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APPROVED
JUL 8 - 1976

8/7/8/76

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day: July 12

July 7, 1976

Posted
7/9/76

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON

SUBJECT:

H.R. 9291 - National Traffic and Motor Vehicle Safety Act Amendments

archives
7/9/76

Attached for your consideration is H.R. 9291, sponsored by Representative Staggers and Representative Devine.

The enrolled bill authorizes appropriations totalling \$133 million for the transition quarter and fiscal years 1977-78 to carry out activities under the National Traffic and Motor Vehicle Safety Act; would delay the implementation of school bus safety standards for five months (until April 1, 1977); and would require DOT to conduct a study of the causes and ways of preventing school bus accidents and injuries.

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

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

RECOMMENDATION

That you sign H.R. 9291 at Tab B.



7/9 8 212



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

JUL 6 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 9291 - National Traffic and Motor
Vehicle Safety Act Amendments
Sponsor - Rep. Staggers (D) West Virginia and Rep.
Devine (R) Ohio

Last Day for Action

July 12, 1976 - Monday

Purpose

To authorize appropriations totalling \$133 million for the transition quarter and fiscal years 1977-1978 to carry out activities under the National Traffic and Motor Vehicle Safety Act; to delay the implementation of school bus safety standards for five months; and to require a study of the causes and ways of preventing school bus accidents and injuries.

Agency Recommendations

Office of Management and Budget	Approval
Department of Transportation	Approval
National Transportation Safety Board	Approval
Department of Health, Education and Welfare	Defers to DOT

Discussion

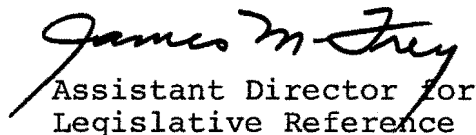
H.R. 9291 would authorize appropriations of \$13 million for the transition quarter and \$60 million each for fiscal years 1977 and 1978 for the Department of Transportation (DOT) to carry out

its duties under the National Traffic and Motor Vehicle Safety Act. These amounts are identical to the Administration's request. The authorizations would be used to conduct vehicle safety research, develop and implement new vehicle safety standards and amend current standards, provide consumer information, conduct defect and noncompliance testing, and enforce the provisions of the Act. These functions would be carried out by the National Highway Traffic Safety Administration (NHTSA) within DOT.

The enrolled bill would also delay for five months, until April 1, 1977, the effective date of new Federal school bus safety standards which DOT was required to issue by October 27, 1976. According to the report on the bill issued by the House Interstate and Foreign Commerce Committee, this delay is intended to give school bus manufacturers more time to develop the best possible design solutions to meet the standards, rather than designing simply for compliance. In its views letter on the enrolled bill, DOT states that it has no objection to this extension.

Finally, H.R. 9291 would require DOT to conduct a study within 6 months of the bill's enactment on (1) factors related to school buses that cause accidents and injuries, and (2) actions which could be taken to reduce the frequency of accidents and the severity of injuries. The study would include the use of seatbelts or other occupant restraint systems and the relationship of the bus's age to the likelihood of accidents and injuries.

In its views letter on the enrolled bill, DOT states that it has no objection to this study but does not believe new research can be conducted within the six month time limit. DOT will use this time to conduct a survey of existing data and measures which can be taken to reduce accidents and their resultant injuries.


Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: July 6

Time: 600pm

FOR ACTION: Judy H Hope *JH*
Max Friedersdorf
Elin Lazarus *EL*

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: July 7

Time: 600pm

SUBJECT:

H.R. 92991- National Traffic and Motor Vehicle
Safety Act Amendments

ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> 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



GENERAL COUNSEL

OFFICE OF THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

JUL 1 1976

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D.C. 20503

Dear Mr. Lynn:

This is in response to your request for departmental views on H.R. 9291, an enrolled bill

To amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations.

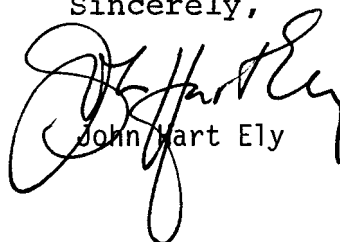
This bill would authorize appropriations for the purpose of carrying out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.) at funding levels proposed by the Administration: \$13 million for the transition period, July 1, 1976, through September 30, 1976; \$60 million for the fiscal year ending September 30, 1977; and \$60 million for the fiscal year ending September 30, 1978. The funding level for carrying out the Act for fiscal year 1976 was also \$60 million and, therefore, the fiscal year 1977 and 1978 levels do not exceed the current level. The funds would be used to conduct vehicle safety research; develop and promulgate new vehicle safety standards, amendments to existing standards, and other rules and regulations; provide consumer information; conduct defect and noncompliance testing; and enforce the provisions of the Act.

The bill would also amend the Act to delay the effective date of the new Federal school bus safety standards to April 1, 1977. These new school bus safety standards were mandated by the 1974 amendments to the Act and were required by the amendments to become effective not later than October 27, 1976. The Department has no objection to this extension.

Finally, the bill would amend the Act to require the Secretary to conduct a study and report to Congress, within 6 months after enactment, on the factors relating to school buses which contribute to school bus accidents and resulting injuries to school bus passengers, and on the actions which can be taken to reduce such accidents and the severity of such injuries. Among the topics which the bill would require to be investigated are: (1) the extent to which such injuries might be reduced by occupant restraint systems; and (2) the extent to which there is a direct relationship between the age of school buses and the risk of school bus accidents and resulting injuries. A 6-month period for completing the study clearly does not allow time for carrying out new research or developing new data bases. However, we believe it is possible to undertake an adequate survey of the enumerated factors based upon existing data and the counter-measures which can be taken to reduce their deleterious effects.

In view of the foregoing, we recommend approval of the bill.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Hart Ely". The signature is written in dark ink and is positioned above the printed name.

John Hart Ely



Office of
Chairman

National Transportation Safety Board

Washington, D.C. 20594

June
~~JUL~~ 30 1976

Mr. James M. Frey
Assistant Director for Legislation
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. 9291, an enrolled bill "To amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations".

The Safety Board recommends approval of H. R. 9291.

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 horizontal line.

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



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

JUL 2 1976

The Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

This is in response to your request for a report on H.R. 9291, an enrolled bill "To amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations."

The first two sections of the bill, authorizing appropriations for the National Traffic and Motor Vehicle Safety Act and delaying the effective date of the school bus safety standards, do not significantly affect the programs of this Department; and we therefore defer to the Department of Transportation with regard to those sections of the bill.

Section 3 of the bill amends the National Traffic and Motor Vehicle Safety Act to require the Secretary of Transportation to conduct a study of school bus accidents and actions which can be taken to reduce the likelihood of such accidents. Although some of the matters to be considered in that study have undoubtedly been included in the development of the school bus safety standards, it is likely that a further study could contribute to increasing the safety of school bus operations. Furthermore, those standards relate primarily to vehicle construction, whereas the study called for by the bill would go into other factors relating to school bus accidents and resultant injuries. We believe these facts should be taken into account in your consideration of the bill, but we must ultimately defer to the Department of Transportation as to the need for such a study and as to the desirability of the enactment of the enrolled bill.

Sincerely,

Acting Secretary

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

JUL 6 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 9291 - National Traffic and Motor Vehicle Safety Act Amendments
Sponsor - Rep. Staggers (D) West Virginia and Rep. Devine (R) Ohio

Last Day for Action

July 12, 1976 - Monday

Purpose

To authorize appropriations totalling \$133 million for the transition quarter and fiscal years 1977-1978 to carry out activities under the National Traffic and Motor Vehicle Safety Act; to delay the implementation of school bus safety standards for five months; and to require a study of the causes and ways of preventing school bus accidents and injuries.

Agency Recommendations

Office of Management and Budget	Approval
Department of Transportation	Approval
National Transportation Safety Board	Approval
Department of Health, Education and Welfare	Defers to DOT

Discussion

H.R. 9291 would authorize appropriations of \$13 million for the transition quarter and \$60 million each for fiscal years 1977 and 1978 for the Department of Transportation (DOT) to carry out

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: July 6

Time: 600pm

FOR ACTION: Judy Hope
Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: July 7

Time: 600pm

SUBJECT:

H.R. 9291 - National Traffic and Motor Vehicle
Safety Act Amendments

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.

James M. Cannon
For the President

THE WHITE HOUSE

WASHINGTON

July 8, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *mb*
SUBJECT: H. R. 9291 - National Traffic and Motor Vehicle
Safety Act Amendments

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT AUTHORIZATION

MAY 14, 1976.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. STAGGERS, from the Committee on Interstate and Foreign
Commerce, submitted the following

REPORT

together with

SEPARATE VIEWS

[Including cost estimate of the Congressional Budget Office]

[To accompany H.R. 9291]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H.R. 9291) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

On the first page, after line 11, insert the following:

SEC. 2. Section 103(i)(1)(B) of such Act is amended by striking out "the expiration of the nine-month period which begins on the date of promulgation of such safety standards" and inserting in lieu thereof "April 1, 1977".

PURPOSE AND SUMMARY

This legislation amends section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) [hereinafter, the Act] to authorize appropriations for the purpose of carrying out the Act, not to exceed \$13 million for the transition period, July 1, 1976 through September 30, 1976, \$60 million for fiscal year 1977, and \$60 million for fiscal year 1978. The Act is administered by the National Highway Traffic Safety Administration (NHTSA) in the Department of Transportation.

Section 103(i)(1)(B) of the Act is also amended to change the effective dates from July 15, 1976, October 12, 1976, and October 26, 1976 to April 1, 1977 for the Federal motor vehicle safety standards applicable to school buses and school bus equipment, as required by section 103(i)(1) of the Act and as promulgated by the NHTSA.

BASIS FOR THE LEGISLATION

When the Act was passed in 1966, the highway fatality rate per 100,000,000 miles of vehicle travel was 5.7. Highway fatalities were over 50,000 and steadily climbing. Since then, substantial progress has been made. The fatality rate declined to 4.3 in 1973 and to an estimated 3.6 in 1974. The number of fatalities in 1974 was 45,534, a decline of more than 9,500 from the previous year's total. The 1974 reductions are largely attributable to the national 55 mile-per-hour speed limit and reduced highway travel in that year.

Since highway travel and speed are again climbing, whether fatalities can remain at a reduced level will depend partly upon the promulgation and enforcement of needed vehicle safety standards, and further increases in occupant restraint usage.

To aid these efforts, this legislation authorizes the appropriation of an amount not to exceed \$13,000,000 for the transition period July 1, 1976 through September 30, 1976, and \$60,000,000 for each of fiscal years 1977 and 1978. The funds would be used to conduct vehicle safety research; develop and promulgate new vehicle safety standards, amend existing standards and other rules and regulations; provide consumer information; conduct defect and noncompliance testing; and enforce the provisions of the Act.

The funding level for fiscal year 1976 was also \$60 million; therefore, this authorization for fiscal years 1977 and 1978 does not exceed the prior year's level of funding.

The 1974 amendments to the National Traffic and Motor Vehicle Safety Act, enacted on October 27, 1974 (Public Law 93-492), required minimum safety standards applicable to school buses and their equipment for eight specific aspects of performance to be promulgated by the NHTSA within fifteen months after enactment. The Committee notes the NHTSA has complied with this requirement. By statute these standards must take effect nine months after promulgation, and no later than October 27, 1976. (Section 103(i)(1) of the Act.) The School Bus Manufacturers Institute (SBMI), representing six school bus manufacturing companies, submitted a statement to the Subcommittee on Consumer Protection and Finance for inclusion in the record of the Subcommittee hearings in March 1976. This statement outlined the reasons why SBMI believed compliance with the new school bus safety standards should not be required by October 26, 1976, the effective date set by the NHTSA for most of these standards.

Previously, the NHTSA, in denying a request from SBMI for a delay in the effective date of the new standards, had stated that the mandated specific time limits enacted in 1974 prevented the Secretary of Transportation from exercising his discretionary authority in section 103(e) of the Act, as enacted in 1966, to delay the effective date.

This Committee concurs with the NHTSA's statutory construction of the 1974 amendments that the specific language of section 103(i)(1)(B) requiring an effective date of nine months following the date of promulgation of the new school bus and school bus equipment safety standards prevails over the grant of discretion in section 103(e) relative to the effective date of safety standards generally.

Therefore, SBMI sought an amendment to H.R. 9291 in Subcommittee executive session to delay the effective dates until April 1977. SBMI cited as reasons: (1) compliance problems are multiplied by the interrelationship between four of the new standards, and (2) the usual implementation problems, if forced by October 1976, would result in design for compliance rather than the best possible design solutions. The intent of the 1974 amendments to the Act was that the new school bus safety standards apply to 1977 school buses for the protection of the nation's school children; therefore, the Subcommittee adopted an amendment in executive session which delayed the effective date until January 1, 1977.

However, the SBMI did not believe that a two-month delay would be sufficient to insure compliance with the new safety standards. As explained in their statement submitted to the Subcommittee, there are two basic problems in achieving compliance which they believe cannot be accomplished with only a two-month extension. First, implementation methods would probably have to be selected solely with a view to rapid compliance rather than to the achievement of the best possible redesign. Second, the interrelationship between four of the new school bus safety standards (School Bus Passenger Seating and Crash Protection, School Bus Body Joint Strength, School Bus Rollover Protection, and Bus Window Retention and Release amendment requiring emergency exits) complicates the technical problems in designing, tooling, manufacturing, and testing the new school bus to effect compliance with the new standards.

For these reasons, an amendment was introduced and adopted in full Committee executive session to delay the effective date of the new safety standards promulgated pursuant to section 103(i)(1) of the Act until April 1, 1977. In approving this amendment, the Committee is granting the school bus manufacturing industry the additional time requested in order to achieve compliance using the best possible design solutions, while insuring that the majority of school buses produced during 1977 are in compliance with the new safety standards.

COMMITTEE CONSIDERATION

The Subcommittee on Consumer Protection and Finance held hearings on H.R. 9291, an administration proposal, on March 3, 4, and 12, 1976.

The Department of Transportation was represented by Dr. James B. Gregory, Administrator of the National Highway Traffic Safety Administration, the agency within the Department of Transportation which administers the National Traffic and Motor Vehicle Safety Act of 1966.

The witnesses at the Subcommittee hearings included representatives of the motor vehicle and equipment manufacturers and users,

representatives of truck drivers, public interest groups, trade associations, and research groups. They discussed the NHTSA's administration of the motor vehicle safety program, particularly in the area of major new Federal motor vehicle safety standards. These issues and the Committee's conclusions are discussed in the sections of this report on the basis for the legislation and oversight findings.

The Subcommittee, after executive session, unanimously reported H.R. 9291 with an amendment on April 8, 1976 to the full Committee. The full Committee favorably ordered the bill reported to the House with an additional amendment by voice vote, a quorum being present, on April 29, 1976.

OVERSIGHT FINDINGS

Pursuant to clause 2(1) (3) (A) of Rule XI of the Rules of the House of Representatives, the Committee issues the following oversight findings:

In response to the request of the Chairman of the Subcommittee on Consumer Protection and Finance, the NHTSA submitted detailed material on administration of the Act since the previous oversight hearing held by the Subcommittee in the 93rd Congress (See Serial Nos. 93-37 and 93-38). The findings resulting from study of this material indicate that the NHSTA continues to have difficulty obtaining the sums requested for research activities and the engineering facility. The issuance of new Federal motor vehicle safety standards and amendments to existing standards will be important in maintaining the reduction in highway fatalities which has occurred since late 1973. The agency has promulgated the new safety standards for school buses and their equipment as required by section 103(i) (1) of the Act, as amended in 1974. Regarding Standard 208 on occupant crash protection, the Administrator of the NHSTA stated that the agency's goal is to have a final rule published by August 1976.

The Subcommittee hearings included two days on Standard 121, Air Brake Systems, the first major federal motor vehicle safety standard issued by the agency for trucks, buses, and trailers. Faced with data showing the disproportionate hazards of heavy vehicles on the highway, the agency had initiated a program in 1967 to improve the safety performance of these vehicles. There was no initial Federal motor vehicle safety standard applicable to air-braked vehicles. The development of the standard has been the subject of much controversy. The lengthy rulemaking process for this standard provided manufacturers, users, and the public ample opportunity to express views to the agency which, in turn, made considerable efforts to accommodate the manufacturers' difficulties during the production process. The standard's effective date for trailers was January 1, 1975, and for trucks and buses was March 1, 1975. Performance requirements are established for braking systems on vehicles equipped with air brake systems. The basic requirement is that these vehicles be capable of stopping in a limited distance without leaving their traffic lane and without "locking" their wheels above 10 miles per hour under specified weight, speed, and road conditions. The purpose of "no lockup braking" is to provide increased directional stability, enabling the driver to maintain control of the vehicle during braking and turning maneuvers under both normal and emergency conditions.

As provided in section 105 of the Act, Standard 121 is now being reviewed in a case brought in the Ninth Circuit Court of Appeals against the NHTSA by parties who testified at the Subcommittee hearings. The remaining controversial issues concerning the standard should be decided in this court case for judicial review of the standard.

The standard has been in effect for more than one year. The majority of the testimony at the hearings agreed that the start-up problems have been largely resolved; expensive tooling has been done by the industry in order to comply with Standard 121. The trucking industry has suffered economic losses in the past two years, as other industries have. The basic objections to Standard 121, cost and reliability, appear to have been worked out, particularly in view of the latest amendment to the standard, effective on February 26, 1976. This amendment establishes less stringent brake performance levels which permit the depowering of the steering axle brakes in order to improve handling characteristics.

In view of all the considerations discussed above, the Committee concludes that Standard 121 should remain unchanged in order to provide needed stability for the trucking industry and to reduce the human and economic losses resulting from the hundreds of thousands of accidents involving air braked motor vehicles which occur each year.

The Committee has not received oversight reports from either its own Subcommittee on Oversight and Investigations or the Committee on Government Operations.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1) (4) of Rule XI of the Rules of the House of Representatives, the Committee makes the following statement regarding the inflationary impact of the reported bill:

The Committee is unaware of any inflationary impact on the economy that would result from the passage of H.R. 9291. The reported bill continues existing programs under the National Traffic and Motor Vehicle Safety Act of 1966 to reduce traffic accidents and deaths and injuries to persons resulting from traffic accidents. The funding level in the bill for each of fiscal years 1977 and 1978 is \$60 million, the same as that authorized for fiscal year 1976. The funds would be used to conduct vehicle safety research; develop and promulgate new vehicle safety standards, amendments to existing standards, and other rules and regulations; provide consumer information; conduct defect and noncompliance testing; and enforce the provisions of the Act.

The following letter, dated July 30, 1975, from the Honorable William T. Coleman, Jr., Secretary of Transportation, to the Honorable Carl Albert, Speaker of the House of Representatives, supports this conclusion:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., July 30, 1975.

HON. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: The Department of Transportation is submitting for your consideration and appropriate reference a draft bill to

amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations.

When the National Traffic and Motor Vehicle Safety Act was passed in 1966, the highway fatality rate per 100,000,000 miles of vehicle travel was 5.7. Highway fatalities were over 50,000 and steadily climbing. Since then, substantial progress has been made. The fatality rate declined to 4.3 in 1973 and to an estimated 3.6 in 1974. The number of fatalities in 1974 was 45,534, a decline of more than 9,500 from the previous year's total. The 1974 reductions are largely attributable to the national 55 mile-per-hour speed limit and reduced highway travel in that year.

Since highway travel and speed are again climbing, whether highway fatalities can remain at a reduced level will depend partly upon the promulgation and enforcement of needed vehicle safety standards, and further increases in occupant restraint usage.

To aid these efforts, this legislation would authorize the appropriation of an amount not to exceed \$13,000,000 for the transition period July 1, 1976, through September 30, 1976, and \$60,000,000 for each of fiscal years 1977 and 1978. The funds would be used to conduct vehicle safety research; develop and promulgate new vehicle safety standards, amendments to existing standards, and other rules and regulations; provide consumer information; conduct defect and non-compliance testing; and enforce the provisions of the Act.

It is the judgment of this Department, based on available information, that no significant environmental or inflationary impact would result from the implementation of this legislation.

The Office of Management and Budget advises that this proposed legislation is consistent with the Administration's objectives.

Sincerely,

WILLIAM T. COLEMAN, JR.

Enclosure.

COST ESTIMATE

In accordance with clause 7(a) of Rule XIII of the Rules of the House of Representatives, the Committee estimates that the following costs will be incurred in carrying out the functions under H.R. 9291:

Fiscal year:	Millions
Transition period.....	\$13
1977.....	60
1978.....	60

The National Highway Traffic Safety Administration in the Department of Transportation which administers these programs has transmitted the President's estimate of the costs to be incurred in carrying out the functions under H.R. 9291:

Fiscal year:	Millions
Transition period.....	\$11.7
1977.....	44.2
1978.....	In process

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause (1) (3) (A) of Rule XI of the Rules of the House of Representatives, the Committee has received the following cost

estimate prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

MAY 12, 1976.

1. Bill Number: H.R. 9291
2. Bill Title: Amendment to the National Traffic and Motor Safety Act of 1966
3. Purpose of Bill: This bill authorizes \$13 million for the transition quarter, \$60 million for FY 1977 and \$60 million for FY 1978, to be appropriated to carry out the provisions of the National Traffic and Motor Vehicle Safety Act. The funds will be used to (1) set motor vehicle safety standards and (2) pay for salaries and administrative expenses of the National Highway Traffic Safety Administration.
4. Cost Estimate:

(In thousands of dollars; fiscal years)

	Transition quarter	1977	1978	1979	1980
Authorization level.....	13,000	60,000	60,000
Costs.....	4,810	29,298	56,052	37,800	5,040

5. Basis for Estimate: Based on recent experience, it is assumed that 16 percent of the authorized funds will be used for salaries and administrative expenses. These are normally paid out entirely in the year for which they are authorized. The remaining funds are assumed to be utilized for the various traffic and motor vehicle safety programs. These programs have a 25, 65, 10 percent spendout rate in years 1 through 3, respectively.

6. Estimate Comparison: None.
7. Previous CBO Estimate: None.
8. Estimate Prepared by: Jack Garrity. (225-5275).
9. Estimate Approved By:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

SECTION-BY-SECTION EXPLANATION

Section 1 of the bill amends section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) to authorize appropriations for the purpose of carrying out the Act, not to exceed \$13 million for the transition period July 1, 1976 through September 30, 1976, \$60 million for FY 1977, and \$60 million for FY 1978.

Section 2 of the bill amends section 103(i)(1)(B) of the Act to change the effective date for the new Federal motor vehicle safety standards applicable to school buses and their equipment. The 1974 amendments to the Act (Public Law 93-492) required the Secretary of Transportation, pursuant to section 103(i)(1), to promulgate these new school bus safety standards in eight specific areas of performance no later than 15 months after the enactment of the 1974 amendments. These standards have been so promulgated.

Under section 103(i)(1)(B) the effective date is 9 months after the date of promulgation, October 26, 1976, in most cases. Section 2 of the bill changes this effective date to April 1, 1977.

AGENCY REPORTS

The Committee has received no comments from the Office of Management and Budget. In lieu thereof, the letter dated July 30, 1975 from the Honorable William T. Coleman, Jr., Secretary of Transportation, to the Honorable Carl Albert, Speaker of the House of Representatives, submitting the draft bill later introduced as H.R. 9291 is reproduced below. The last sentence states the position of the Office of Management and Budget.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., July 30, 1975.

HON. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: The Department of Transportation is submitting for your consideration and appropriate reference a draft bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations.

When the National Traffic and Motor Vehicle Safety Act was passed in 1966, the highway fatality rate per 100,000,000 miles of vehicle travel was 5.7. Highway fatalities were over 50,000 and steadily climbing. Since then, substantial progress has been made. The fatality rate declined to 4.3 in 1973 and to an estimated 3.6 in 1974. The number of fatalities in 1974 was 45,534, a decline of more than 9,500 from the previous year's total. The 1974 reductions are largely attributable to the national 55 mile-per-hour speed limit and reduced highway travel in that year.

Since highway travel and speed are again climbing, whether highway fatalities can remain at a reduced level will depend partly upon the promulgation and enforcement of needed vehicle safety standards, and further increases in occupant restraint usage.

To aid these efforts, this legislation would authorize the appropriation of an amount not to exceed \$13,000,000 for the transition period July 1, 1976, through September 30, 1976, and \$60,000,000 for each of fiscal years 1977 and 1978. The funds would be used to conduct vehicle safety research; develop and promulgate new vehicle safety standards, amendments to existing standards, and other rules and regulations; provide consumer information; conduct defect and noncompliance testing; and enforce the provisions of the Act.

It is the judgment of this Department, based on available information, that no significant environmental or inflationary impact would result from the implementation of this legislation.

The Office of Management and Budget advises that this proposed legislation is consistent with the Administration's objectives.

Sincerely,

WILLIAM T. COLEMAN, JR.

Enclosure.

The statement of Dr. James B. Gregory, Administrator of the National Highway Traffic Safety Administration in the Department of Transportation, before the Subcommittee on Consumer Protection and Finance of this Committee is reproduced below as that agency's comments on the bill, H.R. 9291.

STATEMENT OF JAMES B. GREGORY, ADMINISTRATOR, NATIONAL
HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Mr. Chairman and Members of the Subcommittee: I am pleased to appear before this Subcommittee today to present our views on H.R. 9291, the Department's bill to authorize funds to implement the National Traffic and Motor Vehicle Safety Act. I would also like to discuss our efforts under the Act to reduce the death and injury toll on our highways.

H.R. 9291 would authorize \$13,000,000 for the transition period, and \$60,000,000 for each of fiscal years 1977 and 1978. These funds would be more than sufficient to cover our anticipated expenses through fiscal year 1977. As provided in the President's Budget, we are seeking the appropriation of approximately \$11,740,000 for the transition period and \$44,185,000 for fiscal year 1977. We have already provided the Subcommittee with information regarding the general areas for which these funds would be used, the specific programs planned for each of these areas and the resources to be allocated to each. Information concerning our funding needs for fiscal year 1978 will not be available until the budget cycle is completed early next year. Since the appropriation process has already begun for fiscal year 1977, I urge early enactment of this bill.

I would like to turn now to our progress in implementing the Act. Since the promulgation of the first Federal motor vehicle safety standards in 1967, there has been a continuous and significant decline in the nation's highway fatality rate. In 1966, when the national focus on highway safety began, the fatality rate was 5.5-5.6 per hundred million miles travelled. By 1973, the rate had dropped about 25 percent to 4.15. Using the 1966 figure as an index, traffic deaths could have been predicted to be closer to 75,000 in 1973, instead of the 54,347 which actually occurred.

It is difficult, if not impossible, to identify the individual portions of the national program which must be given credit for this improvement and to quantify their contributions. Certainly, no single action or program alone can be given the full credit for the safety gains we realized between 1966 and 1973.

During that period, the highway environment was being improved; new motor vehicle safety standards were introduced; and new traffic safety programs in states and communities were being implemented. I think it is safe to say that the efforts to improve the safety performance of motor vehicles and motor vehicle equipment are likely to achieve concrete results earlier than efforts aimed at the more difficult task of improving human driving habits. It is, therefore, my assessment that our motor vehicle safety programs have contributed most to the safety gains we achieved through 1973.

But I hasten to add that the implementation of the national 55 mph speed limit has demonstrated the dramatic benefits to be derived from improving driving habits. Proposed originally as a fuel savings measure, the 55 mph speed limit began to contribute almost immediately also to the reduction in highway fatalities. The number of fatalities declined from 54,347 in 1973 to 45,717 in 1974 and an estimated 45,674 in 1975. This decline cannot be explained entirely by changes in annual vehicle mileage. Although the mileage dropped from 1.309 billion

miles in 1973 to 1.290 billion miles in 1974, it reached a new height of 1.315 billion last year. The net effect of the changes in fatalities and mileage was that the fatality rate fell to about 3.6 in 1974 and to an estimated 3.5 for 1975.

While this significant downward trend in traffic fatalities is quite encouraging, we certainly cannot and will not be satisfied so long as more than 45,000 people are being killed on the highways each year and many hundreds of thousands more are being seriously injured. Still, we can say, based on the record, that the implementation of the Vehicle Safety Act and the Highway Safety Act has had measurable, significant benefits.

Further reductions in the death and injury toll will depend in part on the rulemaking decisions made under the Act. I would like to discuss some important aspects of our rulemaking activity.

One of our most important vehicle safety efforts continues to be the improvement of MVSS 208, the Occupant Restraint Standard.

I mentioned that in 1974, and again in 1975, the number of traffic fatalities was about 9,000 below that in 1973. It is my view that the only other step that could be expected to produce an additional decrease of this magnitude within the predictable future would be to either greatly increase use of present and improved "active" safety belt systems, or to provide for so-called "passive" restraints.

There is substantial public confusion about the subject of "passive" restraints. Some persons believe that air cushion restraint systems, commonly referred to as the "air bag," is the only type of passive restraint system. This belief is incorrect, and I want to take this opportunity to set a few things straight publicly.

First, there are many passive protective features in cars already. The interior padding, collapsible steering wheel, the head restraints, and the windshield glass are passive. The side door guard beams and the other collapse characteristics of the car's structure are passive protective features as well. Proponents and critics will differ on their quantitative assessment of the effectiveness of these features. It is clear, however, that these features reduce the severity of injuries and help avoid fatalities under a wide variety of common crash conditions. The idea of a "passive" restraint merely carries this type of protection one step further.

Second, the "air bag" need not be the only answer. For many future smaller cars, the three-point belt could be replaced by soft or collapsible knee bolsters below the dashboard for lower torso protection and a simple, comfortable shoulder belt that is automatically, that is, passively, placed around and restrains a person's upper torso in the event of a crash.

Third, there is a long term trend toward smaller cars that will make our task of securing safe highway travel considerably more difficult. Smaller cars are being produced in increasing numbers primarily in response to the recognized national need for improving the fuel economy of new vehicles. The laws of physics dictate that persons in smaller cars would fare less well in a given crash than they would if surrounded by the greater energy absorption potential of larger cars. The problem is made worse by the fact that the chances of a small car's colliding with a larger car will remain high for sometime. Even

after smaller cars completely replace larger cars, the potential for death and serious injury will still be higher than under current conditions.

With these considerations in mind, NHTSA has been digesting the voluminous series of docket submissions and reports received from all sides to date. We are being careful and cautious in reaching our decisions because of the controversial nature of the issue. Moreover, we are mindful that the Congress has reserved the right to pass on our final judgment in this matter. My goal is to have a final rule published before the traditional August recess this year.

Another standard that has attracted considerable attention is Standard 121, Air Brake Systems. I have been informed that my letter of January 15, 1976, to Subcommittee Chairman Van Deerlin, reporting on problems which have arisen since the promulgation of Standard 121 and our plans to resolve the problems, is to be included in the record of these hearings. Therefore, I will take this opportunity to comment only upon more recent developments.

On January 16, 1976, a three-judge panel of the United States Court of Appeals for the Ninth Circuit, in San Francisco, granted an order barring further enforcement of the air brake standard for at least 60 days. The court issued its order in connection with suits attacking the standard brought by the American Trucking Association, PACCAR, Inc., a truck builder, and the Truck Equipment and Body Distributors Association. The court stated that it was uncertain about the status of the standard because of proposed amendments, and did not understand what issues the parties wanted the court to rule on. The plaintiffs were accordingly instructed by the court to get together to refine and agree on the issues to be considered.

The court's decision was appealed by the Government to United States Supreme Court Justice William Rehnquist who reversed the lower court on January 29, 1976. Justice Rehnquist said that the ban on the enforcement of Standard 121 would "impede Congress' intention to promote improved highway safety. . . ." The suit has returned to the Ninth Circuit, however, to follow that court's instruction to the plaintiffs to refine and agree on the issues they wish to be considered. PACCAR Corporation has just asked the Ninth Circuit for a stay once more, and the Government has filed its response. The court has not yet reached a decision.

I would also like to bring the Subcommittee up-to-date on the problem of electromagnetic interference or EMI that was cited in my January 15, 1976, letter to the Chairman. Two of the seven commercially-available brake antilock systems have demonstrated a susceptibility to electromagnetic interference. The problem may arise when a stationary or on-board source of radio signals activates the antilock mechanism, causing a release of air pressure when it should be available for braking.

The NHTSA has two research contracts in progress that deal with stationary and on-board sources of EMI that affect motor vehicle electronic controls and safety devices. One contract has been underway since July 1974, and the other was initiated in October 1975. These contracts are intended to develop the parameters for testing of motor vehicle electronic systems.

One antilock manufacturer, Kelsey-Hayes, undertook extensive testing for EMI prior to implementation of the standard but did not locate the frequency band that can cause antilock system actuation resulting in momentary brake loss. The computer modules are affected by transmissions at some radio frequencies above 20 megahertz at power levels in excess of 30 watts when in close proximity to the computer module. One source of such transmission is on-board radios. To correct this problem, Kelsey-Hayes replaces the computer module in some cases and adds a filter element in all cases to protect the system against EMI.

Ford Motor Company recently reported that part of its heavy truck line may be susceptible to EMI. The vehicles are equipped with an Eaton antilock system. I can now report that Ford has issued its technical bulletin setting forth the means to correct the potential defect. No accident as a result of the problem has been reported.

Instances of brake failure due to EMI have been greatly exaggerated. Reports of activation by citizen band radios, for example, are common. All testing demonstrates that the power output of these radios is insufficient to interfere with brake system operations. Isolated reports of EMI in the antilock systems of Rockwell and AC Division of General Motors are being investigated by these manufacturers, but we have not found any pattern of malfunctions.

One major amendment to Standard 121 has been issued since my January 15 letter. On February 26, I issued a final rule modifying the truck stopping distance requirements. This amendment is intended to improve the handling characteristics of production 121 vehicles without eliminating the requirement that the vehicles stop without wheel lockup. That additional change has been sought by some vehicle manufacturers and users.

In the area of schoolbus safety, we have issued final safety standards for each of the eight aspects of performance specified in the Schoolbus Safety Amendments of 1974. Since we had either issued or were in the process of developing standards in 7 of the 8 specified areas before the 1974 Amendments were enacted, we were sufficiently prepared to complete the extensive study and analysis necessary for prudent rule-making within the 15 month period mandated by the Act. Although we believe that these rulemaking efforts will lead to substantial progress, we do not suggest that the standards are etched in granite. Revisions will be issued if they are determined to be necessary.

In February 1974, we issued a proposed amendment to our child seating standard that would add a dynamic test requirement to the standard. The dynamic test requires the use of a child dummy to measure realistically the safety and restraining effectiveness of child restraints. Two commercially-available child dummies were specified as alternatives in the proposed amendment. We recently completed an evaluation of the two dummies to determine which is the superior test instrument. We intend to issue final specifications for the one selected not later than April 1976. That issuance will mark the completion of a lengthy, but necessary, series of research efforts needed to develop an adequate and reliable dynamic test procedure. The need for such a procedure is clear from the *Chrysler v. Volpe*, a 1972 U.S. Circuit Court of Appeals decision involving Standard 208. The court found

that specifications of the test procedures and test dummy for measuring the performance of passive restraints did not meet the statutory requirement for objectivity. Objective test procedures and devices are necessary, the court said, to enable manufacturers to replicate compliance test results.

Standard 301, *Fuel System Integrity*, became effective on January 1, 1968, and required that passenger car fuel systems not leak fuel at a rate greater than one ounce per minute after a 30 mph front-end barrier collision. On September 1, 1975, the entire fuel system, including fuel pumps, carburetors and emission control components, became subject to the standard. Effective on that date also, a static rollover test following all impact tests was required. On September 1, 1976, provisions regarding three additional tests, a fixed barrier 30 mph front-end angular collision test, a 30 mph rear-end moving barrier test and a 20 mph lateral moving barrier test, will become effective. Coverage of other vehicles is being phased-in over the next year, and by September 1, 1977, the standard will cover all multipurpose passenger vehicles, trucks and buses under 10,000 pounds.

With regard to upgrading the requirements of Standard 302, *Flammability of Interior Materials*, we have concluded that a more stringent limitation on burn rate of interior materials would be unjustified. Our analysis of accidents, including the bus fires investigated by the National Transportation Safety Board, indicates that the current requirements of the standard are sufficiently stringent to allow evacuation by vehicle occupants. Deaths and injuries directly caused by vehicle fires are almost always attributable to burning fuel. Since the burn rates or modes of testing interior materials do not significantly affect the intensity of these fuel-fed fires, the standard's present burn rate of 4 inches per minute in a horizontal test is considered adequate to permit evacuation from a vehicle in those cases where fuel is not a factor and the burn rate can make a significant difference.

We have granted a recent petition by the Center for Auto Safety to commence rulemaking to amend Standard No. 203, *Impact Protection for the Driver from the Steering Control System*, to upgrade the performance of steering columns. While our earlier proposals to upgrade both Standard 203 and Standard 204, *Steering Control Rearward Displacement*, were determined to require revision and were consequently withdrawn, some increased level of minimum steering column performance is undoubtedly needed. We are presently evaluating the incidence of steering column injuries and fatalities for all vehicle types, the minimum performance levels required to prevent such injuries and fatalities, and the costs of mandating this level of performance. Because of the complexity of this process and the need to rely on incomplete accident data, we do not at this time have a schedule for action in this area.

We are holding in abeyance rulemaking on exterior protrusion protection until basic research is more advanced on the fundamental problems of pedestrian injuries and deaths from motor vehicles. Because the accident data indicate that the vast majority of pedestrian injuries caused by motor vehicles are "blunt trauma," we consider that the most reasonable rulemaking action would address the hostile aspects of the vehicle body as a whole and not establish arbitrary limits on sharp

protrusions in the interim. We are planning to issue a proposal for general pedestrian protection in 1979.

Finally, I would also like to mention that we are considering extending the applicability of the hydraulic brake standard for passenger cars and schoolbuses (Standard 105-75) to trucks, multipurpose passenger vehicles and all other buses equipped with hydraulic brakes. The decision on whether to issue this amendment will be made this Spring.

We have been quite active in the area of standards enforcement and safety defect. In 1974, we tested a total of 253 vehicles, including 210 passenger models, 19 trucks, 6 multipurpose vehicles, and 18 buses. We also tested approximately 5,112 items of motor vehicle equipment, including 1,089 tires and 1,995 seat belt assemblies.

Since 1966, when the agency was first established, through 1975, vehicle and vehicle equipment manufacturers have initiated 1,941 safety defect recall campaigns involving 48.9 million vehicles. Through NHTSA's investigative efforts, 277 recall campaigns were influenced involving some 23.8 million vehicles.

I would like to mention here that a number of the defects investigations resulting in recalls were prompted by the approximately 1,500 letters and reports we receive each month from consumers experiencing vehicle problems. Public participation in this area has been excellent. Our Auto Safety Hotline Pilot Project, which enables consumers to telephone complaints about their automobiles, has added to the volume of consumer input in the defects area.

I might add, too, that our Office of Defects Investigation has played an active role in defect detection. We have, for example, conducted surveys of recreational vehicles which have uncovered several safety problems which have been the subject of investigations. We have conducted a schoolbus survey and are presently analyzing the data to determine whether defect trends exist. We have also been monitoring manufacturer recall campaigns to ensure that these campaigns are being conducted properly.

To aid us in our safety defect activities, we signed a lease on November 25, 1975, for our in-house Engineering Test Facility located at East Liberty, Ohio. We estimate that we may begin occupancy of the facility this August, in which case initial testing would be expected to start that same month. The facility will be used to provide an in-house testing capability needed to evaluate public petitions requesting action on possible safety defects, and to conduct compliance testing and testing in support of rulemaking actions.

In the research area, one of our most important programs is the Research Safety Vehicle or RSV program. It addresses the transportation requirements for the 1980's for not only safety, but energy as well.

Phase II of the RSV program has been underway since July 16, 1975. On that date, sixteen-month contracts were awarded to Minicars, Inc., and Calspan Corporation to prepare detailed designs for the fundamentally different performance specifications that the two companies each developed during Phase I.

While Calspan is developing a 2,700 pound RSV and Minicars a 2,100 pound RSV, we are also doing research on cars under 2,000 pounds. This latter effort is being carried out in cooperation with several foreign manufacturers who market many of the lightweight subcompact automobiles sold in this country. Given the increasing number of lighter, smaller cars and the associated problems of vehicle mix, improved crash performance of vehicle structures and occupant restraint systems are being especially emphasized in this area of our research.

Mr. Chairman, this concludes my prepared testimony. My colleagues and I will now be happy to answer any questions you or members of the Subcommittee may have.

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 (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman) :

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966

* * * * *

TITLE I—MOTOR VEHICLE SAFETY STANDARDS

SEC. 103. (a) * * *

* * * * *

(i) (1) (A) Not later than 6 months after the date of enactment of this subsection, the Secretary shall publish proposed Federal motor vehicle safety standards to be applicable to schoolbuses and schoolbus equipment. Such proposed standards shall include minimum standards for the following aspects of performance :

- (i) Emergency exits.
- (ii) Interior protection for occupants.
- (iii) Floor strength.
- (iv) Seating systems.
- (v) Crash worthiness of body and frame (including protection against rollover hazards).
- (vi) Vehicle operating systems.
- (vii) Windows and windshields.
- (viii) Fuel systems.

(B) Not later than 15 months after the date of enactment of this subsection, the Secretary shall promulgate Federal motor vehicle safety standards which shall provide minimum standards for those aspects of performance set out in clauses (i) through (viii) of subparagraph (A) of this paragraph, and which shall apply to each schoolbus and item of schoolbus equipment which is manufactured

in or imported into the United States on or after [the expiration of the 9-month period which begins on the date of promulgation of such safety standards] April 1, 1977.

* * * * *

SEC. 121. There are authorized to be appropriated for the purpose of carrying out this Act, not to exceed [\$55,000,000 for the fiscal year ending June 30, 1975, and not to exceed \$60,000,000 for the fiscal year ending June 30, 1976.] \$13,000,000 for the transition period July 1, 1976, through September 30, 1976, \$60,000,000 for the fiscal year ending September 30, 1977, and \$60,000,000 for the fiscal year ending September 30, 1978.

* * * * *

SEPARATE VIEWS BY REPRESENTATIVES ECKHARDT, WAXMAN, AND MAGUIRE ON H.R. 9291, TO AMEND THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966 TO AUTHORIZE APPROPRIATIONS

We are very much opposed to the Preyer amendment, postponing the implementation of school bus safety standards, which the full Committee accepted in executive session on this bill. This amendment will postpone the effective date of the standards from January 1, 1977 to April 1, 1977. This appears to be a short extension, but in reality it is extremely dangerous.

The Subcommittee on Consumer Protection and Finance accepted an amendment making one extension of the deadline from October 1976 to January 1, 1977. The school bus industry argued it was unfair and unduly burdensome to implement standards in the middle of a model year and at a time which was their peak production season. There is some legitimacy to that argument and I concurred with the Subcommittee's decision.

But the industry was not satisfied with this extension and prevailed upon Representative Preyer to offer an amendment making yet another extension of the deadline until April 1, 1977, a deadline falling in the middle of their model year. On the floor, I suppose we can expect another amendment postponing the deadline even further.

The impact of this extension is that children will be riding around in substandard school buses for years to come. Hundreds of buses will be produced between January 1, 1977, the original deadline, and April 1, 1977, the deadline the full Committee adopted. These buses, produced in noncompliance with the safety standards, will be in active service carrying school children for 10 to 15 years. Thus, we haven't made a simple three-month extension of the deadline for safety standards. We have decided hundreds more school children will ride day after day in substandard buses.

Because of the peculiar nature of constructing school buses, the extension has even further impact. School bus companies normally purchase the chassis of the bus from another manufacturer, then build the body of the bus on the chassis. Under this bill, we also extend the deadline for chassis and other school bus safety standards. Thus, a non-complying chassis purchased before April 1, 1977 may be the foundation for a bus built in December of 1977 or later. This will result in substandard buses being turned out for months after the supposed implementation of the safety standards. So instead of getting a three-month extension, the companies are really getting an open-ended extension to construct buses with noncomplying parts so long as those parts were purchased before April 1, 1977. At least this loophole should be closed and I would urge my colleagues to do so on the floor.

The school bus industry has not been intransigent. The industry has, up to this point, not been dilatory in compliance. I do not think we should now allow the industry to abandon its responsibility to its customers. I wish to be accommodating to industry, but the needs of the children of the United States for safe transportation are far more important than accommodation to industry. I would urge my colleagues to reverse the Committee's action and reinstate the January 1, 1977 deadline for compliance with the school bus safety standards. In lieu of such a movement, I would at least urge an amendment to prevent the use of noncomplying parts produced before April 1, 1977 in buses produced after April 1, 1977.

BOB ECKHARDT.
ANDREW MAGUIRE.
HENRY A. WAXMAN.

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT AUTHORIZATION

MAY 13, 1976.—Ordered to be printed

Mr. HARTKE, from the Committee on Commerce,
submitted the following

REPORT

[To accompany S. 2323]

The Committee on Commerce, to which was referred the bill (S. 2323) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, having considered the same, reports favorably thereon and recommends that the bill do pass.

SUMMARY AND DESCRIPTION

The purpose of this legislation is to authorize additional appropriations to implement the National Traffic and Motor Vehicle Safety Act of 1966. S. 2323 would authorize to be appropriated not to exceed \$13 million for the fiscal year transition period of July 1, 1976, through September 30, 1976; \$60 million for the fiscal year ending September 30, 1977; and \$60 million for the fiscal year ending September 30, 1978.

BACKGROUND AND NEED

1976 marks the 10th anniversary of the National Traffic and Motor Vehicle Safety Act. Since the promulgation of the first Federal motor vehicle safety standards in 1967, there has been a continuous and significant decline in the Nation's highway fatality rate. In 1966, when both the National Traffic and Motor Vehicle Safety Act and the Highway Safety Act were enacted, the fatality rate was 5.5 to 5.6 per 100 million miles traveled. By 1973, the rate had dropped about 25 percent to 4.15 per 100 million miles. Estimates based on the 1966 accident statistics conclude that had we not embarked on these safety programs, the Nation would have suffered 75,000 highway fatalities in 1973. Instead, in that year, 54,347 lives were lost on the American highways.

A combination of factors have contributed to this decrease in highway fatalities. During the last decade, the highway environment was being improved, new motor vehicle safety standards were introduced, and new traffic safety programs in States and communities were being implemented. While it is difficult to proportion these safety gains among the three acts, Dr. James Gregory, Administrator of the National Highway Traffic Safety Administration, recently stated his belief that "the efforts to improve the safety performance of motor vehicles and motor vehicle equipment are likely to achieve concrete results earlier than efforts aimed at the more difficult task of improving human driving habits. It is, therefore, my assessment that our motor vehicle safety programs have contributed most to the safety gains we achieved through 1973."

Since 1973, additional safety gains have been achieved through the implementation of a national 55 mile-per-hour speed limit. The number of fatalities declined from 54,347 in 1973 to 45,717 in 1974 and an estimated 45,674 in 1975. This decline cannot be explained solely in terms of changes in total vehicle miles driven because while total mileage dropped somewhat from 1973 to 1974, it reached a new height of 1.315 billion in 1975. The net effect of the changes in fatalities and mileage was that the fatality rate fell to about 3.6 per 100 million miles in 1974 and to an estimated 3.5 per 100 million miles for 1975.

A savings in lives is not the only benefit of the motor vehicle safety program. Hundreds of thousands of injuries have been prevented. In terms of dollars and cents, motor vehicle accidents have been estimated by the National Safety Council to cost the Nation in excess of \$19.3 billion. This figure includes \$6 billion in wage loss, \$1.7 billion in medical expense, \$5.1 billion in insurance administration costs, and \$6.5 billion in property damage from moving motor vehicle accidents. There can be no question but that in its first decade, the motor vehicle and highway safety programs have made a major contribution in increasing the safety of the highway environment.

S. 2323, which would extend the authorization for implementation of this Act, represents the committee's confidence in the benefits that can be achieved by a vigorous and comprehensive motor vehicle safety program. There is new technology which can and should be translated into new safety devices and made available to the public at large. The Department of Transportation's National Highway Traffic Safety Administration (NHTSA) is mandated to continue this work.

The President's budget requests a total expenditure of \$44,579,000 for implementing the National Traffic and Motor Vehicle Safety Act. This budgetary level is \$19,298,000 less than that requested by the National Highway Traffic Safety Administration and \$18,870,000 less than that which was requested by the Department of Transportation for implementation of the Act. There are several important programs which the NHTSA will not be able to implement with the level of expenditure provided for in the President's budget.

Among the new positions requested by the National Highway Traffic Safety Administration, but not included in the President's budget, were two positions for the Office of Crashworthiness and one position for the engineering systems staff. The basis for this request was a need to increase the capability of the NHTSA to per-

form benefit-cost and engineering statistical analysis of proposed regulatory actions. Executive Order 11821 dated November 27, 1974, requires that all major legislative proposals, regulations, and rules emanating from the executive branch of the Government include a statement certifying that the inflationary impact of such actions on the Nation has been carefully considered. In order to implement this Executive order, appropriate resources must be provided to the NHTSA.

The standards enforcement and compliance effort will also suffer adversely by the spending level contained in the President's budget. In this area, the NHTSA and the Department of Transportation each requested \$6,300,000 for standards development and enforcement. The President's budget provides only \$5,400,000. The NHTSA has informed the committee that the \$5.4 million allowance for standards development and enforcement will not fully restore compliance testing to the 1974 level. This reduction in testing volume has resulted from the combined effects of inflation and increased sophistication of compliance testing. The President's budget also deleted the request for two additional positions for the Office of Standards Enforcement to improve compliance test monitoring procedures and a deferral by the Office of Management and Budget of the construction and staffing of a compliance test facility. If the OMB is going to deny the construction of this facility in fiscal year 1977, at the very least, the requested level of funding and staffing for standards enforcement activities other than the compliance test facilities should be allocated.

In the area of defects investigation, the NHTSA requested \$1,475,000. The Department of Transportation had requested \$1,250,000 and the President provided \$1 million. Defects investigations is one of the most important functions of the NHTSA. The beneficial effects of vehicle safety standards can be sharply decreased if vehicles containing safety related defects are not recalled and remedied quickly. In fact, the thrust of Public Law 93-492 reflects this concern.

A recent study conducted by the Center for Auto Safety, however, indicates that investigations are taking increasingly longer to complete. The study showed that the first 19 months of defects investigation (October 27, 1967, through May 1969) 111 investigations were completed with an average pendency of 3.2 months. In subsequent 19-month periods, the average pendency of cases completed during that 19-month period was 5.8 months, 10 months, 19.8 months, and 28.7 months. A reinstatement of funds at least to the level requested by the Department of Transportation is necessary to insure expeditious examination and handling of defects investigations.

In its budget request, the NHTSA requested \$1,320,000 for support engineering systems. The President's budget provided only \$1,020,000. These funds were requested to permit a major effort aimed at evaluating the effectiveness of existing Federal motor vehicle safety standards. Such evaluation enables the NHTSA to determine whether the motor vehicle safety standards, as they have been implemented by the motor vehicle industry, are providing the anticipated benefits. If a standard is found to be deficient, the NHTSA could repeal the standard or modify its requirements. The capability to evaluate the Federal motor vehicle safety standards is thus well worth the investment of an additional \$300,000.

Accident investigation and data analysis is another area where the NHTSA budget has been cut. This activity offers two types of benefits. First, it enables the NHTSA to evaluate the effectiveness of its motor vehicle safety standards. Second, it defines the levels of crash severity, thus aiding the NHTSA in planning for future motor vehicle safety standards. With this knowledge, the Administration is able to determine at what point a specific motor vehicle safety standard provides the greatest benefit at the least cost.

The President's budget, however, does not include sufficient funding to implement an adequate accident investigation and data analysis program. While the NHTSA requested \$6,600,000 for this purpose, the President's budget provides only \$5,655,000. The reduction of \$945,000 will delay the implementation of the national accident reporting system from pilot status to full operational capability. Likewise, the disallowance of nine new and three previously authorized positions from the Office of Standards and Analysis, would cause a delay in the implementation of the national accident sampling system. These reductions, coupled with the reduction of \$700,000 for the crash recorder program which were to be installed in vehicles for the collection and analysis of accident data, will have a serious impact on the NHTSA's regulatory program.

In the area of research and analysis, there were two serious reductions in the President's budget from the NHTSA request. In the area of crash survivability, a reduction of \$760,000 would delay: (1) development of analytical techniques to be used in the assessment of advanced vehicle designs; (2) performance of various restraint systems comparison tests with full scale car crash testing utilizing dummies and cadavers; and (3) the development of a family of dummies that will replicate humans in crash situations. Given the current consideration being given to advanced restraint systems and recent questions about the performance of seat belt systems, this loss of funds would have a serious adverse effect on the NHTSA's program.

The other component of the research program in which there was a major reduction between NHTSA request and the President's request is for the research safety vehicle. The President's budget provides for \$650,000 less than that which was requested by the NHTSA. This reduction will probably cause some delay in planned efforts for a test program for foreign experimental safety vehicles and in the development of performance specifications for an advanced safety vehicle to meet the requirements of the late 1980's and early 1990's.

SECTION-BY-SECTION ANALYSIS

S. 2323 would amend section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 to authorize to be appropriated not to exceed \$13 million for the transition period (July 1, 1976, through September 30, 1976): \$60 million for the fiscal year ending September 30, 1977; and \$60 million for the fiscal year ending September 30, 1978.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as re-

ported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italics*, existing law in which no change is proposed shown in roman):

SECTION 121 OF THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966 (15 U.S.C. 1409)

[SEC. 121. There are authorized to be appropriated for the purpose of carrying out this Act, not to exceed \$55 million for the fiscal year ending June 30, 1975, and not to exceed \$60 million for the fiscal year ending June 30, 1976.**]** *Sec. 121. There are authorized to be appropriated for the purpose of carrying out this Act, not to exceed \$13 million for the transition period July 1, 1976, through September 30, 1976, \$60 million for the fiscal year ending September 30, 1977, and \$60 million for the fiscal year ending September 30, 1978.*

ESTIMATED COSTS

In accordance with section 252 (a) of the Legislative Reorganization Act of 1970 (Public Law 91-510), the cost of the legislation, in the form of authorization for appropriations, is \$13 million for the transition period July 1, 1976, through September 30, 1976, \$60 million for the fiscal year ending September 30, 1977, and \$60 million for the fiscal year ending September 30, 1978.

TEXT OF S. 2323, AS REPORTED

A BILL To amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:

"Sec. 121. There are authorized to be appropriated for the purpose of carrying out this Act, not to exceed \$13 million for the transition period July 1, 1976, through September 30, 1976, \$60 million for the fiscal year ending September 30, 1977, and \$60 million for the fiscal year ending September 30, 1978."

AGENCY COMMENTS

NATIONAL TRANSPORTATION SAFETY BOARD,
Washington, D.C., October 7, 1975.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of September 22, 1975, inviting the comments of the National Transportation Safety Board on S. 2323, a bill, "To amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations."

We have reviewed the proposed legislation and determined that we have no official comments to offer at this time. Your thoughtfulness in soliciting our views is greatly appreciated.

Sincerely yours,

JOHN H. REED, *Chairman.*

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PROVIDING FOR THE CONSIDERATION OF H.R. 9291

JUNE 9, 1976.—Referred to the House Calendar and ordered to be printed

Mr. MADDEN, from the Committee on Rules,
submitted the following

REPORT

[To accompany H. Res. 1277]

The Committee on Rules, having had under consideration House Resolution 1277, by a nonrecord vote, report the same to the House with the recommendation that the resolution do pass.

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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 National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:

“SEC. 121. There are authorized to be appropriated for the purpose of carrying out this Act, not to exceed \$13,000,000 for the transition period July 1, 1976, through September 30, 1976, \$60,000,000 for the fiscal year ending September 30, 1977, and \$60,000,000 for the fiscal year ending September 30, 1978.”

SEC. 2. Section 103(i)(1)(B) of such Act is amended by striking out “the expiration of the nine-month period which begins on the date of promulgation of such safety standards” and inserting in lieu thereof “April 1, 1977”.

SEC. 3. Section 103(i) of such Act is amended by adding at the end thereof the following new paragraph:

“(3) Not later than six months after the date of enactment of this section, the Secretary shall conduct a study and report to Congress on (A) the factors relating to the schoolbus vehicle which contribute to the occurrence of schoolbus accidents and resultant injuries, and (B) actions which can be taken to reduce the likelihood of occurrence of such accidents and severity of such injuries. Such study shall consider, among other things, the extent to which injuries may be reduced through the use of seat belts and other occupant restraint systems in schoolbus accidents, and an examination of the extent to which the age of schoolbuses increases the likelihood of accidents and resultant injuries.”

Speaker of the House of Representatives.

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