

89TH CONGRESS
2D SESSION

S. 3005

IN THE SENATE OF THE UNITED STATES

MARCH 2, 1966

Mr. MAGNUSON introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To provide for a coordinated national safety program and establishment of safety standards for motor vehicles in interstate commerce ^{involving motor vehicles, to reduce} to reduce traffic accidents ^{and the deaths, and} and the deaths, and ^{occurring in such accidents, and to the extent consistent with such reductions, to reduce} injuries and property damage which occur in such accidents. ^{injuries, and property damage, resulting from traffic accidents, which occurs in such accidents.}

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Traffic Safety Act of
4 1966".

5 SEC. 2. The Congress hereby declares that the purpose
6 of this Act is to reduce ^{involving motor vehicles, to reduce,} traffic accidents ^{and the deaths, in- and in-} and in-
7 ^{occurring in such accidents, and to the extent consistent with such reductions, to re-} injuries ^{and property damage, resulting from traffic accidents,} and property damage, ^{which occurs in such accidents.} resulting from traffic accidents, ^{duce} which occurs in such accidents.

8 To this end, the Secretary of Transportation shall ~~have~~
9 ^(federal) authority to establish motor vehicle safety standards for

1 motor vehicles and equipment in interstate commerce; ^{shall} ~~to~~
 2 undertake and support necessary safety research and devel-
 3 opment; and ^{shall} ~~to~~ encourage and provide financial assistance
 4 in developing State traffic safety programs under effective
 5 standards for drivers, motor vehicles, postaccident care, and
 6 the traffic environment, including highways.

7 TITLE I—MOTOR VEHICLE SAFETY STANDARDS

8 DEFINITIONS

9 SEC. 101. As used in this title—

10 (a) "Motor vehicle safety" means the performance of
 11 motor vehicles or motor vehicle equipment in such a manner
 12 that the public is protected against unreasonable risk of acci-
 13 dents occurring as a result of the design ^{or construction} of motor vehicles
 14 and is also protected against unreasonable risk of death,
 15 injury, or property damage in the event accidents do occur. ^(, consistent with the foregoing,) "Motor
 vehicle safety" shall include nonoperational safety of the vehicle and pedestrian
 16 (b) "Motor vehicle safety standard" means a minimum ^{Federal} protection.
 17 standard for motor vehicle performance, or motor vehicle
 18 equipment performance, which is practicable, which meets
 19 the need for motor vehicle safety and which provides objec-
 20 tive criteria on which the public may rely in assuring motor ^(and the range of effective operating conditions)
 21 vehicle safety.

22 (c) "Motor vehicle" means any vehicle driven or
 23 drawn, by mechanical or other power, primarily for use on
 24 the public roads, streets, and highways, ~~other than (1) a~~
 25 ~~vehicle subject to safety regulations under part II of the~~

1 ~~Interstate Commerce Act, as amended (chapter 8, title 49~~
 2 ~~of the United States Code), or under the Transportation of~~ ^{except (1) any}
 3 ~~Explosives Act as amended (sections 831-835 of chapter~~ ^{vehicle designed or used for military field training,}
 4 ~~39, title 18, of the United States Code)~~, ^{combat or tactical purposes} and (2) a vehicle
 5 or car operated exclusively on a rail or rails.

6 (d) "Motor vehicle equipment" means any system,
 7 part, or component of a motor vehicle as originally manu-
 8 factured or any similar part or component manufactured or
 9 sold for replacement or improvement of such system, part,
 10 or component or as an accessory, or addition to the motor
 11 vehicle.

12 (e) "State" means any State of the United States, the
 13 District of Columbia, the Commonwealth of Puerto Rico,
 14 or any territory or possession of the United States.

15 (f) "Interstate commerce" means commerce between
 16 any place in a State and any place in another State, or
 17 ~~or within the District of Columbia, the Commonwealth of~~
 18 ~~between places in the same State through another State,~~
 Puerto Rico, or any territory or possession of the United States.

18 (g) "Secretary" means Secretary of Transportation.
 19 (h) "Person" includes individuals, partnerships, corpora-
 20 tions, associations, and public or private organizations.
 FEDERAL MOTOR VEHICLE SAFETY STANDARDS

20 SEC. 102. (a) ~~The Secretary shall, from time to time,~~
 21 ~~review existing public and private motor vehicle safety~~
 22 ~~standards and the degree of effective compliance existing~~
 23 ~~with respect to such standards. If, at any time after two~~
 24 ~~years from the date of the enactment of this Act, he de-~~

In order to carry out the purposes of this title and
 after consideration of available research, testing, and

1 terminates that there is a need for a new or revised motor
2 vehicle safety standard and that—

3 (1) no motor vehicle safety standard exists;

4 (2) any existing motor vehicle safety standard is
5 inadequate to protect the public against unreasonable
6 risk of accidents or of death, injury, or property damage
7 resulting therefrom, as defined in section 101 (a) ;

8 (3) any existing motor vehicle safety standard is
9 not based upon all measurements of performance neces-
10 sary to the achievement of motor vehicle safety; or

11 (4) the degree of effective compliance with respect
12 to any existing motor vehicle safety standard is insuffi-
13 cient to achieve adequate motor vehicle safety; then
14 the Secretary is authorized to establish and issue by
15 order, in accordance with section 4 of the Adminis-
16 trative Procedure Act, appropriate Federal motor ve-
17 hicle safety standards for motor vehicles or motor vehicle
18 equipment.

19 (b) A Federal motor vehicle safety standard issued by
20 order pursuant to subsection (a) shall become effective on
21 a date specified by the Secretary in that order, which shall
22 be no sooner than one hundred and eighty days nor later than
23 two years from the date on which the standard is issued. No
24 State or local government law, regulation, or ordinance shall
25 establish a safety standard for a motor vehicle or item of

Delete

5

1 motor vehicle equipment in interstate commerce if a Federal
2 motor vehicle safety standard issued in conformance with the
3 provisions of this title is in effect with respect to that motor
4 vehicle or item of motor vehicle equipment; and any such law,
5 regulation, or ordinance purporting to establish such safety
6 standards and providing a penalty or punishment for an act of
7 noncompliance therewith shall be null, void, and of no effect.
8 However, nothing herein shall be construed to prevent a
9 State or local government or the Federal Government from
10 establishing requirements more stringent than a Federal
11 motor vehicle safety standard for the exclusive purpose of its
12 own procurement.

13 (c) The Secretary, from time to time, and subject to
14 section 4 of the Administrative Procedure Act, may by or-
15 der amend or withdraw Federal motor vehicle safety stand-
16 ards issued under this section. Amendments or withdrawals
17 shall be effective on the date specified by the Secretary in
18 that order, which shall be no sooner than one hundred and
19 eighty days nor later than one year from the date on which
20 the amendment or withdrawal is issued, unless the Secretary
21 finds, publishing his reasons therefor, that an earlier or later
22 date is in the public interest.

23 JUDICIAL REVIEW OF ORDERS

24 SEC. 103. (a) (1) In a case of actual controversy as to
25 the validity of any order under section 102, any person who

~~6~~ delete

1 will be adversely affected by such order when it is effective
2 may at any time prior to the forty-fifth day after such order
3 is issued file a petition with the United States court of ap-
4 peals for the circuit wherein such person resides or has his
5 principal place of business, for a judicial review of such order.
6 A copy of the petition shall be forthwith transmitted by the
7 clerk of the court to the Secretary or other officer designated
8 by him for that purpose. The Secretary thereupon shall
9 file in the court the record of the proceedings on which the
10 Secretary based his order, as provided in section 2112 of
11 title 28 of the United States Code.

12 (2) If the petitioner applies to the court for leave to
13 adduce additional evidence, and shows to the satisfaction of
14 the court that such additional evidence is material and that
15 there were reasonable grounds for the failure to adduce such
16 evidence in the proceeding before the Secretary, the court
17 may order such additional evidence (and evidence in rebuttal
18 thereof) to be taken before the Secretary, and to be adduced
19 upon the hearing, in such manner and upon such terms and
20 conditions as to the court may seem proper. The Secretary
21 may modify his findings as to the facts, or make new find-
22 ings, by reason of the additional evidence so taken, and he
23 shall file such modified or new findings, and his recommenda-
24 tion, if any, for the modification or setting aside of his
25 original order, with the return of such additional evidence.

development data, the Secretary shall, within one year from the enactment of this Act, issue, in accordance with the procedures prescribed by section 102 (c), Federal motor vehicle safety standards. Such standards shall become effective on a date specified by the Secretary for each standard which shall be no sooner than one hundred and eighty days nor later than one year from the date on which the standard is issued; except that if the Secretary finds, stating his findings and reasons, that a standard involves major innovation and complex change in the production process, the Secretary may specify an effective date not later than two years from the date on which such a standard is issued.

(b) The Secretary shall annually review existing Federal motor vehicle safety standards and the degree of effective compliance existing with respect to such standards, and, by proceedings in accordance with section 102 (c), ~~add to or~~ amend such standards where necessary to carry out the purposes of this title.

(c) (1) In issuing or amending a Federal motor vehicle safety standard, the Secretary shall follow the procedure of sections 3, 4, 6, and 9 (a) of the Administrative Procedure Act, except as modified in this title.

(2) "All rules" as used in section 3 (b) of the Administrative Procedure Act shall be read to include the statement of basis required to be published pursuant to section 102 (c) (5) of this title.

(3) In addition to matter made available to the public under section 3 (c) of the Administrative Procedure Act, the Secretary shall make publicly available, to any interested person, the record compiled in the proceedings for establishment of a motor vehicle safety standard, including at least (A) the testimony, documentary evidence, and written submissions of data, views or arguments; and (B) to the extent feasible, any non-documentary evidence. However, the Secretary is authorized to withhold, to the extent necessary to protect trade secrets, from the matter and materials made publicly available.

(4) "Interested persons", wherever used in the Administrative Procedure Act and in this title, shall for the purposes of this title mean persons who are or are reasonably likely to be adversely affected in fact by the motor vehicle safety standard and shall include but shall not be limited to manufacturers, distributors and retail vendors of motor vehicles or motor vehicle equipment; public or private organizations engaged to a significant extent in the promotion or study of motor vehicle safety; automobile insurance underwriters; and current owners or users of motor vehicles.

(5) "A concise general statement of their basis and purpose", as used in section 4 (b) of the Administrative Procedure Act, shall for the purposes of this title mean the following:

(A) A statement of the principal reasons for the adoption of the standard, written in language understandable to

the general public;

(B) Wherever appropriate to the particular standard, a statement of the full range of operating conditions for which the standard is deemed effective; and

(C) A technical statement which shall indicate the tests performed, the findings, and all data necessary to an appreciation and evaluation of the standard by persons competent in the particular technical area involved.

(6) In addition to the right to petition accorded pursuant to section 4 (d) of the Administrative Procedure Act, the Secretary shall as a matter of course, conduct proceedings pursuant to section 102 (c), whenever any State shall petition by act of the respective State legislature or of the duly authorized officer of the respective States, and shall submit a specific proposal or proposals to advance motor vehicle safety by the issuance, amendment or withdrawal of any standard or standards.

(7) Nothing in this title or in the Administrative Procedure Act shall be construed to make sections 7 and 8 of such Act applicable to proceedings under this title.

(d) A Federal motor vehicle safety standard issued pursuant

to section 102 (b) shall become effective on a date specified by the Secretary in such standard, which shall be no sooner than one hundred and eighty days nor later than one year from the date on which the standard is issued, unless the Secretary finds, stating his reasons therefor that an earlier date is in the public interest, then he may specify such earlier date. If the Secretary finds, stating his findings and reasons, that such standard or amendment (or withdrawal) involves major innovations, and complex changes, in the production process, the Secretary may specify an effective date not later than two years from the date of issuance.

(e) From the date of enactment of this Act, no State or political subdivision thereof shall establish a motor vehicle safety standard for motor vehicles or items of motor vehicle equipment, which differs from a Federal motor vehicle safety standard issued pursuant to the provisions of this title, and any law, regulation or ordinance purporting to establish such different standards and providing punishment for an act of non-compliance therewith shall be null and void and of no effect. However, nothing herein shall be construed to prevent a State or political subdivision thereof, or the Federal Government, from establishing requirements more stringent than a Federal motor vehicle safety standard for the exclusive purpose of its own procurement. Nothing herein shall be construed to prevent a State or political subdivision thereof, or any appropriate

Federal authority, from establishing inspection standards or maintenance requirements for motor vehicles owned or operated in that State, provided, that no such standard or requirement shall establish any requirement that could not be satisfied by any motor vehicle or item of motor vehicle equipment complying with the Federal motor vehicle safety standards issued pursuant to this title/or complying with any valid current motor vehicle safety standard of ^{at the time of manufacture} ~~the~~/State or political subdivision thereof. ^{respective}

JUDICIAL REVIEW

Sec. 103. (a) (1) Any order, rule or regulation, affirmative or negative, issued by the Secretary pursuant to this title, shall be subject to review by the United States court of appeals for the circuit wherein the petitioner for review resides or has his principal place of business. A petition for review shall be filed within sixty days after such order, rule or regulation is issued, unless good cause is established for failure to file within sixty days. Such a petition may be filed by any person entitled under section 102 (c) (4) to participate in the proceedings before the Secretary, if that person did urge before the Secretary, in such proceedings, the objection now urged before the court as the basis for modifying or setting aside the order, rule or regulation; unless there were reasonable grounds for failure to urge the objection before the Secretary. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by

him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based the order, rule or regulation, as provided in section 2112 of title 28 of the United States Code.

(2) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, in such manner and upon such terms and conditions as to the court may seem proper. Reasonable grounds may be proved by showing that the petitioner was unaware that the Secretary would consider certain evidence or testimony in reaching his determination under section 102 (a) or (b). If the evidence or testimony about which the petitioner allegedly was unaware was made public pursuant to any provision of this Act or of the Administrative Procedure Act or rule or procedure of the Secretary prior to the proceeding before the Secretary, the petitioner shall prove by clear and convincing evidence that he was unaware of such evidence or testimony. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendations, if any, for the modification or setting aside of the original order, rule

or regulation with the return of such additional evidence.

(3) Section 10 of the Administrative Procedure Act shall govern except to the extent that it conflicts with this title.

or regulation with the return of such additional evidence.

(3) Section 10 of the Administrative Procedure Act shall govern except to the extent that it conflicts with this title.

1 ⁴
2 (3) Upon the filing of the petition referred to in
3 paragraph (1) of this subsection, the court shall have
4 jurisdiction to rule or regulation such order, rule or regu-
5 lating to affirm the order, or to set ~~it~~ aside in lating
6 whole or in part, temporarily or permanently. The
7 ~~findings of the Secretary as to the facts, if supported by~~
8 ~~substantial evidence, shall be conclusive.~~

9 ⁵
10 (4) The judgment of the court affirming or setting
11 aside, in whole or in part, any rule or regulation
12 of the Secretary shall be final, subject to review by the Supreme
13 Court of the United States upon certiorari or certification
14 as provided in section 1254 of title 28 of the United
15 States Code.

16 ⁶
17 (5) Any action instituted under this subsection
18 shall survive notwithstanding any change in the person
19 occupying the office of Secretary or any vacancy in
20 such office.

21 ⁷
22 (6) The remedies provided for in this subsection
23 shall be in addition to and not in substitution for any
24 other remedies provided by law.

25 (b) A certified copy of the transcript of the record
and proceedings under this section shall be furnished by
the Secretary to any interested party at his request, and
payment of the costs thereof, and shall be admissible in
any criminal, libel for condemnation, exclusion of imports,
or other proceeding arising under or in respect to this title,

1 irrespective of whether proceedings with respect to the order
2 have previously been instituted or become final under sub-
3 section (a).

4 RESEARCH, TESTING, AND DEVELOPMENT

5 SEC. 104. The Secretary, in cooperation with other de-
6 partments and agencies as provided in section 113, is au-
7 thorized ~~to undertake~~ and directed appropriate research, testing, and de-
8 velopment for motor vehicle safety and motor vehicle safety
9 standards to accomplish the purposes of this title and, in
10 exercising this authority, may perform the following
11 functions:

12 (a) gathering or collecting existing data from any
13 source for the purpose of determining the relationship
14 between motor vehicle or motor vehicle equipment per-
15 formance characteristics and (1) accidents involving motor vehicle
16 motor vehicles, and (2) the occurrence of death, per-
17 sonal injury, or property damage resulting from such
18 accidents;

19 (b) contracting for the fabrication of or directly
20 purchasing, notwithstanding any other provision of law,
21 motor vehicles or motor vehicle equipment for research
22 and testing purposes, and the testing of motor vehicles
23 and motor vehicle equipment to accomplish the pur-
24 poses of this title, even though such tests may damage
25 or destroy the vehicles or equipment being tested;

1 (c) selling or otherwise disposing of motor vehicles
2 or motor vehicle equipment tested pursuant to subsec-
3 tion (b), notwithstanding any other provision of law,
4 and reimbursing the proceeds of such sale or disposal
5 into the appropriation or fund current and available for
6 the purpose of carrying out this title: *Provided*, That
7 motor vehicles and motor vehicle equipment which have
8 been rendered irreparably unsafe for use on the high-
9 ways, by testing pursuant to subsection (b), shall be
10 sold or disposed of in a manner insuring that they shall
11 not be used on the highways or on vehicles for use on
12 the highways;

13 (d) performing or having performed all research,
14 development, and information gathering and disseminat-
15 ing activities necessary and appropriate for motor ve-
16 hicle safety and motor vehicle safety standards, and pur-
17 chasing or acquiring equipment and facilities related
18 thereto, or fabricating needed motor vehicle equipment
19 to accomplish the purposes of this title, including—

20 (1) relating motor vehicle and motor vehicle
21 equipment performance characteristics to motor
22 vehicle safety;

23 (2) determining the effects of wear and use of

1 motor vehicles and motor vehicle equipment upon
2 motor vehicle safety;

3 (3) evaluating and developing methods and
4 equipment for testing, inspecting, and determining
5 safety of motor vehicles and motor vehicle equip-
6 ment;

7 (4) evaluating and developing methods and
8 equipment for determining adequacy of motor ve-
9 hicle safety standards, and compliance of motor ve-
10 hicles with motor vehicle safety standards; and

11 (5) developing appropriate motor vehicle
12 safety standards.

13 (c) awarding grants to ^{and contracting with} State or interstate agencies
14 and nonprofit institutions for performance of activities
15 authorized in this section.

The Secretary shall, either directly or by means of grant or contract, design, construct and test fully operational passenger motor vehicles and items of motor vehicle equipment in demonstration quantities, embodying such features as the Secretary determines will assist in carrying out the purposes of this Act. Such vehicles or equipment are to serve as demonstrations for the development of safety features applicable to commercially man-

ufactured motor vehicles or items of motor vehicle equipment, and for the development of Federal motor vehicle safety standards under section 102. Such demonstration vehicles shall not be limited to traditional methods of automobile design, styling, testing, production, or sales practices and methods.

16

COOPERATION

17 SEC. 105. In addition to such advisory authority as the
18 Secretary otherwise may exercise, he is authorized to advise,
19 assist, cooperate with, or enter into cooperative agreements
20 with and receive and expend funds made available there-
21 under by Federal agencies, State or other public agencies,
22 businesses, universities, or other institutions in the planning
23 or development of—

24 (a) motor vehicle safety standards;

1 (b) method for inspecting or testing under motor
2 vehicle safety standards;

3 (c) motor vehicle and motor vehicle equipment
4 test methods and test equipment.

5 TRAINING

6 SEC. 106. (a) The Secretary is authorized to train,
7 or establish training programs for, personnel of Federal
8 agencies, State or other public agencies or institutions, pri-
9 vate firms and private institutions by grants to or contracts
10 with such agencies, firms, or institutions for the purpose of
11 achieving motor vehicle safety as provided in this title.
12 He may receive and expend funds made available under a
13 cooperative agreement or utilize motor vehicles or motor
14 vehicle equipment furnished thereunder for training purposes.
15 Such training may include—

16 (1) interpreting and applying motor vehicle safety
17 standards;

18 (2) using test methods and test equipment;

19 (3) testing and inspecting motor vehicles and
20 motor vehicle equipment to determine motor vehicle
21 safety; or

22 (4) such other training as may be necessary to
23 carry out this title.

1 (b) The Secretary may purchase, use, and dispose of
2 motor vehicles or motor vehicle equipment for use, other
3 than for purposes of transportation, in the training author-
4 ized by subsection (a), under the same authority, and sub-
5 ject to the same conditions, as provided in section 104.

6 PROHIBITED ACTS

7 SEC. 107. (a) No person shall—

8 (1) manufacture for sale, sell, offer for sale, or
9 introduce or deliver for introduction in interstate com-
10 merce, or import into the United States, any motor
11 vehicle or item of motor vehicle equipment manufac-
12 tured on or after the date any applicable Federal motor
13 vehicle safety standard takes effect under this title unless
14 it is in conformity with such standard as prescribed or
15 amended by the Secretary pursuant to section 102
16 except as provided in subsection (b) of this section; or

17 (2) fail or refuse access to or copying of records,
18 or fail to make reports or provide information, as re-
19 quired under section 111 (b) ^{and (d); or}

(3) misuse the certification as prescribed
by the Secretary under section 112 (c); or

(4) make or file a report required under
section 111 which is false in that it contains an
untrue statement of a material fact or in that it
omits to state any material fact required to be

stated or necessary to make the statements therein not misleading; or

(5) fail or refuse to publish or distribute any report required under section 111 (c); or

(6) fail or refuse to display the report required under section 111 (c); or

(7) fail or refuse to comply with procedures established under section 113 (c); or

(8) intentionally interfere with or obstruct any inspection, test, or investigation made by the Secretary or one acting on his behalf, pursuant to this title.

20 (b) (1) Paragraph (1) of subsection (a) shall not
21 apply to the sale, the offer for sale, or the introduction or
22 delivery for introduction in interstate commerce of any motor
23 vehicle or motor vehicle equipment after the first purchase of
24 it in good faith for purposes other than resale.

25 (2) A motor vehicle or item of motor vehicle equip-

1 ment offered for importation in violation of paragraph (1)
2 of subsection (a) shall be refused admission into the United
3 States under joint regulations issued by the Secretary of the
4 Treasury and the Secretary; except that the Secretary of
5 the Treasury and the Secretary may, by such regulations,
6 provide for authorizing the importation of such motor vehicle
7 or item of motor vehicle equipment into the United States
8 upon such terms and conditions (including the furnishing
9 of a bond) as may appear to them appropriate to insure
10 that any such motor vehicle or item of motor vehicle equip-
11 ment will be brought into conformity with any applicable
12 Federal motor vehicle safety standard prescribed under this
13 title, or will be exported or abandoned to the United States.

14 (3) The Secretary of the Treasury and the Secretary
15 may, by joint regulations, permit the temporary importation
16 of any motor vehicle or item of motor vehicle equipment,
17 after the first purchase of it in good faith for purposes other
18 than resale, notwithstanding paragraph (2) of this subsec-
19 tion.

20 (4) Paragraph (1) of subsection (a) shall not apply
21 in the case of a motor vehicle or item of motor vehicle
22 equipment intended solely for export, and so labeled or
23 tagged on the vehicle or item itself and on the outside of
24 the container, if any.

ENFORCEMENT
~~CIVIL PENALTY~~

1
2 SEC. 108. (a) Any person who
3 ~~Whoever~~ violates any provision of sec-
4 tion 107, or any regulation issued thereunder, except section 107 (a) (6), shall be sub-
5 ject to a civil penalty of not to exceed \$1,000 for each such
6 violation. Such violation of a provision of section 107, or
7 except section 107 (a) (6),
8 regulations issued thereunder, shall constitute a separate
9 violation with respect to each motor vehicle or item of motor
10 vehicle equipment or with respect to each failure or refusal
11 to allow or perform an act required thereby.

12 (b) Any such civil penalty may be compromised by
13 the Secretary. The amount of such penalty, when finally
14 determined, or the amount agreed upon in compromise, may
be deducted from any sums owing by the United States to
the person charged.

(c) Whenever the Secretary has reason to believe
that any person is liable to a penalty under this
section, he shall certify the facts to the Attorney
General, whose duty it shall be to cause appropriate
proceedings to be brought for the enforcement of the
provisions of this section.

(d) Any person who knowingly and wilfully violates
any provision of section 107, or any regulation issued
thereunder, except section 107 (a) (6), shall upon

conviction be fined not more than \$25,000 or imprisoned not more than five years, or both.

(e) Any person who violates any provision of section 107 (a) (6) or any regulation issued thereunder shall be subject to a civil penalty of not more than \$100 for each violation. Violation of section 107 (a) (6) or any regulation issued thereunder shall constitute a separate violation with respect to each motor vehicle or item of motor vehicle equipment or with respect to each failure or refusal to allow or perform an act required by such section or such regulation. Any person who knowingly and willfully violates any provision of section 107 (a) (6) or any regulation issued thereunder shall upon conviction be fined not more than \$10,000 or imprisoned not more than six months, or both.

JURISDICTION; ~~INJUNCTION~~ EQUITABLE RELIEF

15
16 SEC. 109. (a) The United States district courts and
17 the United States courts of the Commonwealth of Puerto
18 Rico and the territories and possessions shall have jurisdic-
19 tion, for cause shown and subject to the provisions of rule
20 65 (a) and (b) of the Federal Rules of Civil Procedure, to
21 Secretary or any attorney designated by him, or by a
restrain violations of this title upon petition by the ~~appro-~~
22 acting in his respective district,
~~private~~ United States attorney or the Attorney General on
23 behalf of the United States, ~~or by the highest law enforce-~~
ment officer of any State. Upon proper showing of
public interest, a temporary injunction or restraining
order shall be granted without bond.

24 (b) In any proceeding for criminal contempt for viola-
25 tion of an order, injunction, or restraining order issued under

1 this section, which violation also constitutes a violation of this
2 title, trial shall be by the court or, upon demand of the
3 accused, by a jury. Such trial shall be conducted in accord-
4 ance with the practice and procedure applicable in the case
5 of proceedings subject to the provisions of rule 42 (b) of the
6 Federal Rules of Criminal Procedure.

7 (c) In all libel or injunction proceedings for the en-
8 forcement or to restrain violations of this title, subpoenas for
9 witnesses who are required to attend a court of the United
10 States in any district may run into any other district in any
11 such proceeding.

12 SEIZURE

13 SEC. 110. (a) Any motor vehicle or motor vehicle
14 equipment that has been manufactured or introduced into
15 commerce in violation of section 107 shall be liable to be
16 proceeded against by the United States while in interstate
17 commerce, or while held for any sale after shipment in inter-
18 state commerce until the occurrence of the first purchase of
19 it in good faith for purposes other than resale, or libel of
20 information and condemned in any district court of the
21 United States, and in any United States court for the Com-
22 monwealth of Puerto Rico or the territories and possessions.

23 (b) Such motor vehicle or item of motor vehicle equip-
24 ment shall be liable to seizure by process pursuant to the

1 libel, and the procedure in cases under this section shall
2 conform, as nearly as may be, to the procedure in ad-
3 miralty; except that on demand of either party any issue
4 of fact joined in any such case shall be tried by jury.
5 When libels for condemnation proceedings under this sec-
6 tion, involving the same claimant, are pending in two or
7 more jurisdictions, such pending proceedings, upon appli-
8 cation of the United States or the claimant seasonably made
9 to the court of one such jurisdiction, shall be consolidated
10 for trial by order of such court, and tried in (1) any dis-
11 trict selected by the applicant where one of such proceed-
12 ings is pending; or (2) a district agreed upon by stipulation
13 between the parties. If no order for consolidation is so
14 made within a reasonable time, the United States or the
15 claimant may apply to the court of one such jurisdiction,
16 and such court (after giving the other party, the claimant,
17 or the United States attorney for such district, reasonable
18 notice and opportunity to be heard) shall by order, unless
19 good cause to the contrary is shown, specify a district of
20 reasonable proximity to the claimant's principal place of
21 business, in which all such pending proceedings shall be
22 consolidated for trial and tried. Such order of consolida-
23 tion shall not apply so as to require the removal of any
24 case the date for trial of which has been fixed. The court
25 granting such order shall give prompt notification thereof to

1 the other courts having jurisdiction of the case covered
2 thereby.

3 (c) Any motor vehicle or item of motor vehicle equip-
4 ment condemned under this section shall, after entry of
5 the decree, be disposed of by destruction or sale as the court
6 may, in accordance with the provisions of this section, direct
7 and the proceeds thereof, if sold, less the legal costs and
8 charges, shall be paid into the Treasury of the United
9 States, but such motor vehicle or item of motor vehicle
10 equipment shall not be sold under such decree contrary to
11 the provisions of this Act or the laws of the jurisdiction in
12 which sold: *Provided*, That, after entry of the decree and
13 upon the payment of the costs of such proceedings and the
14 execution of a good and sufficient bond conditioned that
15 such motor vehicle or item of motor vehicle equipment
16 shall not be sold or disposed of contrary to the provisions
17 of this Act or the laws of any State or territory in which
18 sold, the court may by order direct that such motor vehicle
19 or item of motor vehicle equipment be delivered to the
20 owner thereof to be destroyed or brought into compliance
21 with the provisions of this Act under the supervision of
22 an officer or employee duly designated by the Secretary,
23 and the expenses of such supervision shall be paid by the
24 person obtaining release of the motor vehicle or item of
25 motor vehicle equipment under bond.

1 (d) When a decree of condemnation is entered against
2 the motor vehicle or item of motor vehicle equipment, court
3 costs and fees, and storage and other proper expenses, shall
4 be awarded against the person, if any, intervening as claim-
5 ant of the motor vehicle or item of motor vehicle equipment.

6 (e) In the case of removal for trial of any case as pro-
7 vided by subsection (b) of this section—

8 (1) the clerk of the court from which removal is
9 made shall promptly transmit to the court in which the
10 case is to be tried all records in the case necessary in
11 order that such court may exercise jurisdiction;

12 (2) the court to which such case is removed shall
13 have the powers and be subject to the duties, for pur-
14 poses of such case, which the court from which removal
15 was made would have had, or to which such court would
16 have been subject, if such case had not been removed.

17 INSPECTION AND TESTING FOR COMPLIANCE; RECORDS

18 AND REPORTS

19 SEC. 111. (a) The Secretary ^{shall} ~~is authorized to~~ conduct
20 such testing and inspection ^{to ascertain compliance with} ~~as he deems necessary to aid in~~
21 ~~the enforcement of~~ Federal vehicle safety standards issued
22 and in effect under this title and shall furnish the Attorney
23 General and, when appropriate, the Secretary of the Treas-
24 ury any information obtained and test results indicating non-

1 (d) When a decree of condemnation is entered against
2 the motor vehicle or item of motor vehicle equipment, court
3 costs and fees, and storage and other proper expenses, shall
4 be awarded against the person, if any, intervening as claim-
5 ant of the motor vehicle or item of motor vehicle equipment.

6 (e) In the case of removal for trial of any case as pro-
7 vided by subsection (b) of this section—

8 (1) the clerk of the court from which removal is
9 made shall promptly transmit to the court in which the
10 case is to be tried all records in the case necessary in
11 order that such court may exercise jurisdiction;

12 (2) the court to which such case is removed shall
13 have the powers and be subject to the duties, for pur-
14 poses of such case, which the court from which removal
15 was made would have had, or to which such court would
16 have been subject, if such case had not been removed.

17 INSPECTION AND TESTING FOR COMPLIANCE; RECORDS

18 AND REPORTS

19 SEC. 111. (a) The Secretary ^{shall} ~~is authorized to~~ conduct
20 such testing and inspection ^{to ascertain compliance with} ~~as he deems necessary to aid in~~
21 ~~the enforcement of~~ Federal vehicle safety standards issued
22 and in effect under this title and shall furnish the Attorney
23 General and, when appropriate, the Secretary of the Treas-
24 ury any information obtained and test results indicating non-

- 1 compliance with such standards, for appropriate enforcement
- 2 or customs action. **The Secretary is authorized to conduct**
such testing and inspection both on and off the premises
of the manufacturers, pursuant to regulations adopted by
the Secretary.

(b) Every manufacturer of motor vehicles ~~or motor vehicle~~
~~equipment~~ shall annually provide to the Secretary a
written description of all motor vehicle safety develop-
ments implemented by that manufacturer during the past
year. Such description shall be supported by complete
technical data and shall specifically include all variations
and changes increasing or decreasing motor vehicle
safety which are made from any previous product. All
such descriptions shall be made readily available to
the public by the Secretary. In addition, every

- 3 ~~(b)~~ Every manufacturer of motor vehicles and motor
4 vehicle equipment shall establish and maintain such records,
5 make such reports, and provide such information as the
6 Secretary may reasonably require to enable him to deter-
7 mine whether such manufacturer has acted or is acting in
8 compliance with this title and motor vehicle safety stand-
9 ards prescribed pursuant to this title and shall, upon request
10 of an officer or employee duly designated by the Secretary.

- 11 permit such officer or employee to inspect appropriate books,
- 12 papers, records and documents.

(c) Every manufacturer of motor vehicles shall publish and furnish to sellers of their new motor vehicles to be furnished to every purchaser a clear and concise summary of objectively measurable aspects of the performance of the vehicle purchased with respect to safety, including therein such data as the Secretary shall reasonably require by rule or order. Every seller of new motor vehicles shall keep at least one copy of a report on each vehicle make and model on his business premises in a convenient place and available for the perusal of prospective customers.

(d) Every manufacturer of motor vehicles or motor vehicle equipment shall furnish to the Secretary a true copy of all notices, bulletins, and other communications from that manufacturer to sellers, distributors, or repair facilities in any State, insofar as such notices, bulletins, and other communications relate to a defect or deficiency, or to the repair, alteration, or replacement of any aspect of the manufacturer's motor vehicles or motor vehicle equipment. "Other communications" shall include the substance of oral communications reduced to writing.

13 ~~(c)~~^e All information reported to or otherwise obtained
14 by the Secretary or his representative pursuant to subsection
15 (b) which information contains or relates to a trade secret or
16 other matter referred to in section 1905 of title 18 of the
17 United States Code, shall be considered confidential for the
18 purpose of that section, except that such information may be
19 disclosed to other officers or employees concerned with car-
20 rying out this Act or when relevant in any proceeding under
21 this Act.

CERTIFICATION

Sec. 112. (a) Any manufacturer of motor vehicles may certify for labeling or advertising purposes that new motor vehicles of such manufacturer meet or exceed Federal motor vehicle safety standards for new motor vehicles if such manufacturer submits proof adequate in the judgment of the Secretary that the new motor vehicles of such manufacturer meet or exceed the relevant Federal motor vehicle safety standards prescribed pursuant to this Act.

(b) The Secretary shall by regulation prescribe the time and manner of submitting proof required for certification under this section.

(c) The Secretary may prescribe appropriate marks or symbols for use by such manufacturers who comply with such standards.

CORRECTIVE CALL-BACK CAMPAIGNS

Sec. 113. (a) If through testing, research, accident investigation, complaint investigation, or through examination of reports pursuant to section 111 (d), or otherwise, the Secretary shall determine that a motor vehicle or item of motor vehicle equipment--

(1) does not comply with a Federal motor vehicle safety standard issued pursuant to section 102; or

(2) is so defectively designed or constructed in an aspect not subject to a Federal motor vehicle safety standard that its continued operation or use constitutes an unreasonable risk of accidents or unreasonable risk of death, injury, or property damage in the event accidents do occur;

then the Secretary shall immediately notify the manufacturer of the motor vehicle or item of motor vehicle equipment of such defect or failure to comply. The notice shall fully explain the Secretary's findings; it shall include all information upon which the findings are based; it shall be supported by all relevant technical data; and it shall specify functional standards of performance or operation, compliance with which shall be considered to eliminate the unreasonable danger of operation or use.

(b) The manufacturer shall be entitled immediately to present to the Secretary evidence, views or arguments tending to establish that there is no failure of compliance

or that the alleged defect does not constitute an unreasonable risk.

(c) If after such presentation by the manufacturer the Secretary determines that the failure of compliance or the alleged defect constitutes an unreasonable risk of accidents, or of death, injury or property damage in the event accidents do occur, the Secretary shall consult with the manufacturer and shall establish reasonable procedures for the prompt recall of the maximum feasible number of such motor vehicles or motor vehicle equipment to appropriate facilities for adjustments to satisfy the requisite functional standards.

(d) If the defect is within category (1) of subsection (a) of this section, all costs of the corrective call-back and repair shall be borne by the manufacturer. If the defect is within category (2) of subsection (a) of this section, the Secretary shall consider the degree of negligence, if any, involved in the manufacturer's design, testing or construction of the motor vehicle or item of motor vehicle equipment in question, and shall direct a reasonable allocation of the costs of the corrective call-back and repair between the owner and the manufacturer and dealer.

(e) If the Secretary, after proceeding pursuant to subsection (b) of this section, determines that the failure

of compliance or the alleged defect constitutes an unreasonable risk of accidents, or of death, injury or property damage in the event accidents occur, the Secretary shall issue a public statement to that effect. Immediately upon establishing the procedure available to owners and required of manufacturers under this section, the Secretary shall issue a public statement regarding such procedure, which shall include a summary of his findings under subsection (a) and all information pertinent to the call-back.

(f) The exclusive method of judicial review of an order, rule or regulation issued pursuant to this section, shall be a suit against the United States, in the United States Court of Claims, for damages. In order to protect the public from unreasonable risks, no stay or other form of interim relief from any action of the Secretary pursuant to this section shall be granted.

INVESTIGATIONS BY SECRETARY

Sec. 114. (a) The Secretary shall have power when he believes it necessary in order to determine whether any person has violated or is about to violate any provision of this title to make an investigation and in connection therewith he may enter such places and inspect such records and accounts and question such persons as he may deem necessary to enable him to determine the facts thereto.

(b) For the purpose of any investigation provided

for in this section, the provisions of sections 49 and 50 of title 15 (relating to the attendance of witnesses and the production of books, papers, and documents), are made applicable to the jurisdiction, powers, and duties of the Secretary of any officers designated by him.

COMPLAINTS

Sec. 115. Any person may file with the Secretary as to matters within his jurisdiction under this title a complaint in writing with respect to anything done or omitted to be done by any person in contravention of any provision of this title, or of any requirement established pursuant thereto. If the person complained against does not satisfy the complaint and there appears to be any reasonable ground for investigating the complaint, it shall be the duty of the Secretary to investigate the matters complained of. Whenever the Secretary is of the opinion that any complaint does not state facts which warrant an investigation or action, such complaint may be dismissed without a hearing.

22 BRAKE FLUID AND SEAT BELT STANDARDS
23 116.
23 SEC. ~~112~~ (a) Public Law 87-637 (Act of September
24 5, 1962, 76 Stat. 437, 15 U.S.C. §§ 1301-1303), and Public

1 Law 88-201 (Act of December 13, 1963, 77 Stat. 361, 15
2 U.S.C. §§ 1321-1323) are hereby repealed. Any rights or
3 liabilities now existing under Public Laws 87-637 and 88-
4 201 shall not be affected by this repeal.

5 (b) Standards issued under the laws repealed in this
6 section shall continue in full effect and may be amended as
7 if they had been effectively issued pursuant to section 102.
8 Such standards shall, after enactment of this Act, be subject
9 to the enforcement and all other provisions of this title.

10 AVOIDANCE OF DUPLICATION

11 ^{117.}
SEC. ~~113.~~ The Secretary, in exercising the authority un-
12 der this Act, shall utilize the services, research, and testing
13 facilities of other departments and agencies to the maximum
14 extent practicable in order to avoid duplication in facilities
15 and services operated by the departments and agencies.

16 REGULATIONS

17 ^{118.}
SEC. ~~114.~~ The Secretary is authorized to issue, amend,
18 and withdraw such rules and regulations as he may find
19 necessary or appropriate to carrying out the provisions of
20 this Act.

REPORTS AND RECOMMENDATIONS

Sec. 119. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on March 1 of each year a comprehensive report on the administration of this Act for the preceding calendar year. Such report should include but not be restricted to (1) a thorough statistical compilation of the accidents and injuries occurring in such year; (2) a list of all safety standards issued or in effect in such year; (3) the scope of observance of applicable Federal standards; (4) a statement of enforcement actions including judicial decisions, settlements or pending litigation during the year; (5) a summary of all current research grants and contracts together with a description of the problems to be considered by such grants and contracts; (6) an analysis and evaluation of completed research activities and technological progress achieved during such year together with the relevant policy recommendations flowing therefrom; and (7) the extent to which technical information was being disseminated to the scientific community and consumer-oriented material was made available to the motoring public.

(b) The annual report shall also contain such recommendations for additional legislation as the

1 for ~~each of the fiscal years 1969, 1970, 1971, and 1972~~ and
2 funds appropriated under this authority shall remain avail-
3 able until expended.

4 NATIONAL TRAFFIC SAFETY AGENCY AND
5 TITLE II—~~TRAFFIC ACCIDENT AND INJURY~~
6 NATIONAL TRAFFIC SAFETY CENTER
7 ~~RESEARCH AND TEST FACILITY~~

8 ~~Sec. 201. The Secretary of Transportation is hereby~~
9 ~~authorized, acting independently or in cooperation with other~~
10 ~~Federal departments or agencies, to plan, design, construct,~~
~~maintain, and operate a facility or facilities, within the Dis-~~
~~trict of Columbia or elsewhere, in which to conduct so much~~

 Sec. 201. (a) The Secretary shall carry out the provisions of this Act through a National Traffic Safety Agency (hereinafter referred to as the "Agency"), which he shall establish in the Department of Transportation. The Agency shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate prescribed for leve III of the Federal Executive Salary Schedule established by the Federal Executive Salary Act of 1964. The Administrator shall be a citizen of the United States, and shall be appointed with due regard for his fitness to discharge efficiently the powers and the duties delegated to him pursuant to this Act. The Administrator shall have no pecuniary interest in or own any stock in or bonds of

any enterprise involved in (1) manufacturing motor vehicles or motor vehicle equipment, or (2) constructing highways, nor shall he engage in any other business, vocation, or employment. The Administrator shall perform such duties as are delegated to him by the Secretary.

(b) Within the agency, the Secretary shall establish and maintain a facility or facilities, to be known as the National Traffic Safety Center, in which to conduct so much

11 of the research, development, and testing provided for by
12 this Act, and other research, development, and testing in
13 traffic safety authorized by law, as he may deem appropriate
14 and necessary.

15 SEC. 202. There is hereby authorized to be appropriated,
16 out of the highway trust fund, not to exceed \$3,000,000 for
17 the planning of the facility or facilities authorized by section
18 201^(b) of this Act, including necessary feasibility studies. Any
19 funds so appropriated shall remain available until expended.

20 SEC. 203. There is hereby authorized to be appropriated,
21 out of the highway trust fund, so much as may be necessary
22 for the construction of the facility or facilities authorized by
23 section 201^(b) of this Act. Any funds so appropriated shall
24 remain available until expended.

1 TITLE III—HIGHWAY SAFETY

2 SEC. 301. Title 23, United States Code, is hereby
3 amended by adding at the end thereof a new chapter:

4 "Chapter 4.—HIGHWAY SAFETY

"Sec.

"401. Authority of the Secretary.

"402. Highway safety programs.

"403. Highway safety research and development.

"404. National driver register.

5 "§ 401. Authority of the Secretary

6 The Secretary is authorized and directed to assist and
7 cooperate with other Federal departments and agencies,
8 State and local governments, private industry, and other
9 interested parties, to increase highway safety.

10 "§ 402. Highway safety programs

11 "(a) The Secretary shall encourage and assist each of
12 ~~the States~~ (, through a State traffic safety agency,) to establish a highway safety program designed
13 to reduce traffic accidents and deaths, injuries, and property
14 damage resulting therefrom. Such programs should be in
15 accordance with uniform standards approved by the Secre-
16 tary, which standards shall include, but not be limited to,
17 provisions for an effective accident record system, measures
18 calculated to improve driver performance, vehicle safety,
19 highway design and maintenance, traffic control, and surveil-
20 lance of traffic for detection and correction of high or poten-
21 tially high accident locations.

22 "(b) Any funds authorized to be appropriated to aid

1 the States to conduct the highway safety programs described
2 in subsection (a) shall be subject to a deduction for the
3 necessary costs of administering the provisions of this section,
4 and the remainder shall be apportioned among the several
5 States as follows: 75 per centum on the basis of population
6 and 25 per centum as the Secretary in his administrative
7 discretion may deem appropriate. All provisions of chapter
8 1 of this title that are applicable to Federal-aid primary
9 highway funds (except the apportionment formula), in-
10 cluding the provisions relating to obligation, period of avail-
11 ability, Federal share payable and expenditure of such funds,
12 shall govern the administration of the highway safety funds
13 authorized to be appropriated to carry out this section,
14 except as determined by the Secretary to be inconsistent
15 with this section. However, the Secretary shall apportion
16 to the States any funds authorized for the purposes of this
17 section for the fiscal year ending June 30, 1967, as soon
18 as they shall be authorized. Where the term 'State high-
19 way department' is used in chapter 1 of this title it shall
20 mean the applicable State ^{traffic}~~highway~~ safety agency for the
21 purposes of this section.

22 " (c) The Secretary may make arrangements with other
23 Federal departments and agencies for assistance in the prep-
24 aration of uniform standards for the highway safety programs

1 contemplated by subsection (a) and in the administration
2 of such programs. Such departments and agencies are di-
3 rected to cooperate in such preparation and administration,
4 on a reimbursable basis.

5 **“§ 403. Highway safety research and development**

6 “For the purpose of strengthening the highway safety
7 program of the Federal Government, the Secretary is au-
8 thorized and directed to collect, interpret, and publish
data, statistics, and other information relating to traffic safety,
establish and maintain library reference and public information services,
and publish, on a regular basis, periodic consumer traffic safety bulle-
tins for motorists; and to expand the highway safety research and devel-

9 opment activities under section 307 (a) of title 23, United
10 States Code, to cover all aspects of highway safety which
11 shall include, but not be limited to, highway safety systems
12 research and development relating to vehicle, highway, and
13 driver characteristics, accident investigations, communica-
14 tions, emergency medical care, and transportation of the
15 injured. The Secretary may use the funds appropriated for
16 any fiscal year for the purposes of this section, independently
17 or in cooperation with other Federal departments or agen-
18 cies, for grants to State or local agencies, institutions, and
19 individuals for training or education of highway safety per-
20 sonnel, research fellowships in highway safety, development
21 of improved accident investigation procedures, community
22 emergency medical service plans, demonstration projects,
23 and for related activities which are deemed by the Secretary
24 to be necessary to carry out the purposes of this section.

1 **“§ 404. National driver register service**

2 “(a) The Secretary shall establish and maintain a
3 register containing the name of each individual reported to
4 him by a State, or political subdivision thereof, as an in-
5 dividual with respect to whom such State or political sub-
6 division has denied, terminated, or temporarily withdrawn
7 (except a withdrawal for less than six months based on
8 habitual violation) an individual’s license or privilege to
9 operate a motor vehicle. Such register shall also contain
10 such other information as the Secretary may deem appro-
11 priate to carry out the purposes of this section.

12 “(b) The Secretary shall, at the request of any State,
13 or political subdivision thereof, or at the request of any
14 Federal department or agency, furnish such information as
15 may be contained in the register established under subsec-
16 tion (a) with respect to any individual applicant for a
17 motor vehicle operator’s license or permit.

18 “(c) As used in this section, the term ‘State’ includes
19 each of the several States, the Commonwealth of Puerto Rico,
20 the District of Columbia, Guam, the Virgin Islands, the
21 Canal Zone and American Samoa.”

22 SEC. 302. (a) The Act of July 14, 1960, 74 Stat. 526,
23 as amended by the Act of October 4, 1961, 75 Stat. 779, is
24 hereby repealed.

1 (b) Sections 135 and 313 of title 23 of the United
2 States Code are hereby repealed.

3 (c) (1) The analysis of chapter 1 of title 23, United
4 States Code, is hereby amended by deleting:

"135. Highway safety programs."

5 (2) The analysis of chapter 3 of title 23, United States
6 Code, is hereby amended by deleting:

"313. Highway Safety Conference."

7 (3) There is hereby added at the end of the table of
8 chapters at the beginning of title 23, United States Code, the
9 following:

"Chapter 4—Highway Safety."

10 SEC. 303. For the purpose of carrying out section 402
11 of title 23, United States Code, there is hereby authorized
12 to be appropriated, out of the highway trust fund, the sum
13 of ^{60,000,000}~~\$40,000,000~~ for the fiscal year ending June 30, 1967;
14 ^{90,000,000}~~\$60,000,000~~ for the fiscal year ending June 30, 1968; and
15 ^{90,000,000}~~\$60,000,000~~ for the fiscal year ending June 30, 1969;
16 ~~\$80,000,000 for the fiscal year ending June 30, 1970;~~
17 ~~\$80,000,000 for the fiscal year ending June 30, 1971; and~~
18 ~~\$100,000,000 for the fiscal year ending June 30, 1972.~~

19 SEC. 304. For the purpose of carrying out section 403
20 of title 23, United States Code, there is hereby authorized
21 to be appropriated, out of the highway trust fund, the addi-
22 tional sum of ^{15,000,000}~~\$10,000,000~~ for the fiscal year ending June

1 30, 1967; ^{30,000,000}~~\$20,000,000~~ for the fiscal year ending June 30,
 2 1968; ^{(and 37,500,000,}~~\$25,000,000~~ for the fiscal year ending June 30,
 3 1969, ~~\$30,000,000~~ for the fiscal year ending June 30,
 4 1970; ~~\$35,000,000~~ for the fiscal year ending June 30,
 5 1971; and ~~\$40,000,000~~ for the fiscal year ending June 30,
 6 ~~1972.~~ Funds appropriated under the authority of this sec-
 7 tion shall be available for necessary costs in administering
 8 the provisions of section 403, and shall remain available until
 9 expended.

10 SEC. 305. Section 101 (a) of title 23, United States
 11 Code, is hereby amended by adding the following term at
 12 the end thereof:

13 "The term 'State ^(traffic) ~~highway~~ safety agency' means ~~those~~
 14 an appropriate State agency which is designated or
 15 departments, commissions, boards, or officials of any State
 16 created by a State for the purpose of chapter 4
 17 charged by its laws with the responsibility for administering
 18 of this title."
 19 ~~the State highway safety program, or any part thereof."~~

17 SEC. 306. Section 105 of title 23, United States Code,
 18 is hereby amended by adding the following subsection at
 19 the end thereof:

20 "(e) In approving programs for projects on the Federal-
 21 aid systems pursuant to chapter 1 of this title, the Secretary
 22 shall give priority to those projects which incorporate im-
 23 proved standards and features with safety benefits."

24 SEC. 307. No part of any report ^{(containing expressions of}~~or reports of any Fed.~~
 opinion, suggestions, recommendations, judgments, and conclusions
 going beyond the collection of factual material of any Fed-

1 eral agency, or officers, employee, or agent thereof, relating
2 to any highway traffic accident or the investigation thereof
3 conducted pursuant to this Act or other applicable law, shall
4 be admitted as evidence or used in any action for damages
5 or criminal action, nor shall any such officer, employee, or
6 agent be required to testify in such proceedings as to facts
7 developed in such investigations. Any ^{part of a} such report ~~or re-~~
8 ~~ports~~ of any such officer, employee, or agent shall be made
9 available with the approval of the Secretary of Transporta-
10 tion only to Federal departments or agencies, State or local
11 agencies, or persons or organizations engaged in research
12 into highway safety: *Provided, however,* That compilations
13 opinions, suggestions, recommendations, judgments, and conclusions of
of such reports may be made available to the public if in- such
14 dividuals and individual accidents are not identifiable, and that
all other parts of such report or reports shall
be public records and be open to inspection at
reasonable times by any persons.

15 SEC. 308. Nothing contained in this Act shall be deemed
16 to supersede the authority under existing law of any Federal
17 department or agency.