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107th Congress }
2d Session }

SENATE

{ REPORT
{ 107-137

**CHILD PASSENGER PROTECTION ACT OF
2001**

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 980



FEBRUARY 14, 2002.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

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CHILD PASSENGER PROTECTION ACT OF 2001

FEBRUARY 14, 2002.—Ordered to be printed

Mr. HOLLINGS, from the Committee on Commerce, Science, and
Transportation, submitted the following

REPORT

[To accompany S. 980]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 980) “A Bill to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes”, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

The purposes of this bill and the programs it authorizes are to prevent deaths and injuries to child passengers in motor vehicles, educate the public concerning the proper use of child restraints, and train child passenger safety technicians concerning proper child restraint use.

BACKGROUND AND NEEDS

Motor vehicle collisions are the leading cause of death in the United States for children who are older than 1 year. According to the National Center for Injury Prevention and Control, every 90 seconds a child is killed or injured in a motor vehicle crash. The National Highway Traffic Safety Administration (NHTSA) estimates that, between 1990 and 1998, children under 10 years of age were dying in motor vehicle-related accidents at a rate of 33 per week, and that between 1982 and 1998, there was a 23 percent increase in automotive fatalities among children aged 5 to 9. In 2000, 2,343 children under the age of 15 were killed and more than 291,000 were injured in motor vehicle crashes. These statistics beg the question whether appropriate measures have been taken to protect the safety of children who are too large for a child safety seat, but too small for adult seatbelts. On average, these children

range from 4 to 8 years of age, and are less than 4'9" tall. (Leading traffic safety advocates often refer to those in this age group and size as the "forgotten child").

According to NHTSA, which devotes significant resources to reducing child fatalities and injuries in motor vehicle crashes, "placing a child in an age-appropriate safety seat will reduce the infant's or youngster's risk of dying by as much as two-thirds." Crash statistics compiled by NHTSA also indicate that the safest place to restrain a child in a motor vehicle is the rear seat. The current safety restraint use rate for children under 1 year old is approximately 97 percent, and roughly 91 percent for children between the ages of 1 and 4. These high usage rates are due, in part, to the education and outreach resulting from the Occupant Protection Incentive Grants Program, enacted in 1998, and, in part, to the enactment of mandatory child restraint usage laws in all 50 states. Recent studies suggest, however, that the number of child passengers who are appropriately restrained in motor vehicles declines drastically for children between the ages of 3 and 8 years.

On average, children usually outgrow their forward-facing child safety seats at the age of 4 years and/or 40 pounds. Both NHTSA and the National Transportation Safety Board (NTSB) recommend that, when a child outgrows his/her forward-facing child safety seat, the child be restrained in a booster seat until he/she is big enough to fit in adult-sized lap and shoulder belts. As stated by NHTSA, "[a]ll children who have outgrown child safety seats should be properly restrained in booster seats until they are at least eight years old, unless they are 4'9" tall." In reality, however, fewer than 10 percent of child passengers between the ages of 4 and 8 use belt-positioning booster seats, the recommended safety seats for this age group. Often, such children are prematurely graduated to adult-sized vehicle belts, or worse yet, left completely unrestrained.

So what exactly is a booster seat? In plain language, a "booster seat" is a device used to "boost" or position a child so that the 3-point shoulder and lap belt will fit the child appropriately. Unlike child safety seats, which are designed for small children, the booster seat or cushion does not attach to the vehicle, and does not have its own harness to restrain the child. In technical terms, a "booster seat" is defined under Federal Motor Vehicle Safety Standard (FMVSS) No. 213 as either a belt-positioning seat, which is a "child restraint system that positions a child on the seat of a vehicle to improve the fit" of a lap/shoulder belt "that lacks any component, such as a belt system or a structural element, designed to restrain forward movement of the child's torso in a forward impact," or as a "backless child restraint system," which is a "child restraint, other than a belt-positioning seat, that consists of a seating platform that does not extend up to provide a cushion for the child's back or head and has a structural element designed to restrain forward motion of the child's torso in a forward impact."

During an April 24, 2001, hearing held by the Committee regarding child passenger safety, members of the Committee questioned NHTSA, NTSB, child restraint and automobile manufacturers, and traffic safety advocates about the latest medical and safety data supporting booster seats use. Also discussed were the existing federal safety certification standards for the manufacture of booster

seats as well as ongoing efforts to develop and certify a crash test dummy to simulate a 10-year-old child. The Committee assessed state efforts to require greater use of booster seats as well as private efforts to increase their availability and proper use. Finally, the Committee and witnesses expressed concern that many parents are unaware of what a booster seat is and why the use of the device is important to the safety of their children. In response to the deficiencies highlighted by this hearing, the Committee seeks to strengthen federal laws and standards relating to the safety of the “forgotten child.”

MEDICAL DATA SUPPORTING THE NEED TO USE BOOSTER SEATS

The Committee heard testimony affirming that the recommendations for booster seat use offered by NHTSA and NTSB are supported by ongoing medical studies of the effects of placing small children in adult-sized seatbelts. Research indicates that when small children are graduated to adult-sized seatbelts too soon, the lap portion of the belt has a tendency to ride up over the child’s abdomen and the shoulder strap may cross the child’s neck or face. The seatbelt may completely fail to restrain the child in some crashes, while in others, the lap belts may cause severe internal injuries to the child’s liver, spleen, intestines, and spinal cord. Children who graduate to automobile seat belts prematurely are up to four times more likely to receive serious injury in a collision than children who are restrained in booster seats or other child restraints.

CURRENT FEDERAL SAFETY STANDARDS

The Committee heard testimony that child restraints, including booster seats, designed for passengers weighing up to 50 pounds are subject to federal safety performance standards. Specifically, Federal Motor Vehicle Safety Standard No. 213 (FMVSS 213) requires dynamic testing of all restraints for children weighing 50 pounds or less. Booster seats that are designed for use by children weighing up to 50 pounds must meet the same federal performance standards that apply to other child restraints for head-injury criteria, force to the chest, head excursion. There are, however, no federal performance standards for booster seats currently being used by children who weigh more than 50 pounds, despite the marketing of these seats for use by children weighing up to 80, or even 100, pounds. One reason for the current gap in child restraint standards for children weighing over 50 pounds is the lack of a suitable dummy for use in federal dynamic performance tests. The largest certified dummy, which represents a 6-year-old, weighs 52 pounds. No larger, heavier dummy has been certified for assessing whether booster seats perform adequately for children weighing more than this. On November 1, 2000, the Transportation Recall Enhancement Accountability, and Documentation (TREAD) Act (Pub. L. 106-414) was signed into law. Section 14 of the TREAD Act mandates that, within 12 months, the Secretary of Transportation commence a rulemaking, to be completed within 24 months, for the purpose of improving the safety of child restraints, including booster seats. As part of the rulemaking, the Secretary is required to consider, among other things, whether: FMVSS 213, which already has performance and structural integrity require-

ments established for booster seats to be dynamically tested in lap and shoulder belts, should be amended to cover restraints for children weighing up to 80 pounds; performance and structural integrity requirements should be established for booster seats to be dynamically tested in lap and shoulder belts; and to apply scaled injury criteria (which recognizes that children have different physical vulnerabilities than adults) to booster seats. Under the TREAD Act, the Secretary is required to establish a child seat rating system so that parents and guardians can make informed decisions when buying child safety restraints. The Secretary is further required to conduct a study of the effectiveness of booster seats for children, taking into account public views, the advantages and disadvantages of using booster seats (especially in place of lap and shoulder belts), and to report findings to Congress. Finally, the TREAD Act requires the Secretary to develop a five-year strategy to reduce by 25 percent the number of deaths and injuries caused by the failure to use the appropriate booster seat when transporting children in the 4- to 8-year age group.

STATE AND LOCAL EFFORTS

The first child passenger restraint law was passed by the state legislature of Tennessee in 1978. Since the enactment of that statute, each of the remaining 49 states, the District of Columbia, Puerto Rico, and the U.S. Territories have passed some form of child passenger safety law. Such laws contain wide-ranging age, weight, and height requirements, as well as different penalties and exemptions for violations. Many of these state laws have gaps in coverage that may diminish protection for child passengers. For example, some states do not require children to be secured if the vehicle or the driver is not a resident of that state or if the driver is "attending to the personal needs of the child." In close to half of the states, children can ride completely unrestrained if all safety belts are in use by other passengers, while others provide an exemption for drivers who are not the vehicle owner or who are not related to the children traveling in the vehicle. Over the past few years, states have been criticized by some parents and traffic safety organizations, such as the National SAFE KIDS Campaign (SAFE KIDS), for having weak child passenger safety laws. SAFE KIDS and other traffic safety advocates have called for the enactment of stronger state laws for children under the age of 15 years. Recently, a handful of states enacted enhanced laws to require the use of age- or size-appropriate restraints for children over the age of three years. A number of other states are considering similar measures, including legislation that would require child restraints for children at weights beyond that which is tested by NHTSA.

PUBLIC EDUCATION

In a recent survey conducted by NHTSA and DaimlerChrysler, 1,000 parents and guardians with children 8 years old or younger were queried about the correct age at which a child should no longer be in a booster seat or other child safety seat. Ninety-six percent of these caregivers were unsure of the answer. In an effort to educate parents about the risks associated with not using age- and size-appropriate child restraints, many states and local governments have set up fitting stations at health centers or in police,

sheriff, or fire stations. Automobile and child restraint manufacturers, as well as traffic safety organizations, also have played a role in establishing fitting stations in local communities across the country. S. 980 extends the authorization for the Child Passenger Protection Grant program (originally authorized by the Transportation Equity Act for the 21st Century (Public Law 105–178)) for two years. This enables the Secretary of Transportation to make additional grants to states to encourage the implementation of programs to, among other things, educate the public regarding the proper installation and use of child restraints. At fitting stations, trained technicians properly install child restraints for families of young children and answer questions about the proper use of restraints (including booster seats). Fitting station technicians also educate care givers about the importance of not transporting children in the front seat of passenger vehicles and provide advice about how to correctly position a child restraint (forward- or rear-facing, depending on the child's size) in vehicles.

LEGISLATIVE HISTORY

S. 980 was introduced by Senators Fitzgerald and Dorgan on May 26, 2001, following the Commerce Committee hearing on booster seats. The Committee considered S. 980 as part of its August 2, 2001, executive session, during which Senator Fitzgerald offered a substitute amendment that was approved unanimously by voice vote.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 4, 2001.

Hon. ERNEST F. HOLLINGS,
*Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 890, Anton's Law.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Rachel Milberg.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

S. 980—Anton's Law

Summary: The National Highway Traffic Safety Administration (NHTSA) provides grants to states for programs designed to improve the safety of children when they ride in automobiles. S. 980 would extend this program for the next two years. The bill would also direct NHTSA to develop a similar new program and provide additional grants to states in 2004. In addition to providing these

grants, S. 980 would direct NHTSA to develop regulations for child seats and rear seat belts, and to report on the development of a dummy that would show the effects of crash tests on a 10-year-old child.

CBO estimates that implementing S. 980 would cost \$53 million over the 2002–2006 period. Enacting S. 980 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 980 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). Any costs to state and local governments receiving grants under this bill would be incurred voluntarily.

S. 980 would impose a private-sector mandate, as defined by UMRA, on the manufacturers of passenger motor vehicles, who would be required to install a lap and shoulder belt harness in the center-rear seating position of vehicles weighing 10,000 pounds or less. Based on information from government and industry sources, CBO expects that the direct cost to manufacturers of this requirement would exceed the annual threshold for private-sector mandates established by UMRA (\$113 million in 2001, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary impact of S. 980 is shown in the following table. The costs of this legislation fall within budget function 400 (transportation).

	By fiscal year, in millions of dollars—					
	2001	2002	2003	2004	2005	2006
SPENDING SUBJECT TO APPROPRIATION						
Spending under current law:						
Budget authority ¹	8	0	0	0	0	0
Estimated outlays	7	2	0	0	0	0
Proposed changes:						
Estimated authorization level	0	8	8	38	0	0
Estimated outlays	0	6	7	27	13	0
Spending under S. 980:						
Estimated authorization level ¹	8	8	8	38	0	0
Estimated outlays	7	8	7	27	13	0

¹ No funds were appropriated in fiscal year 2000 or 2001 for grants to states to improve the safety of children when they ride in automobiles; however, the Department of Transportation used administrative authority to transfer \$7.5 million to this program in each of those years.

Basis of estimate: For this estimate, CBO assumes that S. 980 will be enacted near the start of fiscal year 2002 and that the authorized amounts will be appropriated for each fiscal year.

S. 980 would authorize the appropriation of \$7.5 million to NHTSA for each of fiscal years 2002 and 2003 for extending the current grant program. S. 980 specifies that a state's grant in 2004 would equal five times the amount provided to that state in 2003. Consequently, CBO estimates that the bill would authorize the appropriation of \$37.5 million for the new grant program in 2004. CBO's estimate of outlays for both grant programs is based on information from NHTSA and historical spending patterns of the current program.

CBO estimates that the cost of developing new regulations on child safety, reporting on the test dummy, and administering the grant programs would be less than \$500,000 in any year.

Pay-as-you-go considerations: None.

Estimated impact on state, local, and tribal government: S. 980 contains no intergovernmental mandates as defined in UMRA. Any costs to state and local governments receiving grants under this bill would be incurred voluntarily.

Estimated impact on the private sector: S. 980 would impose a private-sector mandate, as defined by the Unfunded Mandates Reform Act (UMRA), on the manufacturers of passenger motor vehicles, who would be required to install a lap and shoulder belt harness in the center-rear seating position of vehicles weighing 10,000 pounds or less. Based on information provided by the National Highway Traffic Safety Administration and the manufacturing industry, CBO estimates that the cost per vehicle would fall between \$55 and \$85, which includes both the cost of the harness itself and any reinforcement necessary for the seat. Roughly one quarter of the industry already equips their vehicles with a harness in the center-rear seating position, meaning that the provision would to approximately 12 million vehicles. Thus, CBO estimates the annual cost to the manufacturing industry could fall between \$660 million and \$1 billion, which would exceed the annual threshold for private-sector mandates established by UMRA (\$113 million in 2001, adjusted annually for inflation).

Previous CBO estimate: On May 22, 2001, CBO transmitted a cost estimate for H.R. 691, a bill to extend the authorization of funding for child passenger protection education grants through fiscal year 2003, as ordered reported by the House Committee on Transportation and Infrastructure on May 16, 2001. The estimated costs of the House bill are smaller because that bill only reauthorized grants to states for 2002 and 2003.

Estimate prepared by: Federal costs: Rachel Milberg; impact on state, local, and tribal governments: Susan Sieg Tompkins; impact on the private sector: Lauren Marks.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

The legislation would apply to: (1) Manufacturers of motor vehicles or child restraint equipment that are incorporated or have their principal place of business in the United States and/or persons with their principal place of business in a foreign country, including their direct or indirect domestic and foreign subsidiaries and affiliates, any of which export vehicles or child restraint equipment to the United States. It also includes a person whose principal place of business is in a foreign country, including its direct or indirect domestic and foreign subsidiaries and affiliates, any of which manufactures or assembles vehicles or child restraint equipment in the United States; (2) dealers and distributors of manufacturers of motor vehicles or child restraint equipment within or outside of the United States; and (3) persons who operate motor vehicles carrying child occupants between the ages of 4 and 8 years old.

ECONOMIC IMPACT

The Congressional Budget Office (CBO) has estimated that implementing S. 980 would cost \$53 million over the 2002–2006 period. Enacting S. 980 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 980 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). Any costs to state and local governments receiving grants under this bill would be incurred voluntarily. S. 980 would impose a private-sector mandate, as defined by UMRA, on the manufacturers of passenger motor vehicles, who would be required to install a lap and shoulder belt harness in the center-rear seating position of vehicles weighing 10,000 pounds or less. Based on information from government and industry sources, CBO has estimated that the direct cost to manufacturers of this requirement would exceed the annual threshold for private-sector mandates established by UMRA (\$113 million in 2001, adjusted annually for inflation).

PRIVACY AND PAPERWORK

The impact on the personal privacy of the persons covered by this legislation is difficult to define prior to the completion of the Secretary of Transportation’s rulemaking proceedings authorized under the Act. The outcome of these rulemaking proceedings will also determine whether burdensome paperwork requirements will be imposed.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides that the Act may be cited as “Anton’s Law”, in honor of four-year-old Anton Skeen of Washington State, who lost his life in a 1996 motor vehicle crash.

Section 2. Improving the safety of child restraints

This section requires the Secretary of Transportation, within 12 months of enactment, to begin a rulemaking to establish standards for booster seats and other child restraints used in passenger motor vehicles for children weighing more than 50 pounds. The rulemaking must be completed within 30 months of enactment.

Section 3. Development of crash test dummy simulating 10-year-old child

This section requires the Secretary of Transportation, within 120 days of enactment, to report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce on the status of ongoing efforts to develop and certify a dummy that simulates a 10-year-old for use in dynamic testing of child restraints.

Section 4. Regulations on mandatory use of three-point lap and shoulder belts

Booster seats for children weighing over 40 pounds are designed for use with standard lap and shoulder belt assemblies. Lap and shoulder belts have been required in the outboard seating positions

of vehicle rear seats since 1990. Shoulder belts are not required in the center rear seating position, and many current model vehicles have lap belts only in the center rear seating position. According to NTSB, approximately 34 percent of all vehicles on the road today still have only lap belts in all back seat positions. This section requires the Secretary of Transportation, within 24 months of enactment, to complete a rulemaking to require lap and shoulder belt assemblies in all rear seating positions of passenger motor vehicles. The new requirement would apply to the first production year after the production year in which the rulemaking is finalized. This section also requires the Secretary to provide for a phase-in, over a period of three years, of this requirement. The requirement under this section specifically applies to passenger motor vehicles with a gross vehicle weight rating of 10,000 pounds or less. The Secretary would have authority to exempt certain seats from the lap and shoulder belt requirement if it would not be practicable to equip those seats with lap and shoulder belt assemblies. If, however, the Secretary decides to exempt particular seats on this basis, the Secretary would have to provide Congress with an explanation for the decision within 30 days after issuing a final rule.

Section 5. Occupant protection incentive grants program

Section 2003(b) of the Transportation Equity Act for the 21st Century (Public Law 105–178) authorized the Child Passenger Protection Grant program for two years (with the program expiring at the end of fiscal year 2001). S. 980 would extend the authorization for an additional two years—making the program consistent with the reauthorization cycle of the Transportation Equity Act for the 21st Century. S. 980 authorizes \$7.5 million out of the general fund, for each of the fiscal years 2002 and 2003, for the Secretary of Transportation to make incentive grants to states to encourage the states to implement child passenger protection programs. States may use grant funds to implement programs that would: (1) Prevent deaths and injuries to children; (2) educate the public concerning the proper installation of child restraints using standard seatbelt hardware, supplemental hardware, and modification devices (as appropriate), including special installation techniques, appropriate child restraint design, selection, and placement; and harness threading and harness adjustment on child restraints; and (3) train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use.

Congress provided \$7.5 million in fiscal years 2000 and 2001 to finance the Child Passenger Protection Education Grant program. Forty-eight states, the District of Columbia, and the U.S. Territories received grants under this program. Review of Department of Transportation surveys and crash data indicate that recipients devoted these funds toward a variety of child passenger protection education and training initiatives, with emphasis on cultural and ethnic minorities, rural, low income and special needs populations in documented low usage areas.

Section 6. Incentive grants program encouraging use of safety belts and child restraint systems

On March 15, 1999, the U.S. Department of Transportation and NHTSA's Blue Ribbon Panel II issued a report recommending the enactment of stronger state laws to ensure that all children under 15 years of age are restrained in age- and size-appropriate child safety seats, booster seats, or seatbelts. In December 2000, the NTSB also proposed several actions that could be taken by governors and legislative leaders at the state level to better protect child passengers. One of NTSB's proposed actions was to strengthen and enforce state laws by requiring children to be in the rear seat and restrained by a seatbelt.

This section of S. 980 would amend chapter 301 of Title 49, United States Code, to permit the Secretary of Transportation to award grants to states, in an amount equal to up to five times the amount received by each state in fiscal year 2003 under the Child Passenger Protection Grant program, that enacts enhanced child restraint laws by October 1, 2004. To qualify as an "enhanced child restraint law" under this Act, a state statute must, at a minimum: (1) Require child passengers who are over the age of 3 years or who weigh at least 40 pounds to be restrained; (2) prescribe a penalty for operating a passenger motor vehicle in which any occupant under the age of 16 is not properly restrained; (3) meet any other standards set by the Secretary of Transportation under this Act. The grant funds would be awarded in fiscal year 2004. States could use the grant funds only to enhance child safety in passenger motor vehicles.

Section 7. Definitions

This section provides definitions for the terms "child restraint", "product year", and "passenger motor vehicle".

Section 8. Authorization of appropriations

This section authorizes appropriations to the Secretary of Transportation of such sums as are necessary to carry out this Act.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY

【23 U.S.C. 405 NOTE; 112 STAT. 328】

SEC. 2003. OCCUPANT PROTECTION.

(a) OCCUPANT PROTECTION INCENTIVE GRANTS.—

* * * * *

(b) CHILD PASSENGER PROTECTION EDUCATION GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant to a State that submits an application, in such form and manner as the Secretary may prescribe, that is approved by the Secretary to carry out the activities specified in paragraph (2) through—

- (A) the child passenger protection program of the State; and
 - (B) at the option of the State, a grant program established by the State to carry out 1 or more of the activities specified in paragraph (2) by a political subdivision of the State or an appropriate private entity.
- (2) **USE OF FUNDS.**—Funds provided to a State as a grant under this subsection shall be used to implement child passenger protection programs that—
- (A) are designed to prevent deaths and injuries to children;
 - (B) educate the public concerning—
 - (i) all aspects of the proper installation of child restraints using standard seatbelt hardware, supplemental hardware, and modification devices (if needed), including special installation techniques;
 - (ii) appropriate child restraint design, selection, and placement; and
 - (iii) harness threading and harness adjustment on child restraints; and
 - (C) train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use.
- (3) **GRANT AWARDS.**—The Secretary may make a grant under this subsection without regard to whether a State is eligible to receive, or has received, a grant under section 405 of title 23, United States Code (as inserted by subsection (a) of this section).
- (4) **FEDERAL SHARE.**—The Federal share of the cost of a program carried out using funds made available from a grant under this subsection may not exceed 80 percent.
- (5) **REPORT.**—Each State that receives a grant under this subsection shall transmit to the Secretary a report for the period covered by the grant that, at a minimum, describes the program activities carried out with the funds made available under the grant.
- (6) **REPORT TO CONGRESS.**—Not later than June 1, 2002, the Secretary shall transmit to Congress a report on the implementation of this subsection that includes a description of the programs carried out and materials developed and distributed by the States that receive grants under this subsection.
- (7) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$7,500,000 for each of fiscal years 2000 [and 2001.] *through 2003.*

* * * * *

§412. Grant program for improving child passenger safety programs

(a) **STANDARDS AND REQUIREMENTS REGARDING CHILD RESTRAINT LAWS.**—*Not later than October 1, 2002, the Secretary shall establish appropriate criteria applicable to child restraint laws for purposes of eligibility for grants under this section. The criteria shall be consistent with the provisions of the Child Passenger Protection Act of 2001.*

(b) *REQUIREMENT TO MAKE GRANTS.*—

(1) *IN GENERAL.*—The Secretary shall make a grant to each State and Indian tribe that, as determined by the Secretary, has a child restraint law in effect on September 30, 2004.

(2) *LIMITATION ON NUMBER OF GRANTS.*—Not more than one grant may be made to a State or Indian tribe under this section.

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

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

(d) *USE OF GRANT AMOUNTS.*—

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

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

(B) To train and retain child passenger safety professionals, police officers, fire and emergency medical personnel, and educators concerning all aspects of the use of child restraints.

(C) To provide child restraint systems, including booster seats and the hardware needed for their proper installation, to families that cannot otherwise afford such systems.

(D) To support enforcement of the child restraint law concerned.

(2) *LIMITATION ON FEDERAL SHARE.*—The Federal share of the cost of a program under paragraph (1) that is carried out using amounts from a grant under this section may not exceed 80 percent of the cost of the program.

(e) *ADMINISTRATIVE EXPENSES.*—The amount of administrative expenses under this section in any fiscal year may not exceed the amount equal to five percent of the amount available for making grants under this section in the fiscal year.

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

(g) *DEFINITIONS.*—In this section:

(1) *CHILD RESTRAINT LAW.*—The term “child restraint law” means a law that—

(A) satisfies standards established by the Secretary under the Child Passenger Protection Act of 2001 for the proper restraint of children who are over the age of 3 years or who weigh at least 40 pounds;

(B) prescribes a penalty for operating a passenger motor vehicle in which any occupant of the vehicle who is under the age of 16 years is not properly restrained in an appropriate restraint system (including seat belts, booster seats

used in combination with seat belts, or other child restraints); and

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

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

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

