

106TH CONGRESS
2^D SESSION

S. 2412

AN ACT

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, 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 2000”.

1 (b) REFERENCES.—Except as otherwise specifically
2 provided, whenever in this Act an amendment or repeal
3 is expressed in terms of an amendment to, or repeal of,
4 a section or other provision of law, the reference shall be
5 considered to be made to a section or other provision of
6 title 49, United States Code.

7 **SEC. 2. DEFINITIONS.**

8 Section 1101 is amended to read as follows:

9 **“§ 1101. Definitions**

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

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

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

18 “(I) negotiate and enter into agreements
19 with individuals and private entities and depart-
20 ments, agencies, and instrumentalities of the
21 Government, State and local governments, and
22 governments of foreign countries for the provi-
23 sion of facilities, accident-related and technical
24 services or training in accident investigation
25 theory and techniques, and require that such

1 entities provide appropriate consideration for
2 the reasonable costs of any facilities, goods,
3 services, or training provided by the Board.”.

4 (b) DEPOSIT OF AMOUNTS.—

5 (1) Section 1113(b)(2) is amended—

6 (A) by inserting “as offsetting collections”
7 after “to be credited”; and

8 (B) by adding after “Board.” the fol-
9 lowing: “The Board shall maintain an annual
10 record of collections received under paragraph
11 (1)(I) of this subsection.”.

12 (2) Section 1114(a) is amended—

13 (A) by inserting “(1)” before “Except”;
14 and

15 (B) by adding at the end thereof the fol-
16 lowing:

17 “(2) The Board shall deposit in the Treasury
18 amounts received under paragraph (1) to be credited
19 to the appropriation of the Board as offsetting col-
20 lections.”.

21 (3) Section 1115(d) is amended by striking “of
22 the ‘National Transportation Safety Board, Salaries
23 and Expenses’” and inserting “of the Board”.

1 **SEC. 4. OVERTIME PAY.**

2 Section 1113 is amended by adding at the end the
3 following:

4 “(g) OVERTIME PAY.—

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

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

25 “(3) LIMITATION ON TOTAL AMOUNT OF OVER-
26 TIME PAY.—The Board may not make overtime pay-

1 ments under paragraph (1) for work performed in
2 any fiscal year in a total amount that exceeds 1.5
3 percent of the amount appropriated to carry out this
4 chapter for that fiscal year.

5 “(4) BASIC PAY DEFINED.—In this subsection,
6 the term ‘basic pay’ includes any applicable locality-
7 based comparability payment under section 5304 of
8 title 5 (or similar provision of law) and any special
9 rate of pay under section 5305 of title 5 (or similar
10 provision of law).

11 “(5) ANNUAL REPORT.—Not later than Janu-
12 ary 31, 2002, and annually thereafter, the Board
13 shall transmit to the Senate Committee on Com-
14 merce, Science, and Transportation and the House
15 Transportation and Infrastructure Committee a re-
16 port identifying the total amount of overtime pay-
17 ments made under this subsection in the preceding
18 fiscal year, and the number of employees whose
19 overtime pay under this subsection was limited in
20 that fiscal year as a result of the 15 percent limit
21 established by paragraph (2).”.

22 **SEC. 5. RECORDERS.**

23 (a) COCKPIT VIDEO RECORDINGS.—Section 1114(c)
24 is amended—

1 (1) by striking “VOICE” in the subsection head-
2 ing;

3 (2) by striking “cockpit voice recorder” in para-
4 graphs (1) and (2) and inserting “cockpit voice or
5 video recorder”; and

6 (3) by inserting “or any written depiction of
7 visual information” after “transcript” in the second
8 sentence of paragraph (1).

9 (b) SURFACE VEHICLE RECORDINGS AND TRAN-
10 SCRIPTS.—

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

12 (A) by redesignating subsections (d) and
13 (e) as subsections (e) and (f), respectively; and

14 (B) by inserting after subsection (e) the
15 following:

16 “(d) SURFACE VEHICLE RECORDINGS AND TRAN-
17 SCRIPTS.—

18 “(1) CONFIDENTIALITY OF RECORDINGS.—The
19 Board may not disclose publicly any part of a sur-
20 face vehicle voice or video recorder recording or
21 transcript of oral communications by or among driv-
22 ers, train employees, or other operating employees
23 responsible for the movement and direction of the
24 vehicle or vessel, or between such operating employ-
25 ees and company communication centers, related to

1 an accident investigated by the Board. However, the
 2 Board shall make public any part of a transcript or
 3 any written depiction of visual information that the
 4 Board decides is relevant to the accident—

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

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

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

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

19 (c) DISCOVERY AND USE OF COCKPIT AND SURFACE
 20 VEHICLE RECORDINGS AND TRANSCRIPTS.—

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

22 (A) by striking the section heading and in-
 23 serting the following:

1 **“§ 1154. Discovery and use of cockpit and surface ve-**
 2 **hicle recordings and transcripts;**

3 (B) by striking “cockpit voice recorder”
 4 each place it appears in subsection (a) and in-
 5 serting “cockpit or surface vehicle recorder”;

6 (C) by striking “section 1114(c)” each
 7 place it appears in subsection (a) and inserting
 8 “section 1114(c) or 1114(d)”; and

9 (D) by adding at the end the following:

10 “(6) In this subsection:

11 “(A) RECORDER.—The term ‘recorder’
 12 means a voice or video recorder.

13 “(B) TRANSCRIPT.—The term ‘transcript’
 14 includes any written depiction of visual infor-
 15 mation obtained from a video recorder.”.

16 (2) CONFORMING AMENDMENT.—The chapter
 17 analysis for chapter 11 is amended by striking the
 18 item relating to section 1154 and inserting the fol-
 19 lowing:

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

20 **SEC. 6. PRIORITY OF INVESTIGATIONS.**

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

22 (1) by striking “(2) An investigation” and in-
 23 serting:

1 “(2)(A) Subject to the requirements of this
2 paragraph, an investigation”; and

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

4 “(B) If the Attorney General, in consulta-
5 tion with the Chairman of the Board, deter-
6 mines and notifies the Board that cir-
7 cumstances reasonably indicate that the acci-
8 dent may have been caused by an intentional
9 criminal act, the Board shall relinquish inves-
10 tigative priority to the Federal Bureau of Inves-
11 tigation. The relinquishment of investigative
12 priority by the Board shall not otherwise affect
13 the authority of the Board to continue its inves-
14 tigation under this section.

15 “(C) If a Federal law enforcement agency
16 suspects and notifies the Board that an acci-
17 dent being investigated by the Board under
18 subparagraph (A), (B), (C), or (D) of para-
19 graph (1) may have been caused by an inten-
20 tional criminal act, the Board, in consultation
21 with the law enforcement agency, shall take
22 necessary actions to ensure that evidence of the
23 criminal act is preserved.”.

24 (b) REVISION OF 1977 AGREEMENT.—Not later than
25 1 year after the date of the enactment of this Act, the

1 National Transportation Safety Board and the Federal
2 Bureau of Investigation shall revise their 1977 agreement
3 on the investigation of accidents to take into account the
4 amendments made by this Act.

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

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

8 **SEC. 8. MEMORANDUM OF UNDERSTANDING.**

9 Not later than 1 year after the date of the enactment
10 of this Act, the National Transportation Safety Board and
11 the United States Coast Guard shall revise their Memo-
12 randum of Understanding governing major marine
13 accidents—

14 (1) to redefine or clarify the standards used to
15 determine when the National Transportation Safety
16 Board will lead an investigation; and

17 (2) to develop new standards to determine when
18 a major marine accident involves significant safety
19 issues relating to Coast Guard safety functions.

20 **SEC. 9. TRAVEL BUDGETS.**

21 The Chairman of the National Transportation Safety
22 Board shall establish annual fiscal year budgets for non-
23 accident-related travel expenditures for Board members
24 which shall be approved by the Board and submitted to
25 the Senate Committee on Commerce, Science, and Trans-

1 portation and to the House of Representatives Committee
2 on Transportation and Infrastructure together with an an-
3 nual report detailing the non-accident-related travel of
4 each Board member. The report shall include separate ac-
5 counting for foreign and domestic travel, including any
6 personnel or other expenses associated with that travel.

7 **SEC. 10. CHIEF FINANCIAL OFFICER.**

8 Section 1111 is amended—

9 (1) by redesignating subsection (h) as sub-
10 section (i); and

11 (2) by inserting after subsection (g) the fol-
12 lowing:

13 “(h) CHIEF FINANCIAL OFFICER.—The Chairman
14 shall designate an officer or employee of the Board as the
15 Chief Financial Officer. The Chief Financial Officer
16 shall—

17 “(1) report directly to the Chairman on finan-
18 cial management and budget execution;

19 “(2) direct, manage, and provide policy guid-
20 ance and oversight on financial management and
21 property and inventory control; and

22 “(3) review the fees, rents, and other charges
23 imposed by the Board for services and things of
24 value it provides, and suggest appropriate revisions
25 to those charges to reflect costs incurred by the

1 Board in providing those services and things of
2 value.”.

3 **SEC. 11. IMPROVED AUDIT PROCEDURES.**

4 The National Transportation Safety Board, in con-
5 sultation with the Inspector General of the Department
6 of Transportation, shall develop and implement com-
7 prehensive internal audit controls for its financial pro-
8 grams based on the findings and recommendations of the
9 private sector audit firm contract entered into by the
10 Board in March, 2000. The improved internal audit con-
11 trols shall, at a minimum, address Board asset manage-
12 ment systems, including systems for accounting manage-
13 ment, debt collection, travel, and property and inventory
14 management and control.

15 **SEC. 12. AUTHORITY OF THE INSPECTOR GENERAL.**

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

18 **“§ 1137. Authority of the Inspector General**

19 “(a) IN GENERAL.—The Inspector General of the
20 Department of Transportation, in accordance with the
21 mission of the Inspector General to prevent and detect
22 fraud and abuse, shall have authority to review only the
23 financial management, property management, and busi-
24 ness operations of the National Transportation Safety
25 Board, including internal accounting and administrative

1 control systems, to determine compliance with applicable
2 Federal laws, rules, and regulations.

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

5 “(1) keep the Chairman of the Board and Con-
6 gress fully and currently informed about problems
7 relating to administration of the internal accounting
8 and administrative control systems of the Board;

9 “(2) issue findings and recommendations for
10 actions to address such problems; and

11 “(3) report periodically to Congress on any
12 progress made in implementing actions to address
13 such problems.

14 “(c) ACCESS TO INFORMATION.—In carrying out this
15 section, the Inspector General may exercise authorities
16 granted to the Inspector General under subsections (a)
17 and (b) of section 6 of the Inspector General Act of 1978
18 (5 U.S.C. App.).

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

22 (b) CONFORMING AMENDMENT.—The subchapter
23 analysis for such subchapter is amended by adding at the
24 end the following:

“1137. Authority of the Inspector General.”.

1 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 1118 is amended to read as follows:

3 **“§ 1118. Authorization of appropriations**

4 “(a) IN GENERAL.—There are authorized to be ap-
5 propriated for the purposes of this chapter \$57,000,000
6 for fiscal year 2000, \$65,000,000 for fiscal year 2001, and
7 \$72,000,000 for fiscal year 2002, such sums to remain
8 available until expended.

9 “(b) EMERGENCY FUND.—The Board has an emer-
10 gency fund of \$2,000,000 available for necessary expenses
11 of the Board, not otherwise provided for, for accident in-
12 vestigations. Amounts equal to the amounts expended an-
13 nually out of the fund are authorized to be appropriated
14 to the emergency fund.”.

15 **SEC. 14. CREDITING OF LAW ENFORCEMENT FLIGHT TIME.**

16 In determining whether an individual meets the aero-
17 nautical experience requirements imposed under section
18 44703 of title 49, United States Code, for an airman cer-
19 tificate or rating, the Secretary of Transportation shall
20 take into account any time spent by that individual oper-
21 ating a public aircraft as defined in section 40102 of title
22 49, United States Code, if that aircraft is—

23 (1) identifiable by category and class; and

24 (2) used in law enforcement activities.

1 **SEC. 15. TECHNICAL CORRECTION.**

2 Section 46301(d)(2) of title 49, United States Code,
3 is amended by striking “46302, 46303,” and inserting
4 “46301(b), 46302, 46303, 46318,”.

5 **SEC. 16. CONFIRMATION OF INTERIM FINAL RULE**
6 **ISSUANCE UNDER SECTION 45301.**

7 The publication, by the Department of Transpor-
8 tation, Federal Aviation Administration, in the Federal
9 Register of June 6, 2000 (65 FR 36002) of an interim
10 final rule concerning Fees for FAA Services for Certain
11 Flights (Docket No. FAA-00-7018) is deemed to have
12 been issued in accordance with the requirements of section
13 45301(b)(2) of title 49, United States Code.

14 **SEC. 17. AERONAUTICAL CHARTING.**

15 (a) IN GENERAL.—Section 44721 of title 49, United
16 States Code, is amended—

17 (1) by striking paragraphs (3) and (4) of sub-
18 section (c); and

19 (2) by adding at the end of subsection (g)(1)
20 the following:

21 “(D) CONTINUATION OF PRICES.—The
22 price of any product created under subsection
23 (d) may correspond to the price of a com-
24 parable product produced by a department of
25 the United States Government as that price
26 was in effect on September 30, 2000, and may

1 remain in effect until modified by regulation
2 under section 9701 of title 31, United States
3 Code.”; and

4 (3) by adding at the end of subsection (g) the
5 following:

6 (5) CREDITING AMOUNTS RECEIVED.—Notwith-
7 standing any other provision of law, amounts re-
8 ceived for the sale of products created and services
9 performed under this section shall be fully credited
10 to the account of the Federal Aviation Administra-
11 tion that funded the provision of the products or
12 services and shall remain available until expended.

13 (b) EFFECTIVE DATE.—The amendments made by
14 subsection (a) take effect on October 1, 2000.

 Passed the Senate October 3 (legislative day, Sep-
 tember 22), 2000.

 Attest:

Secretary.

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To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes.