

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 2467, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1650

REPEAL OF PROVISION RELATING TO MOTOR VEHICLE INSURANCE COST REPORTING

Mrs. BONO MACK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5859) to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5859

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

SECTION 1. REPEAL.

Subsection (c) of section 32302 of title 49, United States Code, is repealed, and any regulations promulgated under such subsection shall have no force or effect.

SEC. 2. DETERMINATION REGARDING PROVISION OF DAMAGE SUSCEPTIBILITY INFORMATION TO CONSUMERS.

(a) IN GENERAL.—Section 32302(b) of title 49, United States Code, is amended by adding at the end the following: “The Secretary, after providing an opportunity for public comment, shall study and report to Congress the most useful data, format, and method for providing simple and understandable damage susceptibility information to consumers.”.

(b) DEADLINE.—The Secretary of Transportation shall carry out the last sentence of section 32302(b) of title 49, United States Code, as added by subsection (a), not later than the date that is 2 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. BONO MACK) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. BONO MACK. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mrs. BONO MACK. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to insert extraneous materials into the RECORD on H.R. 5859.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. BONO MACK. Today, we have an opportunity to slam the car door on an obsolete provision in the United States Code requiring motor vehicle insurance cost reporting, which is of little or no use to American consumers.

I want to commend Mr. HARPER of Mississippi and Mr. OWENS of New York for their bipartisan work on H.R. 5859, as well as Chairman UPTON and Ranking Member WAXMAN for their leadership in moving this legislation forward. I also want to thank my good friend and colleague, Mr. BUTTERFIELD of North Carolina, our subcommittee's ranking member, for his help with our efforts to repeal this costly and outdated provision of the law.

Additionally, just this morning, I received word that the five leading automotive trade associations in the U.S., including the National Automobile Dealers Association, are all supportive of H.R. 5859, and here's why.

In 1993, NHTSA issued a final rule requiring new-car dealers to make available to buyers a booklet containing the latest information on insurance costs. The information is updated by NHTSA annually, based on data from the Highway Loss Data Institute.

The information required by this regulation is rarely sought by consumers and its value is highly questionable. Insurance premiums are based primarily on factors that are unrelated to the susceptibility of damage to a vehicle, including the driver's age, driving record, location, and miles driven.

Additionally, a recent survey of 850 members of the National Automobile Dealers Association reported 96 percent of its dealers have never been asked by a customer—not even once—to see the insurance cost booklet that is at issue here today.

Clearly, this is yet another example of where the cost of a Federal regulation outweighs its potential benefit. As a nation, we simply cannot afford to keep doing business that way. And frankly, the current law has more problems than an old, dirty, oil-burning engine.

Today, new-car dealers face civil penalties if they do not provide, upon request, the booklet that discloses the relative cost to repair vehicles after a collision, yet the data is completely generic and skewed by averaging the repair costs of everything from fender-benders to vehicle rollovers. How is this useful information to consumers at the point of sale?

Even more troubling, this information is not always accurate or up to date. For the most part, it is simply a compilation of historical information and does not take into account new model year changes that can significantly alter how a car performs in a crash.

And finally, even the administration suggests this requirement should be eliminated. In technical comments provided earlier this year to Congress, NHTSA describes the data as, and I'm quoting now:

rarely used and not useful because the differences in rates due to loss payments are overshadowed by differences in premiums due to driver demographics, geographic location, and the relative prices of the vehicles.

In other words, the requirement is simply not working as intended, and

it's become a needless cost and burden to automobile dealers nationwide.

Today, we have an opportunity to tow this clunker of a regulation to the junkyard where it belongs and to provide America's nearly 20,000 automobile dealers with some important regulatory relief.

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

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

Mr. Speaker, H.R. 5859 repeals a provision of law related to the reporting of automobile insurance cost. This provision requires car dealers to make available to prospective buyers information that compares insurance costs for different vehicles based on damage susceptibility.

While I am always wary of any attempts to limit consumer information, clearly, the provision of law that H.R. 5859 would repeal is simply not working as intended.

Every year, the National Highway Traffic Safety Administration, or NHTSA, as we call it, produces and sends to auto dealers a booklet containing insurance cost information. Dealers have told us that very few consumers even ask for the booklet. Yet, under Federal law, NHTSA is still required to produce and distribute these booklets, and dealers are still required to make them available.

I am not opposed, Mr. Speaker, to ending the current reporting mandate. However, we should not repeal this mandate without acknowledging that the impetus behind the original provision is sound. The purpose of the provision was to give consumers a basis for comparing damageability risk at the point of sale.

Damageability is about how much damage a car is likely to sustain when a collision occurs, even at very low speed. The law also intended to create an incentive for manufacturers to produce cars which are more resistant to damage and less expensive to repair and service.

Whether you think the current requirement is a nuisance for auto dealers or you think that NHTSA has missed the mark in its implementation of the mandate, I think we should accept that consumers continue to have a legitimate interest in minimizing the costs associated with minor collisions.

Therefore, I would like to thank Congressman HARPER for his interest in this; Congressman OWENS, on our side of the aisle, from New York, who was one of the original Members of Congress who presented this idea; Chairman BONO MACK and Chairman UPTON and Ranking Member WAXMAN for all working with me to include alongside the repeal a requirement that NHTSA thoroughly examine—that would be the requirement—that NHTSA would thoroughly reexamine the issue of how best to inform prospective buyers about damage susceptibility.

I think we have struck the right balance. We fix a valid problem and keep in place a valuable principle.

Under the bill before us, NHTSA would have 2 years—2 years—to conduct a study, solicit public comment, and issue a report to Congress that will determine the most useful data, format, and method for providing simple and understandable damage susceptibility information to consumers. The agency would evaluate whether insurance costs are the best measure of damage susceptibility or whether there is a better way to make comparisons between vehicles and a better way to make such information available to consumers.

Mr. Speaker, I've said time and time again that information is power, and that is certainly true. For example, the NHTSA program Stars on Cars, which provides crashworthiness information to consumers, gives prospective car buyers information they need about how well a vehicle will protect them and their family in the event of a crash. And car companies now routinely compete to make safer cars that better protect passengers.

If we pass H.R. 5859, complete with a provision to get NHTSA to find a better way for consumers to get important damageability information, the same may be accomplished in this case. And so, therefore, I join my colleagues in asking all of our colleagues to vote for this amendment.

I reserve the balance of my time.

Mrs. BONO MACK. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Mississippi (Mr. HARPER), a terrific member of the Commerce, Manufacturing, and Trade Subcommittee.

Mr. HARPER. Mr. Speaker, I'm proud to be the lead sponsor of H.R. 5859. This bipartisan bill repeals an obsolete mandate that the National Highway Traffic Safety Administration has said is rarely used and not helpful.

Since 1991, the Department of Transportation has annually distributed by mail a document, entitled, "Relative Collision Insurance Cost Information." This information is sent by mail to new-vehicle dealers who are required to make the information available to prospective new-vehicle customers upon request.

□ 1700

NHTSA has spent hundreds of thousands of dollars distributing this booklet over the past 21 years. While this information is of value to insurance actuaries, it has been of little or no use to consumers—for whom it is primarily intended. Insurance premiums are set through numerous factors that take into account driver characteristics, such as age, gender, marital status, driving record, and geographical location. No brochure produced annually by the Federal Government can accurately gauge a prospective new car owner's insurance premium cost.

A recent survey by the National Automobile Dealers Association confirmed what was expected: out of 800 new car dealers polled, an over-

whelming 96 percent of the dealers answered that not a single customer had ever even asked for a booklet. I would like to make note that, if this regulation is repealed, the data will still be compiled, and NHTSA will still have the discretion to provide this information to consumers on their Web sites.

We have heard from witnesses like Mr. Jack Fitzgerald, who has been in the car business all of his life. Neither he nor his employees have ever been asked for a copy of this booklet. In my home State of Mississippi, Butch Oustalet of Butch Oustalet Ford Lincoln in Gulfport, informed my staff that, despite selling thousands of vehicles to so many people over the years, not one customer has ever asked for this booklet. Barker Honda of Brookhaven and New South Ford of Meridian also reported that no customer has ever asked for a copy of this booklet. When customers go into a dealership and ask what their insurance premiums will be, they all agree that the best way to get accurate quotes is for them to simply contact their insurance agents.

This simple and bipartisan bill, if passed, would show that Congress is serious about efforts to alleviate burdensome and unneeded regulations on businesses across this country. The President states that it is a priority of his administration's to get rid of absurd and unnecessary paperwork requirements that waste time and money. I say that Congress should lead now with H.R. 5859.

I would like to thank Subcommittee Chairman BONO MACK, Chairman UPTON and the Energy and Commerce Committee for moving H.R. 5859. I would also like to thank Congressman BILL OWENS from New York for his hard work and leadership on this legislation.

Mr. BUTTERFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. OWENS).

Mr. OWENS. I thank my colleague.

Mr. Speaker, I rise today to join Mr. HARPER as an original cosponsor to offer legislation to repeal an outdated mandate on auto dealerships across the country.

Under current rules, the National Highway Traffic Safety Administration is required to distribute a hard copy information booklet on vehicle insurance costs to auto dealers. In addition, those auto dealers are then required to keep the booklet on hand and make it available to prospective customers.

Before coming to Congress, I had the opportunity to represent Bill McBride and Gerry Garrand, two auto dealers located in Plattsburgh, New York. Working alongside the McBride and Garrand teams helped me better understand the automobile retail market and the pressure dealers are under to remain competitive. Today, we have a chance to remove a regulation, which we can all agree is outdated, for the benefit of taxpayers and businesses like

those in my congressional district. I believe actions like this make common sense, and I urge more of it.

Over the past 21 years, NHTSA has spent hundreds of thousands of dollars distributing this information, much of which is unnecessary for an average customer who is trying to make an informed decision in the showroom. Recent surveys show that few, if any, customers ask for this information in a given year. In fact, as much as 96 percent of auto dealers have never once been asked for this information at all.

Putting information in the hands of consumers is sensible. For the average American family, buying a car is a major expense. Most people will consider price, safety ratings, and other features, and will compare a number of makes and models before making a purchase. However, the data show that few American families make NHTSA's Relative Collision Insurance Cost Information booklet a part of that decision-making process.

With that in mind, our legislation simply ensures that auto dealers will no longer be required to make this unused information available to their customers at taxpayer expense. At the same time, the bill allows NHTSA and the Highway Loss Data Institute complete flexibility to make this information available online, which HLDI has said it will do. This is an example of the commonsense bipartisanship we need to see more of, working together to reduce outdated, unnecessary or overly burdensome regulations to the benefit of businesses, families, and taxpayers at large.

I thank Mr. HARPER for his leadership on this issue and for working with me to get this done for auto dealers across the country. Moreover, I am pleased to have had the opportunity to have worked with my colleagues from both sides of the aisle in order to help make government work better. I urge a "yes" vote on this legislation.

Mrs. BONO MACK. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY. I thank the gentlelady from California.

Mr. Speaker, I rise today to urge the passage of H.R. 5859. This legislation repeals a requirement that auto dealers provide consumers with an insurance cost booklet.

I actually know about this because I am an automobile dealer, and I've spent 45 years in the showroom and on the lots. To the best of my recollection—and we service anywhere from 800 to 1,000 people a month—nobody has ever come into our showroom and ever asked for that booklet. It just never happens. This booklet has information that is useless and totally irrelevant to the average consumer.

Let me read from the booklet:

The table presents vehicles' collision loss experience in relative terms, with 100 representing the average for all passenger vehicles. Thus, a rating of 122 reflects a collision loss experience that is 22 percent higher, or

worse, than average while a rating of 96 reflects a collision loss experience that is 4 percent lower, or better, than average.

It goes on to say:

It is unlikely your total premium will vary more than 10 percent depending upon the collision loss experience of a particular vehicle.

It then goes on to say that, if you really want to find out about the insurance, what you really need to do is to contact the insurance carriers or the companies directly.

Do you know what? I didn't want to base it just on what I know. I've talked to a lot of my friends who are also in the automobile business, and I've asked them, Have you ever had anybody walk in the store and ask for this? They've said, Absolutely not. It has never happened.

We called the NHTSA hotline, the booklet hotline. The representative said—and this is NHTSA's representative—I have no idea about the booklet. He said, Do you know what you need to do? You need to call your insurance agent. Now, this is NHTSA's person. This is their hotline.

Last month—again, not relying on my 45 years of experience—I went back into our store, and I went to one of our sales meetings. I asked our guys and our girls, who have a combined sales experience of 250 years, Listen, I've never had this happen, but has anybody ever come in and asked for this insurance collision loss booklet? Nobody—nobody—had heard of it. Nobody has ever come in—zero, nada—and asked for that booklet.

Now, here is the deal. Dealers have to have this booklet available. Should somebody ask for it and you can't provide it, there is a fine of \$1,000 per occurrence with a max of \$400,000. That's what the fine is capped at. So, if somebody comes into the showroom and asks for the booklet and you don't have it and you get audited on it, it's \$1,000. Unfortunately, the government caps it at \$400,000.

So, when you look at these things, again, the unintended consequences have such a dire effect on the American people. These are taxpayer dollars that are being wasted on information that is irrelevant, never asked for. Nobody cares about it. So I join my colleagues.

I thank Mr. OWENS, and I also thank Mr. HARPER and Mrs. BONO MACK for bringing this forward today. It is another waste of taxpayer money that serves no purpose to the American people. I urge the passage of H.R. 5859.

Mr. BUTTERFIELD. I don't have any more speakers on my side.

I yield back the balance of my time.

Mrs. BONO MACK. In closing, I just want to strongly urge the passage of H.R. 5859. It passed unanimously out of the Energy and Commerce Committee.

Again, I would like to thank Mr. BUTTERFIELD for his hard work, and I would like to thank the staff for their hard work and for the bipartisan nature that we all approached this with. I would also like to thank my staff for their hard work.

In 1993, this insurance reporting provision probably made sense.

□ 1710

But today, after being road tested now for nearly 20 years and with so much information currently available to consumers simply on the Internet, the Kelley Blue Book value on this regulation is just darn near next to nothing. Let's junk it and move on.

With that, Mr. Speaker, I urge passage of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. BONO MACK) that the House suspend the rules and pass the bill, H.R. 5859, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PILOT'S BILL OF RIGHTS

Mr. BUCSHON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1335) to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1335

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pilot's Bill of Rights".

SEC. 2. FEDERAL AVIATION ADMINISTRATION ENFORCEMENT PROCEEDINGS AND ELIMINATION OF DEFERENCE.

(a) IN GENERAL.—Any proceeding conducted under subpart C, D, or F of part 821 of title 49, Code of Federal Regulations, relating to denial, amendment, modification, suspension, or revocation of an airman certificate, shall be conducted, to the extent practicable, in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Evidence.

(b) ACCESS TO INFORMATION.—

(1) IN GENERAL.—Except as provided under paragraph (3), the Administrator of the Federal Aviation Administration (referred to in this section as the "Administrator") shall provide timely, written notification to an individual who is the subject of an investigation relating to the approval, denial, suspension, modification, or revocation of an airman certificate under chapter 447 of title 49, United States Code.

(2) INFORMATION REQUIRED.—The notification required under paragraph (1) shall inform the individual—

(A) of the nature of the investigation;

(B) that an oral or written response to a Letter of Investigation from the Administrator is not required;

(C) that no action or adverse inference can be taken against the individual for declining to respond to a Letter of Investigation from the Administrator;

(D) that any response to a Letter of Investigation from the Administrator or to an inquiry made by a representative of the Administrator by the individual may be used as evidence against the individual;

(E) that the releasable portions of the Administrator's investigative report will be available to the individual; and

(F) that the individual is entitled to access or otherwise obtain air traffic data described in paragraph (4).

(3) EXCEPTION.—The Administrator may delay timely notification under paragraph (1) if the Administrator determines that such notification may threaten the integrity of the investigation.

(4) ACCESS TO AIR TRAFFIC DATA.—

(A) FAA AIR TRAFFIC DATA.—The Administrator shall provide an individual described in paragraph (1) with timely access to any air traffic data in the possession of the Federal Aviation Administration that would facilitate the individual's ability to productively participate in a proceeding relating to an investigation described in such paragraph.

(B) AIR TRAFFIC DATA DEFINED.—As used in subparagraph (A), the term "air traffic data" includes—

(i) relevant air traffic communication tapes;

(ii) radar information;

(iii) air traffic controller statements;

(iv) flight data;

(v) investigative reports; and

(vi) any other air traffic or flight data in the Federal Aviation Administration's possession that would facilitate the individual's ability to productively participate in the proceeding.

(C) GOVERNMENT CONTRACTOR AIR TRAFFIC DATA.—

(i) IN GENERAL.—Any individual described in paragraph (1) is entitled to obtain any air traffic data that would facilitate the individual's ability to productively participate in a proceeding relating to an investigation described in such paragraph from a government contractor that provides operational services to the Federal Aviation Administration, including control towers and flight service stations.

(ii) REQUIRED INFORMATION FROM INDIVIDUAL.—The individual may obtain the information described in clause (i) by submitting a request to the Administrator that—

(I) describes the facility at which such information is located; and

(II) identifies the date on which such information was generated.

(iii) PROVISION OF INFORMATION TO INDIVIDUAL.—If the Administrator receives a request under this subparagraph, the Administrator shall—

(I) request the contractor to provide the requested information; and

(II) upon receiving such information, transmitting the information to the requesting individual in a timely manner.

(5) TIMING.—Except when the Administrator determines that an emergency exists under section 44709(c)(2) or 46105(c), the Administrator may not proceed against an individual that is the subject of an investigation described in paragraph (1) during the 30-day period beginning on the date on which the air traffic data required under paragraph (4) is made available to the individual.

(c) AMENDMENTS TO TITLE 49.—

(1) AIRMAN CERTIFICATES.—Section 44703(d)(2) of title 49, United States Code, is amended by striking "but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law".

(2) AMENDMENTS, MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS OF CERTIFICATES.—Section 44709(d)(3) of such title is amended by striking "but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of