

ANTON'S LAW

OCTOBER 7, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. TAUZIN, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 5504]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 5504) to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

CONTENTS

	Page
Amendment	1
Purpose and Summary	3
Background and Need for Legislation	3
Hearings	4
Committee Consideration	4
Committee Votes	4
Committee Oversight Findings	4
Statement of General Performance Goals and Objectives	4
New Budget Authority, Entitlement Authority, and Tax Expenditures	4
Committee Cost Estimate	4
Congressional Budget Office Estimate	5
Federal Mandates Statement	6
Advisory Committee Statement	6
Constitutional Authority Statement	7
Applicability to Legislative Branch	7
Section-by-Section Analysis of the Legislation	7

AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as "Anton's Law".

SEC. 2. FINDINGS.

Congress finds the following:

(1) It is the policy of the Department of Transportation that all child occupants of motor vehicles, regardless of seating position, be appropriately restrained in order to reduce the incidence of injuries and fatalities resulting from motor vehicle crashes on the streets, roads, and highways.

(2) Research has shown that very few children between the ages of 4 to 8 years old are in the appropriate restraint for their age when riding in passenger motor vehicles.

(3) Children who have outgrown their child safety seats should ride in a belt-positioning booster seat until an adult seat belt fits properly.

(4) Children who were properly restrained when riding in passenger motor vehicles suffered less severe injuries from accidents than children not properly restrained.

SEC. 3. IMPROVEMENT OF SAFETY OF CHILD RESTRAINTS IN PASSENGER MOTOR VEHICLES.

(a) **IN GENERAL.**—The Secretary of Transportation (hereafter referred to as the “Secretary”) shall initiate a rulemaking proceeding to establish performance requirements for child restraints, including booster seats, for the restraint of children weighing more than 50 pounds.

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

(1) consider whether to include injury performance criteria for child restraints, including booster seats and other products for use in passenger motor vehicles for the restraint of children weighing more than 50 pounds, under the requirements established in the rulemaking proceeding;

(2) consider whether to establish performance requirements for seat belt fit when used with booster seats and other belt guidance devices;

(3) consider whether to address situations where children weighing more than 50 pounds only have access to seating positions with lap belts, such as allowing tethered child restraints for such children; and

(4) review the definition of the term “booster seat” in Federal motor vehicle safety standard No. 213 under section 571.213 of title 49, Code of Federal Regulation, to determine if it is sufficiently comprehensive.

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

SEC. 4. DEVELOPMENT OF ANTHROPOMORPHIC TEST DEVICE SIMULATING A 10-YEAR OLD CHILD.

(a) **DEVELOPMENT AND EVALUATION.**—Not later than 24 months after the date of the enactment of this Act, the Secretary shall develop and evaluate an anthropomorphic test device that simulates a 10-year old child for use in testing child restraints used in passenger motor vehicles.

(b) **ADOPTION BY RULEMAKING.**—Within 1 year following the development and evaluation carried out under subsection (a), the Secretary shall initiate a rulemaking proceeding for the adoption of an anthropomorphic test device as developed under subsection (a).

SEC. 5. REQUIREMENTS FOR INSTALLATION OF LAP AND SHOULDER BELTS.

(a) **IN GENERAL.**—Not later than 24 months after the date of the enactment of this Act, the Secretary shall complete a rulemaking proceeding to amend Federal motor vehicle safety standard No. 208 under section 571.208 of title 49, Code of Federal Regulations, relating to occupant crash protection, in order to—

(1) require a lap and shoulder belt assembly for each rear designated seating position in a passenger motor vehicle with a gross vehicle weight rating of 10,000 pounds or less, except that if the Secretary determines that installation of a lap and shoulder belt assembly is not practicable for a particular designated seating position in a particular type of passenger motor vehicle, the Secretary may exclude the designated seating position from the requirement; and

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

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

SEC. 6. EVALUATION OF INTEGRATED CHILD SAFETY SYSTEMS.

(a) **EVALUATION.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall initiate an evaluation of integrated or built-in child restraints and booster seats. The evaluation should include—

- (1) the safety of the child restraint and correctness of fit for the child;
- (2) the availability of testing data on the system and vehicle in which the child restraint will be used;
- (3) the compatibility of the child restraint with different makes and models;
- (4) the cost-effectiveness of mass production of the child restraint for consumers;
- (5) the ease of use and relative availability of the child restraint to children riding in motor vehicles; and
- (6) the benefits of built-in seats for improving compliance with State child occupant restraint laws.

(b) **REPORT.**—Not later than 12 months after the date of enactment of this Act, the Secretary shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report of this evaluation.

SEC. 7. DEFINITIONS.

As used in this Act, the following definitions apply:

- (1) **CHILD RESTRAINT.**—The term “child restraint” means any product designed to provide restraint to a child (including booster seats and other products used with a lap and shoulder belt assembly) that meets applicable Federal motor vehicle safety standards prescribed by the National Highway Traffic Safety Administration.
- (2) **PRODUCTION YEAR.**—The term “production year” means the 12-month period between September 1 of a year and August 31 of the following year.
- (3) **PASSENGER MOTOR VEHICLE.**—The term “passenger motor vehicle” has the meaning given that term in section 405(f)(5) of title 23, United States Code.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated \$5,000,000 to the Secretary of Transportation for—

- (1) the evaluation required by Section 6 of this Act; and
- (2) research of the nature and causes of injury to children involved in motor vehicle crashes.

(b) **LIMITATION.**—Funds appropriated under subsection (a) shall not be available for the general administrative expenses of the Secretary.

PURPOSE AND SUMMARY

The purpose of H.R. 5504, “Anton’s Law,” is to provide for the improved safety of child restraints in passenger motor vehicles.

BACKGROUND AND NEED FOR LEGISLATION

Motor vehicles are the leading cause of death in the United States for children who are older than 1 year (National Safety Council Injury Statistics, 2001). While the usage rate for child safety seats for children under 4 years of age is 91 percent, it is estimated by safety groups, such as Advocates for Highway and Auto Safety, that less than 10 percent of children between the ages of 4 and 8 are placed in booster seats.

Booster seats are seats that “boost” or position a child so that a three-point lap and shoulder belt appropriately fit a child 80 pounds or less. Seat belts are designed to fit adults, so when a young child uses a seat belt without a booster seat, the lap portion of the belt may have a tendency to ride up and over the child’s abdomen and the shoulder strap may cross the child’s neck or face. The seat belt may completely fail to restrain the child in some crashes, or the lap belt may cause significant internal injuries to the child. In fact, children who graduate to seat belts too soon are up to four times more likely to receive a serious injury in a collision

than children who are restrained in booster seats or other child restraints.

Current safety standards that govern child restraints, including booster seats, are designed to cover passengers weighing up to 50 pounds, despite the fact that most belt-positioning booster seats are recommended by the manufacturers for children weighing up to 80 pounds. There are, however, no federal performance standards for child restraints currently being used by children who weigh more than 50 pounds. Part of the reason for the lack of regulations is the lack of a suitable anthropomorphic testing device, or dummy. The largest certified dummy represents a six-year-old child and weighs 52 pounds. H.R. 5504 is designed to supplement the gaps in current regulations.

HEARINGS

The Committee has not held hearings on H.R. 5504.

COMMITTEE CONSIDERATION

On Wednesday, October 2, 2002, the Full Committee met in open markup session and ordered H.R. 5504 favorably reported to the House, as amended, by a voice vote, a quorum being present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. There were no record votes taken in connection with ordering H.R. 5504 reported. A motion by Mr. Tauzin to order H.R. 5504 reported to the House, as amended, was agreed to by a voice vote.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has not held oversight hearings on this legislation.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

The goal of H.R. 5504 is to require the National Highway Traffic Safety Administration (NHTSA) to institute rulemaking proceedings on child restraint systems designed to prevent deaths and injuries to child passengers in motor vehicles.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 5504, "Anton's Law," would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 4, 2002.

Hon. W.J. "BILLY" TAUZIN,
*Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5504, 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.

H.R. 5504—Anton's Law

Summary: H.R. 5504 would authorize the appropriation of \$5 million for the Secretary of Transportation to evaluate certain child safety seats and conduct research on injuries to children involved in automobile crashes. It would direct the Secretary to develop regulations regarding child restraints in automobiles, lap and shoulder belts in the rear seats of automobiles, and the use of child-sized dummies in crash tests. The bill also would require the Secretary to develop a dummy that would show the effects of crash tests on a 10-year-old child.

Assuming appropriation of the amount authorized in the bill, CBO estimates that implementing H.R. 5504 would cost \$5 million over the 2003–2005 period. Enacting H.R. 5504 would not affect direct spending or revenues.

H.R. 5504 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

The bill would impose a private-sector mandate as defined in UMRA on the manufacturers of passenger motor vehicles. Based on information from government and industry sources, CBO expects that the direct costs to manufacturers for this requirement would exceed the annual threshold for private-sector mandates established by UMRA (\$115 million in 2002, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 5504 is shown in the following table. The costs of this legislation fall within budget function 400 (transportation).

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization level	5	0	0	0	0
Estimated outlays	2	2	1	0	0

Basis of estimate: For this estimate, CBO assumes that H.R. 5504 will be enacted near the start of fiscal year 2003 and that the authorized amount will be appropriated for 2003. Estimates of outlays are based on information from the National Highway Traffic Safety Administration (NHTSA) and historical spending patterns of similar programs.

NHTSA is already developing a dummy that would simulate the effects of crash tests on a 10-year-old child, so CBO estimates that H.R. 5504 would not increase spending for this purpose. CBO estimates that the cost of developing new regulations would be less than \$500,000 in any year.

Estimated impact on state, local, and tribal governments: H.R. 5504 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimated impact on the private sector: H.R. 5504 would impose a private-sector mandate as defined in UMRA on the manufacturers of passenger motor vehicles. The bill would require those manufacturers to install a lap and shoulder belt harness in all the rear designated seating positions of vehicles weighing 10,000 pounds or less. According to information provided by the NHTSA and the automobile industry, the per vehicle cost to install a harness and any reinforcement necessary for the seat could range from \$50 to \$85 depending on the model of vehicle. The costs would be lower for vehicles that would not need the additional reinforcements. One-quarter to one-third of the industry already equips vehicles with a harness in the center-rear seating position, meaning that the requirement would apply to roughly 9 million to 12 million vehicles. Consequently, CBO estimates that annual cost to manufacturers would exceed the annual threshold for private-sector mandates established by UMRA (\$115 million in 2002, adjusted annually for inflation) and could amount to as much as \$1 billion.

Previous CBO estimate: On September 4, 2001, CBO transmitted a cost estimate for S. 980, Anton's Law, as ordered reported by the Senate Committee on Commerce, Science, and Transportation on August 2, 2001. The estimated cost of the two bills differ because they would authorize different kinds of activities. For example, S. 980 would extend a NHTSA program that provides grants to states for improving the safety of children when they ride in automobiles; it would not, however, authorize appropriations for the Secretary to conduct research.

Estimate prepared by: Federal costs: Rachel Milbert; Impact on state, local, and tribal governments: Greg Waring; Impact on the private sector: Jean Talarico.

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

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 3, which grants Congress the power to regulate commerce with foreign nations, among the several States, and with the Indian tribes.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 establishes the short title of the bill as “Anton’s Law,” in memory of Anton Skeen, a four-year-old child who was tragically killed in an automobile accident in 1996, and was not restrained using a booster seat.

Section 2. Findings

Section 2 makes certain Congressional findings.

Section 3. Improvement of safety of child restraints in passenger motor vehicles

Section 3 requires the Secretary of Transportation (Secretary) to initiate a rulemaking to establish performance requirements for child restraints designed to restrain children weighing more than 50 pounds. Elements that must be considered as part of that rulemaking include (1) whether to include injury performance criteria for child restraints, including booster seats; (2) whether to establish performance requirements for seat belt fit; (3) whether to address situations where children weighing more than 50 pounds only have access to lap belts; and, (4) whether to review the current definition of “booster seat.” The Secretary must complete this rulemaking not later than 30 months after enactment.

Section 4. Development of anthropomorphic test device simulating a 10-year-old child

Section 4 requires the Secretary to develop and evaluate an anthropomorphic test device that simulates a 10-year-old child for use in testing child restraints not later than 24 months after enactment. It is anticipated that this testing device will weigh approximately 80 pounds. The Secretary must then initiate a rulemaking to adopt the anthropomorphic testing device not later than 1 year after enactment.

Section 5. Requirements for installation of lap and shoulder belts

Section 5 requires the Secretary to initiate a rulemaking to require a lap and shoulder belt assembly for each rear-designated seating position in every passenger motor vehicle with a gross vehicle weight rating of 10,000 pounds or less. If the Secretary determines that installation of a lap and shoulder belt assembly is not

practicable, the Secretary may exclude the designated seating position from the requirement.

Section 5 requires that NHTSA mandate the automobile manufacturing industry to begin installation of the lap and shoulder belt assembly not less than one year after enactment. This installation requirement shall be phased in over three production years. NHTSA may, in its discretion and in accordance with past practice, allow for the earning of credits for early compliance or compliance beyond the mandated phase-in allowing manufacturers to utilize credits in future model years. This section is intended to maximize occupant safety, and should not be construed to promote or inhibit protection under state or common law for any vehicles not so equipped before this section is fully implemented.

Section 6. Evaluation of integrated child safety systems

Section 6 requires the Secretary to evaluate integrated or built-in child restraints and booster seats. The Secretary shall examine the safety of the child restraint and the correctness of the fit, the availability of testing data on the system and vehicle the restraint is used in, the compatibility of the child restraint with different make and models of vehicles, the cost-effectiveness of mass production of child restraints, the ease of use and availability of child restraints, and the benefits of built-in seats for improving compliance with state laws. The Secretary shall complete this evaluation not later than one year after enactment and the Secretary shall transmit the report to the Congress.

Section 7. Definitions

Section 7 defines “child restraint” to mean any product designed to provide the restraint to a child that meets applicable Federal motor vehicle safety standards. “Production year” is defined to mean the 12-month period between September 1 and August 31 of the following year. “Passenger motor vehicle” is defined consistently with the meaning given the term in section 23 U.S.C. 405(f)(5).

Section 8. Authorization of appropriations

Section 8 authorizes \$5,000,000 to be appropriated to the Secretary for the evaluation required by section 6 and for research into the nature and causes of injury to children involved in motor vehicle crashes.