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**WHORM Subject File Code:** SA002  
(Safety – Accident Prevention: Highway Traffic Safety)  
**Case file Number(s):** 330385 (3 of 3)  
**Box:** 6

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# WITHDRAWAL SHEET

## Ronald Reagan Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
<u>letter case (330385)</u>			11/17/01
1. executive order	annotated Executive Order on Safety Belt Use requirements for Federal Employees (5 pp.)	10/10/85	<del>B5</del>
2. letter	from Chapman B. Cox to Michael J. Horowitz; re Defense Department reaction to "Safety Belt Use Requirements for Federal Employees" (2 pp.)	9/4/85	<del>B5</del>
3. letter	from W. Allen Sanders to Michael J. Horowitz; re Postal Service reaction to "Safety Belt Use Requirements for Federal Employees" (2 pp.)	7/25/85	<del>B5</del>
4. letter	from R. Bruce Burke to Michael J. Horowitz; re revisions to the "Safety Belt Use Requirements for Federal Employees" (2 pp.)	8/19/85	<del>B5</del>
5. memo	from Ms. Elaine Marzetta Lacy to Mr. Paul Figley; re possible litigation regarding the "Safety Belt Use of Federal Employees" (5 pp.)	7/25/85	<del>B5</del>
6. note	re Proposed Executive Order concerning Safety Belt Use	n.d.	<del>B5</del>
7. letter	from S. Neil Hosenball to Michael J. Horowitz; re NASA reaction to "Safety Belt Use Requirements for Federal Employees" (2 pp.)	7/23/85	<del>B5</del>
<u>8. report</u>	regarding the Seat Belt Executive Order (9 pp.)	12/18/85	<del>B5</del>
COLLECTION: WHORM: Subject File			kdb
FILE LOCATION: SA 002 Highway Traffic Safety (330385) [3 of 3]			10/21/91

### RESTRICTION CODES

A. National security classified information.

B. Presidential Records Act

- B1. Release would violate a Federal statute.
- B2. Release would disclose trade secrets or confidential commercial or financial information.
- B3. Release would constitute a clearly unwarranted invasion of personal privacy.
- B4. Relating to appointment to Federal office.
- B5. Release would disclose confidential advice between the President and his advisors, or between such advisors.

B6. Release could disclose internal personnel rules and practices of an agency.

B7. Release would disclose information compiled for law enforcement purposes.

B8. Release would disclose information concerning the regulation of financial institutions.

B9. Release would disclose geological or geophysical information concerning wells.

C. Closed in accordance with restrictions contained in donor's deed of gift.

United States of America  
**Office of  
Personnel Management**

Office of the General Counsel  
Washington, D.C. 20415

In Reply Refer To.

Your Reference.

NOV 1 1985

Mr. John F. Cooney  
Deputy General Counsel  
Office of Management and Budget  
Washington, D.C. 20503

Dear John:

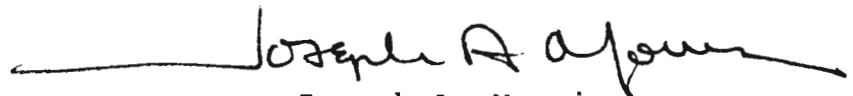
This is in reply to your letter of October 15, 1985, seeking the comments of this agency about a recent revision to a proposed Executive order entitled "Safety Belt Use Requirements for Federal Employees." Specifically, you asked whether a provision that the subject matter of the order will not be "construed to affect any right, duty, or procedure under the National Labor Relations Act" is acceptable as a matter of Federal labor-management relations policy.

As we read the proposed Executive order, the provisions requiring mandatory safety belt use apply to all Federal agencies covered by the Civil Service Reform Act (CSRA) and would not be bargainable pursuant to 5 U.S.C. § 7117(a)(1). The exception provided in section 7(a) of the proposal concerning the National Labor Relations Act, which would apply only to the United States Postal Service, does appear to achieve the stated objective of preserving the discretion of Postal Service management to negotiate the continuation of existing bargaining agreements with provisions expressly holding that use of safety belts is not required.

We believe this limited exception pertaining to the Postal Service is acceptable, since it applies only in certain limited circumstances, i.e., where a requirement for mandatory safety belt use by delivery personnel would be unduly burdensome. Thus, this provision is consistent with Federal labor-management relations policy.

Thank you for this opportunity to present our views.

Sincerely yours,



Joseph A. Morris  
General Counsel

U.S. Department of Labor

Secretary of Labor  
Washington, D.C. 20210



NOV 1 1985

Mr. John F. Cooney  
Deputy General Counsel  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Cooney:

This is in response to your request for our views on the revised section 7(a) of the proposed Executive order titled "Safety Belt Use Requirements for Federal Employees."

Specifically, your letter states that the Department of Defense requested that the mandatory seat belt requirement not be a subject for Federal labor-management negotiations and that the U.S. Postal Service desired negotiation because its current union contracts provide that seat belt usage shall not be required.

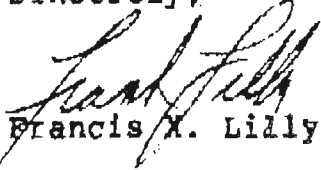
You state further that after discussions between those agencies and the Department of Transportation, the proposal was revised to provide that the subject matter of the order will not be "construed to affect any right, duty, or procedure under the National Labor Relations Act." This amendment is designed to allow the Postal Service and its employee representatives to enter into agreements regarding mandatory seatbelt use, notwithstanding the Executive order.

On the issue of the acceptability of the effect of this revision as a matter of Federal sector labor-management relations policy, the Department of Labor defers in this instance to the Office of Personnel Management, which has overall Administration responsibility regarding Federal sector labor-management relations policy.

We note, however, that the Postal Service has been given special status under the Postal Reorganization Act of 1978 and is thereby exempt from the general collective bargaining requirements otherwise imposed on all government agencies. Its employees are not within the same general labor relations environment as other Federal employees. It would therefore appear not to be inappropriate to give recognition to that unique labor relations environment in this proposed order.

I trust that this response has been helpful to you in your decisions regarding the implementation of this proposed order.

Sincerely,



Francis X. Lilly



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

OCT 15 1985

Honorable Frank Lilly  
Solicitor of Labor  
Department of Labor  
Washington, D.C. 20210

Dear Frank:


Enclosed, pursuant to the provisions of Executive Order No. 11030, as amended, is a revised version of a proposed Executive order entitled "Safety Belt Use Requirements for Federal Employees". Your agency previously commented on the initial version of the proposed Executive Order and had no comment.

Since you last reviewed the Executive order, the proposal has been revised in one significant respect. The Department of Defense requested that section 7(a) of the proposal be revised so that the mandatory seat belt use requirement would not be a subject for Federal labor-management negotiations. The United States Postal Service, however, commented that it must be permitted to negotiate about seat-belt use with its delivery personnel, because their union contracts currently provide that seat belt usage shall not be required. After discussions between those agencies and the Department of Transportation, the proposal has been revised to provide that the subject matter of the order will not be "construed to affect any right, duty, or procedure under the National Labor Relations Act."

On behalf of the Director of the Office of Management and Budget, I would appreciate receiving your views as to whether this revision is acceptable as a matter of Federal labor-management relations policy. I also would appreciate your comments on any other provisions of the revised order.

In order to accommodate the desire of the Department of Transportation for speedy issuance of the proposal, I would request that your comments be submitted to me (395-5600), not later than Tuesday, October 22, 1985.

Sincerely,

  
John F. Cooney  
Deputy General Counsel

Enclosure

cc: John Collins, Esq.  
Assistant General Counsel  
Department of Transportation



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

OCT 15 1985

Honorable Joseph Morris  
General Counsel  
Office of Personnel Management  
Washington, D.C.

Dear Joe:

Enclosed, pursuant to the provisions of Executive Order No. 11030, as amended, is a revised version of a proposed Executive order entitled "Safety Belt Use Requirements for Federal Employees". Your agency previously commented on the initial version of the proposed Executive Order and had no comment.

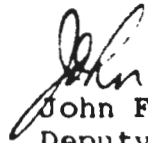
Since you last reviewed the Executive order, the proposal has been revised in one significant respect. The Department of Defense requested that section 7(a) of the proposal be revised so that the mandatory seat belt use requirement would not be a subject for Federal labor-management negotiations. The United States Postal Service, however, commented that it must be permitted to negotiate about seat-belt use with its delivery personnel, because their union contracts currently provide that seat belt usage shall not be required. After discussions between those agencies and the Department of Transportation, the proposal has been revised to provide that the subject matter of the order will not be "construed to affect any right, duty, or procedure under the National Labor Relations Act."

On behalf of the Director of the Office of Management and Budget, I would appreciate receiving your views as to whether this revision is acceptable as a matter of Federal labor-management relations policy. I also would appreciate your comments on any other provisions of the revised order.



In order to accommodate the desire of the Department of Transportation for speedy issuance of the proposal, I would request that your comments be submitted to me (395-5600), not later than Tuesday, October 22, 1985.

Sincerely,



John F. Cooney  
Deputy General Counsel

Enclosure

cc: John Collins, Esq.  
Assistant General Counsel  
Department of Transportation



U.S. Department of  
Transportation

General Counsel

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

October 10, 1985

Ms. Cecilia Wirtz  
Assistant General Counsel  
Office of Management and Budget  
Washington, D.C. 20223

Dear Cecelia:

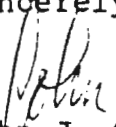
Enclosed please find our proposed redraft of the draft Executive Order dealing with safety belt use by Federal employees. We believe that we have responded to all of the concerns that have been raised to our attention.

For your use, I am enclosing an annotated version of our earlier draft which shows who requested changes and what changes were made. Please call if you have any questions.

After you review the changes, please advise me of the timetable leading to the President's signature.

Thank you for your help.

Sincerely,

  
John J. Collins  
Assistant General  
Counsel for Legislation

Enclosures (2)

OCT 10 1985

Executive Order \_\_\_\_\_ of \_\_\_\_\_, 1985.

Safety Belt Use Requirements for Federal Employees

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 7902(c) of Title 5 of the United States Code and in accord with Section 19 of the Occupational Safety and Health Act of 1970, as amended (29 U.S.C. 668), it is hereby ordered as follows:

1-1 Scope of This Order

1-101. This order applies to all agencies of the Executive Branch.

1-102. For purposes of this Order, the term "agency" means an Executive Department, as defined in 5 U.S.C. 101, or any employing unit or authority of the Federal Government, other than those of the judicial and legislative branches. Since Section 19 of the Occupational Safety and Health Act ("the Act") covers all Federal employees, including judicial and legislative personnel, the Secretary of Labor ("the Secretary") shall cooperate and consult with the heads of agencies in the legislative and judicial branches of the Government to encourage and help them adopt safety belt use programs.

## 1-2 Policy

1-201. Each Federal employee operating or riding in a motor vehicle on official business, whose seat is equipped with a safety belt, shall have the safety belt properly fastened about his or her body at all times when the vehicle is in motion. This includes travel in motor vehicles for which mileage rates are reimbursable.

1-202. Each operator of a motor vehicle on official business shall request each occupant of a seat equipped with a safety belt to fasten the safety belt properly about his or her body before placing the vehicle in motion.

## 1-3 Heads of Agencies

1-301. The head of each agency shall:

- (a) Immediately inform all employees of this policy.
- (b) Provide information to all employees concerning the correct use and importance of motor vehicle occupant protection devices.

- (c) Organize, conduct and maintain an employee motor vehicle occupant protection program.
- (d) Include in the regular periodic inspection of all agency motor vehicles, inspection of the safety belt system to insure the proper working condition and regular maintenance.
- (e) Provide for the documentation of safety belt usage in all reports of motor vehicle accidents prepared by Federal agencies.

#### 1-4 The Department of Transportation

1-401. The Secretary of Transportation, in consultation with the Secretary of Labor, shall:

- (a) Provide leadership and guidance to the heads of agencies to assist them in carrying out their responsibilities for organizing, conducting and maintaining a Federal employee motor vehicle occupant protection program.
- (b) Facilitate the exchange of ideas and information throughout the various Government agencies about motor vehicle occupant protection programs.

1-5 The Department of Labor

1-501. The Department of Labor shall include in its safety evaluation of Federal Agencies, determination of compliance with this Order.

1-502. The Department of Labor shall include in its annual report to the President the status of on-the-job safety belt use by Federal employees.

1-6 The Department of Defense

1-601. For military personnel, the Department of Defense is responsible for all provisions of this Order.

1-7 General Provisions

1-701. Nothing in this Order shall be construed to impair or alter the powers and duties of the heads of the various Federal agencies pursuant to Section 19 of the Occupational Safety and Health Act of 1970, or to Sections 7901, 7902, and 7903 of Title 5 of the United States Code, nor shall it be construed to affect any right, duty, or procedure under the National Labor Relations Act.

1-702. Nothing in this Order shall be construed to create a new cause of action against the United States or to alter in any way the United States' liability under the Federal Tort Claims Act.

1-703. This Order is effective \_\_\_\_\_, 1985.

THE WHITE HOUSE

(date)

(Annotated)

OCT 10 1985

Executive Order \_\_\_\_\_ of \_\_\_\_\_, 1985.

Safety Belt Use Requirements for Federal Employees

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 7902(c) of Title 5 of the United States Code and in accord with Section 19 of the Occupational Safety and Health Act of 1970, as amended (29 U.S.C. 668), it is hereby ordered as follows:

1-1 Scope of This Order

1-101. This order applies to all agencies of the Executive Branch.

1-102. For purposes of this Order, the term "agency" means an Executive Department, as defined in 5 U.S.C. 101, or any employing unit or authority of the Federal Government, other than those of the judicial and legislative branches. Since Section 19 of the Occupational Safety and Health Act ("the Act") covers all Federal employees, including judicial and legislative personnel, the Secretary of Labor ("the Secretary") shall cooperate and consult with the heads of agencies in the legislative and judicial branches of the Government to encourage and help them adopt safety belt use programs.



## 1-2 Policy

1-201. Each Federal employee operating or riding in a motor vehicle on official business, whose seat is equipped with a safety belt, shall have the safety belt properly fastened about his or her body at all times when the vehicle is in motion. This includes travel in motor vehicles for which mileage rates are reimbursable.

1-202. Each operator of a motor vehicle on official business shall [ensure that] request each occupant of a seat equipped with a safety belt [has] to fasten the safety belt properly [fastened] about his or her body before placing the vehicle in motion.

Treasury, NASA,  
CIA

## 1-3 Heads of Agencies

1-301. The head of each agency shall:

- (a) Immediately inform all employees of this policy.
- (b) Provide information to all employees concerning the correct use and importance of motor vehicle occupant protection devices.

(c) Organize, conduct and maintain an employee motor vehicle occupant protection program.

← Treasury

(d) Include in the regular periodic inspection of all agency motor vehicles, inspection of the safety belt system to insure the proper working condition and regular maintenance.

(e) Provide for the documentation of safety belt usage in all reports of motor vehicle accidents prepared by Federal agencies.

#### 1-4 The Department of Transportation

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(a) Provide leadership and guidance to the heads of agencies to assist them in carrying out their responsibilities for organizing, conducting and maintaining a Federal employee motor vehicle occupant protection program.

(b) Facilitate the exchange of ideas and information throughout the various Government agencies about motor vehicle occupant protection programs.

#### 1-5 The Department of Labor

1-501. The Department of Labor shall include in its safety evaluation of Federal Agencies, determination of compliance with this Order.

1-502. The Department of Labor shall include in its annual report to the President the status of on-the-job safety belt use by Federal employees.

#### 1-6 The Department of Defense

1-601. For military personnel, the Department of Defense is responsible for all provisions of this Order.

#### 1-7 General Provisions

1-701. Nothing in this Order shall be construed to impair or alter the powers and duties of the heads of the various Federal agencies pursuant to Section 19 of the Occupational Safety and Health Act of 1970, or to Sections 7901, 7902, and 7903 of Title 5 of the United States Code, [nor shall it be construed to alter any other provisions of law or Executive Order providing for collective bargaining agreements and related procedures] nor shall it be construed to affect any right, duty, or procedure under the National Labor Relations Act.

← DOD  
w/ Postal Service  
concurrence

1-702. Nothing in this Order shall be construed to create a new cause  
of action against the United States or to alter in any way the United  
States' liability under the Federal Tort Claims Act.

← Justice

[1-702] 1-703. This Order is effective \_\_\_\_\_, 1985.

THE WHITE HOUSE

(date)



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

WASHINGTON, D.C. 20301

4 SEP 1985

Mr. Michael J. Horowitz  
Counsel to the Director  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Horowitz:

This responds to your request for the views of the Department of Defense on a proposed executive order entitled "Safety Belt Use Requirements for Federal Employees."

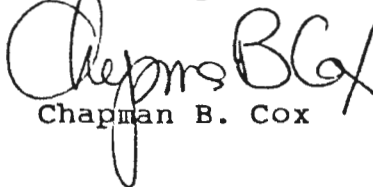
The Department of Defense generally concurs with the order and fully supports the policies therein. We are concerned, however, about that part of section 1-701 of the order which provides that the order shall not "be construed to alter any other provisions of law or Executive order providing for collective bargaining agreements and related procedures."

We understand the above part of section 1-701 to mean that the proposed Executive order would have no effect on collective bargaining under, among others, the Federal Service Labor-Management Relations Statute, 5 United States Code 7101 et seq. It is conjectural whether this would also apply to implementing agency directives. But it certainly removes the order itself as a bar to negotiations. This could result in provisions in collective bargaining agreements allowing bargaining unit employees to choose whether or not to use a seat belt while operating or riding in a motor vehicle on official business unless some other basis exists for determining that the provisions were outside the duty to bargain. The impact on the seat belt program could be significant since nearly 1,250,000 Federal employees are in bargaining units.

It is not mere speculation on our part that proposals may arise which seek to exempt bargaining unit employees from the requirement to wear seat belts. They have already surfaced within the Department of Defense along with other proposals involving motor vehicle traffic safety such as those which would exempt bargaining unit employees from (1) wearing a helmet while riding a motorcycle on a military installation; (2) taking a driver's training course before being granted the privilege of driving a motorcycle on a military installation; and (3) having driving privileges on the installation suspended for intoxicated driving offenses.

In view of the above, we recommend that section 1-701 of the proposed Executive order be modified by deleting that part cited above. This would have the effect of making the order a bar to the negotiation of a proposal which did not require the use of a seat belt as prescribed by the order. It would ensure that the seat belt policy set forth in the order is fully implemented throughout the Federal government.

Sincerely,

  
Chapman B. Cox



JOHN

UNITED STATES POSTAL SERVICE  
475 L'Enfant Plaza, SW  
Washington, DC 20260

July 25, 1985

Michael J. Horowitz  
Counsel to the Director  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Horowitz:

This replies to your letter of June 26, 1985, to the Postmaster General requesting the comments of the Postal Service on a proposed Executive Order entitled "Safety Belt Use Requirements for Federal Employees", which mandates the use of safety belts by federal employees travelling on official business and requires federal agencies to establish an employee occupant protection program.

In section 1-201 the proposed order requires that all federal employees travelling on official business must wear seat belts "at all times when the vehicle is in motion." Postal regulations currently require the use of seat belts by employees travelling on official business, with limited exceptions. While city and rural letter carriers are required to wear seat belts to and from postal routes, when entering and crossing intersections, and when engaged in any "over-the-road" driving, they are not required to wear seat belts when making short delivery stops. Postal Service Handbook M-37, Duties and Responsibilities of Rural Letter Carriers, §161.5; M-41, Duties and Responsibilities of City Letter Carriers, §812.7. These provisions are needed for efficient and productive use of carrier routes for mail delivery.

We understand that the committee which produced the initial draft of the proposed order, which was chaired by a postal executive, considered that these current regulations fully comply with the order because of the provisions of section 1-701, which reads:

"Nothing in this Order shall be construed to . . . alter any other provisions of law or Executive Order providing for collective bargaining agreements and related procedures."

Applicable collective bargaining agreements provide that these regulations may be changed only in accordance with procedures set forth in the agreements.

The Postal Service supports the proposed order with the understanding that its present seat belt regulations are consistent with the order including section 1-701, and that no change in working conditions of employees covered by our collective bargaining agreements will be necessary.

Sincerely,

A handwritten signature in cursive script, reading "W. Allen Sanders".

W. Allen Sanders  
Associate General Counsel  
Office of General Law  
and Administration



SECRETARY OF LABOR  
WASHINGTON

September 26, 1985

The Honorable Joseph R. Wright, Jr.  
Acting Director  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Wright:

This is in response to your request for our views on the proposed Executive order, "Safety Belt Use Requirements for Federal Employees." The draft order would require that all Federal Government personnel either operating or riding in a motor vehicle on official business use safety belts when the vehicle is in motion.

The Department of Labor supports promulgation of the Executive order; however, we do note one technical change. In the first paragraph on page one of the order, "Section 7905(c)" should be changed to "Section 7902(c)."

Very truly yours,

  
WILLIAM E. BROCK

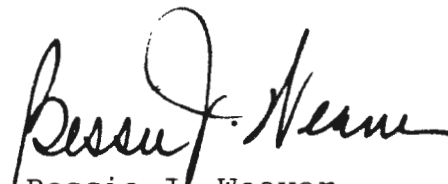
WEB:wgm

September 20, 1985

MEMORANDUM FOR THE RECORD

SUBJECT:            Proposed Executive order entitled  
                     Safety Use Requirements for Federal  
                     Employees"

Mr. John Strylowski, Department of Interior (343-6191) phoned today to advise that they have "no comment" to the proposed Executive order.



Bessie J. Weaver

September 19, 1985

MEMORANDUM FOR THE RECORD

SUBJECT: Proposed Executive order entitled  
"Safety Belt Use Requirements for  
Federal Employees"

Ms. Alice Williams, CEA (x-5036) phoned today to advise they they have "no comment" to the proposed Executive order.



Bessie J. Weaver

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

*John*

Office of General Counsel

19 August 1985

Michael J. Horowitz, Esquire  
Counsel to the Director  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Horowitz:

We have received for comment the proposed Executive Order entitled "Safety Belt Use Requirements for Federal Employees" and the proposed Presidential Memorandum to be issued at the same time as the Executive Order.

Based on a review of the applicable law as well as a review of the proposed Executive Order, we believe that one change needs to be made in the proposed Order. Section 1-2 of the proposed Order requires every Federal employee to "ensure that each occupant" of the vehicle is wearing a safety belt while the vehicle is in operation. The problem with this language is that it could create unintended liability for Federal drivers. Since the President does not have authority over non-employees who may be official passengers in vehicles driven by Federal drivers, it would be unfair to place on Federal drivers the burden and responsibility of ensuring that these typically higher-graded officials comply with the Order and wear safety belts in all circumstances. Moreover, it would be just as unfair, as well as unrealistic, to expect Federal drivers to demand that their superiors wear safety belts in all circumstances. Not only would such a requirement place Federal drivers in a truly awkward situation, it could also make Federal drivers legally liable for not ensuring that safety belts were worn by their passengers. Accordingly, the proposed Order should be changed as follows (new language underscored):


Each operator of a motor vehicle on official business shall encourage each occupant of a seat equipped with a safety belt to wear the safety belt properly fastened about his or her body before placing the vehicle in motion.

Although in substance the remainder of the proposed Executive Order is legally unobjectionable, we have some concern about how such a policy could be enforced in a fair and equitable manner. We would recommend that the enforcement be

Michael J. Horowitz, Esquire

undertaken by the Secretary of Labor, rather than by individual agencies and departments. If individual agencies and departments are left with the responsibility of enforcing this Order, enforcement would inevitably become uneven and idiosyncratic, because it would depend upon the particular attitude and approach taken by each agency and department in dealing with this issue. Widely disparate enforcement mechanisms would probably create an administrative quagmire and would almost certainly lead the Federal Government into a thicket of litigation. Accordingly, we believe the Secretary of Labor should enforce this Executive Order by simply promulgating regulations that would deny or limit Federal Employee Compensation Act claims made by employees who were injured in accidents and were not wearing safety belts. This would appear to us to be the most practical and realistic means of fairly enforcing a mandatory safety belt policy.

Yours truly,



R. Bruce Burke  
Assistant General Counsel



General  
Services  
Administration

Washington, DC 20405

---

August 9, 1985

*True*

Mr. Michael J. Horowitz  
Counsel to the Director  
Office of Management and Budget  
Washington, DC 20503

Dear Mr. Horowitz:

The General Services Administration (GSA) wishes to comment on the draft Executive Order entitled "Safety Belt Use Requirements for Federal Employees."

This Executive Order requires each Federal employee operating or riding in a motor vehicle on official business shall use a safety belt at all times when the vehicle is in motion. This would include travel in vehicles for which mileage rates are reimbursable. GSA supports this draft Executive Order because it would mandate Government-wide the policy presented in the GSA Bulletin FPMR G-156. This Bulletin reemphasized the benefits of using safety belts when riding in or operating a Government vehicle and requested the Heads of each agency to issue regulations requiring their employees operating or riding in a Government-owned or personal vehicle on official business to wear safety belts at all times.

GSA appreciates the opportunity to comment on this proposed draft Executive Order and recommends favorable action.

Sincerely,

*Paul Trause*

Paul K. Trause  
Deputy Administrator



DEPARTMENT OF AGRICULTURE  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20250

August 12 1985

Honorable David A. Stockman  
Director, Office of Management  
and Budget  
Washington, D.C. 20503

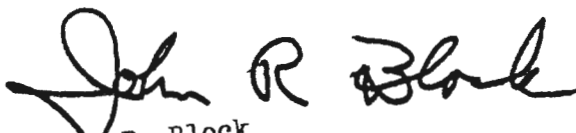
Dear Mr. Stockman:

The Department of Agriculture (USDA) supports the proposed Executive Order entitled - "Safety Belt Use Requirements for Federal Employees." We provided our comments on a previous proposal to the Federal Advisory Council on Occupational Safety and Health (FACOSH), and our comments are reflected in this proposal.

USDA uses government and privately owned vehicles extensively, and motor vehicle accidents are a significant problem. Motor vehicle accidents are the 9th leading cause of our compensable injuries and are 4th in terms of total costs. We are convinced that greater emphasis on the use of safety belts will reduce compensation costs and help remind employees of safety while driving.

We have issued directives which require employees to use protective equipment, including safety belts, and have participated in the Department of Transportation (DOT) efforts to increase the use of safety belts. We plan to continue our program in accordance with the proposed Executive Order.

Sincerely, .

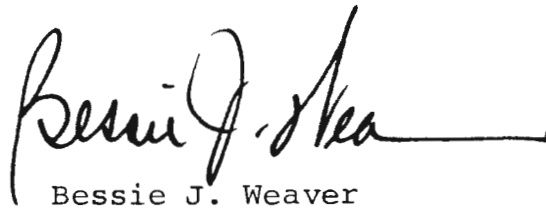
  
John R. Block  
Secretary

July 29, 1985

MEMORANDUM FOR THE RECORD

SUBJECT:                Proposed Executive order entitled  
                         "Safety Belt Use Requirements for  
                         Federal Employees"

Mr. Pete Dalmut, Department of Commerce (377-3084) phoned today to advise that they have "no objection" to the proposed Executive order.

A handwritten signature in cursive script, reading "Bessie J. Weaver", followed by a horizontal line extending to the right.

Bessie J. Weaver





U.S. Department of Justice  
Civil Division

Deputy Assistant Attorney General

Washington, D.C. 20530

MEMORANDUM

TO: Greg Walden  
FROM: Robert Willmore *RW*  
SUBJECT: Seatbelt Executive Order

Attached is Elaine Lacy's analysis of the liability implications of the draft Executive Order requiring use of seatbelts on federal lands. I have no problems with her conclusion, but would note that her analysis appears to presuppose the concurrent promulgation of the draft Executive Order requiring federal employees and their passengers to use seatbelts while on official duty (see Lacy's attached memorandum of July 25, 1985).

If the federal employee Executive Order is not promulgated, however, the federal lands Executive Order seems to raise the same liability concerns discussed in Lacy's July 25 memorandum (and in Jeffrey Axelrad's August 13 cover letter) for federal employees and their passengers driving on federal lands. But if both Executive Orders are promulgated, the federal lands Executive Order apparently raises no additional liability concerns that do not already flow from the federal employee Executive Order.

All of this is not terribly important, however, since I believe that the liability concerns are so tenuous that they should not affect the decision whether to promulgate these Executive Orders. Accordingly, I recommend that both OMB and the Department of Transportation be informed that the Civil Division has no objections to these Executive Orders.

Attachments

cc: J. Axelrad (w/o attachment)

JUL 26 1985

Michael J. Horowitz  
Counsel to the Director  
Office of Management & Budget  
Executive Office of the President  
Washington, DC 20503

Dear Mr. Horowitz:

This is in response to your letter to the Honorable William J. Bennett, Secretary of the Department of Education, subject proposed Executive Order entitled "Safety Belt Use Requirements for Federal Employees" and a proposed Presidential memorandum.

We are in complete accord with the proposed Executive Order and have instructed our drivers to buckle up their seat belts and to remind their passengers to do likewise. After this Executive Order has been issued we plan to disseminate it to the Department of Education employees.

Sincerely,

151  
William L. Smith  
Director, Administrative  
Resources Management Service

HTurley/ILB/245-2757/7/21-85



U.S. Department of Justice  
Civil Division

*Sent belt EO file*

Deputy Assistant Attorney General

Washington, D.C. 20530

July 25, 1985

John F. Cooney

As per your request, attached is a litigation analysis of the proposed seat belt Executive Order. I am less sanguine than the author on the likelihood that the United States would ultimately prevail. But I certainly concur with her observation that substantial litigation would result.

  
Robert L. Willmore

cc: Paul Figley



U.S. Department of Justice

Washington, D.C. 20530

July 25, 1985

PFF:EMLacy:cdg

Telephone:  
(202) 724-7953

MEMORANDUM

TO: Mr. Paul Figley  
Assistant Director, Torts Branch

FROM: Ms. Elaine Marzetta Lacy  
Trial Attorney, Torts Branch

SUBJECT: Possible litigation exposure of the United States arising from proposed order requiring use of safety belts for federal employees and their passengers on official business

This memorandum addresses the question posed in a memorandum from Mr. John Cooney, to Mr. Robert Willmore, Deputy Assistant Attorney General, as to whether the above-referenced proposed executive order which would require all government employees and their passengers to wear seat belts while traveling on official business would expose the United States to additional litigation and liability. For the reasons set out below, it is my assessment that the regulation will spawn litigation against the United States and will result in the assertion of an additional defense against the United States in certain cases where the United States is the plaintiff. Ultimately, however, it is likely that the regulation will not increase the liability of the United States to any appreciable extent, nor will the regulation impair the discretionary function exemption.

There are basically two scenarios in which the above-referenced proposed order could become an issue.

The first would be a situation where a passenger who is not a government employee is not wearing a seat belt and is injured while riding in a vehicle driven by a government employee on official business. The injured passenger may bring suit against the United States alleging that the government is liable for his injuries because he was not told by the driver that he must wear a seat belt. The United States' defense to this would be twofold. First, the United States would argue that the regulation does not create liability where none existed. This is because the United States can be held liable under the Federal Tort Claim Act only "under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred." 28 U.S.C. § 1346(b). Echoing this statutory language is case law which holds that "it is a well-established principle that the violation of a federal statute or regulation by government officials does not of itself create a cause of action under the FTCA." Art Metal - U.S.A., Inc. v. United States, 753 F.2d 1151, 1157 (D.C. Cir. 1985); See Clemente v. United States, 567 F.2d 1140 (1st Cir. 1978) ("Where specific behavior of federal employees is required by federal statute, liability to the beneficiaries of that statute may not be founded on the Federal Tort Claims Act if state law recognizes no comparable

private liability."); United States v. Smith, 324 F.2d 622, 624-25 (5th Cir. 1963) (The FTCA "simply cannot apply where the claimed negligence arises out of the failure of the United States to carry out a statutory duty in the conduct of its own affairs."); Davis v. United States, 610 F. Supp. 795 (D. Neb. 1975) (Failure of OSHA officer to follow up a safety violation citation.). The regulation would also be an issue if the United States asserts that the plaintiff's failure to wear his seat belt on his own initiative constitutes contributory negligence.<sup>1/</sup> For the same reasons that the regulation would not create a duty, it is not likely to effect a contributory negligence argument. Nonetheless, the issue will most certainly be raised, and the United States will incur litigation costs as a result of the regulation.

The second situation where the regulation is likely to come into play would be where a federal employee engaged in official business is in an auto accident, is not wearing a seat belt, and is injured. Were the government to seek medical expenses from the driver of the other vehicle, the defendant could allege contributory negligence on the part of the government driver in not wearing a seat belt in compliance with the proposed order . Currently, courts which accept the defense of plaintiff's

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<sup>1/</sup> In this scenario, if the injured passenger is a young child the government may well be found liable even if a parent were present in the car since many states do not permit the contributory negligence of a parent to be imputed to the child. However, the United States may have a duty under local law to see to it that young children in their care wear seat belts.

failure to wear a seat belt are in the minority. In the jurisdictions which now permit the defense, the government would already be exposed to contributory negligence for the driver's failure to wear a seat belt. The regulation's existence, however, may serve to encourage a court to attribute a greater percentage of comparative negligence to the United States than it would otherwise.

To respond to Mr. Cooney's specific question of whether it is of consequence that the order applies to persons traveling in private cars as well as government owned vehicles, the answer is probably not, as liability on the part of the United States is largely determined by whether the individual is engaged in official business, regardless of whether he drives a private vehicle.

We would not expect the regulation to influence the discretionary function exemption. Certainly, the decision to pass this regulation is discretionary. The individual decision of a government employee not to wear his seat belt on a particular occasion, however, would not be a discretionary act, and the United States would not assert that it is.

In summary, we could expect that the imposition of the proposed regulation would result in increased litigation. As discussed above, the United States could expect to prevail ultimately in its assertion that the regulation does not create liability where none existed. This, however, would be at a cost which must be balanced against the objectives of the order.

DEPARTMENT OF THE TREASURY  
OFFICE OF THE GENERAL COUNSEL  
OFFICE OF LEGISLATION AND REGULATIONS

DATE: July 25, 1985

CONFIRMATION OF TELEPHONE COMMENTS TO OMB

TO: ASSISTANT DIRECTOR FOR LEGISLATION REFERENCE

ATTENTION: John Cooney, Legislative Analyst

This is to confirm telephone comments provided your office by  
Scott Feldstein on 7/23/85, relating to a proposed  
Executive order entitled "Safety Belt Use Requirements for Federal  
Employees," and a proposed Presidential Memorandum to be issued at the  
same time as the Executive order.


Briefly, the following comments were provided:

See the attached comments from the Office of Assistant General  
Counsel for Administration and General Law Section.

In addition, Treasury recommends one clarification to the proposed  
Executive order. Specifically, Treasury suggests that the term "motor  
vehicle" should be added to paragraph 1-301(c) before "occupant protection"  
so that the Order would consistently refer to the "employee motor vehicle  
occupant protection program." See, e.g., paragraph 1-401.

Thank you for the opportunity to provide comments on the above matter.  
We would appreciate being kept advised of any further action taken by  
your office with regard to this matter.

Sincerely,

  
Arthur J. Schissel  
Deputy Director



Comments of the Office of Assistant General Counsel for Administration and  
General Law

SUBJECT: Proposed Executive Order Concerning Safety Belt Use

Pursuant to your request, we have reviewed the proposed Executive Order concerning safety belts. The Order would establish such use by Federal employees operating and riding in motor vehicles equipped with such belts while on official business, as Federal policy. The purpose is to save Federal government compensation costs. Heads of agencies are required to establish programs for fostering safety belt use.

Our only substantive concern is with section 1-202 of the Order. This section requires each motor vehicle operator to ensure that each occupant of a seat equipped with a safety belt has it fastened prior to placing the vehicle in motion. This section requires the driver to enforce the policy or possibly risk disciplinary action. Not only would this section be unfair, but it is simply unworkable. For example, a GS-6 Treasury chauffeur is not likely to refuse to start his car because the official in the back seat has not buckled up. We recommend that this section be changed to require passengers to be responsible for their own safety belt use.

Finally, the reference in the first paragraph of the Order to "Section 7905(c) of Title 5" appears to be an error. Section 7902(c) gives the President authority to issue Executive Orders with regard to Federal employee safety.



National Aeronautics and  
Space Administration

Washington, D.C.  
20546

*7042*

JUL 23 1995

Reply to Attn of GG (85-21035)

Mr. Michael J. Horowitz  
Counsel to the Director  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Horowitz:

Your letter to the Administrator requesting comments on a proposed Executive Order entitled "Safety Belt Use Requirements for Federal Employees" has been referred to me for a response.

NASA fully supports the use of safety belt devices to improve overall motor vehicle occupant protection and prevent unnecessary injuries and deaths. In reviewing the draft document, several questions came to mind which may warrant clarifying certain points in the document. These are discussed below.

First, are federal employees being exposed to an excessive risk of personal liability for automobile accidents where this order is violated? Under 28 U.S.C. 2679(b) of the Federal Tort Claims Act (F.T.C.A.) the exclusive remedy for damage to property or personal injury resulting from the operation by a Government employee of any motor vehicle while acting within the scope of his office or employment is an action against the United States. A key point here is that the employee must have been acting within the scope of his office or employment. Under Williams v. United States, 350 U.S. 857, scope of employment is determined by state law. Will the result be that federal employees are found to be acting outside their scope of employment and, therefore, personally liable when they are involved in an accident and are found to be in violation of this order? While it is unclear what action the various states may take, this question may warrant closer examination.

If the answer to the latter question is yes, then this risk may be excessive in certain situations since the order requires that every driver ensure that every passenger wear their safety belt. Many drivers transport high level government officials, and they may find it very difficult, if not impossible, to require these officials to wear their safety belts. Related to this is the transport of high level visitors in government vehicles. The

same difficulty exists, and additionally, the order does not apply to the visitor if he is not a federal employee. These are situations where the responsibility is placed on the driver, but he does not have the authority to enforce the provision.

A second liability question is will this order result in greater liability for federal employees and/or the government than private citizens in states that have no requirement for wearing safety belts? In states without safety belt laws, private citizens would have no duty to wear them and, therefore, would probably not be found comparatively or contributorily negligent for their injuries that resulted from not wearing them. At the same time, it seems possible that state law (which is incorporated into the F.T.C.A.) would find that the federal employee driving the government vehicle was comparatively or contributorily negligent for his injuries that resulted from not wearing a safety belt. This would be based on his separate duty under the order to wear the belt. One could even imagine an accident between a government vehicle and a private citizen's automobile where the government or its employee would be liable for the employee's injuries resulting from not wearing a safety belt and at the same being liable for the private citizen's injuries resulting from not wearing a safety belt. If the employee is found to be acting outside his scope of employment, then he could be liable for this.

A final question concerns disciplinary actions. Are drivers going to face disciplinary actions for violating this order? Are passengers that refuse to wear their safety belts going to face disciplinary actions? What is going to be the prescribed course of action for a driver when he has a passenger that refuses to wear his safety belt?

If you have any questions, please do not hesitate to contact Roger Hamby of my office at 453-2465. Thank you for the opportunity to comment on this document.

Sincerely,

*John E. Brier*

for  
S. Neil Hosenball  
General Counsel

July 1, 1985

MEMORANDUM FOR THE RECORD

SUBJECT: Proposed Executive order entitled "Safety  
Belt Use Requirements for Federal Employees"

Ms. Chris Durham, Department of Housing and Urban Development  
(755-7084) phoned today to advise that they have "no objection"  
to the proposed Executive order.

A handwritten signature in cursive script that reads "Bess Weaver".

Bess Weaver

June 28, 1985

MEMORANFUM FOR THE RECORD

SUBJECT: Proposed Executive order entitled "Safety  
Belt Use Requirements for Federal Employees"

Mr. John Chester, National Science Foundation (357-9447)  
phoned today and advised that they have "no objection" to  
the proposed Executive order.

A handwritten signature in cursive script that reads "Bess Weaver". The signature is written in dark ink and is positioned above the printed name.

Bess Weaver

MEMORANDUM

NATIONAL SECURITY COUNCIL

5154

June 28, 1985

JOHN

MEMORANDUM FOR MICHAEL J. HOROWITZ

FROM: WILLIAM F. MARSHALL *Marshall*

SUBJECT: Proposed Executive Order entitled  
"Safety Belt Use Requirements for Federal  
Employees"

The NSC staff has no objection to the attached proposed Executive Order (Tab A) and Presidential memorandum regarding usage of safety belts by federal employees.

Attachment

Tab A

Proposed EO/Presidential Memo

June 27, 1985

MEMORANDUM FOR THE RECORD

SUBJECT: Proposed Executive order entitled "Safety  
Belt Use Requirements for Federal Employees"

Ms. Kathy Angers and Mr. Craig Nalen OPIC ( ) phoned today to advise that they have "no objection" to the proposed Executive order.

Bess Weaver



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, D.C. 20590

JUN 19 1985

The Honorable David A. Stockman  
Director, Office of Management  
and Budget  
Washington, D.C. 20503

Dear Mr. Stockman:

I am submitting for your consideration and appropriate reference a draft Executive Order entitled

Safety Belt Use Requirements for Federal Employees

The draft Order is identical to one developed by the Federal Advisory Council on Occupational Safety and Health, in response to a continuing concern about the consequences of motor vehicle crashes involving Federal employees. A Department of Labor special study of accidents in 1979 showed that 44 Federal employees died that year in motor vehicle accidents in the course of official business. Another 5,000 were injured, many of them seriously. The Federal government compensation costs for these accidents, in that year alone, were estimated to be \$82,155,000, which is consistent with the \$86 million dollar estimate of annual Federal government costs projected in the "Economic Costs to Society of Motor Vehicle Accidents" study conducted later by the Department of Transportation. Much of this tragic loss could be avoided if all employees were to wear safety belts.

As Secretary of Transportation, I am charged with responsibility for motor vehicle safety. In my decision on Federal Motor Vehicle Safety Standard No. 208, I concluded that automatic restraints should be required on all passenger cars by September 1, 1989, unless States representing two-thirds of the population have enacted safety belt use laws. It is my view that the Federal government should set an example for the States to follow. The draft Executive Order, in addition to its direct and immediate benefit for Federal employees, would thus serve to foster the enactment of safety belt use laws by the States.



The draft Order has been reviewed by the agencies and employee organizations represented on the Advisory Council. It reflects modifications recommended by these organizations to enhance its implementation. I urge you to consider it favorably.

With best wishes.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth", with a large, stylized loop at the end.

Elizabeth Hanford Dole

Enclosure

Executive Order \_\_\_\_\_ of \_\_\_\_\_, 1985.

Safety Belt Use Requirements for Federal Employees

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 7905(c) of Title 5 of the United States Code and in accord with Section 19 of the Occupational Safety and Health Act of 1970, as amended (29 U.S.C. 668), it is hereby ordered as follows:

1-1 Scope of This Order

1-101. This order applies to all agencies of the Executive Branch.

1-102. For purposes of this Order, the term "agency" means an Executive Department, as defined in 5 U.S.C. 101, or any employing unit or authority of the Federal Government, other than those of the judicial and legislative branches. Since Section 19 of the Occupational Safety and Health Act ("the Act") covers all Federal employees, including judicial and legislative personnel, the Secretary of Labor ("the Secretary") shall cooperate and consult with the heads of agencies in the legislative and judicial branches of the Government to encourage and help them adopt safety belt use programs.

## 1-2 Policy

1-201. Each Federal employee operating or riding in a motor vehicle on official business, whose seat is equipped with a safety belt, shall have the safety belt properly fastened about his or her body at all times when the vehicle is in motion. This includes travel in motor vehicles for which mileage rates are reimbursable.

1-202. Each operator of a motor vehicle on official business shall ensure that each occupant of a seat equipped with a safety belt has the safety belt properly fastened about his or her body before placing the vehicle in motion.

## 1-3 Heads of Agencies

1-301. The head of each agency shall:

- (a) Immediately inform all employees of this policy.
- (b) Provide information to all employees concerning the correct use and importance of motor vehicle occupant protection devices.

- (c) Organize, conduct and maintain an employee occupant protection program.
- (d) Include in the regular periodic inspection of all agency motor vehicles, inspection of the safety belt system to insure the proper working condition and regular maintenance.
- (e) Provide for the documentation of safety belt usage in all reports of motor vehicle accidents prepared by Federal agencies.

1-4 The Department of Transportation

1-401. The Secretary of Transportation, in consultation with the Secretary of Labor, shall:

- (a) Provide leadership and guidance to the heads of agencies to assist them in carrying out their responsibilities for organizing, conducting and maintaining a Federal employee motor vehicle occupant protection program.
- (b) Facilitate the exchange of ideas and information throughout the various Government agencies about motor vehicle occupant protection programs.

## 1-5 The Department of Labor

1-501. The Department of Labor shall include in its safety evaluation of Federal Agencies, determination of compliance with this Order.

1-502. The Department of Labor shall include in its annual report to the President the status of on-the-job safety belt use by Federal employees.

## 1-6 The Department of Defense

1-601. For military personnel, the Department of Defense is responsible for all provisions of this Order.

## 1-7 General Provisions

1-701. Nothing in this Order shall be construed to impair or alter the powers and duties of the heads of the various Federal agencies pursuant to Section 19 of the Occupational Safety and Health Act of 1970, or to Sections 7901, 7902, and 7903 of Title 5 of the United States Code, nor shall it be construed to alter any other provisions of law or Executive Order providing for collective bargaining agreements and related procedures.

1-702. This Order is effective \_\_\_\_\_, 1985.

THE WHITE HOUSE

(date)

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MEMORANDUM FROM THE PRESIDENT:

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Month/Day/Year:

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MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Federal Employee Safety Belt Use Program

Each year, many thousands of lives could be saved and thousands of injuries prevented if motorists would use safety belts and child safety seats when traveling on our highways. Currently, the annual societal cost of these needless deaths and injuries is over 57 billion dollars. The tremendous pain, suffering and frustration felt by crash victims and their families is incalculable.

In July 1984, the Department of Transportation announced its final decision on automobile occupant protection, which requires automatic crash protection for all passenger cars manufactured for sale in the United States on a phased-in schedule beginning September 1, 1986. The requirement applies to 10 percent of the manufacturers' production the first year, increasing to 25 percent of all cars built after September 1, 1987, and 40 percent of those produced after September 1, 1988. All cars produced for the United States market after September 1, 1989, must be equipped with automatic crash protection. If states representing two-thirds of the nation's population enact safety belt usage laws before April 1, 1989, the requirement for automatic protection will no longer apply.

The decision will greatly reduce traffic fatalities and injuries by promoting the use of safety belts, and by encouraging the development of new technology that might provide even greater safety. As part of the decision, it was announced that the Department of Transportation and private sector organizations would conduct national programs to educate people on the benefits of motor vehicle occupant protection.

The Federal Government actively can and should set an example for the private sector by promoting safety belt usage for our own employees. Many of you have initiated safety belt use policies requiring employees traveling on official government business to use their safety belts. I would expect those of you who have not done so, as yet, to issue a policy and develop a program calling on your employees, operating or riding in a government or personal automobile on official business, to wear a safety belt at all times. Required on-the-job use is the basic building block in achieving increased belt usage both on and off the job.

Some Departments have already taken innovative steps to promote safety belt usage. The Department of Defense has, in addition to maintaining a use policy, conducted a series of traffic safety workshops stressing the benefits of belt usage as well as other safety program activities. The

Department of Agriculture has conducted an employee workshop on safety belt usage attended by representatives of every agency of the Department. Additionally, a Department of Transportation official policy and incentive program resulted in a 40 percent increase in private non-duty safety belt use over a 15-month period. We can all be proud of efforts like these. They represent habits that have been changed and injuries and deaths that have been avoided by the simple expedient of remembering to buckle up.

Much remains to be done to ensure that this life-saving technology is used on each and every official trip. I ask for your personal leadership in establishing effective safety belt programs and policies so that Federal employees are informed of the value of safety belts and of the risks of being in a motor vehicle crash without them. Through such leadership, we can reduce human suffering and preserve productivity.

I know that Secretary Dole will provide any technical assistance you may need as you implement your programs.

Ronald Reagan



## SAFETY BELT USE PROGRAMS IN FEDERAL AGENCIES

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Proposed Remarks at the Signing Ceremony by the President

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I am pleased to sign this Executive Order requiring safety belt use programs in Federal agencies, and I want to commend Elizabeth Dole and her staff for the fine partnership they have forged with the private sector to rekindle America's awareness of the importance of safety belt use and overall motor vehicle occupant protection.

I think we can take pride in the very significant progress that this public sector and private sector partnership has achieved in improving protection for adults and young children while riding in motor vehicles.

Several States have adopted legislation mandating safety belt use for adults and all 50 States, and the District of Columbia, now have legislation to protect child passengers. Comprehensive community safety belt programs are being strengthened across the country and many businesses are adopting safety belt use requirements for their employees. These programs will help reduce unnecessary pain and human suffering, as well as the estimated 57 billion dollars in societal costs each year due to motor vehicle crashes.

An example of how effective Federal agency efforts can be is demonstrated in the life of Mary Wilkerson, a U.S. Coast Guard employee. She attributes her survival in a crash, that totally destroyed her car, to the buckle up habit she developed during a 1983 safety belt use program by the Department of Transportation.

Because I care about the health and safety of Federal employees and believe we can set a good example, and because I have pledged to reduce Government operating costs, I am signing today an Executive Order to require all Federal Agencies to conduct safety belt use programs for Federal employees. With the order, I am sending a memorandum to the Heads of Executive Departments and Agencies regarding the urgency and importance of this policy.

ID # 330385 CU

SA002

WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence  
Received (YY/MM/DD) 1 / 1

Name of Correspondent: David Chew

☐ MI Mail Report

User Codes: (A) (B) (C)

Subject: Proposed Executive Order Entitled "Safety Belt  
Use Requirements for Federal Employees"

## ROUTE TO:

## ACTION

## DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CUHOLL	ORIGINATOR	85/12/09		C	85/12/10
CUAT 14	Referral Note: R	85/12/09		C	85/12/10
	Referral Note: DEC 10 85 DBW memo to David Chew				
		1 / 1			1 / 1
	Referral Note:				
		1 / 1			1 / 1
	Referral Note:				
		1 / 1			1 / 1
	Referral Note:				

## ACTION CODES:

A - Appropriate Action  
 C - Comment/Recommendation  
 D - Draft Response  
 F - Furnish Fact Sheet  
 to be used as Enclosure

I - Info Copy Only/No Action Necessary  
 R - Direct Reply w/Copy  
 S - For Signature  
 X - Interim Reply

## DISPOSITION CODES:

A - Answered  
 B - Non-Special Referral  
 C - Completed  
 S - Suspended

## FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer  
 Code = "A"  
 Completion Date = Date of Outgoing

Comments:

Keep this worksheet attached to the original incoming letter.  
 Send all routing updates to Central Reference (Room 75, OEOB).  
 Always return completed correspondence record to Central Files.  
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

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 \_\_\_\_\_

### PRESIDENTIAL REPLY

Code	Date	Comment	Form
C		Time:	P-
DSP		Time:	Media:

#### SIGNATURE CODES:

**CPn** - Presidential Correspondence  
 n - 0 - Unknown  
 n - 1 - Ronald Wilson Reagan  
 n - 2 - Ronald Reagan  
 n - 3 - Ron  
 n - 4 - Dutch  
 n - 5 - Ron Reagan  
 n - 6 - Ronald  
 n - 7 - Ronnie

**CLn** - First Lady's Correspondence  
 n - 0 - Unknown  
 n - 1 - Nancy Reagan  
 n - 2 - Nancy  
 n - 3 - Mrs. Ronald Reagan

**CBn** - Presidential & First Lady's Correspondence  
 n - 1 - Ronald Reagan - Nancy Reagan  
 n - 2 - Ron - Nancy

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**O** - Memo  
**P** - Photo  
**R** - Report  
**S** - Sealed  
**T** - Telegram  
**V** - Telephone  
**X** - Miscellaneous  
**Y** - Study



THE WHITE HOUSE

WASHINGTON

December 10, 1985

MEMORANDUM FOR DAVID L. CHEW  
STAFF SECRETARY

FROM: DAVID B. WALLER  
SENIOR ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order Entitled "Safety Belt  
Use Requirements for Federal Employees"

As requested in your Staffing Memorandum of December 9, 1985, this office has reviewed the referenced proposed executive order and has no legal objection to it.

**WHITE HOUSE STAFFING MEMORANDUM**DATE: 12/9/85 ACTION/CONCURRENCE/COMMENT DUE BY: December 10thSUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "SAFETY BELT USE REQUIREMENTS FOR FEDERAL EMPLOYEES"

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	McFARLANE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MILLER	<input type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CHAVEZ	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
CHEW	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	THOMAS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
HENKEL	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HICKS	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
KINGON	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
LACY	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: Please give your recommendations to my office by Tuesday, December 10th. Thanks.

RESPONSE:



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

November 25, 1985

MEMORANDUM FOR THE PRESIDENT

FROM: James C. Miller III  
Director

SUBJECT: Proposed Executive Order Entitled "Safety Belt  
Use Requirements For Federal Employees"

SUMMARY. This memorandum forwards for your consideration a proposed Executive order, submitted by the Secretary of Transportation, that would establish a program to require Federal employees to wear seat belts while traveling in motor vehicles on government business.

BACKGROUND. Pursuant to the Occupational Safety and Health Act and Executive Order No. 12196, each Federal agency maintains an employee occupational safety and health program, subject to the supervision of the Department of Labor. These programs attempt to ensure the safety of Federal workers in a comprehensive fashion, but, with some exceptions, agency plans do not currently require that employees wear seat belts while operating or riding in a vehicle on government business.

The proposed Executive order would establish a policy that each Federal employee operating or riding in a motor vehicle on official business, in a seat equipped with a safety belt, shall have the safety belt properly fastened about his or her body at all times while the vehicle is in motion. This requirement would include travel in private motor vehicles for which mileage rates are reimbursable to the employee. Furthermore, each Federal employee operating a motor vehicle on official business would be required to request that other occupants of the vehicle fasten their safety belts before the vehicle is placed in motion.

The seat belt usage program would be implemented by the head of each agency, within its existing resources and as part of its ongoing employee occupational safety and health program. The Department of Labor will include determinations of agency compliance with the seat belt policy in its safety evaluations of Federal agency programs; it also will include a summary report on safety belt usage by Federal employees in its annual safety and health report to the President. The Secretary of Transportation

will assist agency heads in carrying out their responsibilities for conducting the Federal employees motor vehicle occupant protection program.

At the request of the Department of Defense, the Secretary of Defense will be solely responsible for implementation of the safety belt usage program for military personnel. For Defense civilian personnel, the program will be implemented under the same institutional arrangements as in civilian agencies.

The proposed Executive order has been redrafted in part to reflect agency comments that the safety belt usage program should not be made subject to the Federal collective bargaining process with employee unions. However, in order to accommodate the United States Postal Service, which currently has collective bargaining agreements that provide that short-haul delivery personnel shall not be required to wear seat belts, an exemption has been incorporated into the order to permit the Postal Service to continue to bargain collectively with its unions on this issue.

As revised, none of the affected agencies has objected to the proposed Executive order.

RECOMMENDATION. I recommend that you sign the proposed Executive order.

Enclosure



U.S. Department of Justice

Office of Legal Counsel

Office of the  
Assistant Attorney General

Washington, D.C. 20530

REC 6 1985

MEMORANDUM

Re: Proposed Executive order entitled "Safety Belt Use  
Requirements for Federal Employees"

The attached proposed Executive order was submitted by the Department of Transportation and has been forwarded for the consideration of this Department as to form and legality by the Office of Management and Budget with the approval of the Director.

The proposed Executive order will establish a new policy concerning the use of safety belts. It will now be the policy of the Executive Branch that all employees should use their safety belts while riding in or driving a car on official business. The Secretaries of Labor, Transportation and Defense are responsible for overseeing coordination and implementation of this policy among the agencies. The proposed order is authorized by 5 U.S.C. § 7902(c)(2).

The proposed Executive order is acceptable as to form and legality.

Charles J. Cooper  
Assistant Attorney General  
Office of Legal Counsel





U.S. Department of Justice

Office of Legal Counsel

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Office of the  
Assistant Attorney General

Washington, D.C. 20530

JEC 6 1985

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "Safety Belt Use Requirements for Federal Employees." This proposed Executive order was submitted by the Department of Transportation and has been forwarded for the consideration of this Department as to form and legality by the Office of Management and Budget with the approval of the Director.

The proposed Executive order is approved as to form and legality.

Respectfully,

Charles J. Cooper  
Assistant Attorney General  
Office of Legal Counsel

## EXECUTIVE ORDER

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### SAFETY BELT USE REQUIREMENTS FOR FEDERAL EMPLOYEES

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 7902(c) of title 5 of the United States Code and section 19 of the Occupational Safety and Health Act of 1970, as amended (29 U.S.C. 668), it is hereby ordered as follows:

Section 1. Scope. (a) This Order applies to all agencies of the Executive branch.

(b) For purposes of this Order, the term "agency" means an Executive Department, as defined in 5 U.S.C. 101, or any employing unit or authority of the Federal government, other than those of the judicial and legislative branches.

(c) The Secretary of Labor ("the Secretary") shall cooperate and consult with the heads of entities in the legislative and judicial branches of the Government to encourage and help them adopt safety belt use programs similar to that established by this Order for Executive departments and agencies.

Sec. 2. Safety Belt Use Policy. (a) Each Federal employee operating or riding in a motor vehicle on official business, whose seat is equipped with a safety belt, shall have the safety belt properly fastened about his or her body at all times when the vehicle is in motion. This requirement shall include travel in motor vehicles for which mileage rates are reimbursable.

(b) Each Federal employee operating a motor vehicle on official business shall request each occupant of a seat equipped with a safety belt to fasten the safety belt properly about his or her body before the vehicle is placed in motion.

Sec. 3. Responsibilities of Heads of Agencies. (a) The head of each agency shall, within its existing resources and as

part of its ongoing employee occupational safety and health program:

(1) Immediately inform all employees of the policy of safety belt usage;

(2) Provide information to all employees concerning the correct use and importance of motor vehicle occupant protection devices;

(3) Organize, conduct, and maintain an employee motor vehicle occupant protection program;

(4) Include in the regular periodic inspection of all agency motor vehicles, inspection of the safety belt system to insure its proper working condition and regular maintenance; and

(5) Provide for the documentation of safety belt usage in all reports of motor vehicle accidents prepared by that agency.

Sec. 4. Responsibilities of the Secretary of Transportation.

(a) The Secretary of Transportation, in consultation with the Secretary of Labor, shall:

(1) Provide leadership and guidance to the heads of Executive agencies to assist them in carrying out their responsibilities for organizing, conducting, and maintaining a Federal employee motor vehicle occupant protection program; and

(2) Facilitate the exchange of ideas and information throughout the various Government agencies about motor vehicle occupant protection programs.

Sec. 5. Responsibilities of the Secretary of Labor. (a)

The Secretary of Labor shall include in safety evaluations of Federal agencies, pursuant to Section 1-401(h) of Executive Order No. 12196, determination of agency compliance with this Order; and

(b) The Secretary of Labor shall include in the annual reports to the President, pursuant to Section 1-401(j) of that

Order, a summary report on the status of on-the-job safety belt use by Federal employees.

Sec. 6. Responsibilities of the Secretary of Defense. The Secretary of Defense shall be responsible for implementation of all provisions of this Order insofar as they apply to military personnel.

Sec. 7. General Provisions. (a) Nothing in this Order shall be construed to impair or alter the powers and duties of the heads of the various Federal agencies pursuant to section 19 of the Occupational Safety and Health Act of 1970, or sections 7901, 7902, and 7903 of title 5 of the United States Code, nor shall it be construed to affect any right, duty, or procedure under the National Labor Relations Act.

(b) Nothing in this Order shall be construed to create a new cause of action against the United States or to alter in any way the liability of the United States under the Federal Tort Claims Act.

(c) This Order shall be effective immediately.

THE WHITE HOUSE,

EF  
THE WHITE HOUSE  
WASHINGTON

December 18, 1985

DONALD T. REGAN:

WS  
You can expect a fast hustle from Elizabeth Dole. She wants a Presidential Executive Order mandating that all federal employees wear seat belts while driving in government cars. The draft E.O. at Tab A accomplishes that but is a bureaucratic Rube Goldberg - it would embarrass the President as bureaucratic gobbledygook. (Every department should have an office of motor safety?) OMB, Kingon and others don't like it, but don't want to fight Elizabeth.

I've stopped it and in its place suggest the President send a memo (at Tab B) to all Cabinet Officers emphasizing his commitment to safety and encourage all federal workers to wear seat belts. It would accomplish Dole's objectives but not in a way that embarrasses the President. I'm working the Presidential memo, but Dole will push for her E.O. I hope you will resist.

*Dal*  
David Chew

cc: Kingon

33038555

SADD2  
TNEC101  
FGD24  
FGD10

THE WHITE HOUSE  
WASHINGTON

December 18, 1985

DAVID: *DTL* *Counsel's*

David Waller has indicated that the Seat Belt Executive Order, with its provision that would require federal employees operating motor vehicles to request that other occupants fasten their seat belts, could make the federal government liable against claims filed by injured passengers (under the Federal Tort Claims Act). The individual driving would not be liable, but the government itself.

Katherine



## EXECUTIVE ORDER

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### SAFETY BELT USE REQUIREMENTS FOR FEDERAL EMPLOYEES

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 7902(c) of title 5 of the United States Code and section 19 of the Occupational Safety and Health Act of 1970, as amended (29 U.S.C. 668), it is hereby ordered as follows:

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(b) For purposes of this Order, the term "agency" means an Executive Department, as defined in 5 U.S.C. 101, or any employing unit or authority of the Federal government, other than those of the judicial and legislative branches.

(c) The Secretary of Labor ("the Secretary") shall cooperate and consult with the heads of entities in the legislative and judicial branches of the Government to encourage and help them adopt safety belt use programs similar to that established by this Order for Executive departments and agencies.

Sec. 2. Safety Belt Use Policy. (a) Each Federal employee operating or riding in a motor vehicle on official business, whose seat is equipped with a safety belt, shall have the safety belt properly fastened about his or her body at all times when the vehicle is in motion. This requirement shall include travel in motor vehicles for which mileage rates are reimbursable.

(b) Each Federal employee operating a motor vehicle on official business shall request each occupant of a seat equipped with a safety belt to fasten the safety belt properly about his or her body before the vehicle is placed in motion.

Sec. 3. Responsibilities of Heads of Agencies. (a) The head of each agency shall, within its existing resources and as



part of its ongoing employee occupational safety and health program:

(1) Immediately inform all employees of the policy of safety belt usage;

(2) Provide information to all employees concerning the correct use and importance of motor vehicle occupant protection devices;

(3) Organize, conduct, and maintain an employee motor vehicle occupant protection program;

(4) Include in the regular periodic inspection of all agency motor vehicles, inspection of the safety belt system to insure its proper working condition and regular maintenance; and

(5) Provide for the documentation of safety belt usage in all reports of motor vehicle accidents prepared by that agency.

Sec. 4. Responsibilities of the Secretary of Transportation.

(a) The Secretary of Transportation, in consultation with the Secretary of Labor, shall:

(1) Provide leadership and guidance to the heads of Executive agencies to assist them in carrying out their responsibilities for organizing, conducting, and maintaining a Federal employee motor vehicle occupant protection program; and

(2) Facilitate the exchange of ideas and information throughout the various Government agencies about motor vehicle occupant protection programs.

Sec. 5. Responsibilities of the Secretary of Labor. (a)

The Secretary of Labor shall include in safety evaluations of Federal agencies, pursuant to Section 1-401(h) of Executive Order No. 12196, determination of agency compliance with this Order; and

(b) The Secretary of Labor shall include in the annual reports to the President, pursuant to Section 1-401(j) of that

Order, a summary report on the status of on-the-job safety belt use by Federal employees.

Sec. 6. Responsibilities of the Secretary of Defense. The Secretary of Defense shall be responsible for implementation of all provisions of this Order insofar as they apply to military personnel.

Sec. 7. General Provisions. (a) Nothing in this Order shall be construed to impair or alter the powers and duties of the heads of the various Federal agencies pursuant to section 19 of the Occupational Safety and Health Act of 1970, or sections 7901, 7902, and 7903 of title 5 of the United States Code, nor shall it be construed to affect any right, duty, or procedure under the National Labor Relations Act.

(b) Nothing in this Order shall be construed to create a new cause of action against the United States or to alter in any way the liability of the United States under the Federal Tort Claims Act.

(c) This Order shall be effective immediately.

THE WHITE HOUSE,

*B*

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Federal Employee Safety Belt Use

Each year, many thousands of lives could be saved and injuries prevented if motorists would use safety belts when traveling on our highways. Currently, the annual societal cost of these needless deaths and injuries is over 57 billion dollars. The tremendous pain, suffering and frustration felt by crash victims and their families is incalculable.

The Federal Government can set an example by promoting safety belt usage for our own employees. Many of you have initiated safety belt use policies requiring employees traveling on official government business to use their safety belts. I would encourage those of you who have not done so as yet to issue a policy calling on your employees, operating or riding in a government or personal automobile on official business, to wear a safety belt at all times. Required on-the-job use is the basic building block in achieving increased belt usage both on and off the job.

Eleven Departments and Agencies, representing 86 percent of Federal Government employment, have on-the-job mandatory seat belt use policies. The eleven are the Department of Agriculture, Department of Defense, Department of Education, Housing and Urban Development, Health and Human Services, Department of Interior, General Services Administration, Department of Labor, Department of Transportation, Veterans Administration, and the Post Office.

Departments have also taken innovative steps to promote safety belt usage. The Department of Defense has, in addition to maintaining the use policy, conducted a series of traffic safety workshops stressing the benefits of belt usage as well as other safety program activities. The Department of Agriculture has conducted an employee workshop on safety belt usage attended by

representatives of every agency of the Department. A Department of Transportation official policy and incentive program resulted in a 40 percent increase in private, non-duty safety belt use over a 15-month period. We can all be proud of efforts like these. They represent habits that have been changed and injuries and deaths that have been avoided by the simple expedient of remembering to buckle up.

Much remains to be done to ensure that this life-saving technology is used on each and every official trip. I ask for your personal leadership in this regard so that Federal employees are informed of the value of safety belts and of the risks of being in a motor vehicle without them. Through such leadership, we can reduce human suffering and preserve productivity.

Ronald Reagan