

Ms. ROYBAL-ALLARD. Mr. Speaker, I thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for yielding the time to me.

Mr. Speaker, I also want to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. MILLER), the ranking member of the Committee on Resources, and the gentleman from Utah (Chairman HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELO), the ranking member of the Subcommittee on National Parks and Public Lands, for bringing H.R. 5083 to the floor.

This legislation addresses an urgent need for hundreds of children who attend Tweedy Elementary School in my congressional district.

As the gentleman from Utah (Chairman HANSEN) mentioned, in 1988 the Los Angeles Board of Education closed Tweedy Elementary School in South Gate, California, due to health risks from environmental contamination at the school site.

Consequently, the school was moved to South Gate Park located on Federal land, until a new school could be built.

To enable Tweedy Elementary students to attend school in their community, Congress approved a lease, at fair market value, between the city of South Gate and the Los Angeles Unified School District.

The current lease, as was mentioned, is going to expire this fall.

Mr. Speaker, since L.A. Unified is still in the process of replacing Tweedy Elementary, this bill extends the current lease 4 years to allow L.A. Unified time to construct the new school.

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As a condition of the extension, the bill requires a school district to provide progress reports twice a year to the City of South Gate, to Congress, and, most importantly, to the parents of Tweedy students.

With no available alternative site, passage of this measure is essential to ensure that the children of Tweedy are not evicted and their education is not disrupted while LAUSD constructs a permanent replacement site.

For the children of South Gate, I urge my colleagues to pass this critically needed legislation. I would like to thank the gentleman from Utah (Chairman HANSEN) for his support of this very important measure.

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

Mr. FALEOMAVAEGA. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, H.R. 5083, as introduced by the gentlewoman from California (Ms. ROYBAL-ALLARD) would extend for a period of 4 years a lease that allows the Los Angeles Unified School District to operate an elementary school on the park land in the City of South Gate, California that was acquired with monies from the Federal Land and Water Conservation Fund.

Such an extension is necessary because the school district has thus far failed to relocate the elementary school to a permanent site. The elementary school was originally moved onto local park land in 1988 because of concern with health risks associated with the former school site.

In 1992, Public law 102-443 was enacted that allowed an 8-year extension of the lease of three acres of the local park for elementary school purposes. That lease extension is set to expire on October 23 of this year. Without that additional extension, the elementary school will be in a precarious situation.

Mr. Speaker, it is, indeed, unfortunate that the Los Angeles Unified School District has thus far failed to provide a new permanent facility for the elementary school. We support the extension provided in the provisions of this bill. I urge my colleagues to support the provisions of this bill.

Mr. Speaker, if I may not detract too far from the pieces of legislation that the gentleman from Utah (Chairman HANSEN) and I have tried earnestly to complete this evening, I really think I would be remiss if I did not share with my colleagues that, 2 days from now, that our colleagues will be going to the State of Minnesota to express our sense of condolences to the great gentleman, the Congressman from Minnesota, my good friend and former chairman of the Subcommittee on National Parks and Public Lands, the late Congressman BRUCE VENTO.

If ever my colleagues in this Chamber, when we talk about national parks, when we talk about public lands, when we talk about scenic trails, when we talk about wildlife refuge, when we talk about historic preservation, historic sites, perhaps two words come out more starkly, very, very clear in my mind when we think of this great American, the son of Minnesota, Congressman BRUCE VENTO.

When we talk about conservation and the environment, I think of the legacy that this gentleman has left us in this Chamber and the tremendous amount of energy and work that he has committed on behalf of our Nation.

When we talk about conservation environment, there is also another gentleman I want to recognize, the unsung heroes. I say a lot of times that when we do things as Members that we do not give credit which is due. This is my good friend Rick Healy, who, for many years, served as staff director to Congressman BRUCE VENTO and doing such a fantastic, tremendous job in passing some 300 pieces of legislation during Congressman VENTO's tenure as chairman of the Subcommittee on National Parks and Public Lands.

I want to let him know that certainly this Member and certainly my colleagues in the Chamber want to express our sense of appreciation to Rick for the outstanding job that he has done with the national parks and public land issues.

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

Mr. FALEOMAVAEGA. I am glad to yield to the gentleman from Utah.

Mr. HANSEN. Mr. Speaker, I would like to associate myself with the remarks made by the gentleman from American Samoa (Mr. FALEOMAVAEGA) concerning our late colleague, BRUCE VENTO. I also served with him for many years and was ranking member when he was chairman. We have lost a good friend and a very fine legislator.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman for his kind comments.

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

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5083.

The question was taken.

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

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2389, H.R. 4345, H.R. 4656, H. Res. 621, H.R. 150, H.R. 2879, H.R. 3292, H.R. 468 and H.R. 5083.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

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#### TRANSPORTATION RECALL ENHANCEMENT, ACCOUNTABILITY, AND DOCUMENTATION (TREAD) ACT

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5164) to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5164

*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 "Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act".

#### SEC. 2. PRESERVATION OF SECTION 30118.

The amendments made to section 30118 of title 49, United States Code, by section 364 of the Department of Transportation and Related Agencies Appropriations Act, 2001 are

repealed and such section shall be effective as if such amending section had not been enacted.

### SEC. 3. REPORTING REQUIREMENTS.

(a) DEFECTS IN FOREIGN COUNTRIES.—Section 30166 of title 49, United States Code, is amended by adding at the end the following:

“(1) REPORTING OF DEFECTS IN MOTOR VEHICLES AND PRODUCTS IN FOREIGN COUNTRIES.—

“(1) REPORTING OF DEFECTS, MANUFACTURER DETERMINATION.—Not later than 5 working days after determining to conduct a safety recall or other safety campaign in a foreign country on a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States, the manufacturer shall report the determination to the Secretary.

“(2) REPORTING OF DEFECTS, FOREIGN GOVERNMENT DETERMINATION.—Not later than 5 working days after receiving notification that the government of a foreign country has determined that a safety recall or other safety campaign must be conducted in the foreign country on a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States, the manufacturer of the motor vehicle or motor vehicle equipment shall report the determination to the Secretary.

“(3) REPORTING REQUIREMENTS.—The Secretary shall prescribe the contents of the notification required by this subsection.”

(b) EARLY WARNING REPORTING REQUIREMENTS.—Section 30166, of title 49, United States Code, is amended by adding at the end the following:

“(m) EARLY WARNING REPORTING REQUIREMENTS.—

“(1) RULEMAKING REQUIRED.—Not later than 120 days after the date of enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, the Secretary shall initiate a rulemaking proceeding to establish early warning reporting requirements for manufacturers of motor vehicles and motor vehicle equipment to enhance the Secretary’s ability to carry out the provisions of this chapter.

“(2) DEADLINE.—The Secretary shall issue a final rule under paragraph (1) not later than June 30, 2002.

“(3) REPORTING ELEMENTS.—

“(A) WARRANTY AND CLAIMS DATA.—As part of the final rule promulgated under paragraph (1), the Secretary shall require manufacturers of motor vehicles and motor vehicle equipment to report, periodically or upon request by the Secretary, information which is received by the manufacturer derived from foreign and domestic sources to the extent that such information may assist in the identification of defects related to motor vehicle safety in motor vehicles and motor vehicle equipment in the United States and which concerns—

“(i) data on claims submitted to the manufacturer for serious injuries (including death) and aggregate statistical data on property damage from alleged defects in a motor vehicle or in motor vehicle equipment; or

“(ii) customer satisfaction campaigns, consumer advisories, recalls, or other activity involving the repair or replacement of motor vehicles or items of motor vehicle equipment.

“(B) OTHER DATA.—As part of the final rule promulgated under paragraph (1), the Secretary may, to the extent that such information may assist in the identification of defects related to motor vehicle safety in motor vehicles and motor vehicle equipment in the United States, require manufacturers

of motor vehicles or motor vehicle equipment to report, periodically or upon request of the Secretary, such information as the Secretary may request.

“(C) REPORTING OF POSSIBLE DEFECTS.—The manufacturer of a motor vehicle or motor vehicle equipment shall report to the Secretary, in such manner as the Secretary establishes by regulation, all incidents of which the manufacturer receives actual notice which involve fatalities or serious injuries which are alleged or proven to have been caused by a possible defect in such manufacturer’s motor vehicle or motor vehicle equipment in the United States, or in a foreign country when the possible defect is in a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States.

“(4) HANDLING AND UTILIZATION OF REPORTING ELEMENTS.—

“(A) SECRETARY’S SPECIFICATIONS.—In requiring the reporting of any information requested by the Secretary under this subsection, the Secretary shall specify in the final rule promulgated under paragraph (1)—

“(i) how such information will be reviewed and utilized to assist in the identification of defects related to motor vehicle safety;

“(ii) the systems and processes the Secretary will employ or establish to review and utilize such information; and

“(iii) the manner and form of reporting such information, including in electronic form.

“(B) INFORMATION IN POSSESSION OF MANUFACTURER.—The regulations promulgated by the Secretary under paragraph (1) may not require a manufacturer of a motor vehicle or motor vehicle equipment to maintain or submit records respecting information not in the possession of the manufacturer.

“(C) DISCLOSURE.—None of the information collected pursuant to the final rule promulgated under paragraph (1) shall be disclosed pursuant to section 30167(b) unless the Secretary determines the disclosure of such information will assist in carrying out sections 30117(b) and 30118 through 30121.

“(D) BURDENSOME REQUIREMENTS.—In promulgating the final rule under paragraph (1), the Secretary shall not impose requirements unduly burdensome to a manufacturer of a motor vehicle or motor vehicle equipment, taking into account the manufacturer’s cost of complying with such requirements and the Secretary’s ability to use the information sought in a meaningful manner to assist in the identification of defects related to motor vehicle safety.

“(5) PERIODIC REVIEW.—As part of the final rule promulgated pursuant to paragraph (1), the Secretary shall specify procedures for the periodic review and update of such rule.”

(c) SALE OR LEASE OF DEFECTIVE OR NON-COMPLIANT TIRE.—Section 30166 of title 49, United States Code, as amended by subsection (b), is amended by adding at the end the following:

“(n) SALE OR LEASE OF DEFECTIVE OR NON-COMPLIANT TIRE.—

“(1) IN GENERAL.—The Secretary shall, within 90 days of the date of enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, issue a final rule requiring any person who knowingly and willfully sells or leases for use on a motor vehicle a defective tire or a tire which is not compliant with an applicable tire safety standard with actual knowledge that the manufacturer of such tire has notified its dealers of such defect or non-compliance as required under section 30118(c) or as required by an order under section 30118(b) to report such sale or lease to the Secretary.

“(2) DEFECT OR NONCOMPLIANCE REMEDIED OR ORDER NOT IN EFFECT.—Regulations under paragraph (1) shall not require the reporting described in paragraph (1) where before delivery under a sale or lease of a tire—

“(A) the defect or noncompliance of the tire is remedied as required by section 30120; or

“(B) notification of the defect or non-compliance is required under section 30118(b) but enforcement of the order is restrained or the order is set aside in a civil action to which section 30121(d) applies.”

(d) INSURANCE STUDY.—The Secretary of Transportation shall conduct a study to determine the feasibility and utility of obtaining aggregate information on a regular and periodic basis regarding claims made for private passenger automobile accidents from persons in the business of providing private passenger automobile insurance or of adjusting insurance claims for such automobiles. Not later than 120 days after the date of enactment of this Act, the Secretary shall transmit the results of such study to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

### SEC. 4. REMEDIES WITHOUT CHARGE.

Section 30120(g)(1) of title 49, United States Code, is amended by—

(1) striking “8 calendar years” and inserting “10 calendar years”; and

(2) striking “3 calendar years” and inserting “5 calendar years”.

### SEC. 5. PENALTIES.

(a) CIVIL PENALTIES.—Section 30165(a) of title 49, United States Code, is amended to read as follow:

“(a) CIVIL PENALTIES.—

“(1) IN GENERAL.—A person that violates any of sections 30112, 30115, 30117 through 30122, 30123(d), 30125(c), 30127, or 30141 through 30147, or a regulation prescribed thereunder, is liable to the United States Government for a civil penalty of not more than \$5,000 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by any of those sections. The maximum penalty under this subsection for a related series of violations is \$15,000,000.

“(2) SECTION 30166.—A person who violates section 30166 or a regulation prescribed under that section is liable to the United States Government for a civil penalty for failing or refusing to allow or perform an act required under that section or regulation. The maximum penalty under this paragraph is \$5,000 per violation per day. The maximum penalty under this paragraph for a related series of daily violations is \$15,000,000.”

(b) CRIMINAL PENALTIES.—

(1) IN GENERAL.—Subchapter IV of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

#### “§ 30170. Criminal Penalties.

“(a) CRIMINAL LIABILITY FOR FALSIFYING OR WITHHOLDING INFORMATION.—

“(1) GENERAL RULE.—A person who violates section 1001 of title 18 with respect to the reporting requirements of section 30166, with the specific intention of misleading the Secretary with respect to motor vehicle or motor vehicle equipment safety related defects that have caused death or serious bodily injury to an individual, (as defined in section 1365(g)(3) of title 18), shall be subject to criminal penalties of a fine under title 18, or imprisoned for not more than 15 years, or both.

“(2) SAFE HARBOR TO ENCOURAGE REPORTING AND FOR WHISTLE BLOWERS.—

“(A) CORRECTION.—A person described in paragraph (1) shall not be subject to criminal

penalties under this subsection if (1) at the time of the violation, such person does not know that the violation would result in an accident causing death or serious bodily injury and (2) the person corrects any improper reports or failure to report within a reasonable time.

“(B) REASONABLE TIME AND SUFFICIENCY OF CORRECTION.—The Secretary shall establish by regulation what constitutes a reasonable time for the purposes of subparagraph (A) and what manner of correction is sufficient for purposes of subparagraph (A). The Secretary shall issue a final rule under this subparagraph within 90 days of the date of enactment of this section.

“(C) EFFECTIVE DATE.—Subsection (a) shall not take effect before the final rule under subparagraph (B) takes effect.

“(b) COORDINATION WITH DEPARTMENT OF JUSTICE.—The Attorney General may bring an action, or initiate grand jury proceedings, for a violation of subsection (a) only at the request of the Secretary of Transportation.”.

(2) CLERICAL AMENDMENT.—The subchapter analysis for subchapter IV of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

“30170. Criminal penalties.”.

**SEC. 6. ACCELERATION OF MANUFACTURER REMEDY PROGRAM.**

Section 30120(c) of title 49, United States Code, is amended by inserting at the end thereof the following:

“(3) If the Secretary determines that a manufacturer’s remedy program is not likely to be capable of completion within a reasonable time, the Secretary may require the manufacturer to accelerate the remedy program if the Secretary finds—

“(A) that there is a risk of serious injury or death if the remedy program is not accelerated; and

“(B) that acceleration of the remedy program can be reasonably achieved by expanding the sources of replacement parts, expanding the number of authorized repair facilities, or both.

The Secretary may prescribe regulations to carry out this paragraph.”.

**SEC. 7. SALES OF REPLACED TIRES.**

Section 30120(d) of title 49, United States Code, is amended by adding at the end the following: “In the case of a remedy program involving the replacement of tires, the manufacturer shall include a plan addressing how to prevent, to the extent reasonably within the control of the manufacturer, replaced tires from being resold for installation on a motor vehicle, and how to limit, to the extent reasonably within the control of the manufacturer, the disposal of replaced tires in landfills, particularly through shredding, crumbling, recycling, recovery, and other alternative beneficial non-vehicular uses. The manufacturer shall include information about the implementation of such plan with each quarterly report to the Secretary regarding the progress of any notification or remedy campaigns.”.

**SEC. 8. SALES OF REPLACED EQUIPMENT.**

Section 30120 of title 49, United States Code, is amended by adding at the end the following:

“(j) PROHIBITION ON SALES OF REPLACED EQUIPMENT.—No person may sell or lease any motor vehicle equipment (including a tire), for installation on a motor vehicle, that is the subject of a decision under section 30118(b) or a notice required under section 30118(c) in a condition that it may be reasonably used for its original purpose unless—

“(1) the defect or noncompliance is remedied as required by this section before delivery under the sale or lease; or

“(2) notification of the defect or noncompliance is required under section 30118(b)

but enforcement of the order is set aside in a civil action to which section 30121(d) applies.”.

**SEC. 9. CERTIFICATION LABEL.**

Section 30115 of title 49, United States Code, is amended by inserting “(a) IN GENERAL.—” before “A manufacturer” and by adding at the end the following:

“(b) CERTIFICATION LABEL.—In the case of the certification label affixed by an intermediate or final stage manufacturer of a motor vehicle built in more than 1 stage, each intermediate or final stage manufacturer shall certify with respect to each applicable Federal motor vehicle safety standard—

“(1) that it has complied with the specifications set forth in the compliance documentation provided by the incomplete motor vehicle manufacturer in accordance with regulations prescribed by the Secretary; or

“(2) that it has elected to assume responsibility for compliance with that standard.

If the intermediate or final stage manufacturer elects to assume responsibility for compliance with the standard covered by the documentation provided by an incomplete motor vehicle manufacturer, the intermediate or final stage manufacturer shall notify the incomplete motor vehicle manufacturer in writing within a reasonable time of affixing the certification label. A violation of this subsection shall not be subject to a civil penalty under section 30165.”.

**SEC. 10. ENDURANCE AND RESISTANCE STANDARDS FOR TIRES.**

The Secretary of Transportation shall conduct a rulemaking to revise and update the tire standards published at 49 C.F.R. 571.109 and 49 C.F.R. 571.119. The Secretary shall complete the rulemaking under this section not later than June 1, 2002.

**SEC. 11. IMPROVED TIRE INFORMATION.**

(a) TIRE LABELING.—Within 30 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking proceeding to improve the labeling of tires required by section 30123 of title 49, United States Code to assist consumers in identifying tires that may be the subject of a decision under section 30118(b) or a notice required under section 30118(c). The Secretary shall complete the rulemaking not later than June 1, 2002.

(b) INFLATION LEVELS AND LOAD LIMITS.—In the rulemaking initiated under subsection (a), the Secretary may take whatever additional action is appropriate to ensure that the public is aware of the importance of observing motor vehicle tire load limits and maintaining proper tire inflation levels for the safe operation of a motor vehicle. Such additional action may include a requirement that the manufacturer of motor vehicles provide the purchasers of the motor vehicles information on appropriate tire inflation levels and load limits if the Secretary determines that requiring such manufacturers to provide such information is the most appropriate way such information can be provided.

**SEC. 12. ROLLOVER TESTS.**

Section 30117 of title 49, United States Code, is amended by adding at the end the following:

“(c) ROLLOVER TESTS.—

“(1) DEVELOPMENT.—Not later than 2 years from the date of enactment of this subsection, the Secretary shall—

“(A) develop a dynamic test on rollovers by motor vehicles for the purposes of a consumer information program; and

“(B) carry out a program of conducting such tests.

“(2) TEST RESULTS.—As the Secretary develops a test under paragraph (1)(A), the Secretary shall conduct a rulemaking to determine how best to disseminate test results to the public.

“(3) MOTOR VEHICLES COVERED.—This subsection applies to motor vehicles, including passenger cars, multipurpose passenger vehicles, and trucks, with a gross vehicle weight rating of 10,000 pounds or less. A motor vehicle designed to provide temporary residential accommodations is not covered.”.

**SEC. 13. TIRE PRESSURE WARNING.**

Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall complete a rulemaking for a regulation to require a warning system in new motor vehicles to indicate to the operator when a tire is significantly under inflated. Such requirement shall become effective not later than 2 years after the date of the completion of such rulemaking.

**SEC. 14. IMPROVING THE SAFETY OF CHILD RESTRAINTS.**

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking for the purpose of improving the safety of child restraints, including minimizing head injuries from side impact collisions.

(b) ELEMENTS FOR CONSIDERATION.—In the rulemaking required by subsection (a), the Secretary shall consider—

(1) whether to require more comprehensive tests for child restraints than the current Federal motor vehicle safety standards requires, including the use of dynamic tests that—

(A) replicate an array of crash conditions, such as side-impact crashes and rear-impact crashes; and

(B) reflect the designs of passenger motor vehicles as of the date of enactment of this Act;

(2) whether to require the use of anthropomorphic test devices that—

(A) represent a greater range of sizes of children including the need to require the use of an anthropomorphic test device that is representative of a ten-year-old child; and

(B) are Hybrid III anthropomorphic test devices;

(3) whether to require improved protection from head injuries in side-impact and rear-impact crashes;

(4) how to provide consumer information on the physical compatibility of child restraints and vehicle seats on a model-by-model basis;

(5) whether to prescribe clearer and simpler labels and instructions required to be placed on child restraints;

(6) whether to amend Federal Motor Vehicle Safety Standard No. 213 (49 C.F.R. 571.213) to cover restraints for children weighing up to 80 pounds;

(7) whether to establish booster seat performance and structural integrity requirements to be dynamically tested in 3-point lap and shoulder belts;

(8) whether to apply scaled injury criteria performance levels, including neck injury, developed for Federal Motor Vehicle Safety Standard No. 208 to child restraints and booster seats covered by in Federal Motor Vehicle Safety Standard No. 213; and

(9) whether to include child restraint in each vehicle crash tested under the New Car Assessment Program.

(c) REPORT TO CONGRESS.—If the Secretary does not incorporate any element described in subsection (b) in the final rule, the Secretary shall explain, in a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce submitted within 30 days after issuing the final rule, specifically why the Secretary did not incorporate any such element in the final rule.

(d) COMPLETION.—Notwithstanding any other provision of law, the Secretary shall

complete the rulemaking required by subsection (a) not later than 24 months after the date of enactment of this Act.

(e) CHILD RESTRAINT DEFINED.—In this section, the term “child restraint” has the meaning given the term “Child restraint system” in section 571.213 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(f) FUNDING.—For each fiscal year, of the funds made available to the Secretary for activities relating to safety, not less than \$750,000 shall be made available to carry out crash testing of child restraints.

(g) CHILD RESTRAINT SAFETY RATINGS PROGRAM.—No later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall issue a notice of proposed rulemaking to establish a child restraint safety rating consumer information program to provide practicable, readily understandable, and timely information to consumers for use in making informed decisions in the purchase of child restraints. No later than 24 months after the date of enactment of this Act the Secretary shall issue a final rule establishing a child restraint safety rating program and providing other consumer information which the Secretary determines would be useful consumers who purchase child restraint systems.

(h) BOOSTER SEAT STUDY.—In addition to consideration of booster seat performance and structural integrity contained in subsection (b)(7), not later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall initiate and complete a study, taking into account the views of the public, on the use and effectiveness of automobile booster seats for children, compiling information on the advantages and disadvantages of using booster seats and determining the benefits, if any, to children from use of booster with lap and shoulder belts compared to children using lap and shoulder belts alone, and submit a report on the results of that study to the Congress.

(i) BOOSTER SEAT EDUCATION PROGRAM.—The Secretary of Transportation within 1 year after the date of enactment of this Act shall develop 5 year strategic plan to reduce deaths and injuries caused by failure to use the appropriate booster seat in the 4 to 8 year old age group by 25 percent.

#### SEC. 15. IMPROVING CRITERIA USED IN A RECALL.

(a) REVIEW OF STANDARDS AND CRITERIA USED IN OPENING A DEFECT OR NONCOMPLIANCE INVESTIGATION.—The Secretary shall, not later than 30 days after the date of enactment of this Act, undertake a comprehensive review of all standards, criteria, procedures, and methods, including data management and analysis used by the National Highway Traffic Safety Administration in determining whether to open a defect or non-compliance investigation pursuant to subchapter II or IV of chapter 301 of title 49, United States Code, and shall undertake such steps as may be necessary to update and improve such standards, criteria, procedures, or methods, including data management and analysis.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the Secretary's findings and actions under subsection (a).

#### SEC. 16. FOLLOW-UP REPORT.

One year after the date of enactment of this Act, the Secretary of Transportation shall report to the Congress on the implementation of the amendments made by this Act and any recommendations for additional amendments for consumer safety.

#### SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

In addition to any sums authorized to be appropriated by sections 30104 or 32102 of title 49, United States Code, there is authorized to be appropriated to the Secretary of Transportation for the National Highway Traffic Safety Administration for fiscal year 2001 \$9,100,000 to carry out this Act and the amendments made by this Act. Such funds shall not be available for the general administrative expenses of the Secretary or the Administration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

#### GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 5164.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I am proud to rise in support of this bill, H.R. 5164, the Transportation Recall Enhancement, Accountability, and Documentation Act, or the TREAD act, introduced by my colleague the gentleman from Michigan (Mr. UPTON), the chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce of the House.

Together our two subcommittees have been working to uncover the facts surrounding the Firestone tire recall action focusing primarily on the action as it pertains to relevant Ford vehicles, in particular one of the Nation's most popular SUVs, the Ford Explorer.

I want to begin by thanking my dear friend the gentleman from Michigan (Mr. DINGELL) and the ranking minority member of our subcommittee, the gentleman from Massachusetts (Mr. MARKEY), again as well as the gentleman from Michigan (Mr. UPTON), the author of this legislation, for not only the success we have had in bringing this bill to the floor but more importantly for I think an extraordinary investigative series of hearings, an investigation that even now goes on.

Up here in Congress we always hear about how we must act on something because it is life or death. Well, in regard to this situation, no one has been exaggerating. This is about life and death.

As we are aware, Bridgestone/Firestone announced on August 9 a voluntary recall of 6.5 million of its 15-inch tires used on light trucks and sport utility vehicles. The recalled tires and other tires have been implicated in an increasing number of deaths and injuries in the United States, and the investigation is indeed far from complete.

Despite the ongoing investigation by NHTSA, the question of what is the precise cause of these tire tread separation accidents remains largely unanswered.

At our hearings we did not expect to find the smoking gun. Instead, the main purpose of our joint hearings was to find out what happened with the process, who knew what, and what they did with the information that was available to them.

We heard from the companies and from NHTSA on their progress in getting to the root cause of the tire failures on these Ford Explorers. We examined the testing done by Firestone and Ford on those tires, and we delved into what type of testing did the National Highway Traffic Safety Administration actually require and was that enough to protect the American public.

It was the hope of every member of the two subcommittees that we would work together in a bipartisan fashion to use these hearings and this horrible experience to learn how to correct the process and, more importantly, how to prevent something of this magnitude from ever happening again.

I would like to again express my sincere appreciation to Members on both sides of the aisle of the Committee on Commerce for working together in such a constructive fashion to craft what we believe is very reasonable and targeted legislation to ameliorate the shortfalls in our law that were uncovered in the hearings and in the ongoing investigation.

Given the extraordinary time constraints associated with the task, it was absolutely imperative that this legislation move through the committee process as quickly as possible.

In that regard, I wish to thank the staff and the chairman of the Committee on the Judiciary who were very helpful in working with the Committee on Commerce. We are often at odds in jurisdictional debates, but the Committee on the Judiciary was extremely helpful in crafting those sections of our bill that have to do with criminal sanctions.

H.R. 5164 is intended to address problems raised in the investigation and the accompanying hearings. The hearings highlighted the fact that the information available to NHTSA regarding motor vehicles and these tires was in fact inadequate.

It also became clear that NHTSA did not effectively use the data that was available to spot trends that were related to these tire failures.

I would like to touch on some of the important provisions contained in the bill.

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The bill, for example, requires that manufacturers report actual and potential defects in motor vehicles and products in foreign countries. This covers similar models, not just those models offered for sale in the United States.

The bill directs the Secretary to promulgate rules to require manufacturers

to provide early warning reporting data, including warranty and claims data and such other data as may be requested by the Secretary. I am particularly thankful for our friend the gentleman from Massachusetts (Mr. MARKEY) for the language in this area. Importantly, the Secretary must make certain findings regarding the need and utilization of this data. We require NHTSA to harmonize the collection of this information in a manner that enables it to quickly and more efficiently identify problematic patterns in products and vehicles.

The bill lengthens the period in which a manufacturer of a motor vehicle or a tire must remedy the defect without charge, and directs the Secretary to conduct a rulemaking to upgrade the 30-year-old tire standard to bring it in line with modern tire technology.

The bill directs the Secretary to review procedures for opening a defect investigation and directs the Secretary to conduct a rulemaking to improve tire labeling so that we do not have to crawl under our cars to see what our tires are really made of and what size and what pressure they should be operated under.

The bill prohibits the resale of motor vehicle equipment removed and replaced as a part of a recall. It provides additional funding for NHTSA consistent with the appropriation already provided tied to carrying out the provisions of this act.

The bill increases civil penalties to \$5,000 per violation per day and a maximum of \$15 million and it provides enhanced criminal penalties for violations of existing law that requires filing honest and good information with the government and provides that a person who has specific intent of misleading the Secretary with respect to motor vehicle defects that have caused death or serious bodily injury would suffer more serious criminal penalties.

Importantly, the bill encourages the reporting of information and provides a safe harbor for those who do, but it makes that safe harbor only available to someone who did not actually have actual knowledge that false reporting or incorrect reporting would result in serious injury or death.

Mr. Speaker, I urge all of my colleagues to report this very reasonable bipartisan legislation that passed our committee on a 43-0 vote. I encourage literally the House to pass it on to the Senate and to do this important thing for this Nation to make sure this national tragedy does not happen again in the future.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 5164, the Transportation Recall Enhancement, Account-

ability and Documentation Act. This is important legislation of which I was a cosponsor and it has bipartisan support. It was reported by the Committee on Commerce by a unanimous recorded vote of 42-0.

Firestone's recall of 14.4 million tires which it announced in August of this year is the second largest tire recall ever. It is surpassed only by Firestone's recall of 14.5 million tires in 1978. The recent recall came about only after Ford Motor Company whose vehicles were equipped with many of the recalled tires was given access to Firestone's claims data in late July and was able to link 46 deaths and a large number of claims to accidents involving two 15-inch models of Firestone tires, the ATX and the Wilderness AT.

Since August 9, the number of fatalities attributable to accidents involving the recall of Firestone tires has grown to 101 according to NHTSA, the National Highway Traffic Safety Administration.

Mr. Speaker, I would note that the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Michigan (Mr. UPTON), and the gentleman from Massachusetts (Mr. MARKEY) deserve a great deal of credit for what has transpired here as does the gentleman from Minnesota (Mr. LUTHER), the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Ohio (Mr. SAWYER). They have worked hard, as have a number of other Members too numerous to be mentioned at this time.

In any event, the legislation is necessary. It needs to be adopted at an early time.

Mr. Speaker, I rise in support of H.R. 5164, the Transportation Recall Enhancement, Accountability, and Documentation Act. This important legislation, of which I am a cosponsor, has broad-based, bipartisan support. It was reported out of the Commerce Committee by a unanimous, recorded vote of 42 to 0.

Firestone's recall of 14.4 million tires, which it announced on August 9th of this year, is the second largest tire recall ever. It is surpassed only by Firestone's recall of 14.5 million tires in 1978.

The recent recall came about only after Ford Motor Company, whose vehicles were equipped with many of the recalled tires, was given access to Firestone's claims data in late July and was able to link 46 deaths and a large number of claims to accidents involving two 15-inch models of Firestone tires—the ATX and the Wilderness AT. Since August 9th, the number of fatalities attributable to accidents involving the recalled Firestone tires has grown to 101, according to the National Highway Traffic Safety Administration (NHTSA).

Even today, countless Americans are on the road—picking up their kids, driving to work—and the last thing that should worry them is the quality and soundness of their tires.

Mr. Speaker, time is of the essence. H.R. 5164 can and should be enacted into law this year. It directly responds to the problems that the committee's hearings uncovered in the Firestone tire recall case. The legislation directs the National Highway Traffic Safety Administration (NHTSA) to develop a plan for

analyzing and using information it receives. This is important because the hearings showed that more than two years ago, NHTSA had information on 47 cases of tread separation involving the recalled tires, but failed to do anything with the information it already had.

In addition, this legislation requires manufacturers to give NHTSA claims data and other information that proved to be so important in the Firestone case. If this legislation becomes law, manufacturers will have to notify NHTSA about recalls or customer satisfaction actions taken in foreign countries. Furthermore, new enhanced criminal penalties will apply to manufacturers and others, if they knowingly and willfully withhold or falsify information with the specific intention of misleading the Secretary concerning safety related defects that have caused death or serious bodily injury.

Mr. Speaker, the criminal penalties provided in this legislation fit the requirements set out by Transportation Secretary Rodney Slater when he testified before the committee. At that time, Secretary Slater said the wrong kind of criminal penalties could slow down NHTSA's enforcement activities, and that he would only support criminal penalties for "egregious activity" and "serious matters". The criminal penalties provided in the legislation strike the proper balance between holding people accountable for their actions without discouraging voluntary reporting and cooperation with government agencies.

We have adopted an amendment on criminal penalties which will ensure that the safe harbor provisions cannot be used by an individual if that individual had actual knowledge at the time of the violation that the violation would result in accident causing death or serious bodily injury, as the gentleman from Louisiana, Mr. TAUZIN, stated in his explanation of the provision.

Mr. Speaker, I also call to my colleagues' attention the fact that this legislation authorizes \$9.1 million for NHTSA, the full amount that the Agency requested to deal with matters related to the Firestone tire recall. While budget cuts in the past may have hindered NHTSA's activities in important areas, it is clear that, at this time, Republican, and Democratic members of the committee recognize the importance of NHTSA's work.

I would note, however, that we must move quickly, if we are to help NHTSA prevent a recurrence of the kind of problem that occurred in the Firestone case. Time is quickly running out for this Congress. While there is not enough time to solve every problem at NHTSA, we can, and we should, enact legislation to deal with the major problems uncovered in the committee's investigation of the recent Firestone tire recalls.

Mr. Speaker, public concern is great, and not just about the dangers of driving on the recalled tires. The public rightly perceives that both Firestone and NHTSA failed to respond early on to information and warnings that should have alerted them to the problems with the recalled Firestone tires. Those failures caused consumers to be exposed to risks of injury and death far longer than should have been the case. Both NHTSA and the companies involved need to take affirmative steps to restore public confidence.

Mr. Speaker, enactment of this legislation will help restore public confidence. I urge my colleagues to support H.R. 5164.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Michigan (Mr. UPTON), the author of this legislation, the chairman of the Subcommittee on Oversight and Investigations.

(Mr. UPTON asked and was given permission to revise and extend his remarks.)

Mr. UPTON. Mr. Speaker, I would like to associate my remarks with those that have gone before me, both my good friend down the hall, my colleague from the great State of Michigan (Mr. DINGELL), and certainly the chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection, the gentleman from Louisiana (Mr. TAUZIN).

This effort has been bipartisan from the very start, from the very get-go. There are a lot of people here to thank. Obviously the gentleman from Virginia (Mr. BLILEY) for getting this on the fast track through subcommittee and full committee last week, the hearings that the gentleman from Louisiana (Mr. TAUZIN) and I conducted last month, the many hours of hearings, and his leadership on this has been refreshing for the Congress to get this done. But particularly as we have reached across on both sides of the aisle, working with my good friend the gentleman from Michigan (Mr. DINGELL), the gentleman from Massachusetts (Mr. MARKEY) and others and the Committee on the Judiciary, we have in fact put together a bill that is solid, that is common sense. We identified major problems and we addressed them with this legislation.

I looked back at the record back in the 1970s. There was another big tire recall. It was the Firestone 500 tire. A lot of evidence came forth. A lot of problems were identified. Yet the Congress did not move, the House or Senate, to actually correct it and here we are 25, 30 years later and we are undergoing the same thing. But this is much more of a tragedy, for we have lost more than 100 lives because of these tires. We have seen hundreds and hundreds of accidents, many serious injuries. What this bill does is it corrects those problems.

As chairman of the Subcommittee on Oversight and Investigations, our investigative staff went out and, in fact, we did collect the evidence, we did identify the problems, and we worked very closely with the legislative subcommittee, and the gentleman from Louisiana (Mr. TAUZIN) did a wonderful job of laying that out in the many days and the many hours of hearings that we had the last 6 weeks. And we worked in a bipartisan fashion to get this thing done. And here we are early now in the morning, in the waning days of the Congress trying to complete this task.

The gentleman from Louisiana talked about the many positives about this bill so that in fact this cannot happen again. And now passing this tonight as we will do, or this morning I

guess I should say, working with the Senate to make sure that this gets done, already talking with the White House to make sure that this bill lands on the President's desk and he is going to be able to sign it. Shame on us, shame on this Congress if we cannot get this bill done in the last couple of days.

I think it is a terrific credit to the staff, to the Members, to get this bill done tonight in this bipartisan way dealing with the information that we learned over the last 4 or 5 weeks, working with all those involved on this very important issue to in fact put together a bill that would pass in the full Committee on Commerce, 42-0, and again hopefully on the floor tonight without dissent.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Michigan very much for yielding me this time.

I too want to go down the litany of saints who have participated in the construction of this piece of legislation, the gentleman from Michigan (Mr. DINGELL), the gentleman from Minnesota (Mr. LUTHER) on our side along with many others, the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Michigan (Mr. UPTON), the gentleman from Virginia (Mr. BLILEY) and many others on the other side.

This has been a piece of legislation which obviously has had to move very quickly. I thank the majority for their cooperation, including three amendments that I was particularly interested in: Dynamic testing so that we would be able to ensure that there is a better understanding of exactly what happens to these vehicles under road conditions rather than some static test that really does not test the full capabilities of vehicles; ensuring that there is a warning system in vehicles in the event that there is a problem with pressure of a tire that could cause a danger to those who are using the car or any vehicle; and an early warning system as well so that there is ample notification that there could be defects in any of these products.

What I would like to do right now is to rise to engage the gentleman from Louisiana in a colloquy in order to provide some clarification concerning two matters of particular concerns to the public.

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First, under the section entitled "early warning requirements," we provide for the reporting of new information to NHTSA generally at an earlier stage than the stage when an actual recall takes place based on the finding of a defect. To protect the confidentiality of this new early stage information, the bill provides in Section 2(b) in the subsection titled "disclosure" that such information shall be treated as confidential unless the Secretary

makes a finding that its disclosure would assist in ensuring public safety, but with respect to information that NHTSA currently requires be disclosed to the public it is my understanding of the committee's intention that we not provide manufacturers with the ability to hide from public disclosure information which under current law must be disclosed. Would the gentleman from Louisiana (Mr. TAUZIN) agree that this special disclosure provision for new early stage information is not intended to protect from disclosure that is currently disclosed under existing law such as information about actual defects or recalls?

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

Mr. MARKEY. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, the gentleman is correct.

Mr. MARKEY. Mr. Speaker, I think my wife is calling me here. I will not answer it at this time.

Hon, I will be calling you back in just a second.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The gentleman will disable his telephone.

Mr. MARKEY. Mr. Speaker, I would like to engage the gentleman from Louisiana (Mr. TAUZIN) in this colloquy.

Second, in the same section in the subsection entitled "information in the possession of manufacturer," we provide that the Secretary may not require a manufacturer to maintain and submit records respecting information not in the possession of the manufacturer. Concern has been expressed that this provision not become a loophole for unscrupulous manufacturers who might be willing to destroy a record in order to demonstrate that it is no longer in its possession. Would the gentleman agree that it is in the Secretary's discretion to require a manufacturer to maintain records that are in fact in the manufacturer's possession and that it would be a violation of such a requirement to destroy such a record?

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

Mr. MARKEY. I yield to the gentleman from Louisiana.

Mr. TAUZIN. The gentleman is again correct.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) for his responses.

Mr. Speaker, I note the gentleman from Illinois who is here and he deserves special praise for his work on child safety seats.

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

Mr. MARKEY. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, I simply again want to tell the gentleman again how much I deeply appreciate his contributions to the legislation and to the hearings.

Mr. MARKEY. Mr. Speaker, I hope that we can pass this TREAD bill this year so we do not have to come back.

I wanted to make sure that everyone understand how important it is that we move together to pass this legislation this year.

Mr. TAUZIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS), a member of the Committee on Commerce.

Mr. SHIMKUS. Mr. Speaker, I rise in support of H.R. 5164, the TREAD Act, and I would like to thank the gentleman from Virginia (Mr. BLILEY), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Michigan (Mr. UPTON), the gentleman from Massachusetts (Mr. MARKEY) for his help and, of course, the ranking member, the gentleman from Michigan (Mr. DINGELL) for their support in this legislation.

We worked hard in the Committee on Commerce to find out why our safety organization cannot connect the dots, identify the problem and warn consumers about the Ford Firestone accidents. The TREAD Act is our response. I also want to thank the chairman for including provisions in my bill, the Child Passenger Safety Act of 2000. Each year more than 1,500 children below the age of 9 are killed and another 20,000 suffer incapacitating injuries in motor vehicle crashes. Parents put their trust in the government standards to assure them that they are purchasing a safe child restraint seat. Unfortunately, like current tire standards, Federal car seat standards are woefully outdated. Testing and manufacturing standards are based on tests performed on a sled not in a real car, and only measure frontal impacts. Car seats are not subject to dynamic testing in various crash modes such as side, rear and rollover impacts. These would measure the durability of each seat when subject to real crash scenarios.

In addition, Federal standards and regulations do not address the safety needs of children over the age of 4 who weigh more than 50 pounds. It is not well-known that over-the-shoulder seat belts are not always safe for children. Booster seats should be used as a transition safety device for toddlers and small children. However, Federal standards have not been developed for manufacturers of boosters.

As a parent of three young boys, I know firsthand that there is a lack of useful consumer information regarding child restraints to assist parents in making the best safety seat selections for their children. That is why I introduced the Child Passenger Safety Act. This legislation included in the TREAD Act will enhance the safety of children in motor vehicles by requiring the National Highway Traffic Safety Administration to improve child restraint safety performance testing and standards and provide parents with better consumer information and labeling for child restraints.

The National Highway Traffic Safety Administration should be about the job of highway traffic safety. In passing the TREAD Act with the inclusion of the Child Passenger Safety Act and signing it into law, they can be about their business.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Minnesota (Mr. LUTHER).

Mr. LUTHER. Mr. Speaker, I certainly want to thank the same key players here that have already been thanked adequately, the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Virginia (Mr. BLILEY), the gentleman from Michigan (Mr. DINGELL), the gentleman from Michigan (Mr. UPTON), the gentleman from Massachusetts (Mr. MARKEY) and the staffs, as well as my own staff, for the excellent work in developing this sensible bipartisan piece of legislation.

Mr. Speaker, I particularly want to highlight sections 7 and 8 of the bill. Those sections reflect an amendment that I authored that was added with the support of the gentleman from Louisiana (Mr. TAUZIN), with the support of other Members in the Committee on Commerce. The goal that we had in adopting that particular amendment was, quite frankly, to get these tires off the road just as quickly as possible.

I think there was general consensus that today there are still too many recalled tires in use. There are too many waiting lists at dealers in this country. That is an unacceptable situation and presents much too great of a risk to the consumers of America.

First, under Section 7, tire manufacturers are absolutely required to print tire ID numbers so that consumers can easily determine if their tire is subject to a recall. We heard information to the effect that mechanics even today are having a hard time determining if a particular tire is subject to a recall. This will require that those ID numbers be on the sidewalls so that consumers themselves can make this determination.

Secondly, Section 8 gives the government the flexibility and authority to require manufacturers to fully reimburse consumers for replacing defective parts with competitors' parts even if the manufacturer is unable to do so in a timely basis. The goal there being, let us get the problem taken care of and worry about the compensation later.

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Moreover, manufacturers can be directed to fully reimburse consumers who replace the defective parts before the formal recall occurs.

At this very moment, Firestone is having difficulty replacing their defective parts with new, safer parts. This delay puts consumers, as I mentioned, at risk, at an unacceptable risk of serious injury or death to them or to their family members.

What this Section 8 will do is ensure that in the future, dangerous and de-

fective parts will be off the road as quickly as possible.

Again, I want to commend my colleagues on the Committee on Commerce for bringing this bill to the floor, this pro-consumer bill, this year, and for their commitment to getting this passed into law this year. I think it is just outstanding the work that has been done in this regard.

I think what this act does show is that when we work together in a bipartisan manner like this, we can accomplish good things for the American consumer and attempt to ensure that tragedies like the one that we heard in this committee will never happen again.

Mr. DINGELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, let me close very briefly. I do want to make a few comments.

First of all, I want to say a word to the investigators on the Committee on Commerce. I think the Nation owes them a debt of gratitude. The investigators on the Democratic and Republican side of the aisle who work for our Committee on Commerce have done incredible work.

Those who witnessed the hearings by which our Committee on Commerce and our two subcommittees delved into the causes of this problem, and hopefully the solutions that we bring to the House floor tonight, those hearings were in large measure determined by the great work of the investigative staff of our committee. I wanted to say a word of thanks to them. I think indeed our country is going to be better off because of their work.

Secondly, I thought we ought to think about tonight the victims of this tragedy, the victims and their families. There are people still being injured and still, unfortunately, suffering severe injury, even death on the highway, as this awful recall continues. It may be the worst recall I have seen in all my years in public service.

Until it is finished, until every family has safe tires to ride upon, our committee will continue its investigation and continue pressing the companies involved here to complete this recall in as quick a fashion as possible.

I also think we ought to think about the workers at these two companies. I know they have been terribly stressed by this awful position the two companies find themselves in, both Bridgestone/Firestone and also the Ford Motor Company.

Obviously, this has been a trying time for all the families of the workers who support these two great American companies. On the other hand, both companies obviously have a lot to answer to as this investigation continues.

I think the work we did is going to help victims recover in the courts of our land, recover damages for accidents and deaths. I hope that will be one of the good effects of our investigation, that the facts we uncovered will assist them in proper recovery.

I also want to make the point that what we have tried to do is not determine who was liable, either civilly or otherwise. What we have tried to do is find out what was wrong with the process.

In doing so, I wanted to first of all commend NHTSA for the many, many lives it has saved over the years and the good work that our national highway safety transportation agency does.

We believe, from the facts we have found, that someone dropped the ball in this case. That is regrettable. But I think that should not take away from the fact that NHTSA is still a great agency that protects safety on the highways, and has in fact saved many lives.

Finally, I wanted to point out that the legislation we will finally pass tonight is all about information. It is about getting the information in the proper hands so that, instead of an awful recall, instead of a body count accumulating before defective products are taken off the market, that in fact those products never make it to the marketplace in the first place, that we do not have to suffer the loss of American citizens to find out that something went wrong.

Again, I want to thank all of my colleagues and all the staffs for the great work on this bill. I hope that before we adjourn this session, the words of the gentleman from Michigan (Mr. UPTON) will ring in the ears of everyone who is left to consider that, that it would be an awful shame if we left this session without putting this bill for signature on the President's desk.

Mr. HYDE. Mr. Speaker, we all understand the importance of this legislation. It would have been difficult, if not impossible, to ignore the well publicized incidents involving motor vehicles and their tires which have been highlighted in excellent oversight hearings by the Committee on Commerce. The result of these hearings has been to call into question the sufficiency of the regulatory scheme governing the motor vehicle industry, and to ask whether further incentives are needed to ensure that safety information will be made available to the public in a timely fashion. It was the considered opinion of the Commerce Committee that changes were needed, as evidenced by this bipartisan legislation that we have before us.

The TREAD Act, as it is known, strengthens current reporting requirements about defects in motor vehicles, tires, or other motor vehicle equipment. It would also require reporting of defects in motor vehicles and products which occur in foreign countries, something that many believe would have saved lives had it been in place when safety incidents began occurring in places such as Venezuela and Saudi Arabia. As part of this intensified reporting scheme, H.R. 5164 would subject persons who intentionally violate these, as well as existing, reporting requirements to heightened criminal fines and penalties.

In my view, this new criminal penalty section strikes an eminently reasonable balance. It penalizes truly intentional acts of withholding or falsifying safety information while continuing to encourage the motor vehicle industry to pro-

vide full information to the National Highway Transportation Safety Administration about possible safety problems involving their products. I see no striking departure in this legislation from existing principles of criminal law. In fact, if anything, it builds on current law. Section 1001 of Title 18 makes it a crime to make a false statement to the government. The Attorney General currently may, and will continue to have the authority to, prosecute anyone who either makes false reports to the NHTSA, or who fails to disclose information that is required by statute. What this bill does in rightly recognize that withholding information that, if known, could be the difference between life or death should carry a higher penalty. What it means, in essence, is that a person who intends to mislead the government about safety related defects will be subject to a harsher penalty than one who, just through reckless indifference, submits a form that contains false information. Both of these acts currently carry a maximum jail sentence of five years. Under H.R. 5164, an intentional misstatement (or omission) of information about safety related defects would lead to a trebled maximum penalty of 15 years.

Under normal circumstances, the Committee on the Judiciary would have formally asserted and exercised its jurisdiction over the criminal penalties section of this legislation. However, at this late stage in the session it would have been difficult for us to do so without running the risk that it become delayed or bogged down by procedural roadblocks. Given the importance of this bill, we instead chose to work closely with the Commerce Committee and its staff to develop and perfect the criminal provisions. Included in our consultations with the Commerce Committee was a discussion of many of the issues that were identified to us by the Department of Justice. Where possible, we incorporated their constructive suggestions.

I have been assured, however, that by electing not to formally exercise the committee's jurisdiction over these important criminal sections, we have in no way waived or limited our right to be fully represented on any conference committee that might be appointed to resolve differences with the Senate.

It is my strong hope that this legislation will be enacted before the end of this legislative session, and that the new criminal provisions it contains will have the desired deterrent effect on the withholding of safety information, and a concurrent salutary effect on the safety of the motor vehicles available to American consumers. I congratulate its sponsors for their hard work in crafting a balanced measure which they were able to bring to the floor so expeditiously, and in such a bipartisan manner.

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of H.R. 5164, the TREAD Act. This bill, of which I am a cosponsor, was introduced by my friends on the Commerce Committee, Representatives TAUZIN and UPTON.

I would like especially to thank Representative TAUZIN, the Chairman of the Telecommunications Subcommittee, for his willingness to work with our office on the two amendments, which were accepted.

These amendments, which deal with keeping recalled and defective equipment out of the stream of commerce and the safety testing of vehicles, addressed key consumer safety

issues and I am pleased they were included in this important legislation.

Overall, this legislation will require companies to report foreign recalls to the National Highway Traffic Safety Administration (NHTSA) within five days.

In addition, manufacturers will now be required to contact NHTSA immediately if they begin to notice a significant number of injuries associated with their product.

The legislation will also increase the civil penalties and add criminal penalties to better encourage those companies to err on the side of caution if there is a safety question.

Mr. Speaker, I believe that this bill will make our roads a safer place and it serves as a good starting point for when we take up the reauthorization of NHTSA next Congress.

Mr. WAXMAN. Mr. Speaker, I rise in support of this bill because we need legislation that will improve the flow of important safety information from motor vehicle and motor vehicle parts manufacturers to federal regulators and consumers. This bill does not do all it should, but it does represent a modest step forward. And even more importantly, further improvements are possible in discussions with the Senate as we craft final legislation.

There are several deficiencies in the bill that should be addressed by the conference committee in the event that Senator MCCAIN'S bill, S. 3059, passes the Senate. Foremost among these are provisions that have the appearance of criminal penalties but will, in all likelihood, have no meaningful impact.

The criminal provisions in this bill would only extend to a particularly exotic variety of false statements. It does nothing to punish a manufacturer's willful introduction of a deadly and defective product onto the market. Nor does it punish a manufacturer's knowing failure to act to prevent a deadly and defective product from reaching consumers. That is the type of conduct that the government needs to deter and needs to punish through the criminal law.

In fact, the criminal provisions in this bill are probably unenforceable. To obtain a conviction under this bill, a prosecutor would first have to prove up all of the elements of a criminal false statement with respect to an auto safety reporting requirement. That conduct is already punishable by imprisonment under existing law, 18 U.S.C. 1001. In addition, a prosecutor would need to prove that the accused made the false statement with (1) the specific intent, (2) to mislead the Secretary of Transportation, (3) with respect to safety related defects, (4) that caused death or grievous bodily harm to an individual. That's not all. On top of all that, a prosecutor must also prove that the accused failed to correct the error or omission within a reasonable time. How long a reasonable time is, and what exactly constitutes a correction is anyone's guess. The bill leaves it up to the Secretary of Transportation.

If those aren't enough obstacles to successful enforcement, there's more: The Justice Department may only prosecute a violation of this statute at the request of the Transportation Secretary. A prosecutor can not commence a prosecution if the Secretary fails or refuses to act.

There are so many obstacles to prosecution in this bill that it would probably never be used successfully, and it will probably do little to deter the egregious misconduct that we're all concerned about. We can and must do better than that.

The provisions Senator MCCAIN has included in S. 3059, while not perfect, are at least a better approach. The Senate bill focuses, not on false statements to government regulators, but more appropriately on a manufacturer's intentional failure to act to prevent a serious accident. That bill would make it unlawful for a director, officer, or agent of a manufacturer to authorize, order, or ratify the introduction of a motor vehicle or motor vehicle equipment if he or she knew that the company had failed to comply with a safety standard or failed to report a defect; knew the condition of a vehicle created an "imminent serious danger of death or grievous bodily harm;" and knew that the condition actually caused grievous bodily harm or death. I believe this provision more directly addresses the problem and will more effectively deter a manufacturer from ignoring serious safety defects simply to pursue a profit.

If and when this bill reaches the conference committee, we should at least adopt the Senate provision. I intend to work with Senator MCCAIN to further improve the criminal penalty provisions he has already included.

This legislation also fails to provide the National Highway Traffic Safety Administration with the civil enforcement provisions that they say they need. NHTSA has been hamstrung by its inability to assess civil penalties administratively. Almost every other regulatory agency has this authority, including the Environmental Protection Agency, the Food and Drug Administration, and agencies within the Department of Transportation. While NHTSA has requested this authority, the House Commerce Committee has denied it.

This creates the baffling situation where members of Congress are attacking NHTSA for not enforcing motor vehicle safety laws more aggressively, while denying NHTSA's request for adequate enforcement powers.

Finally, there are also lost opportunities in this legislation. In the early 1970's, NHTSA issued a roof crush resistance standard for passenger cars. This standard is outdated and fails to model what happens in real-world crashes.

This is a very serious matter. According to NHTSA, in 1998 there were almost 11 million vehicle crashes involving rollovers. Over 3.6 million of those accidents resulted in injury or death. Rollovers played a part in over 15 percent of the passenger car crashes that resulted in fatalities. Rollovers occurred in 36 percent of sport utility vehicle accidents that resulted in fatalities.

This legislation should require NHTSA to issue a new roof crush standard. Our cars have changed remarkably since the 1970's, and it's just commonsense that our safety standards ought to keep pace with these changes.

Mr. Speaker, this is the time to pass strong legislation that provides meaningful protection for the public. I urge my colleagues to pass this bill so that we can work with the Senate to craft legislation that families across our country deserve.

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

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 5164, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. STARK (at the request of Mr. GEPHARDT) for today on account of health reasons.

Mr. POMBO (at the request of Mr. ARMEY) for today on account of attending a funeral.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LUTHER) to revise and extend their remarks and include extraneous material:)

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. SCOTT, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1756. An act to enhance the ability of the National Laboratories to meet Department of Energy missions, and for other purposes; to the Committee on Science; in addition to the Committee on Armed Services for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 2686. An act to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes; to the Committee on Government Reform.

S. 3062. An act to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes; to the Committee on Government Reform.

#### ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that the committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker.

H.R. 1509. An act to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

H.R. 2302. An act to designate the building of the United States Postal Service located at 307 Main Street in Johnson City, New

York, as the "James W. McCabe, Sr. Post Office Building."

H.R. 2496. An act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

H.R. 2641. An act to make technical corrections to title X of the Energy Policy Act of 1992.

H.R. 2778. An act to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 2938. An act to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the "John Brademas Post Office."

H.R. 3030. An act to designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the "Matthew F. McHugh Post Office."

H.R. 3201. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson Home in the District of Columbia as a National Historic Site, and for other purposes.

H.R. 3454. An act to designate the United States post office located at 451 College Street in Macon, Georgia, as the "Henry McNeal Turner Post Office."

H.R. 3632. An act to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes.

H.R. 3745. An act to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa.

H.R. 3817. An act to dedicate the Big South Trail in the Commanche Peak Wilderness Area of Roosevelt National Forest in Colorado to the legacy of Jaryd Atadero.

H.R. 3909. An act to designate the facility of the United States Postal Service located at 4601 South Cottage Grove Avenue in Chicago, Illinois, as the "Henry W. McGee Post Office Building."

H.R. 3985. An act to redesignate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar, Florida, as the "Vicki Coceano Post Office Building."

H.R. 4157. An act to designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the "Matthew 'Mack' Robinson Post Office Building."

H.R. 4169. An act to designate the facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, as the "Barbara F. Vucanovich Post Office Building."

H.R. 4286. An act to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama.

H.R. 4435. An act to clarify certain boundaries on the map relating to Unite NC-01 of the Central Barrier Resources System.

H.R. 4447. An act to designate the facility of the United States Postal Service located at 919 West 34th Street in Baltimore, Maryland, as the "Samuel H. Lacy, Sr. Post Office Building."

H.R. 4448. An act to designate the facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, as the "Judge Robert Bernard Watts, Sr. Post Office Building."

H.R. 4449. An act to designate the facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, as the "Dr. Flossie McClain Dedmond Post Office Building."

H.R. 4475. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.