

APPROVED
OCT 11 1976

8/10/11/76

THE WHITE HOUSE

ACTION

WASHINGTON
October 8, 1976

Last Day: October 13

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *Jim Cannon*
SUBJECT: H.R. 12118 - National Transportation Safety Board Authorizations

Posted
10/12/76

See above
10/12/76

Attached for your consideration is H.R. 12118, sponsored by Representative Anderson of California.

The enrolled bill would authorize appropriations of \$35.4 million for the National Transportation Safety Board (\$3.8 million for the transition quarter, \$15.2 million for FY 77 and \$16.4 million for FY 78).

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Kilberg) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 12118 at Tab B.





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 6 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 12118 - National Transportation
Safety Board Authorizations
Sponsor - Rep. Anderson (D) California

Last Day for Action

October 13, 1976 - Wednesday

Purpose

Authorizes appropriations of \$35.4 million through 1978
for the National Transportation Safety Board.

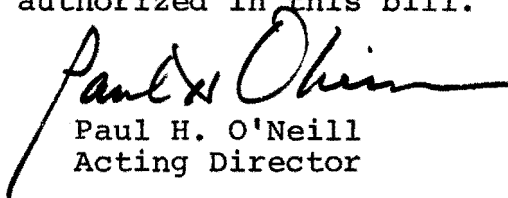
Agency Recommendations

Office of Management and Budget Approval

National Transportation Safety Board Approval

Discussion

H.R. 12118 would authorize appropriations of \$35.4 million for the National Transportation Safety Board (NTSB), consisting of \$3.8 million for the transition quarter, \$15.2 million for 1977, and \$16.4 million for 1978. The Administration requested authorizations of \$12 million each for 1977 and 1978. We do not believe the difference between the Administration's request and the authorization levels contained in the bill presents a serious problem because (1) NTSB's appropriations act for 1977 (P.L. 94-387) provides only \$13.8 million of the \$15.2 million authorized; and (2) we believe the appropriations process in 1978 will also lead to lower appropriations than the \$16.4 million authorized in this bill.


Paul H. O'Neill
Acting Director

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 7

Time: noon

FOR ACTION: Judy Hope
Max Friedersdorf
Bobbie Kilberg

cc (for information): Jack Marsh
Jim Connor
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 8

Time: 5:00pm

SUBJECT:

H.R.12118-National Transportation Safety Board Authorizations

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President



Office of
Chairman

National Transportation Safety Board

Washington, D.C. 20594

October 5, 1976

Mr. James M. Frey
Assistant Director for Legislative Reference
Office of Management and Budget
Executive Office of the President
Washington, D. C. 20503

Dear Mr. Frey:

This is in reply to your request for the National Transportation Safety Board's comments on H. R. 12118, an enrolled bill "To amend the Independent Safety Board Act of 1974 to authorize additional appropriations and for other purposes".

The Safety Board recommends approval of H. R. 12118.

Your thoughtfulness in soliciting our views is greatly appreciated.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Webster B. Todd, Jr.", written over a vertical line that extends from the signature down to the typed name below.

Webster B. Todd, Jr.
Chairman

cc: Honorable Warren G. Magnuson
Honorable Birch Bayh
Honorable Robert E. Jones

Honorable John J. McFall
Honorable Harley O. Staggers
Honorable Jack Brooks

THE WHITE HOUSE

WASHINGTON

October 8, 1976

MEMORANDUM FOR: JIM CAVANAUGH

FROM: MAX L. FRIEDERSDORF *M.L.F.*

SUBJECT: H.R. 12118 - National Transportation
Safety Board Authorizations

The Office of Legislative Affairs concurs with the agencies that the National Transportation Safety Board Authorizations should be signed.

Attachments

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

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Date: October 7

Time: noon

FOR ACTION: Judy Hope
Max Friedersdorf
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Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 8

Time: 5:00pm

SUBJECT:

H.R. 12118-National Transportation Safety Board Authorizations

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Bobbie Kilberg 10/8/76

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James M. Cannon
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 7

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FOR ACTION: Judy Hope
Max Friedersdorf
Bobbie Kilberg

cc (for information): Jack Marsh
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FROM THE STAFF SECRETARY

DUE: Date: October 8

Time: 5:00pm

SUBJECT:

H.R.12118-National Transportation Safety Board Authorizations

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Approval
RH
10/8/76
10:05 am

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

INDEPENDENT SAFETY BOARD ACT AMENDMENTS

APRIL 30, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. JONES of Alabama, from the Committee on Public Works and Transportation, submitted the following

REPORT

[To accompany H.R. 12118]

The Committee on Public Works and Transportation, to whom was referred the bill (H.R. 12118) to amend the Independent Safety Board Act of 1974 to authorize additional appropriations and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That section 309 of the Independent Safety Board Act of 1974 (49 U.S.C. 1907) is amended by adding at the end thereof the following new sentence: "There are authorized to be appropriated for the purpose of this Act not to exceed \$3,800,000 for the transition quarter ending September 30, 1976, \$15,200,000 for the fiscal year ending September 30, 1977, and \$16,400,000 for the fiscal year ending September 30, 1978, such sums to remain available until expended."

H.R. 12118, as reported, provides authorization for appropriations to the National Transportation Safety Board for \$3,800,000 for the transition quarter beginning on July 1, 1976, and ending September 30, 1976, for \$15,200,000 for Fiscal Year 1977, and for \$16,400,000 for Fiscal Year 1978. The authorization is needed to permit the Board to meet properly the responsibilities vested in it by the Department of Transportation Act (Public Law 89-670) and the Independent Safety Board Act of 1974 (Public Law 93-633).

The Board's statutory responsibility involves transportation safety. Its critical activities are the investigation of accidents in the aviation and surface transportation modes. In addition to its investigatory function, the Board determines the probable cause of accidents and makes recommendations to the various involved Federal and State agencies and to transportation-related industries or groups. In conjunction with these activities, the Board evaluates the data it collects and conducts training programs so that the information it obtains may be most fully utilized.

The Board also reviews on appeal the suspension, amendment, modification, revocation, or denial of certain certificates or licenses issued by the Secretary of Transportation or by a modal Administration of the Department of Transportation.

During the hearings, the Members of the Subcommittees on Surface Transportation and Aviation expressed concern that the Board although recognizing the need for additional personnel to carry out its statutory responsibilities was not permitted to hire the necessary personnel. The Board presently has 355 employees; 161 in Aviation, 103 in Surface Transportation, and 91 in support activities. Based upon the information received, the Board's personnel level should be expanded to 407 employees.

The Committee was concerned about the necessity of improving the Board's capabilities in the highway-motor carrier area so that it would be able to investigate accidents on the Nation's highways and to more effectively evaluate the data collected therefrom. In so doing, this will help to reduce the loss of life on our highways. To accomplish this, 21 of the additional employees should be assigned to the highway-motor carrier area.

The Chairman of the Committee on Interstate and Foreign Commerce, on behalf of the Committee, has submitted the following letter in support of the reported bill:

CONGRESS OF THE UNITED STATES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 26, 1976.

HON. ROBERT E. JONES of Alabama,
Chairman, Committee on Public Works and Transportation, U.S.
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to you regarding H.R. 12118, a bill to amend the Independent Safety Board Act of 1974 to authorize additional appropriations and for other purposes.

In the Ninety-third Congress the Committee on Interstate and Foreign Commerce had jurisdiction over most transportation matters, including the Independent Safety Board Act of 1974. Beginning with the Ninety-fourth Congress, many of the transportation matters formerly within the jurisdiction of this Committee were transferred to the Committee on Public Works and Transportation. However, the Committee on Interstate and Foreign Commerce did retain jurisdiction over railroads generally, including railroad safety, and I feel it is my duty as Chairman to claim limited jurisdiction with respect to the Independent Safety Board Act of 1974 insofar as the activities of the National Transportation Safety Board relate to the investigation of railroad accidents and recommendations by the Board in connection with such accidents.

On February 24, 25, and 26, 1976, the Subcommittee on Transportation and Commerce of this Committee held hearings on the Federal Railroad Safety Authorization Act of 1976. Included in the materials prepared by the staff for use during the hearings were materials on related matters including the Independent Safety Board Act of 1974, the Hazardous Materials Transportation Act, and the Executive Com-

munications numbered 1948 and 2388 pertaining to the Safety Board and Hazardous Materials, respectively.

In the course of our hearings, testimony was received from the National Transportation Safety Board concerning the funding requests for 1977 and 1978 set forth in Executive Communication 1948, which was referred only to the Committee on Public Works and Transportation. This Committee is satisfied that the modifications made by the Committee on Public Works and Transportation in such funding requests of the Safety Board, and set forth in H.R. 12118, do not adversely affect railroad safety and is in agreement with the funding recommendations made by your Committee. The remaining section of H.R. 12118, as introduced, related to the disclosure of information obtained from certain aircraft accident investigations and is not within the jurisdiction of the Committee on Interstate Foreign Commerce.

The two Committees involved have a similar situation with respect to the Hazardous Materials Transportation Act and, as you know, the Executive Communication numbered 2388, relating to hazardous materials, was jointly referred to the Committee on Interstate and Foreign Commerce and the Committee on Public Works and Transportation. After discussing this matter, the bill, H.R. 13124, amending the Hazardous Materials Transportation Act, was introduced by you (as Chairman of the Committee on Public Works and Transportation), for yourself, Mr. Harsha (the ranking minority member of that Committee), myself (as Chairman of the Committee on Interstate and Foreign Commerce), and Mr. Devine (the ranking minority member of this Committee), and jointly referred in the same manner as Executive Communication numbered 2388.

In the future, I am sure we can use the same procedures with respect to National Transportation Safety Board matters relating to railroads that we have worked out with respect to the Hazardous Materials Transportation Act. Pending any future legislation on Safety Board matters, I do not intend to request sequential referral to this Committee of the bill, H.R. 12118, because this Committee has examined the Executive request and is in agreement with the recommendations of the Committee on Public Works and Transportation. However, in order to make the jurisdiction of the Committee on Interstate and Foreign Commerce a part of the legislative history of the Safety Board legislation in this Congress, I respectfully request that this letter be included in the report filed with the House by your Committee on the bill, H.R. 12118.

Thank you for your consideration in this matter.

Sincerely yours,

HARLEY O. STAGGERS, *Chairman.*

COMPLIANCE WITH CLAUSE 2(1) OF RULE XI OF THE RULES OF THE
HOUSE OF REPRESENTATIVES

(1) With reference to Clause 2(1)(3)(A) of Rule XI of the Rules of the House of Representatives, no separate hearings were held on the subject matter of this legislation by the Subcommittee on Investigations and Review, however, the Subcommittees on Surface Trans-

portation and Aviation held joint hearings on this subject matter which resulted in the reported bill.

(2) With respect to Clause 2(1)(3)(B) of Rule XI of the Rules of the House of Representatives, H.R. 12118, as reported does not include new budget authority or increased tax expenditures. Accordingly, a statement pursuant to section 308(2) of the Congressional Budget Act is not required.

(3) With reference to Clause 2(1)(3)(C) of Rule XI of the Rules of the House of Representatives, the Committee received the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act.

CONGRESS OF THE UNITED STATES,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., April 23, 1976.

HON. ROBERT E. JONES,
Chairman, Committee on Public Works and Transportation,
U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 12118, a bill amending the Independent Safety Board Act of 1974.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

ROBERT A. LEVINE,
Deputy Director.

Attachment.

CONGRESSIONAL BUDGET OFFICE

COST ESTIMATE

1. Bill No. H.R. 12118.
2. Bill Title: Amendment to the Independent Safety Board Act of 1974.
3. Purpose of Bill: This bill authorizes appropriations to the National Transportation Safety Board for the transition quarter and fiscal years 1977 and 1978. This is an authorization bill, and therefore requires subsequent appropriation action.
4. Cost Estimate: The budget impact of this bill is estimated as follows (in thousands of dollars):

	Transition quarter	Fiscal year 1977	Fiscal year 1978
Authorization amount.....	\$3,800	\$15,200	\$16,400
Estimated cost.....	3,800	15,200	16,400

5. Basis for estimate: The funds authorized for appropriation will be used to investigate and report the causes of transportation accidents, conduct special studies, promote transportation safety, and review on appeal actions taken by the Department of Transportation against operating certificates or licenses. There will be an increase of

97 people from FY 1976 to FY 1977. This increase is the result of implementing programs to carry out investigations of surface accidents, especially highway accidents. Since most of the expenditures are for salaries and related expenses, it is assumed that outlays will equal budget authority for each period.

6. Estimate comparison: Not Applicable.
7. Previous cost estimate: Not Applicable.
8. Estimate prepared by: RAS for Jack Garrity (225-5275).
9. Estimate approved by:

for JAMES L. BLUM,
C. G. NUCKOLS,
Assistant Director for Budget Analysis.

(4) With respect to Clause 2(1)(3)(D) of Rule XI of the Rules of the House of Representatives, the Committee has not received a report from the Committee on Government Operations pertaining to the subject matter.

(5) With reference to Clause 2(1)(4) of Rule XI of the Rules of the House of Representatives, the following information is provided. H.R. 12118, as reported, authorizes funds to be appropriated for the National Independent Safety Board for the transition quarter ending September 30, 1976, and for Fiscal Years 1977 and 1978.

The bill authorizes the following sums to be appropriated: \$3,800,000 for the transition quarter, \$15,200,000 for Fiscal Year 1977, and \$16,400,000 for Fiscal Year 1978. The funds are necessary to operate the Board through Fiscal Year 1978 in the manner intended by Congress, which is to reduce human fatalities and property damage resulting from accidents in all modes of transportation. Consequently, the expenditures may be expected to have salutary effects on the economy. Accordingly, the Committee has determined that the enactment of this legislation will not have an inflationary impact on prices and costs in the operation of the national economy.

COST OF LEGISLATION

In accordance with Rule XIII(7) of the Rules of the House of Representatives the following information is furnished on the cost to the United States in carrying out H.R. 12118 in Fiscal Year 1976 and in each of the five following fiscal years.

Fiscal year 1976.....	\$3,800,000
July 1, 1976-Sept. 30, 1976.....	15,200,000
Fiscal year 1977.....	16,400,000
Fiscal year 1978.....	
Fiscal years 1979-81.....	

¹ An appropriation of \$3,095,000 is included in this period in Public Law 94-134. Therefore only \$705,000 of this authorization remains available for additional appropriations.

VOTE

The Committee ordered the bill by voice vote.

CHANGES IN EXISTING LAW MADE BY THE BILL AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as

reported, are shown as follows (new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

SECTION 309 OF THE INDEPENDENT SAFETY BOARD
ACT OF 1974

AUTHORIZATION OF APPROPRIATIONS

SEC. 309. These are authorized to be appropriated for the purposes of this Act not to exceed \$12,000,000 for the fiscal year ending June 30, 1975; and \$12,000,000 for the fiscal year ending June 30, 1976, such sums to remain available until expended. *There are authorized to be appropriated for the purpose of this Act not to exceed \$3,800,000 for the transition quarter ending September 30, 1976, \$15,200,000 for the fiscal year ending September 30, 1977, and \$16,400,000 for the fiscal year ending September 30, 1978, such sums to remain available until expended.*

○

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To amend the Independent Safety Board Act of 1974 to authorize additional appropriations and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 309 of the Independent Safety Board Act of 1974 (49 U.S.C. 1907) is amended by adding at the end thereof the following new sentence: "There are authorized to be appropriated for the purpose of this Act not to exceed \$3,800,000 for the transition quarter ending September 30, 1976, \$15,200,000 for the fiscal year ending September 30, 1977, and \$16,400,000 for the fiscal year ending September 30, 1978, such sums to remain available until expended."

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*