104TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
104–682

NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS OF 1996

JULY 17, 1996.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 3159]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 3159) to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, 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:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Transportation Safety Board Amendments of 1996".

SEC. 2. TERMS OF OFFICE.

(a) IN GENERAL.—Section 1111(d) of title 49, United States Code, is amended by striking the third sentence and inserting the following: "The term of office of the Chairman shall be 4 years and the term of the Vice Chairman shall be 2 years.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to persons designated as Chairman of the National Transportation Safety Board after the date of the enactment of this Act.

SEC. 3. FOREIGN INVESTIGATIONS.

Section 1114 of title 49, United States Code, is amended—

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(1) in subsection (a) by striking "(b) and (c)" and inserting "(b), (c), and (e)"; and

(2) by adding at the end the following:

"(e) FOREIGN INVESTIGATIONS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, shall disclose records or information relating to its participation in foreign aircraft accident investigations; except that—

"(A) the Board shall release records pertaining to such an investigation when the country conducting the investigation issues its final report or 2 years following the date of the accident, whichever occurs first; and

"(B) the Board may disclose records and information when authorized to do so by the country conducting the investigation.

"(2) SAFETY RECOMMENDATIONS.—Nothing in this subsection shall restrict the Board at any time from referring to foreign accident investigation information in making safety recommendations.".

SEC. 4. PROTECTION OF VOLUNTARY SUBMISSION OF INFORMATION.

Section 1114(b) of title 49, United States Code, is amended by adding at the end the following:

"(3) PROTECTION OF VOLUNTARY SUBMISSION OF INFORMATION.—Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, shall disclose voluntarily provided safety-related information if that information is not related to the exercise of the Board's accident or incident investigation authority under this chapter and if the Board finds that the disclosure of the information would inhibit the voluntary provision of that type of information.".

SEC. 5. TRAINING.

Section 1115 of title 49, United States Code, is amended by adding at the end the following:

"(d) TRAINING OF BOARD EMPLOYEES AND OTHERS.—The Board may conduct training of its employees in those subjects necessary for the proper performance of accident investigations. The Board may also authorize attendance at courses given under this subsection by other governmental personnel, personnel of foreign governments, and personnel from industry or otherwise who have a requirement for accident investigation training. The Board may require non-Board personnel to reimburse some or all of the training costs, and amounts so reimbursed shall be credited to the appropriation of the 'National Transportation Safety Board, Salaries and Expenses' as offsetting collections.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 1118(a) of title 49, United States Code, is amended—

(1) by striking "and"; and

(2) by inserting before the period at the end of the first sentence the following: ", $40,300,000 for fiscal year 1997, $42,400,000 for fiscal year 1998, and $44,500,000 for fiscal year 1999".

SEC. 7. REPORTS ON SAFETY RECOMMENDATIONS.

Section 1135(d) of title 49, United States Code, is amended—

(1) by striking "January 1" and inserting "January 31";

(2) by inserting "or any other officer of the Department of Transportation" after "to the Secretary"; and

(3) by inserting "or such officer's" after "the Secretary's".

BACKGROUND AND SUMMARY

The reported bill authorizes appropriations for the National Transportation Safety Board (NTSB) for three fiscal years, 1997, 1998, and 1999.

NTSB was established as an independent agency in 1974. Prior to that, it had been part of the Department of Transportation (DOT).

NTSB is governed by a five-member Board. The members are nominated by the President and confirmed by the Senate. All Board members serve a five-year term. The President designates,

and the Senate confirms, one of the five members to serve as Chairman for a term of two years.

Since NTSB has no regulatory authority, its effectiveness is dependent upon the issuance of accident reports and safety recommendations. The agency investigates all aviation accidents as well as major railroad, highway, pipeline, and maritime accidents. Its determinations of probable cause and resulting recommendations have been instrumental in improving transportation safety in this country.

The reported bill would fund the Board at $40.3 million in fiscal year 1997, $42.4 million in fiscal year 1998, and $44.5 million in fiscal year 1999. The funding level for the first year is consistent with the amount requested by the Board. It represents a 4% increase from currently appropriated levels but a 10.5% decrease from the current authorization.

Funding for the second and third year is less than the NTSB requested. The Committee would have preferred to authorize funding levels closer to the amounts requested by the agency. However, given the tight budget under which the Federal government is operating, it is necessary for all agencies to share in the financial sacrifice. The authorized funding levels still represent increases each year. They will permit the agency to maintain its current staff of 350 employees. While an increase may have been desirable from the Board's standpoint, the agency has shown that it can be a forceful advocate for transportation safety at current staffing levels.

In addition to authorizing funding, the reported bill makes several legislative changes, most of which were requested by the NTSB. Each one is discussed below.

CHAIRMAN'S TERM

Currently, NTSB Chairmen are appointed for two-year terms. The reported bill would extend the term to four years. This would apply only to future Chairmen. This action is taken in order to promote leadership stability.

In the last four years, there have been four Chairmen of the agency. This rapid change in leadership can create staff uncertainty, varying priorities, and temporary stagnation during transition period. This tends to undermine the agency's ability to carry out its important safety functions.

The 4-year term in the reported bill is consistent with the terms of office for Chairmen and the top official at several other agencies. For example, the Administrator of the Federal Aviation Administration has a 5-year term. 49 U.S.C. 106(b).

FOREIGN ACCIDENT INVESTIGATIONS

The United States is a signatory to the Chicago Convention on International Civil Aviation (61 Stat. 1180). Under that treaty, and its Annex 13, the nation in which an aircraft accident occurs is responsible for conducting the investigation. Other countries that have an interest, such as those where the aircraft was manufactured or registered, may participate in the accident investigation.

The U.S. is the world's major aircraft manufacturer. Our airlines operate in many countries throughout the world. If an accident involving one of our aircraft or airlines should occur in another coun-

try, it is vital that the NTSB be able to fully participate in the foreign country's accident investigation. However, in order to do so effectively, it must have access to the evidence and information developed during the course of the investigation.

Currently, the NTSB is hindered in its ability to fully participate in foreign accident investigations because it is unable to guarantee that it will not disclose the evidence and information it receives. Arguably, under the Freedom of Information Act (FOIA), the Board must disclose the records of the investigation that it brings back to its offices.

The inability to guarantee that the information will remain confidential can strain the relations with the nation conducting the investigation. Much of the information developed in the course of the investigation can be quite sensitive. In the early stages, the information may be unverified and its premature release would provide no safety benefit and could be embarrassing to the host country or one of the other parties involved. Disclosure without the permission of the host country can have adverse diplomatic consequences as well. Paragraph 5.26(b) of Annex 13 of the Chicago Convention specifies that nations "shall not provide information on the progress and the findings of the investigation without the express consent of the State conducting the investigation." However, because of the FOIA, the U.S. has had to indicate that it may not adhere to this paragraph.

Since NTSB cannot guarantee the confidentiality of information obtained in foreign accident investigations, its investigators bring back to their offices only those records that the foreign government has released or has authorized to be released. Frequently this means they bring back no records at all. This seriously undermines NTSB's contribution to the investigation. Moreover, it increases the agency's travel costs as its personnel have to go to foreign locations to have access to records. Most importantly, NTSB's limited access to key data make it more difficult for the Board to issue safety recommendations to prevent future accidents.

The reported bill would address this problem by permitting the NTSB to withhold, for up to two years, information obtained in foreign accident investigations. This will provide the Board's investigators with more access to information and promote cooperation with foreign safety authorities. It will permit NTSB officials to participate effectively in foreign accident investigations. Ultimately, the temporary deferral of the release of foreign accident investigation information will enhance the Board's ability to prevent aircraft accidents in the future.

It should be noted that this provision will not deny the public any information that is receives today. Currently, the public does not receive information from foreign accident investigations until the foreign country releases it. The reported bill will merely enhance the NTSB's access to this information. This will benefit the public by leading to improvements in aviation safety.

VOLUNTARILY PROVIDED SAFETY INFORMATION

The aviation industry is a remarkably safe one. The 1995 fatal accident rate per million miles flown by large scheduled airlines declined to 0.0004 from 0.0008 the year before. From the standpoint

of aircraft departures, the fatal accident rate was 0.024 per 100,000 departures in 1995. Regional airlines showed similar improvements in their accident rate.

Although the low accident rate is welcome, the recent crash of the ValuJet DC–9 tragically demonstrates that further improvements are still needed. Toward this end, the Committee is aware that the FAA, NTSB, and the aviation community are beginning to develop data sharing programs. These programs could help improve air safety by helping safety officials identify trends before they cause accidents. One such program is the flight operations quality assurance (FOQA) program under which in-flight data is collected during normal flights. Analysis of this data could help spot problems that now are uncovered only after an accident.

The Committee wishes to encourage and promote these sorts of innovative safety programs. One possible impediment to full implementation, however, is the concern of some in the aviation community about the confidentiality of the data being shared. Much of the information could be quite sensitive. As with foreign accident information discussed above, there will be a reluctance to share such information if it will be publicly released.

Arguably, this information would not have to be released under the Freedom of Information Act (FOIA) because it would be eligible for exemption under 5 U.S.C. 552(b)(4). This provision exempts from disclosure under FOIA trade secrets and commercial or financial information that is privileged and confidential. However, NTSB's decision to invoke this exemption and withhold the information is discretionary with the agency. Therefore, there is no assurance under current law that sensitive information will not be released.

The reported bill provides the necessary assurances by prohibiting the Board from disclosing voluntarily provided safety information. This should alleviate the aviation community's concern and allow data sharing safety programs to move forward. It will not reduce the information available to the public since the public does not receive this information now. However, public safety will be enhanced by the increase in the Board's understanding of on-going trends in operations and technologies. The data and information that will be available to the NTSB as a result of this provision in the reported bill should be very useful in the formulation of the Board's safety recommendations.

It should be noted that the bill's disclosure prohibition contains an exception to ensure that the NTSB can continue its practice of releasing information in the context of an accident or incident investigation.

ACCIDENT INVESTIGATION CLASSES

The NTSB conducts accident investigation classes to train its own investigators as well as those of other agencies. There is a significant demand for training from these other agencies. The reported bill authorizes these classes and, more importantly, allows the agency to charge outsiders for the training and thereby recoup some of the costs it incurs from their attendance. It is the Committee's intention that the revenue generated from these classes be used to supplement the Board's appropriated funds.

ANNUAL REPORT

Currently, the Secretary of Transportation follows a literal interpretation of 49 U.S.C. 1135 and reports only on the response to NTSB's safety recommendations made to the Secretary, not on recommendations made to other DOT officials. The reported bill would clarify that the Secretary is responsible for the whole Department and therefore should include in this report to Congress the response to safety recommendations regardless of whether that recommendation was made to the Secretary, another DOT official, or a modal Administrator.

SECTION-BY-SECTION SUMMARY

SECTION 1—SHORT TITLE

Provides that the Act may be cited as the "National Transportation Safety Board Amendments of 1996."

SECTION 2—TERMS OF OFFICE

Increases the Chairman's term from 2 years to 4 years. This would apply only to persons designated as Chairman after the date of enactment.

SECTION 3—FOREIGN INVESTIGATIONS

Restricts the NTSB from disclosing information it receives as a result of its participation in a foreign accident investigation. This restriction also applies to others agencies that receive this information from the Board. The NTSB may release the information only after the foreign country conducting the investigation issues its final report or two years after the date of the accident, whichever occurs first. The NTSB also may disclose the information if the foreign country authorizes it to do so. This section does not prohibit the Board from referring to foreign accident information in making safety recommendations.

SECTION 4—PROTECTION OF VOLUNTARILY SUBMITTED OF INFORMATION

Prohibits the NTSB from disclosing voluntarily provided safety information if that information is not related to its accident or incident investigation authority and if it finds that the disclosure would inhibit the voluntary provision of that type of information. This prohibition also applies to any agency receiving this information from the Board.

SECTION 5—TRAINING

Permits the NTSB to conduct training classes for its employees, to allow personnel from other agencies, foreign governments, private industry, and others to attend these classes, and to require these non-NTSB personnel to reimburse the Board for some or all of the costs of these classes. The reimbursement it receives shall be credited to the NTSB's appropriation as offsetting collections.

SECTION 6—AUTHORIZATION OF APPROPRIATIONS

Authorizes appropriations for NTSB of $40.3 million in fiscal year 1997, $42.4 million in fiscal year 1998, and $44.5 million in fiscal year 1999.

SECTION 7—REPORTS ON SAFETY RECOMMENDATIONS

Requires the Secretary of Transportation's report to Congress on its response to NTSB safety recommendations to be submitted on January 31, rather than January 1, and to include the response to NTSB recommendations made to other officials in the Department beside the Secretary.

HEARINGS AND LEGISLATIVE HISTORY

The Subcommittee on Aviation held a hearing on the reauthorization of the National Transportation Safety Board on March 6, 1996. At that time, the Subcommittee heard from the Chairman and top officials of the NTSB.

H.R. 3159 was introduced on March 26, 1996. On March 27, 1996, the Subcommittee reported the bill to the full Committee on Transportation and Infrastructure. On May 9, 1996, the Committee on Transportation and Infrastructure order the bill reported, with an amendment, by voice vote.

COMMITTEE CONSIDERATION

Clause 2(l)(2)(B) of rule XI requires each committee report to include the total number of votes cast for and against on each rollcall vote on a motion to report and on any amendment offered to the measure or matter, and the names of these members voting for and against.

OBERSTAR SUBSTITUTE TO SHUSTER (26–27)

This amendment would have increased authorized funding levels in the second and third year of the authorization.

MEMBERS VOTING AYE	MEMBERS VOTING NAY
Barcia	Baker
Borski	Bateman
Brown	Blute
Clement	Boehlert
Clyburn	Clinger
Collins	Coble
Costello	Duncan
Cramer	Ehlers
Cummings	Ewing
Danner	Franks
DeFazio	Gilchrest
Filner	Horn
Geren	Hutchinson
Johnson	Kelly
Lipinski	Kim
McCarthy	LaHood
Mascara	LaTourette
Menendez	Martini
Millender-McDonald	Petri
Nadler	Quinn
Norton	Seastrand
Oberstar	Tate
Poshard	Wamp
Rahall	Weller
Sawyer	Young
Traficant	Zeliff
	Shuster

The Shuster amendment which adjusted the authorized funding level in the second year slightly downward and the authorized funding level in the third year slightly upward was then approved by a voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 3159 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COSTS OF THE LEGISLATION

Clause 7 of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403

of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives, and section 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 3159.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3159 from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 31, 1996.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3159, the National Transportation Safety Board Amendments of 1996.

Enacting H.R. 3159 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 3159.

2. Bill title: National Transportation Safety Board Amendments of 1996.

3. Bill status: As ordered reported by the House Committee on Transportation and Infrastructure on May 9, 1996.

4. Bill purpose: This bill would amend Title 49 of the U.S. Code by: authorizing appropriations for the National Transportation Safety Board (NTSB) of $40.3 million for fiscal year 1997, $42.4 million for fiscal year 1999; revising the term of office for the Chairman of the NTSB; regulating the disclosure, availability, and use of information on trade secrets and foreign investigations; and authorizing certain training activities for employees of the NTSB and other personnel investigating accidents.

5. Estimated cost to the Federal Government: The NTSB received an appropriation of $39 million for fiscal year 1996. Assum-

ing appropriation of the entire amounts authorized, enacting H.R. 3159 would provide for increases in NTSB spending of $1 million to $3 million a year over the next three years, as shown in the following table.

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000	2001	2002
Spending under current law:							
Budget Authority	39	.....	.....	.....	.....	.....	.....
Outlays	38	4	.....	.....	.....	.....	.....
Proposed changes:							
Authorization level	.....	40	42	45	.....	.....	.....
Estimated outlays	.....	36	42	45	4	.....	.....
Spending under H.R. 3159:							
Authorization level [1]	39	40	42	45	.....	.....	.....
Estimated outlays	38	40	42	45	4	.....	.....

[1] The 1996 level is the amount appropriated for that year.

The costs of this bill fall within budget function 400.

6. Basis of estimate: For purposes of this estimate, CBO assumes that appropriations will be provided before the start of each fiscal year. Outlay estimates are based on historical spending rates for the NTSB.

In addition, enacting H.R. 3159 would give the NTSB the authority to require personnel from other agencies to reimburse some or all of the costs incurred when they participate in training conducted by the NTSB. Any reimbursed amounts would be credited as offsetting collections to the appropriation of the NTSB. This provision would shift some training costs from the NTSB to other agencies, but would have no net impact on the budget.

7. Pay-as-you-go considerations: None.

8. Estimated impact on State, local, and tribal governments: The bill contains no intergovernmental mandates as defined in Public Law 104–4 and would have no impact on the budget of State, local, or tribal governments.

9. Estimated impact on the private sector: This bill would impose no new private-sector mandates, as defined in Public Law 104–4.

10. Previous CBO estimate: None.

11. Estimate prepared by: Federal cost estimate: Clare Doherty; State and local government impact: Karen McVey; Private sector impact: Jean Wooster.

12. Estimate approved by: Robert A. Sunshine (For Paul N. Van de Water, Assistant Director for Budget Analysis).

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):

TITLE 49, UNITED STATES CODE

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CHAPTER 11—NATIONAL TRANSPORTATION SAFETY BOARD

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SUBCHAPTER II—ORGANIZATION AND ADMINISTRATIVE

* * * * * * *

§ 1111. General organization

(a) * * *

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(d) CHAIRMAN AND VICE CHAIRMAN.—The President shall designate, by and with the advice and consent of the Senate, a Chairman of the Board. The President also shall designate a Vice Chairman of the Board. [The terms of office of both the Chairman and Vice Chairman are 2 years.] *The term of office of the Chairman shall be 4 years and the term of the Vice Chairman shall be 2 years.* When the Chairman is absent or unable to serve or when the position of Chairman is vacant, the Vice Chairman acts as Chairman.

* * * * * * *

§ 1114. Disclosure, availability, and use of information

(a) GENERAL.—Except as provided in subsections [(b) and (c)] *(b), (c), and (e)* of this section, a copy of a record, information, or investigation submitted or received by the National Transportation Safety Board, or a member or employee of the Board, shall be made available to the public on identifiable request and at reasonable cost. This subsection does not require the release of information described by section 552(b) of title 5 or protected from disclosure by another law of the United States.

(b) TRADE SECRETS.—(1) * * *

* * * * * * *

(3) PROTECTION OF VOLUNTARY SUBMISSION OF INFORMATION.—Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, shall disclose voluntarily provided safety-related information if that information is not related to the exercise of the Board's accident or incident investigation authority under this chapter and if the Board finds that the disclosure of the information would inhibit the voluntary provision of that type of information.

* * * * * * *

(e) FOREIGN INVESTIGATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, shall disclose records or information relating to its participation in foreign aircraft accident investigations; except that—

(A) the Board shall release records pertaining to such an investigation when the country conducting the investigation issues its final report or 2 years following the date of the accident, whichever occurs first; and

(B) the Board may disclose records and information when authorized to do so by the country conducting the investigation.

(2) SAFETY RECOMMENDATIONS.—Nothing in this subsection shall restrict the Board at any time from referring to foreign accident investigation information in making safety recommendations.

§ 1115. Training

(a) * * *

* * * * * * *

(d) TRAINING OF BOARD EMPLOYEES AND OTHERS.—The Board may conduct training of its employees in those subjects necessary for the proper performance of accident investigations. The Board may also authorize attendance at courses given under this subsection by other governmental personnel, personnel of foreign governments, and personnel from industry or otherwise who have a requirement for accident investigation training. The Board may require non-Board personnel to reimburse some or all of the training costs, and amounts so reimbursed shall be credited to the appropriation of the "National Transportation Safety Board, Salaries and Expenses" as offsetting collections.

* * * * * * *

§ 1118. Authorization of appropriations

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this chapter $37,580,000 for fiscal year 1994, $44,000,000 for fiscal year 1995, **[**and**]** $45,100,000 for fiscal year 1996*, $40,300,000 for fiscal year 1997, $42,400,000 for fiscal year 1998, and $44,500,000 for fiscal year 1999*. Such sums shall remain available until expended.

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SUBCHAPTER III—AUTHORITY

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§ 1135. Secretary of Transportation's responses to safety recommendations

(a) * * *

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(d) REPORTS TO CONGRESS.—The Secretary shall submit to Congress on January **[**1**]** *31* of each year a report containing each recommendation on transportation safety made by the Board to the Secretary *or any other officer of the Department of Transportation* during the prior year and a copy of the Secretary's *or such officer's* response to each recommendation.

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ADDITIONAL VIEWS

During the Committee mark up, an amendment was offered by Congressman James L. Oberstar, Ranking Democratic Member of the Committee, which would have increased the funding levels authorized for the National Transportation Safety Board by a total of $4.9 million over the three year authorization. The small increase in funding would enable the NTSB to hire an additional 31 employees. The Committee defeated the amendment by one vote.

We consider the staff increases contemplated by the amendment to be vital to the continued efficiency, the excellent work product, and the high degree of professionalism we have come to expect from the NTSB.

In the past year, NTSB resources have been stretched to their very limits. The NTSB has been involved in several high profile, and very costly, accident investigations abroad. The NTSB investigators have been shuttled from one accident scene to the next because of the limited number of investigators with expertise in certain modes of transportation. In addition, NTSB has been encouraged to participate in the investigation of military aircraft accidents, such as the one that recently took place in Bosnia which took the lives of Secretary of Commerce Ron Brown and his delegation.

At some point there must be an acknowledgment that what has come to be expected from the NTSB is not without costs. Further, we must keep in mind that, for every accident reported in the papers, there are scores of other accidents which the NTSB investigates. Though perhaps less publicized, these accident investigations, and the recommendations that result from them, prevent an untold number of accidents. The NTSB more than pays for itself in the accident related costs that are avoided because of NTSB's work.

With NTSB's increasing workload, we are extremely concerned that the quality and integrity of the NTSB's accident investigations and safety recommendations will ultimately suffer if we continue to expect them to work with a skeletal staff. In an era of diminishing resources, funds must be better utilized. Investing in safety is one of the wisest investments that can be made. We cannot continue to praise the NTSB and take pride in the international acclaim of its work if we are going to limit the agency's funds and force them to cut short or not investigate accidents. Not giving the NTSB funds needed to do the work it is capable of doing is a disservice to the American public. The NTSB's funding levels must ensure that transportation safety receives the priority it deserves.

Had the Oberstar amendment been adopted, the increased funding levels would have permitted the NTSB to increase its staff in targeted areas. The additional employees would have included six more rail specialists, six more highways specialists, and three more specialists in both the marine and pipeline modes. In addition,

computer specialists, human factors specialists, flight data recorder specialists, rotocraft specialists, composite specialists and several other individuals who are vitally needed to operate the NTSB at a optimal level would have been added.

A total of 31 safety and technical professionals would have been added to the NTSB workforce over the next three years for a total cost of $4.9 million more than the funding in the bill as reported.

We have all become somewhat jaded when we speak in terms of money. Most of the other programs for which this Committee has oversight responsibilities have budgets of several billions of dollars. In some respects, because the NTSB's budget is a more understandable figure, we demand more explanation from them when they ask for an increase of resources. When the list of what the NTSB plans to do with its requested resources is reviewed, there are no excesses. There is an honest accounting of their needs. Given what we now know about the urgent need for rail safety improvements, is it excessive to ask for six additional rail safety experts in the next three years? Given that highway accidents continue to be a top killer of our nation's young people, are six additional highway safety specialists over the next three years unnecessary? Given that unintentional pilot error can result in the death of hundreds of people in a single accident, are two additional human factors experts a waste of taxpayer dollars?

Less than one week after the Committee marked up H.R. 3159, a DC–9 aircraft operated by Valujet with 110 individuals on board crashed into the Florida Everglades, killing everyone on board. The conditions at the crash site were unlike anything NTSB investigators had ever encountered. The aircraft and its contents had been shattered into small pieces that were immersed in mud and limestone beneath murky swamp waters filled with predatory animals and saw grass. The recovery of aircraft parts and important flight data equipment posed a logistical nightmare. The county watched, mesmerized, as NTSB investigators meticulously searched miles of swamp inch by inch. Covered in protective suits, unable to remain in the toxic waters for more than 20 minutes at a time, NTSB investigators managed to recover more than 60% of the aircraft, including the flight data and cockpit voice recorders. Although there has been no official NTSB determination of probable cause, it appears likely that enough of the aircraft has been recovered to make such a determination.

The Valujet accident amply demonstrates the need for additional NTSB personnel. One had only to watch the televised accounts of the investigation to understand that the NTSB was tasked with an extremely labor intensive investigation. The NTSB resources required to conduct the investigation properly impacted other, ongoing NTSB responsibilities. For example, the chief investigator of the Valuejet accident is also the chief investigator on the accident that occurred in Roselawn, Indiana, in which an American Eagle aircraft crashed, killing 68 people. Shortly after the Valujet accident, information was provided to the NTSB on the Roselawn accident which needed to be reviewed in order for that investigation to proceed. Unfortunately, because the same individual is the chief investigator on both accidents, the Roselawn accident investigation is on hold until the chief investigator can turn his attention from the

Valujet accident to the Roselawn accident, thus delaying the issuance of important safety recommendations. This is unacceptable.

This Committee has an obligation to help the NTSB address potential safety problems before lives are lost. This cannot be accomplished if we continue to be penny wise and pound foolish with regard to this agency's funding levels.

JAMES L. OBERSTAR.
BOB BORSKI.
PETER A. DEFAZIO.
BUD CRAMER.
NICK RAHALL.
ELEANOR H. NORTON.
JAMES E. CLYBURN.
WILLIAM O. LIPINSKI.
JAMES A. TRAFICANT, Jr.
JERRY F. COSTELLO.
JERROLD NADLER.
BOB WISE.
PAT DANNER.
CORRINE BROWN.
FRANK MASCARA.
BOB CLEMENT.
ROBERT MENENDEZ.
BOB FILNER.
JUANITA MILLENDER-MCDONALD.
JIM BARCIA.
KAREN MCCARTHY.
TOM SAWYER.
PETE GEREN.
BARBARA-ROSE COLLINS.
ELIJAH E. CUMMINGS.
GLENN POSHARD.
EDDIE BERNICE JOHNSON.
GENE TAYLOR.

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