donation through driver licensing; grant assistance.”.

(b) TIME FOR PROMULGATION OF REGULATIONS.—The Secretary of Transportation shall promulgate the regulations under section 30202(b) of title 49, United States Code (as added by subsection (a)), not later than October 1, 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are authorized to be appropriated for carrying out section 30201(b) of title 49, United States Code (as added by subsection (a)), for fiscal years and in amounts as follows:

- (1) For fiscal year 2005, \$4,000,000.
- (2) For fiscal year 2006, \$4,000,000.
- (3) For fiscal year 2007, \$4,000,000.
- (4) For fiscal year 2008, \$4,000,000.
- (5) For fiscal year 2009, \$4,000,000.
- (6) For fiscal year 2010, \$4,000,000.

SEC. 6. STUDY OF NATIONAL DRIVER EDUCATION STANDARDS.

(a) REQUIREMENT FOR STUDY.—The Secretary of Transportation shall carry out a study to determine whether the establishment and imposition of nationwide minimum standards of motor vehicle driver education would improve national highway traffic safety.

(b) TIME FOR COMPLETION OF STUDY.—The Secretary shall complete the study not later than two years after the date of the enactment of this Act.

(c) REPORT.—The Secretary shall publish a report on the results of the study under this section not later than 2 years after the study is completed.

By Mr. DEWINE:

S. 2028. A bill to improve tire safety and labeling, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2028

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Tire Safety Awareness Act of 2004”.

SEC. 2. DATE OF MANUFACTURE INFORMATION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall, in

consultation with the Administrator of the National Highway Traffic Safety Administration, undertake to modify the regulations relating to tire safety that are administered by the Administration through the promulgation of regulations that require that such date of manufacture information is disclosed clearly and understandably, in writing, to consumers at the point of sale on an invoice, sales receipt, or equivalent record.

(b) EXCEPTION.—The date of manufacture information required to be disclosed pursuant to the regulations promulgated under subsection (a) shall not apply to tires that are—

- (1) sold with new motor vehicles;
- (2) exempt from testing under Federal Motor Vehicle Safety Standard (FMVSS) 139; or
- (3) sold for use on vehicles with a gross vehicle weight of 10,001 pounds or more.

SEC. 3. REPORT ON TIRE SAFETY.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Transportation shall enter into a cooperative agreement with the National Academy of Sciences to commission a report to Congress on the effects of age on light vehicle tires (within the meaning of Federal Motor Vehicle Safety Standard (FMVSS) 139), including—

(1) a study of the effect on tire safety resulting from tire aging characteristics, including but not limited to the chemical breakdown and oxidation that occur over time with respect to tires, irrespective of use;

(2) recommendations on how to best communicate information, including tire aging characteristics, to consumers, and an assessment of the utility and benefits of this information with respect to motor vehicle safety;

(3) an examination of whether the imposition of limits on the age of tires available for sale in interstate commerce would enhance motor vehicle safety;

(4) an examination of—

(A) currently available, scientifically proven technologies that may assist consumers in assessing tire age; and

(B) the feasibility of developing technologies in the future that may assist consumers in assessing tire age; and

(5) any other information the Secretary determines appropriate.

(b) CONSIDERATION OF EXISTING RESOURCES.—The report shall take into consideration relevant scientific studies performed by the National Highway Traffic Safety Administration and the American Society for Testing and Materials Committee F09 on Tires.

(c) REPORT REQUIRED.—The Secretary shall submit the report to Congress not later than 3 years after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 291—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN THE CASE OF JAMES MCKOY V. NORTH FORK SERVICES/JOINT VENTURE

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 291

Whereas, in the case of James McKoy v. North Fork Services/Joint Venture, No. 2004-CAA-00002, pending before the United States

Department of Labor, testimony has been requested from Resi Cooper, an employee in the Long Island office of Senator Hillary Rodham Clinton;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate; Now, therefore, be it

Resolved, That Resi Cooper is authorized to testify in the case of James McKoy v. North Fork Services/Joint Venture, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Resi Cooper in connection with the testimony authorized in section one of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2236. Mr. KYL proposed an amendment to amendment SA 2233 proposed by Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. GREGG, and Mr. KENNEDY) to the bill H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes.

SA 2237. Mr. FITZGERALD submitted an amendment intended to be proposed to amendment SA 2233 proposed by Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. GREGG, and Mr. KENNEDY) to the bill H.R. 3108, supra; which was ordered to lie on the table.

SA 2238. Mr. FITZGERALD submitted an amendment intended to be proposed to amendment SA 2233 proposed by Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. GREGG, and Mr. KENNEDY) to the bill H.R. 3108, supra; which was ordered to lie on the table.

SA 2239. Mr. FITZGERALD submitted an amendment intended to be proposed to amendment SA 2233 proposed by Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. GREGG, and Mr. KENNEDY) to the bill H.R. 3108, supra; which was ordered to lie on the table.

SA 2240. Mr. FITZGERALD submitted an amendment intended to be proposed to amendment SA 2233 proposed by Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. GREGG, and Mr. KENNEDY) to the bill H.R. 3108, supra; which was ordered to lie on the table.

SA 2241. Mr. FITZGERALD submitted an amendment intended to be proposed to amendment SA 2233 proposed by Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. GREGG, and Mr. KENNEDY) to the bill H.R. 3108, supra; which was ordered to lie on the table.

SA 2242. Mr. FITZGERALD submitted an amendment intended to be proposed to amendment SA 2233 proposed by Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. GREGG, and Mr. KENNEDY) to the bill H.R. 3108, supra; which was ordered to lie on the table.

SA 2243. Mr. FITZGERALD submitted an amendment intended to be proposed to