

**ORAL TESTIMONY OF  
THE HONORABLE DAVID L. STRICKLAND  
ADMINISTRATOR, NATIONAL HIGHWAY  
TRAFFIC SAFETY ADMINISTRATION  
BEFORE THE  
COMMITTEE ON COMMERCE, SCIENCE AND  
TRANSPORTATION  
U.S. SENATE**

**HEARING ON**

***S. 3302, The Motor Vehicle Safety Act of 2010***  
**May 19, 2010**

**Chairman Rockefeller, Ranking Member Hutchison,  
and Members of the Committee:**

**Thank you for the opportunity to appear before you today to discuss proposals to strengthen the authority of the National Highway Traffic Safety Administration (NHTSA).**

**I applaud the committee members and their staff for working so hard to understand these issues and for reflecting that understanding in the committee draft of “The Motor Vehicle Safety Act of 2010.” Time has not permitted full review of all of the legislation’s provisions throughout the Executive Branch, so my remarks will be confined to some of the major provisions.**

**Today's hearing is an opportunity to work together to improve safety on our Nation's roadways. We very much appreciate the provisions in the committee draft that would enhance NHTSA's vehicle safety authority.**

**NHTSA is a strong Agency; this bill's authorities would make us stronger. If enacted, these measures would significantly increase the Agency's leverage in dealing with manufacturers. The addition of imminent hazard authority would bring NHTSA's authority into line with that of many other safety and health agencies.**

**This provision gives NHTSA an important avenue through which to deliver on its consumer protection mission—a mission I strongly believe in.**

**However, as drafted, the provision stops short of giving NHTSA full recall order authority in these situations. The bill would permit NHTSA to order manufacturers to notify “purchasers” that the vehicle or equipment poses an imminent safety hazard and provide the purchaser “with information explaining the safety risk and actions the purchasers can take to reduce the risk.”**

**Such notification does not constitute a recall, which consists of both notification to the owners and the provision of a remedy for the noncompliance or defect.**

**We would like to work with the committee to ensure that the legislation provides consumers with an actual remedy in the face of an imminent hazard.**

**As part of our safety mission, NHTSA collects a wealth of information in various databases. We share in President Obama's assessment that information maintained by the Federal Government is a national asset.**

**This proposed bill would require NHTSA to improve the accessibility of the information on its publicly available safety databases. We will be very happy to do so and we have several ideas on how to make our recall and investigations data more user friendly.**

**Even in their current state, NHTSA's information stores are among the most outstanding consumer safety databases in government; improving them would promote transparency. Transparency promotes accountability and provides information for citizens about what their Government is doing.**

**Some of the rulemaking provisions do not provide the flexibility NHTSA needs in determining the best way to devise standards that accomplish the bill's purposes. For example, the event data recorder provision contains very specific time periods during which data would have to be recorded under the new rule.**

**NHTSA needs the flexibility to determine what parameters are technologically feasible and would best serve the provision's purpose. Similarly, that section's prohibition on permitting event data recorders to record or transmit vehicle location may be disruptive to advanced crash notification systems that can provide emergency responders with precise location information.**

**NHTSA needs the discretion to balance the competing interests of privacy and automatic notification of emergency responders.**

**I want to work with the Secretary and the Congress to strengthen and improve NHTSA so that it can continue to achieve its mission of saving lives, preventing injuries, and reducing economic costs due to road traffic crashes. We will be accountable to the President, to the Secretary of Transportation, and to the American Public, whom we are proud to serve.**

**Thank you and I look forward to answering your questions.**