

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Collection/Record Group: Clinton Presidential Records
Subgroup/Office of Origin: Office of Science and Technology Policy
Series/Staff Member: Jerold Mande
Subseries:

OA/ID Number: 13034
FolderID:

Folder Title:
Air Bags: Kempthorne Chronology [Binder] [1]

Stack:	Row:	Section:	Shelf:	Position:
S	66	4	3	2

Jerold Mande -- OSTP -- Box #2 Public Health

Folders

Air Bags

Automatic External Defibrillators

Cloning Humans

Food Safety Initiative -- Single Agency -- NAS Study -- NPR

Food Safety Initiative -- Imports -- Multinational Banks -- Produce

Hepatitis C

Transplants -- OPTN Final Rule

Transplants -- VP Donation Announcement

Transplants -- VP Bone Marrow Reauthorization Statement

13034
ENCLOSURES FILED OVERSIZE ATTACHMENTS *NRRA 1045Z*

DIRK KEMPTHORNE
IDAHO



UNITED STATES SENATE
WASHINGTON, D. C. 20510

Gary Smith
4-1558

H 703-364-6989

September 22, 1997

Erskine,

I appreciated talking with
you on Friday. The
enclosed binder will give
you an overview of the
airbag issue. Thank you
for your attention. I believe
you will agree this absolutely
must be changed. Dirk
Best wishes,



ADVOCATES
FOR HIGHWAY
AND AUTO SAFETY

URGENT

FAX TRANSMISSION SHEET

DATE: 10/3/97

TO: Sissy Huddle

FAX #: 456-6027

FROM: Jackie Gillan

PAGES TO TRANSMIT (INCLUDING COVER SHEET): (13)

COMMENTS:

Jerry, thank you for taking my call today. I am sending you some background materials on the Kemphorne amendment including letters sent to the Senate Environment and Public Works Committee from various stakeholders about the removal of the unbelted test.

Things are moving quite fast in the Senate on this issue with floor debate scheduled to begin next week. Let's keep in close contact. I am confident we can resolve this issue with an agreeable compromise. I believe the Republican leaders on the Senate EPW Committee want to see a resolution acceptable to the Administration and to the safety community.

I can be reached at (202) 408-1711.

Thanks again for your involvement.

Please phone 202/408-1711 if there is difficulty receiving this material.
750 First Street, NE Suite 901 Washington, DC 20002 Tel. 202/408-1711 Fax: 202/408-1099

World Wide Web: <http://www.saferoads.org>



Talking Points; Kempthorne Amendment

1. In the mid-1980's, the median delta V of fatal crashes was approximately 35 MPH. With the increase in belt use that has occurred since then, the median delta V is probably higher. People die in high speed crashes!
2. Even with belt use approaching 70 percent, more than half of the people who die in crashes are unbelted.
3. The temporary sled test option added to FMVSS 208 will permit depowered airbags while the industry has time to develop airbags that can provide protection in high speed crashes without presenting an unacceptable risk of injury to out of position children in low speed crashes.
4. The current standard regulates airbag restraint performance. It does not regulate airbag aggressivity. That is a mistake.
5. Since the regulation (FMVSS 208) only addresses restraint performance, it has allowed the development of first generation airbags that present an unacceptable risk of injury to OOP drivers and passengers, particularly children.
6. The remedy is for FMVSS 208 to regulate both the restraint performance and the aggressivity of airbags. By simultaneously requiring airbags that can protect people in high speed crashes, the ones in which people die, while avoiding airbag induced injuries in low speed crashes, we will get improved airbags.
7. The problem with the Kempthorne amendment is that it completely shifts the balance away from regulating restraint performance to regulating airbag aggressivity. Thus, it has the potential to erode the benefits of airbags in order to reduce the risk of airbag induced injury.
8. Even if the amendment is modified so that it explicitly permits unbelted static tests to assure that airbags do not injure out of position occupants, unless it also requires meaningful crash protection performance at higher speeds, there is a real risk that airbags will be depowered to the point where they provide only minimal protection, if that.
9. The way to get improved airbags that are capable of both providing adequate levels of protection in high speed crashes while not producing unacceptable risks of injury to OOP occupants in low speed crashes is to directly regulate both of those aspects of airbags, restraint performance and airbag aggressivity.
10. The Kempthorne amendment, requiring only a belted test, does not really require very much in the way of restraint performance. The current 30 MPH crash test with belted dummies can easily be met without any airbag in the vehicle. Throughout the 1980s, most vehicles met those requirements in 35 MPH NCAP tests in vehicles without any airbags,

and the 35 MPH NCAP test is 36 percent more severe than the 30 MPH barrier test in the regulation.

11. The problem with the current regulation is that it does not represent the full range of crashes, the full range of occupants, and the full range of occupant positions. The solution is not to eliminate the one aspect of the regulation that produces superior occupant protection in high speed crashes. The solution is to add meaningful requirements that will assure the safety of out of position (OOP) women and children in lower speed crashes.

THE PARENTS' COALITION FOR AIR BAG WARNINGS
236 Gaywood Road
Baltimore, Maryland 21212
(410) 377-5548

Board of Directors

Albert Ambrose
Frances Ambrose
Kathleen German
Nancy German
Stephen Lehman
Cecilia Lehman
Mark Oliver
Lynn Oliver
Robert Sanders
Elizabeth Sanders

September 16, 1997

The Honorable Dirk Kempthorne
United States Senate
Washington, DC 20510

Dear Senator Kempthorne:

The Parents' Coalition for Air Bag Warnings, a non-profit organization of parents whose children have been killed or injured by passenger side air bags, opposes the Kempthorne Amendment to S. 1173 that would eliminate the unbelted crash test requirement from Federal Motor Vehicle Safety Standard 208.

The removal of the unbelted test would not significantly reduce the danger of air bag injury to children. In addition, it would eliminate air bag protection for the large portion of the population that travels unbelted. For this reason, Mercedes-Benz testified in March of 1997 before the National Transportation Safety Board that elimination of the unbelted test in the United States would be "immoral."

More fundamentally, the proposed amendment fails to recognize that some air bag systems in production today safely protect both classes of occupants -- the unbelted teenager or adult in a severe collision and the child in low-speed collision. There have been no air bag deaths, for example, in the vehicles manufactured by Mercedes-Benz, BMW, Honda and a half dozen other manufacturers. In short, there is no need, with a properly designed air bag system, to expose unbelted teenagers and adults to death and severe injury in order to make air bags safe for children. The two objectives are not mutually exclusive.

The Parents' Coalition incorporates by reference the arguments set forth in its previously filed opposition to Senator Kempthorne's petition to NHTSA to remove the unbelted test from the performance requirements of Standard 208. For convenient reference, a copy of that position is attached to this letter.

Respectfully,

Robert C. Sanders

Robert C. Sanders
Director

The Parents' Coalition for Air Bag Warnings is a non-profit, tax-exempt corporation organized under the laws of the District of Columbia.

**BEFORE THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
DEPARTMENT OF TRANSPORTATION**

**COMMENTS OF PARENTS' COALITION FOR AIR BAG WARNINGS
TO PETITION OF SENATOR DIRK KEMPTHORNE FOR A
MORATORIUM ON THE UNBELTED TEST REQUIREMENT
DOCKET NO. 74-14**

William J. Butler, Jr.
Steven P. Benson
John B. Rodgers
O'Brien, Birney and Butler
Brawner Building
888 Seventeenth Street, N.W.
Washington, D.C. 20006
(202) 298-6161

Dated: April 3, 1997

**Counsel of Record
Parents' Coalition for Air Bag Warnings**

The Parents' Coalition for Air Bag Warnings ("Parents' Coalition") respectfully submits its comments to the Petition of Senator Dirk Kempthorne for a Moratorium on the Unbelted Test Requirement. The Parents' Coalition opposes Senator Kempthorne's petition and states as follows:

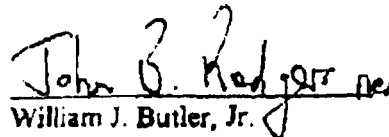
1. Senator Kempthorne's petition erroneously states that "the unbelted test standard is why an air bag is deployed with 200 mph force." The unbelted test standard, however, does not require that air bags deploy with any particular level of force. While it is true that the standard requires air bags to protect unbelted 50 percentile males in a 30 mph barrier crash, the standard in no way precludes design of an air bag that also protects children in low speed collisions. Designs that would accomplish both objectives include, but are not limited to (1) the dual inflation system developed by General Motors in the mid-1970's (with a more gentle deployment force in collisions under 18 mph Delta V); (2) the present Mercedes Benz system (with a deployment threshold of 12 mph Delta V for unbelted occupants and an 18 mph Delta V deployment threshold for belted occupants; and (3) compressed gas (rather than sodium azide) systems.

2. Senator Kempthorne's petition ignores that there is a wide variance in the present air bag systems in terms of a whole host of variables, including, but not limited to, deployment force, deployment threshold, location of bag module, size of bag, tethering of bag, excursion distance of bag in relation to the seat location variance, and the availability of pretensioners in shoulder harness. Proper air bag design with respect to these and other design variables will result in an air bag that is safe and effective for all size occupants.

3. Senator Kempthorne's petition erroneously states that nearly 70% of Americans wear seat belts. That figure does not take into account the drivers of sport utility vehicles, whose belt usage is universally acknowledged to be substantially below that of the general population. The petition also ignores that approximately 50% of all highway fatalities are to unbelted occupants, many of which are teenagers. Given the present level of belt usage in the United States, the federal government has substantial justification for maintaining the present unbelted test.

3. The Parents' Coalition agrees with the legal memorandum of John Womack, NHTSA's Acting Chief Counsel, that section 2508(a) of the Intermodal Surface Transportation Efficiency Act of 1991 precludes NHTSA from eliminating the unbelted test. The unbelted test can be eliminated only by amendment to section 2508(a) by Congress.

Respectfully submitted



William J. Butler, Jr.

Steven P. Benson

John B. Rodgers

O'Brien, Birney and Butler

Brawner Building

888 Seventeenth Street, N.W.

Washington, D.C. 20006

(202) 298-6161



Executive Offices
1001 Nineteenth St North
Suite 800
Arlington, VA 22209
703.276.5100

September 17, 1997

The Honorable John H. Chafee, Chairman
Committee on Environment and Public Works
U.S. Senate
Washington, D.C. 20510

Dear Mr. Chairman:

On behalf of TRW Inc., the world's leading supplier of occupant restraint systems, I am writing to express our opposition to the amendment being offered by Senator Kempthorne to the pending ISTEA legislation which would eliminate the unbelted test standard in Federal Motor Vehicle Safety Standard 208. As a member of the Automotive Occupant Restraints Council (AORC), TRW endorses the attached comment filed with NHTSA on March 26, 1997, which states that until aggressive action is taken to substantially increase seat belt usage rates, we cannot support the elimination of the unbelted test standard as currently contained in Senator Kempthorne's amendment.

We appreciate your attention to this matter. Please let me know if we can provide additional information.

Sincerely,

Kevin P. McMahon
Manager, Government Relations

KPM:jsf

attachment

SAFETY SERVICES, INC.

September 20, 1997

The Honorable John W. Warner
United States Senate
225 Russell Senate Office Building
Washington, DC 20510

Dear Senator Warner:

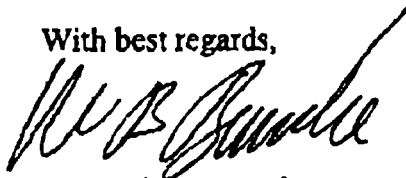
It is very important to remove the Kempthorne amendment from S.1473. The amendment would eliminate the unbelted requirement for testing compliance with NHTSA's air bag standard, Federal Motor vehicle Safety Standard 208. If it becomes law, lives will be lost on the Nation's highways.

While an argument in favor of the amendment could be made if safety belt use in this country were much higher, belt use is stalled at approximately 68 percent, much lower than many Western Nations. The air bag standard protects those people who buckle up and especially those who don't, particularly teenagers and other young people who have the lowest safety belt use rates. NHTSA has already taken steps to depower air bags in order to protect children. Further weakening of the standard will cost lives.

Air bags have saved over 2,000 lives. It will be tragic if the Kempthorne amendment passes and results in more fatalities on our highways. The penalty of not wearing a safety belt should not be increased risk of death on the highway.

If safety belt use increases substantially, an argument could be made for the change. But until it does, the air bag standard should require compliance with an unbelted dummy. I urge you to vote against the Kempthorne amendment.

With best regards,



Michael E. Brownlee

501 CANTERBURY LANE, ALEXANDRIA, VA 22314
TEL. 703-823-1690 FAX 703-751-1073

Public Citizen

Buyers Up • Congress Watch • Critical Mass • Global Trade Watch • Health Research Group • Litigation Group
Joan Claybrook, President

September 16, 1997

The Honorable Dirk Kempthorne
United States Senate
Washington, DC 20510

Dear Senator Kempthorne:

I write to urge you to oppose the Kempthorne Amendment to S.1173, which would eliminate unbelted crash testing from Federal Motor Vehicle Safety Standard 208. Removal of the unbelted crash test requirement would result in increased death and injury on our roads without reducing the harm that has occurred in low-speed crashes for unbelted children and small women. In addition, for the short term, the National Highway Traffic Safety Administration (NHTSA) has amended Standard 208 to allow manufacturers to depower their airbags, which achieves the same result as removing the unbelted test requirement. This short-term solution will exist until new and more protective safety features are incorporated into airbag and vehicle designs.

Standard 208 is a public health measure that was issued to fulfill a Congressional mandate to reduce motor vehicle fatalities. Technical requirements of the Standard should not be partially written by Congress. NHTSA is in the process of revising this comprehensive occupant protection standard to better protect all real world vehicle occupants based on the best scientific data available.

Several policy reasons counsel against removing the unbelted test -- legislatively or administratively -- from Standard 208.

1. Removal of the Unbelted Test Will Not Reduce Airbag-Related Deaths

Removal of the unbelted test will not protect unbelted children and small women from harm during crashes. NHTSA figures show that the vast majority of occupants killed by airbags were unbelted or improperly belted. Considering this real world data, removal of the unbelted test makes little sense. NHTSA is revising Standard 208 to require a wider range of unbelted and belted crash tests with dummies representing children and small women, as well as adult men.

2. Removal of the Unbelted Tests Will Compromise Safety for At-Risk

Ralph Nader, Founder

1600 20th Street NW • Washington, DC 20009-1001 • (202) 588-1000

Occupants

Approximately 60% of people involved in fatal car crashes are unbelted. Teenagers are particularly lax about belt use and are statistically heavily overinvolved in crashes. Whether the airbag is characterized as a supplemental restraint or as part of an integrated restraint system that includes safety belts, the reality is that for many vehicle occupants the airbag is their only restraint. Public health measures designed to reduce motor vehicle fatalities must acknowledge and respond to these facts. The penalty for not wearing a safety belt should not be death or paraplegia.

3. Removal of the Unbelted Test Will Slow Development of Safety Technology

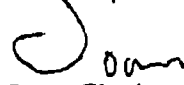
Analysis of reported airbag fatalities reveals significant differences in airbag performance between make and model. As of July 1997, airbags that deploy horizontally (out from the dashboard toward the occupant) were involved in all of the passenger-side airbag fatalities. But no passenger fatalities occurred in vehicles equipped with airbags that deploy vertically (upward into the windshield before deflecting toward the occupant); the vertical deployment provides a safety zone for occupants while complying with the unbelted test requirement. These data demonstrate that safe airbag designs, capable of meeting the unbelted requirement, already exist and should be used by all manufacturers.

Advanced technology (dual-stage inflators, crash severity sensors, occupant position sensors) that would protect unbelted adults in high-speed crashes and children in low-speed crashes also exists today. The airbag suppliers have provided information about the feasibility of these technologies to NHTSA. These technologies must be rapidly moved from testing facilities to manufacturing plants. The auto manufacturers should be pushed to bring this improved safety -- already within its grasp -- to the marketplace. If the unbelted test is removed from Standard 208, the primary incentive that has motivated safety research and development -- compliance with government standards -- will be removed as well. Standard 208 should call for the best science and technology available. Without unbelted testing, manufacturers will be able to comply with government requirements with minimal restraint systems that will prove incapable of protecting real world occupants in many real world crashes.

4. Airbags Save Lives

More than 2,000 Americans have been saved by airbags. Of those saved, at least 1200 were not wearing safety belts. Given these numbers it is morally unacceptable -- as the representative of Mercedes-Benz testified before the National Transportation Safety Board earlier this year -- to remove the unbelted test requirement.

Sincerely,


Joan Claybrook
President



ADVOCATES FOR HIGHWAY AND AUTO SAFETY

September 16, 1997

Co-Chairs:

Richard D. Crabtree,
President & COO
Nationwide Mutual
Insurance Company

Andrew McGuire
Executive Director
Trauma Foundation

President:

Judith Lee Stone

**Consumer and Safety
Organizations:**

Stephen Brobeck
Consumer Federation
of America

Joan Claybrook
Public Citizen

Clarence Dilloo
Center for Auto Safety

Donald Friedman
MCR Technology Inc.

Jay R. Hatton
New York Public Interest
Research Group

Stephen W. Hargarten, M.D., MPH
American College of
Emergency Physicians

Ralf Hotchkiss
Wheeled Mobility Center
San Francisco State University

Katherine P. Prescott
Mothers Against Drunk
Driving (MADD)

Stephen Teret
American Public Health
Association

Hubert Williams
Police Foundation

**Insurance and Agents
Organizations:**

Patricia A. Borowski
National Association of
Professional Insurance Agents

Herman Brandau
State Farm
Insurance Companies

Len Brevik
Independent Insurance Agents
of America

John Connors
Liberty Mutual
Insurance Company

Steve Hasenmiller
The Hartford

Rodger S. Lawson, PhD
Alliance of American Insurers

Gerald Maatman
Kemper Insurance Companies

Robert J. McMillan
Progressive Insurance

Robert Vagley
American Insurance Association

The Honorable Dirk Kempthorne
United States Senate
304 Russell Office Building
Washington, DC 20510-1204

Dear Senator Kempthorne:

We urge you to oppose an amendment being offered to S.1173 which would weaken the air bag standard. The Kempthorne amendment would eliminate the unbelted crash test requirement from Federal Motor Vehicle Safety Standard 208, denying protection to a large segment of the American public.

One-third or more of vehicle occupants still do not buckle up. This sizeable portion of the population includes unbelted children and teenagers, as well as adults of all sizes. Moreover, unbelted occupants comprise at least 50 percent of crash fatalities. Teenagers and young adults in particular will be placed at greater risk because these age groups have relatively low rates of seat belt use. Teenagers and young drivers are over involved in fatal crashes and, in more than half the crashes where a teenager is killed another teenager is at the wheel. For the large portion of the population that does not use seat belts, air bags are the only line of defense in a crash.

In addition, the National Highway Traffic Safety Administration (NHTSA) estimates that over 2,000 people have been saved in air bag crashes. A large percentage of this number were unbelted occupants who would not be alive today except for the safety protection afforded by air bags. If the protection provided by air bags is drastically reduced, then fewer people will be saved each year.

Taking this drastic step is not necessary. NHTSA revised Standard 208 earlier this year to permit air bags that are depowered by an average of 20 to 35 percent (but in some cases up to 60 percent) compared to prior designs. This is intended to address a large part of the danger to children in the front seat. There is no additional safety benefit to be derived from elimination of the unbelted test. In fact, just the opposite will occur.

Depowering balances the safety concerns by trying to reduce the risk to children in low-speed crashes while maintaining safety protection for unbelted occupants in high-speed crashes. Elimination of the unbelted test would upset that balance. Auto manufacturers and air bag suppliers have stated that depowering has obviated the need for repeal of the unbelted test. Moreover, vehicles with



Oppose "Sec. 1407. Automatic Crash Protection Unbelted Testing Standard"

September 16, 1997

Page 2

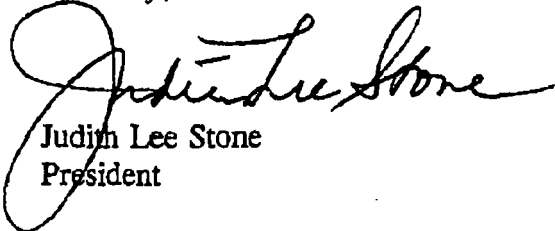
depowered air bags are just now rolling off the assembly line. Repeal of the unbelted test, even before the effectiveness of depowering is known, does not make sense. This is not the time to experiment further with the standard and to permit unnecessary design changes that could have adverse safety consequences for many occupants in severe crashes.

Repeal of the unbelted test, that provides high-speed impact protection for unbelted occupants, including unbelted children, does not eliminate the danger to unbelted children in low-speed crashes. That danger is being assiduously addressed through educational efforts to get children buckled up in the back seat, air bag design changes aside from depowering, accelerated research efforts led by NHTSA, and the development of "smart" air bag systems. While the risks posed by air bags in low-speed crashes are unacceptable, immediate protection for nearly all children is available if they are properly buckled in the back seat. The greatest crash danger to children is not air bags, but not being properly restrained. For example, in Idaho over the past three years, of the children that were fatally injured in motor vehicle crashes 78 percent were unrestrained. Recent surveys indicate that most children sit in the front passenger seat by choice, not out of necessity, and parents should insist that their children sit in the back seat.

The current standard, including the unbelted test, is not the problem. The entire vehicle is designed to pass the unbelted test, not just the air bag. Air bag equipped vehicles are already being designed within the parameters of the current standard to eliminate the risk to unbelted occupants by: controlling air bag deployment thresholds based on seat belt use; setting deployment threshold levels higher; using depowered air bags and air bags with less aggressive design attributes (folding, tethering, etc.); and developing more sophisticated sensors and algorithms. These activities will eliminate the risk to unbelted children, repeal of the unbelted test will not.

We urge you to oppose the proposed amendment, "Sec. 1407. Automatic Crash Protection Unbelted Testing Standard", that would deny air bag protection to unbelted occupants.

Sincerely,



Judith Lee Stone
President



**ADVOCATES
FOR HIGHWAY
AND AUTO SAFETY**

**VOTE NO ON THE KEMPTHORNE AMENDMENT TO S.1173
TO ELIMINATE THE UNBELTED CRASH TEST**

**DON'T LEAVE UNBELTED TEENAGERS, YOUNG DRIVERS,
AND ADULTS UNPROTECTED IN A CRASH**

The Kempthorne Amendment will not work, here's why --

AIR BAGS SAVE LIVES:

- Over 2,000 lives have been saved by air bags -- many were not belted;
- At least 1/3 of people in cars still do not buckle up and they will be at increased risk;
- 65% of all fatally injured occupants are UNBELTED.

TEENAGERS WILL FACE GREATER RISK:

- Teenagers and young adults have low seat belt use rates;
- Over 4,000 teenagers a year die in motor vehicle crashes;
- 64% of teenage drivers and 78% of teenage passengers killed in crashes are UNBELTED.

CHILDREN WON'T BE SAFER:

- The majority of children killed were UNBELTED -- this would not have helped them;
- Immediate solution for children is to have them buckled up in the back seat;
- Parents Coalition For Air Bag Warnings OPPOSES the Kempthorne amendment.

AIR BAGS ARE BEING DEPOWERED:

- Air Bag Depowering already reduces the risk to out-of-position occupants;
- Elimination of unbelted test provides no additional safety benefits beyond depowering;
- The short-term solution is depowering -- the long-term solution is "smart" air bags;
- Rather than eliminating the existing unbelted crash test we need to add crash tests to protect unbelted children and women.

INVESTMENT IN NEW AIR BAG TECHNOLOGY WILL SLOW:

- Elimination of the unbelted test will undermine ongoing air bag research, educational, and technological development efforts;
- Would reduce need for "smarter" air bag systems and stifle development.

ELIMINATION OF THE UNBELTED TEST IS OPPOSED BY:

- Motor vehicle manufacturers that acknowledge that eliminating the unbelted test provides no greater safety benefit than depowering (one manufacturer representative stated that it would be unconscionable to eliminate the unbelted test while safety belt use rates in the U.S. remain low);
- Air bag suppliers who are developing new sensors and inflators that will customize air bag deployments to fit the occupant and the severity of the crash;
- The Parents Coalition For Air Bag Warnings (a coalition of parents of children who have been killed by air bags);
- Advocates for Highway and Auto Safety;
- Public Citizen.

750 First Street, NE, Suite 901 Washington, DC 20002 Tel: 202/408-1711 Fax: 202/408-1699

World Wide Web: <http://www.saferoads.org>



United States Senate

WASHINGTON, DC 20510-1204

AIR BAG TESTING STANDARD RECORD OF CORRESPONDENCE AND LEGAL OPINIONS

- 1 CHRONOLOGY OF EVENTS
- 2 KEMPTHORNE LETTERS
- 3 DOT LETTERS
- 4 NTSB LETTERS
- 5 CONGRESSIONAL RESEARCH SERVICE LEGAL
OPINIONS
- 6 MAYER, BROWN, & PLATT LEGAL OPINION
- 7 NHTSA LEGAL MEMORANDUM
- 8 SELECTED SENATE COMMERCE COMMITTEE
TESTIMONY
- 9 KEMPTHORNE LEGISLATIVE LANGUAGE
- 10 AUTOMATIC CRASH PROTECTION LANGUAGE
FROM ORIGINAL ISTEA

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

1

Divider Title: _____

Chronology of Events

November 26, 1996	One-year-old Alexandra Greer killed by passenger side air bag in Boise, Idaho.
December 4, 1996	Senator Kempthorne petitions Secretary Pena and DOT to issue an immediate moratorium on the unbelted test.
January 9, 1997	Senate Commerce Committee holds their second hearing on air bag safety. Senator Kempthorne again petitions for moratorium on unbelted test.
January 12, 1997	Senator Kempthorne again writes to Secretary Pena petitioning for an immediate moratorium on the unbelted test standard.
January 13, 1997	NHTSA Administrator Martinez responds to Senator Kempthorne's December 4, 1996 petition for testing moratorium stating that NHTSA concludes they do not have the legal authority to eliminate the unbelted test.
January 29, 1997	Administrator Martinez responds to Senator Kempthorne's January 12, 1997 petition for a moratorium. Mr. Martinez advises that NHTSA continues to be of the opinion that they lack the legal authority to eliminate the unbelted test.
February 5, 1997	Senator Kempthorne writes to Administrator Martinez requesting a copy of the NHTSA legal opinion stating that they do not have the authority to eliminate the test.
February 6, 1997	Mr. Martinez advises that NHTSA does not have a formal written legal brief upon which they based their opinion. Mr. Martinez advised that they would prepare one and get a copy to the Senator as soon as possible.
February 24, 1997	NHTSA advises Senator Kempthorne that they will issue a request for comment on his petition for a moratorium on the unbelted standard.
June 2, 1997	Comment period on the Kempthorne petition ends.
September 22, 1997	NHTSA has still not issued a recommendation or final report on the Kempthorne proposal.

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

2

Divider Title: _____

United States Senate

WASHINGTON, DC 20510-1204

December 4, 1996

The Honorable Federico Pena, Secretary
U.S. Department of Transportation
400 Seventh Street, SW
Washington, D.C. 20590

Dear Mr. Secretary:

I am sure you know about the tragic death of little one-year-old Alexandra Greer who was killed when a passenger side air bag was deployed in a minor traffic accident in Boise, Idaho. While I know this accident is still under investigation, I cannot imagine a more horrifying or more tragic event for a parent to experience than what this family has endured.

The magnitude of this tragedy is even greater since Alexandra is the 32nd child killed by an air bag.

Children simply shouldn't die from air bags that are supposed to protect them.

In the strongest terms possible, I urge your Department to take all possible action to make air bags keep faith with the perception that they will save lives.

After Alexandra's death, I started asking questions about air bag safety. To my surprise, I understand that existing standards are such that air bags must be designed to protect from injury an average sized adult male who is not wearing his seat belt. This so-called unbelted testing standard is why an air bag is deployed with 200 mile-per-hour force. With such a standard, no wonder an air bag is lethal to a fragile, thirty-pound one-year-old, like Alexandra, to other children and even to small women.

This unbelted standard was developed when few Americans used seat belts. Now 49 states require seat belts to be worn, and nearly 70% of Americans use them. In providing protection to those adults who choose not to obey seat belt laws, we are jeopardizing the lives of our children, as well as small women. That is an unacceptable policy choice. Air bags are supposed to be, and are in fact called, supplemental restraint systems, not primary restraint systems.

The Honorable Federico Pena
Page Two

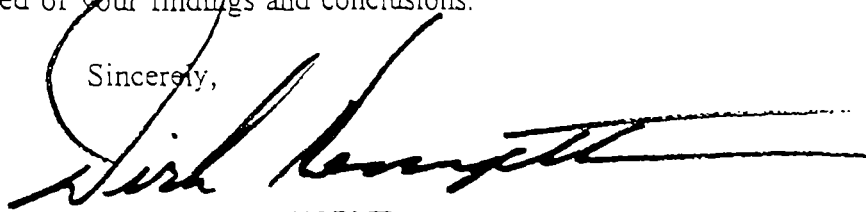
I understand your Department is now developing proposals to make air bags safer and smarter. Specifically, I understand you are developing proposed rules that will depower air bags between 20 to 35%. I petition that your Department include in the proposal to depower air bags an option to place an immediate moratorium on the unbelted test. Air bags developed under this approach could improve the performance of air bags for belted occupants, provide significant protection for unbelted occupants, and, most importantly, significantly reduce injuries to children. I would ask that this proposal be included in the proposed rules you will soon issue. If timing precludes this, I request that you immediately issue a supplementary notice proposing this moratorium.

The United States would not be the first country to require performance testing based on a belted standard. Japan and Australia, for example, have already developed air bags for passengers who wear seat belts.

I urge you to take immediate action to remove any obstacle which would prevent safer and less aggressive air bags from being available to consumers.

If I can be of assistance in developing these guidelines, please contact me personally. I have requested the incoming Chairman of the Senate Commerce Committee, Senator John McCain, to hold hearings on this issue when the 105th Congress convenes, and he has agreed. I would appreciate being kept informed of your findings and conclusions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dirk Kempthorne", written over a large, loopy circular flourish.

DIRK KEMPTHORNE
United States Senator

DK/gar

United States Senate

WASHINGTON, DC 20510-1204

February 3, 1997

The Honorable Ricardo Martinez, M.D., Administrator
National Highway Traffic Safety Administration
400 Seventh Street, SW
Washington, D.C. 20590

Dear Dr. Martinez:

I read your January 29, 1997 letter in which you continue to state that NHTSA does not have the authority to eliminate the unbelted test standard. I have also re-read your January 9, 1997 testimony before the Senate Commerce Committee in which you state, and I quote:

"Mr. Kempthorne, if I have the legal authority to do that I will do it."

Dr. Martinez, you do have the legal authority to eliminate the unbelted test standard. This conclusion is based on the two enclosed legal opinions that I urge you to read. After studying the issue, the law firm of Mayer, Brown and Platt states, and I quote:

"We conclude that there are no legal constraints on NHTSA's authority to do so . . . Nothing in the ISTEA or the codified Vehicle Safety Act explicitly or implicitly constrains NHTSA's authority to repeal the unbelted compliance test for certification with FMVSS 208."

The American Law Division of the Library of Congress strongly agrees, saying that there is "ample evidence to support that conclusion" reached by Mayer, Brown. The Library of Congress adds:

"It would appear that the Administrator of NHTSA not only has the authority to amend his own agency's safety standards, but may be expected to do so whenever he is in possession of "relevant motor vehicle safety data."

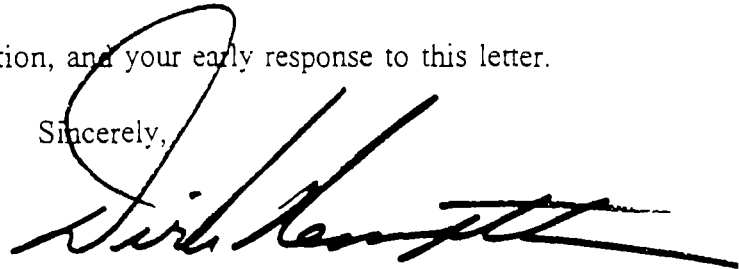
I urge you to personally read the enclosed legal opinions. Now that it is clear that you have the legal authority to act, I urge you to honor the commitment you made when you testified before a committee of the United States Senate. I petition that the Department immediately issue a notice proposing elimination of the unbelted test standard. Your January 29 letter only says you will simply request comments on my proposal. This falls far short of my December 4 petition. You will recall that at the January 9 hearing a number of experts endorsed my proposal.

Dr. Ricardo Martinez
Page Two

As you know, the issue here is that a federal regulation is unnecessarily killing children and women. The unbelted test standard requires that auto-makers install air bags that protect from injury adults who don't wear seat belts. To do so, air bags must be deployed with 200-mile-per-hour force. In light of all the facts, I cannot express how disappointed I am by your reluctance to take immediate corrective administrative action to eliminate the unbelted air bag testing standard that is costing the lives of children and women.

I await your favorable action on my petition, and your early response to this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Dirk Kempthorne", written over the word "Sincerely,".

DIRK KEMPTHORNE
United States Senator

DK/gar

1 Senator Kempthorne: Mr. Chairman, one point. Mr.
2 Chairman, this is the National Highway Traffic Safety
3 Administration Strategic Execution Plan published June of
4 1996. This occurred after the March hearing of this committee
5 where you talked about 15 children who were dead. And the
6 goal of mitigate the consequences of motor vehicle crashes,
7 there is not one mention of the airbag dilemma. Not one
8 mention. And yet this was a guiding document, apparently.

9 The other thing is, Dr. Martinez, I would just ask,
10 because it is my understanding that the counsel for this
11 committee believes you have no impediment to going forward
12 with the proposal, and so we would like to have from your
13 Agency a memo stating your reasons why you think not. It
14 would seem to me, too, if it is a proposal seeking public
15 comment, why do you not put it out there, gain the public
16 input? Maybe some of the public input is no, you cannot do
17 this for this legal reason. But let us have that information
18 so you can weigh all of these options and make the right
19 decision in the right timeframe.

20 Dr. Martinez: Mr. Kempthorne, if I have the legal
21 authority to do that I will do it. I will ask not only my
22 staff, but I will make sure the letter gets out. I will meet
23 with you and your staff.

24 And I would just lastly like to make a point with regard
25 to the document you showed. Those documents, as you know, are

ALDERSON REPORTING COMPANY, INC.
1111 FOURTEENTH STREET, N.W.
SUITE 400
WASHINGTON, D.C. 20005
(202) 289-2260
(800) FOR DEPO

United States Senate

WASHINGTON, DC 20510-1204

February 12, 1997

The Honorable Rodney Slater, Secretary
U.S. Department of Transportation
400 Seventh Street, SW
Washington, D.C. 20590

Dear Mr. Secretary:

During your Senate confirmation, I told you of my serious concern that federal standards for air bags are causing the deaths of infants and small adults. Now that you have been confirmed and have been sworn into office, I am writing to express my strong objection to the handling of this life and death issue by the National Highway Traffic Safety Administration, and to ask that you personally review this issue. You will see from this letter that I object to a pattern of delay that marks NHTSA's handling of this issue. I acknowledge that in your previous position you had no responsibility for this issue.

As you know, my interest in this issue was sparked by the horrifying death of one-year-old Alexandra Greer, of Boise, who was decapitated when an air bag was deployed in a minor accident. After learning that 31 other children have been killed by air bags, I then learned that federal regulations impose a so-called unbelted test standard that requires auto-makers to install air bags that protect from injury adults who don't wear seat belts but risk serious injury, even death, to children and women. In fact, NHTSA's own analysis concluded that more children would be harmed or killed than would be saved by air bags.

And here is what is most astounding. In March of 1996 when the Administrator of NHTSA testified before the Senate Commerce Committee, he spoke of 15 children having been killed by air bags. When he appeared before the same committee this January, *just ten months later*, he was reporting that the number of children killed was now 32! If a company had had a manufacturing defect that resulted in the loss of 32 lives you can be sure that the government would have demanded an immediate recall of that product. Why haven't we done the same for this government standard?

I further learned that a number of experts agree and have requested that the federal unbelted testing standard should be eliminated so that safer air bags could be developed. I petitioned the Department of Transportation on December 4, 1996 to include in their air bag safety proposals an immediate moratorium on the unbelted test standard that air bags must meet.

My requests for action have either gone unanswered or have been ignored by the Department of Transportation and the National Highway Traffic Safety Administration. In fact, my original December 4 request for a moratorium of the unbelted testing standard still has not been acknowledged, let alone substantively responded to by the Secretary's office.

The Honorable Rodney Slater
Page Two

The Senate Commerce Committee held a hearing on January 9 on this issue at my request. At the hearing, the Chairman of the National Transportation Safety Board, the President of the American Automobile Manufacturers and the President of the American International Automobile Dealers supported my efforts to eliminate the unbelted testing standard.

During the hearing, the Administrator of the National Highway Traffic Safety Administration testified, however that "Although we considered eliminating the unbelted test as part of our early deliberations about ways to depower air bags, we concluded that we lack legal authority to eliminate the unbelted test." The Administrator also said, and I quote:

"Mr. Kempthorne, if I have the legal authority to do that I will do it."

On February 3, 1997, I sent the Administrator not one but *two* legal opinions that conclude he *does* in fact have the administrative authority to eliminate the unbelted standard, but he continues to refuse proposing the rule change. In their legal opinion the law firm of Mayer, Brown states, and I quote:

"We conclude that there are no legal constraints on NHTSA's authority to do so...Nothing in ISTEA or the codified Vehicle Safety Act explicitly or implicitly constrains NHTSA's authority to repeal the unbelted compliance test for certification with FMVSS 208."

The American Law division of the Library of Congress strongly agrees, saying that there is "ample evidence to support the conclusion reached by Mayer, Brown." The Library of Congress adds:

"It would appear that the Administrator of NHTSA not only has the authority to amend his own agency's safety standards, but may be expected to do so whenever he is in possession of "relevant motor vehicle safety data."

On February 4, my staff was informed by NHTSA's Deputy Administrator that NHTSA had an existing legal opinion to support its action. So on February 5, I formally requested the Administrator to provide me a copy of the legal opinion that NHTSA had used as the basis for its legal position. Incredibly, I received a response that disputes the statement of my staff and what is truly extraordinary, states that no legal opinion had been written to serve as the justification for the Administrator's January 9 testimony that the Department lacked the legal authority to act on my petition.

How is it possible on such an issue of life and death, an issue that was the subject of a Congressional hearing, and an issue where NHTSA has been formally petitioned to act that no formal written legal opinion exists?

The Honorable Rodney Slater
Page Three

But what is even worse is that I *still* have not received the legal opinion NHTSA uses to justify its position that it does not have the authority to act on this issue. NHTSA, thought to be experts on this issue, has now taken more time than the American Law Division took to provide me its legal opinion.

I believe you can see that my confidence in NHTSA's handling of this life and death issue has been eroded.

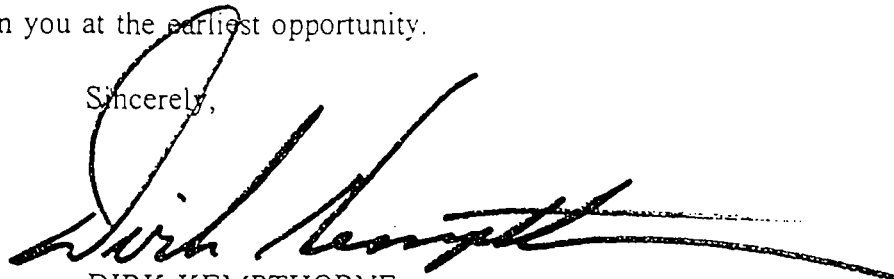
As you can imagine, Mr. Secretary, with every passing day of inactivity by NHTSA and the Department of Transportation my frustration intensifies. Each month of delay puts one million more vehicles on our highways with air bags that are too aggressive and that provide protection for unbelted adults while placing children at risk of serious injury or death.

I want to be fair. It is true that NHTSA has promulgated regulations for depowering air bags and subjecting air bags to sled tests that can help make air bags safer. This should be done, and without further delay. It is also true that NHTSA has said it will request comments on my proposal. But this is far less than what was requested in my December 4 petition. My petition simply asked NHTSA to issue a proposed rule and seek public comment. There is no justification for not allowing this process to take place. And, again, I would say that a number of experts agree that my proposal is needed to make cars with air bags safer for children and women. The unbelted standard was designed for a time when just 11% of drivers wore seat belts. By NHTSA's own data that number is now 68%. The issue is clear. Why insist that air bags provide primary protection when they are a supplemental restraint device?

Mr. Secretary, I again petition to place an immediate moratorium on the unbelted test. There is more than ample data and legal precedence to support this action and I ask you to issue this proposed rule change at this time.

I look forward to hearing from you at the earliest opportunity.

Sincerely,

A large, stylized handwritten signature in black ink, which appears to read "Dirk Kempthorne". The signature is fluid and extends across the width of the page.

DIRK KEMPTHORNE
United States Senator

DIRK KEMPTHORNE
IDAHO

United States Senate

WASHINGTON, DC 20510-1204

February 5, 1997

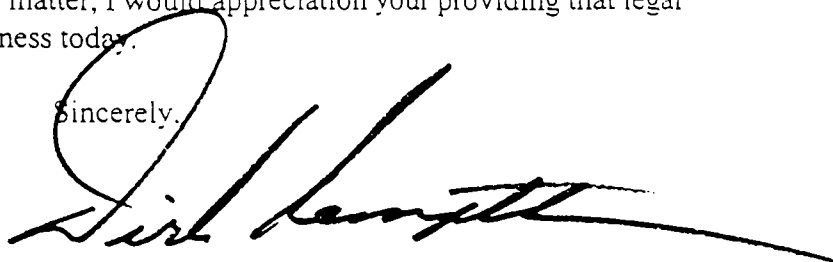
The Honorable Ricardo Martinez, M.D., Administrator
National Highway Traffic Safety Administration
400 Seventh Street, SW
Washington, D.C. 20590

Dear Dr. Martinez:

On Tuesday, February 4, 1997, in a conversation between Phil Recht and Gary Smith of my staff, Mr. Recht stated he would locate and provide my office with a copy of the legal opinion upon which you have based your testimony at the January 9, 1997 hearing that your agency lacks the legal authority to modify FMVSS 208, as I petitioned in my letter to you on December 4, 1996.

To aid in my consideration of this matter, I would appreciate your providing that legal opinion to this office before close of business today.

Sincerely,

A handwritten signature in black ink, appearing to read "Dirk Kempthorne", with a long, sweeping horizontal line extending to the right.

DIRK KEMPTHORNE
United States Senator

DK/whf

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

3

Divider Title: _____



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

Administrator

**400 Seventh Street, S.W.
Washington, D.C. 20590**

January 13, 1997

The Honorable Dirk Kempthorne
United States Senate
Washington, DC 20510-1204

Dear Senator Kempthorne:

I very much appreciated hearing the views that you expressed in last Thursday's hearing. As I said at the hearing, I want to continue the dialogue between us on this critical issue. Secretary Peña has asked me to act as his representative in responding to the concerns you expressed at the hearing and in your letter to him of December 4, 1996.

It was clear to me at the hearing, as in our earlier meeting, that you and I share the common goal of eliminating the risk that air bags pose to young children. As an emergency physician, I have seen the human pain resulting from motor vehicle crashes all too often. My most urgent goal is to prevent injury, especially to children.

This common goal must be approached through every means at our command. In my testimony I described the many measures the agency is taking to minimize the adverse effects of air bags. Among these measures are several that involve amendments to Federal Motor Vehicle Safety Standard (FMVSS) No. 208, "Occupant Crash Protection."

The amendment you propose would eliminate the unbelted test from the standard. As you stated at the hearing, you believe that the unbelted test is the source of the excessive power in the current generation of air bags.

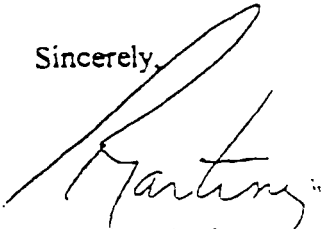
Although we considered eliminating the unbelted test as part of our early deliberations about ways to allow depowered air bags, we concluded that we lack legal authority to eliminate the unbelted test, in view of section 2508 of the Intermodal Surface Transportation Efficiency Act of 1991. In section 2508(a)(1) of that statute, which is currently codified at 49 U.S.C. § 30127(b), Congress directed NHTSA to amend FMVSS No. 208 "to provide that the automatic occupant protection for the front outboard designated seating positions [of certain vehicles] shall be an inflatable restraint complying with the occupant protection requirements under section 4.1.2.1 of such Standard." Thus, each vehicle must have an air bag that provides "automatic occupant protection." If the unbelted test were eliminated from FMVSS No. 208, such that vehicles only had to satisfy the performance requirements of the standard with the manual belts attached, there would be no way to ensure that the air bags would in fact provide "automatic" protection to front seat occupants.

Notwithstanding our conclusion about our legal authority, we explored other means of reducing the risk posed by air bags to children and certain other occupants. Our goal was, and is, to give manufacturers the flexibility to depower air bags to the point where as much of the risks can be eliminated as possible. In seeking ways to meet this goal, we concluded that it would not be necessary to eliminate the unbelted test. Our research indicated that depowering air bags in the range of 20-35 percent would reduce the risk to children without significantly increasing the risk that the bags would be too weak to protect occupants in high-speed crashes. Our tests indicated that depowering beyond that level produced little additional benefit for children, and markedly increased the risk for larger occupants. The amendment we proposed on January 6, 1996, will enable the manufacturers to depower their air bags by the 20-35 percent amount that seems to present the best balance for the safety of all occupants.

At the hearing, I said that we would be interested in meeting with you and your staff to explore ways in which we can pursue the goal of air bag safety. I am prepared to meet with you at the earliest opportunity. Please let me know what time would be convenient with you.

I look forward to discussing these issues further with you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ricardo Martinez".

Ricardo Martinez, M.D.



U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

Administrator

400 Seventh Street, S.W.
Washington, D.C. 20590

37 JAN 30 1997
JAN 29 1997

The Honorable Dirk Kempthorne
United States Senate
Washington, DC 20510-1204

Dear Senator Kempthorne:

Your letter of January 13 to Secretary Peña reiterated your request for a moratorium on the unbelted test in Standard 208. Although my response of January 13 to your earlier request addressed your principal concerns, I hope our discussion helped to further explain our views. I appreciate your and your staff giving so much of your valuable time.

I want to assure you that I understand your strongly held view that the unbelted test is the source of the risk that air bags pose to children and certain adults. As I stated at the Commerce Committee hearing on January 9, I share your concern and goal of eliminating the risk, and NHTSA is moving with utmost speed to reduce this risk. You know of our air bag action plan and the regulatory remedies we have taken and proposed to date and of their broad-based support. I believe that these actions and proposals accomplish our mutual goal in as expeditious a manner as possible.

Our discussion underscored the complexity of the belted/unbelted issue. It continues to be our opinion that our statute prohibits us from eliminating the unbelted test. Nonetheless, to ensure an open and honest dialogue on this issue, I will issue a request for comments specifically on the issue, to be published shortly in the Federal Register. We will seek public comments to guide us in deciding whether actions such as seeking remedial legislation would be advisable.

I will keep you abreast of our actions as we work to resolve this tragic problem. Thank you again.

Sincerely,

Ricardo Martinez, M.D.



U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

Administrator

400 Seventh Street, S.W.
Washington, D.C. 20590

ST 71 4

February 6, 1997

The Honorable Dirk Kempthorne
United States Senate
Washington, DC 20510-1204

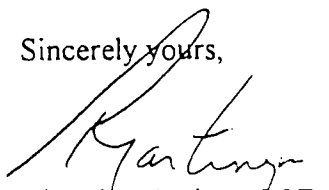
Dear Senator Kempthorne:

We received your letter of yesterday at approximately 4:45 pm by fax. As you may know, we presently are in the process of moving our offices to temporary quarters to accommodate cleaning of the Department of Transportation building. Given the commotion of the move, it is somewhat more difficult to respond so immediately as you requested to your inquiry. Nonetheless, I am endeavoring promptly to provide this information.

There appears to have been miscommunication between Mr. Recht and Mr. Smith. I based my testimony on January 9 on the conclusion reached after analysis of the relevant legal issues by NHTSA's chief counsel's office in consultation with the Department's general counsel's office. Our chief counsel's office did not prepare a formal written legal opinion of the issue at that time. The thrust of our analysis, however, is set forth in my letter to you dated January 13, 1997. Also, in view of your interest in the issue, I recently asked our chief counsel's office to prepare a formal written opinion on the issue, setting forth our analysis and addressing any additional issues raised in the two legal memoranda which you recently provided me.

I expect that formal opinion to be completed shortly and will provide you a copy as soon as it is completed. Should you have other questions in the meantime, do not hesitate to get in touch. As noted above, we will be in temporary offices for the next four weeks.

Sincerely yours,



Ricardo Martinez, M.D.



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

February 20, 1997

The Honorable Dirk Kempthorne
United States Senate
Washington, D.C. 20510

Dear Senator Kempthorne:

Thank you for your letter regarding Federal safety standards for air bags. I understand your concerns about this serious problem. Please be advised that I will review the issue thoroughly and respond directly to you as promptly as possible. In the interim, please do not hesitate to contact me or Steven Palmer, Assistant Secretary for Governmental Affairs at (202) 366-4573, if you have any additional concerns.

I look forward to continuing to work with you in the future.

Sincerely,

A handwritten signature in black ink, which appears to read 'Rodney', is written over the typed name. A long, thin vertical line extends from the bottom of the signature down towards the bottom of the page.

Rodney E. Slater



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

Administrator

400 Seventh St., S.W.
Washington, D.C. 20590

February 24, 1997

The Honorable Dirk Kempthorne
United States Senate
Washington, D.C. 20510

Dear Senator Kempthorne:

I hope this letter finds you doing well. I am writing to follow up on my commitment to enlarge the debate on your rulemaking petition to eliminate the unbelted testing of air bags. This is an issue of great public policy significance, and deserves to be addressed in the broadest possible forum. I value your sincere interest in this issue.

At the Commerce Committee hearing of January 9 and in my subsequent letter to you of January 13, I stated my intent to expand dialogue on your petition. That is a step that the enclosed notice will accomplish. We have cast the net as broadly as we know how, asking all the questions that seem relevant, in an effort to solicit the views of everyone who is interested in air bag safety. I am enclosing a copy of our Request for Comments to you in advance of its publication this week.

As I have said to you before, I believe that we share a common interest in ensuring that air bags live up to their life-saving potential and that they do so without harm to children or anyone else. We have proposed depowering rules to do just that; however, there is no single, simple solution. Our comprehensive strategy of educational and technical approaches uses collaboration and cooperation with broad coalitions to address this complex issue.

I welcome your comments, and look forward to hearing from you on this vital issue.

Sincerely,

Ricardo Martinez, M.D.

Enclosure



Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

4

Divider Title: _____



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

December 12, 1996

Honorable Dirk Kempthorne
United States Senate
Washington, D. C. 20510

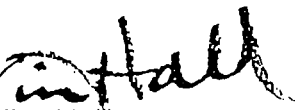
Dear Senator Kempthorne:

I have read with interest your December 4, 1996, letter addressed to Secretary Federico Peña regarding the dangers of air bags to children.

I thought the Board's enclosed safety study, which addresses accidents involving air bags and children in Chapter 3, would be of interest. I have also enclosed a copy of the Board's recommendation letter issued to the National Highway Traffic Safety Administration on September 20, 1996. You will note that our recommendation letter also questions current air bag testing procedures.

If you have questions on this or any other issue, please let me know.

Sincerely,


Jim Hall
Chairman

Enclosures



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

March 10, 1997

Honorable Kempthorne
United States Senate
Washington, D. C. 20510

Dear Senator Kempthorne:

As you are aware, the National Transportation Safety Board has for some time been concerned regarding the dangers of air bags to infants and young and children. Our first safety recommendations on this matter were issued in November 1995, and in September 1996, the Board completed a safety study on the performance and use of child restraint systems, seatbelts, and air bags for children in passenger vehicles. As a result of that study, the Board determined that air bags are a proven safety device for most properly restrained adults in severe frontal crashes, but can inflict serious or even fatal injuries to small children, even when those children are properly restrained.

As a continuation of the Board's efforts regarding this issue, we are hosting a public forum to facilitate the sharing of information on air bags and child passenger safety across the lines of government, industry, safety organizations, and private citizens. This information exchange will address the role of air bags in today's vehicles, their benefits and safety concerns, and proper child passenger transportation in the 1990s.

Our Public Forum will be held March 17 to 20, 1997, at the Renaissance Mayflower Hotel in Washington, D. C. Enclosed for your information is a brochure that provides a tentative agenda. If you or your staff would like to attend, please contact Betty Scott at 202/314-6121.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jim Hall", is written over a circular stamp.

Jim Hall
Chairman

Enclosure