

106TH CONGRESS
1ST SESSION

H. R. 2910

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 1999

Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. DUNCAN, and Mr. LIPINSKI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; REFERENCES.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Transportation Safety Board Amendments Act
6 of 1999”.

7 (b) REFERENCES.—Except as otherwise specifically
8 provided, whenever in this Act an amendment or repeal

1 is expressed in terms of an amendment to, or repeal of,
2 a section or other provision of law, the reference shall be
3 considered to be made to a section or other provision of
4 title 49, United States Code.

5 **SEC. 2. DEFINITIONS.**

6 Section 1101 is amended to read as follows:

7 **“§ 1101. Definitions**

8 “Section 2101(17a) of title 46 and section 40102(a)
9 of this title apply to this chapter. In this chapter, the term
10 ‘accident’ includes damage to or destruction of vehicles in
11 surface or air transportation or pipelines, regardless of
12 whether the initiating event is accidental or otherwise.”.

13 **SEC. 3. AUTHORITY TO ENTER INTO AGREEMENTS.**

14 (a) IN GENERAL.—Section 1113(b)(1)(I) is amended
15 to read as follows:

16 “(I) negotiate and enter into agreements with
17 private entities and departments, agencies, and in-
18 strumentalities of the Government, State and local
19 governments, and governments of foreign countries
20 for the provision of technical services or training in
21 accident investigation theory and technique, and re-
22 quire that such entities provide appropriate consider-
23 ation for the reasonable costs of any goods, services,
24 or training provided by the Board.”.

1 (b) DEPOSIT OF AMOUNTS.—Section 1113(b)(2) is
2 amended—

3 (1) by inserting “and section 1114(a)” before
4 “to be credited”; and

5 (2) by inserting “as offsetting collections” be-
6 fore the period at the end.

7 **SEC. 4. OVERTIME PAY.**

8 Section 1113 is amended by adding at the end the
9 following:

10 “(g) OVERTIME PAY.—

11 “(1) IN GENERAL.—Subject to the require-
12 ments of this section and notwithstanding para-
13 graphs (1) and (2) of section 5542(a) of title 5, for
14 an employee of the Board whose basic pay is at a
15 rate which equals or exceeds the minimum rate of
16 basic pay for GS–10 of the General Schedule, the
17 Board may establish an overtime hourly rate of pay
18 for the employee with respect to work performed at
19 the scene of an accident (including travel to or from
20 the scene) and other work that is critical to an acci-
21 dent investigation in an amount equal to one and
22 one-half times the hourly rate of basic pay of the
23 employee. All of such amount shall be considered to
24 be premium pay.

1 “(2) LIMITATION ON OVERTIME PAY TO AN EM-
2 PLOYEE.—An employee of the Board may not re-
3 ceive overtime pay under paragraph (1), for work
4 performed in a calendar year, in an amount that ex-
5 ceeds 15 percent of the annual rate of basic pay of
6 the employee for such calendar year.

7 “(3) LIMITATION ON TOTAL AMOUNT OF OVER-
8 TIME PAY.—The Board may not make overtime pay-
9 ments under paragraph (1), for work performed in
10 a calendar year, in a total amount that exceeds
11 \$570,000.

12 “(4) BASIC PAY DEFINED.—In this subsection,
13 the term ‘basic pay’ includes any applicable locality-
14 based comparability payment under section 5304 of
15 title 5 (or similar provision of law) and any special
16 rate of pay under section 5305 of title 5 (or similar
17 provision of law).

18 “(5) ANNUAL REPORT.—Not later than Janu-
19 ary 31, 2001, and annually thereafter, the Board
20 shall transmit to Congress a report identifying the
21 total amount of overtime payments made under this
22 subsection in the preceding fiscal year and the num-
23 ber of employees whose overtime pay under this sub-
24 section was limited in such fiscal year as a result of
25 the 15 percent limit established by paragraph (2).”.

1 **SEC. 5. RECORDERS.**

2 (a) COCKPIT VIDEO RECORDINGS.—Section 1114(c)
3 is amended—

4 (1) in the subsection heading by striking
5 “VOICE”;

6 (2) in paragraphs (1) and (2) by striking
7 “cockpit voice recorder” and inserting “cockpit voice
8 or video recorder”; and

9 (3) in the second sentence of paragraph (1) by
10 inserting “or any written depiction of visual infor-
11 mation” after “transcript”.

12 (b) SURFACE VEHICLE RECORDINGS AND TRAN-
13 SCRIPTS.—

14 (1) IN GENERAL.—Section 1114 is amended—

15 (A) by redesignating subsections (d) and
16 (e) as subsections (e) and (f), respectively; and

17 (B) by inserting after subsection (c) the
18 following:

19 “(d) SURFACE VEHICLE RECORDINGS AND TRAN-
20 SCRIPTS.—

21 “(1) CONFIDENTIALITY OF RECORDINGS.—The
22 Board may not disclose publicly any part of a sur-
23 face vehicle voice or video recorder recording or
24 transcript of oral communications by or among driv-
25 ers, train employees, or other operating employees
26 responsible for the movement and direction of the

1 vehicle or vessel, or between such operating employ-
2 ees and company communication centers, related to
3 an accident investigated by the Board. However, the
4 Board shall make public any part of a transcript or
5 any written depiction of visual information that the
6 Board decides is relevant to the accident—

7 “(A) if the Board holds a public hearing
8 on the accident, at the time of the hearing; or

9 “(B) if the Board does not hold a public
10 hearing, at the time a majority of the other fac-
11 tual reports on the accident are placed in the
12 public docket.

13 “(2) REFERENCES TO INFORMATION IN MAKING
14 SAFETY RECOMMENDATIONS.—This subsection does
15 not prevent the Board from referring at any time to
16 voice or video recorder information in making safety
17 recommendations.”.

18 (2) CONFORMING AMENDMENT.—The first sen-
19 tence of section 1114(a) is amended by striking
20 “and (e)” and inserting “(d), and (f)”.

21 (c) DISCOVERY AND USE OF COCKPIT AND SURFACE
22 VEHICLE RECORDINGS AND TRANSCRIPTS.—

23 (1) IN GENERAL.—Section 1154 is amended—

24 (A) in the section heading by striking

25 “**cockpit voice and other material**” and

1 inserting “**cockpit and surface vehicle**
2 **recordings and transcripts**”;

3 (B) in subsection (a)—

4 (i) by striking “cockpit voice re-
5 corder” each place it appears and inserting
6 “cockpit or surface vehicle recorder”;

7 (ii) by striking “section 1114(c)” each
8 place it appears and inserting “section
9 1114(c) or 1114(d)”; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(6) In this subsection—

13 “(A) the term ‘recorder’ means a voice or video
14 recorder; and

15 “(B) the term ‘transcript’ includes any written
16 depiction of visual information obtained from a video
17 recorder.”.

18 (2) CONFORMING AMENDMENT.—The table of
19 sections for chapter 11 is amended by striking the
20 item relating to section 1154 and inserting the fol-
21 lowing:

“1154. Discovery and use of cockpit and surface vehicle recordings and tran-
scripts.”.

22 (d) REQUIREMENTS FOR INSTALLATION AND USE OF
23 RECORDING DEVICES.—Section 329 is amended by add-
24 ing at the end the following:

1 “(e) REQUIREMENTS FOR INSTALLATION AND USE
2 OF RECORDING DEVICES.—A requirement for the installa-
3 tion and use of an automatic voice, video, or data record-
4 ing device on an aircraft, vessel, or surface vehicle shall
5 not be construed to be the collection of information for
6 the purpose of any Federal law or regulation, if the
7 requirement—

8 “(1) meets a safety need for the automatic re-
9 cording of realtime voice or data experience that is
10 restricted to a fixed period of the most recent oper-
11 ation of the aircraft, vessel, or motor vehicle;

12 “(2) does not place a periodic reporting burden
13 on any person; and

14 “(3) does not necessitate the collection and
15 preservation of data separate from the device.”.

16 **SEC. 6. PRIORITY OF INVESTIGATIONS.**

17 (a) IN GENERAL.—Section 1131(a)(2) is amended—

18 (1) by striking “(2) An investigation” and in-
19 sserting “(2)(A) Subject to the requirements of this
20 paragraph, an investigation”; and

21 (2) by adding at the end the following:

22 “(B) If the Attorney General, in consultation with the
23 Chairman of the Board, determines and notifies the Board
24 that circumstances reasonably indicate that the accident
25 may have been caused by an intentional criminal act, the

1 Board shall relinquish investigative priority to the Federal
2 Bureau of Investigation. The relinquishment of investiga-
3 tive priority by the Board shall not otherwise affect the
4 authority of the Board to continue its investigation under
5 this section.

6 “(C) If a law enforcement agency suspects and noti-
7 fies the Board that an accident being investigated by the
8 Board under paragraph (1) (A)–(D) may have been
9 caused by an intentional criminal act, the Board, in con-
10 sultation with the law enforcement agency, shall take nec-
11 essary actions to ensure that evidence of the criminal act
12 is preserved.”.

13 (b) REVISION OF 1977 AGREEMENT.—Not later than
14 1 year after the date of enactment of this Act, the Na-
15 tional Transportation Safety Board and the Federal Bu-
16 reau of Investigation shall revise their 1977 agreement on
17 the investigation of accidents to take into account the
18 amendments made by this Act.

19 **SEC. 7. PUBLIC AIRCRAFT INVESTIGATION CLARIFICATION.**

20 Section 1131(d) is amended by striking “1134(b)(2)”
21 and inserting “1134 (a), (b), (d), and (f)”.

22 **SEC. 8. AUTHORITY OF THE INSPECTOR GENERAL.**

23 (a) IN GENERAL.—Subchapter III of chapter 11 of
24 subtitle II is amended by adding at the end the following:

1 **“§ 1137. Authority of the Inspector General**

2 “(a) IN GENERAL.—The Inspector General of the
3 Department of Transportation, in accordance with the
4 mission of the Inspector General to prevent and detect
5 fraud and abuse, shall have authority to review only the
6 financial management and business operations of the Na-
7 tional Transportation Safety Board, including internal ac-
8 counting and administrative control systems, to determine
9 compliance with applicable Federal laws, rules, and regu-
10 lations.

11 “(b) DUTIES.—In carrying out this section, the In-
12 spector General shall—

13 “(1) keep the Chairman of the Board and Con-
14 gress fully and currently informed about problems
15 relating to administration of the internal accounting
16 and administrative control systems of the Board;

17 “(2) issue findings and recommendations for
18 actions to address such problems; and

19 “(3) report periodically to Congress on any
20 progress made in implementing actions to address
21 such problems.

22 “(c) ACCESS TO INFORMATION.—In carrying out this
23 section, the Inspector General may exercise authorities
24 granted to the Inspector General under subsections (a)
25 and (b) of section 6 of the Inspector General Act of 1978
26 (5 U.S.C. App.).

1 “(d) REIMBURSEMENT.—The Inspector General shall
2 be reimbursed by the Board for the costs associated with
3 carrying out activities under this section.”.

4 (b) CONFORMING AMENDMENT.—The table of sec-
5 tions for such subchapter is amended by adding at the
6 end the following:

“1137. Authority of the Inspector General.”.

7 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 1118(a) is amended to read as follows:

9 “(a) IN GENERAL.—There is authorized to be appro-
10 priated for the purposes of this chapter \$57,000,000 for
11 fiscal year 2000, \$65,000,000 for fiscal year 2001, and
12 \$72,000,000 for fiscal year 2002. Such sums remain avail-
13 able until expended.”.

14 **SEC. 10. TERMINAL DOPPLER WEATHER RADAR.**

15 If the Administrator of the Federal Aviation Admin-
16 istration determines that it would enhance aviation safety,
17 the Administrator shall install a Terminal Doppler Weath-
18 er Radar at the site of the former United States Coast
19 Guard Air Station Brooklyn at Floyd Bennett Field in
20 King’s County, New York.

○