

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4466

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2002

Mr. YOUNG of Alaska (for himself, Mr. MICA, Mr. OBERSTAR, Mr. QUINN, Mr. LIPINSKI, and Mr. CLEMENT) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, 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.**

4       This Act may be cited as the “National Transpor-  
5       tation Safety Board Reauthorization Act of 2002”.

1                                   **TITLE I—NTSB**  
2                                   **REAUTHORIZATION**

3 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

4           (a) FISCAL YEARS 2003–2005.—Section 1118(a) of  
5 title 49, United States Code, is amended—

6                   (1) by striking “and”; and

7                   (2) by striking “such sums to” and inserting  
8 the following: “\$73,325,000 for fiscal year 2003,  
9 \$84,999,000 for fiscal year 2004, and \$89,687,000  
10 for fiscal year 2005. Such sums shall”.

11          (b) NTSB ACADEMY.—Section 1118 of such title is  
12 amended by adding at the end the following:

13           “(c) ACADEMY.—There are authorized to be appro-  
14 priated to the Board for necessary expenses of the Na-  
15 tional Transportation Safety Board Academy, not other-  
16 wise provided for, \$3,347,000 for fiscal year 2003,  
17 \$4,896,000 for fiscal year 2004, and \$4,995,000 for fiscal  
18 year 2005. Such sums shall remain available until ex-  
19 pended.”.

20 **SEC. 102. ACCIDENT AND SAFETY DATA CLASSIFICATION**  
21                                   **AND PUBLICATION.**

22          Section 1119 of title 49, United States Code, is  
23 amended by adding at the end the following:

24           “(c) APPEALS.—

1           “(1) NOTIFICATION OF RIGHTS.—In any case  
2           in which an employee of the Board determines that  
3           an occurrence associated with the operation of an  
4           aircraft constitutes an accident, the employee shall  
5           notify the owner or operator of that aircraft of the  
6           right to appeal that determination to the Board.

7           “(2) PROCEDURE.—The Board shall establish  
8           and publish the procedures for appeals under this  
9           subsection.

10           “(3) LIMITATION ON APPLICABILITY.—This  
11           subsection shall not apply in the case of an accident  
12           that results in a loss of life.”.

13 **SEC. 103. SECRETARY OF TRANSPORTATION’S RESPONSES**  
14 **TO SAFETY RECOMMENDATIONS.**

15           Section 1135(d) of title 49, United States Code, is  
16 amended to read as follows:

17           “(d) REPORTING REQUIREMENTS.—

18           “(1) ANNUAL SECRETARIAL REGULATORY STA-  
19           TUS REPORTS.—On February 1 of each year, the  
20           Secretary shall submit a report to Congress and the  
21           Board containing the regulatory status of each sig-  
22           nificant safety recommendation made by the Board  
23           to the Secretary (or to an Administration within the  
24           Department) during the previous calendar year. The  
25           Secretary shall continue to report on the regulatory

1 status of each such recommendation in the report  
2 due on February 1 of subsequent years until final  
3 regulatory action is taken on that recommendation  
4 or the Secretary (or an Administration within the  
5 Department) determines and states in such a report  
6 that no action should be taken.

7 “(2) FAILURE TO REPORT.—If on March 1 of  
8 each year the Board has not received the Secretary’s  
9 report required by this subsection, the Board shall  
10 notify the Committee on Transportation and Infra-  
11 structure of the House of Representatives and the  
12 Committee on Commerce, Science, and Transpor-  
13 tation of the Senate of the Secretary’s failure to  
14 submit the required report.

15 “(3) SIGNIFICANT SAFETY RECOMMENDATION  
16 DEFINED.—For the purposes of this subsection, the  
17 term ‘significant safety recommendation’ means a  
18 recommendation included in the Board’s ‘most want-  
19 ed list’.

20 “(4) TERMINATION.—This subsection shall  
21 cease to be in effect after the report required to be  
22 filed on February 1, 2007, is filed.”.

1 **SEC. 104. ASSISTANCE TO FAMILIES OF PASSENGERS IN-**  
2 **VOLVED IN AIRCRAFT ACCIDENTS.**

3 (a) RELINQUISHMENT OF INVESTIGATIVE PRI-  
4 ORITY.—Section 1136 of title 49, United States Code, is  
5 amended by adding at the end the following:

6 “(j) RELINQUISHMENT OF INVESTIGATIVE PRI-  
7 ORITY.—

8 “(1) GENERAL RULE.—This section (other than  
9 subsection (g)) shall not apply to an aircraft acci-  
10 dent if the Board has relinquished investigative pri-  
11 ority under section 1131(a)(2)(B) and the Federal  
12 agency to which the Board relinquished investigative  
13 priority is willing and able to provide assistance to  
14 the victims and families of the passengers involved  
15 in the accident.

16 “(2) BOARD ASSISTANCE.—If this section does  
17 not apply to an aircraft accident because the Board  
18 has relinquished investigative priority with respect to  
19 the accident, the Board shall assist, to the maximum  
20 extent possible, the agency to which the Board has  
21 relinquished investigative priority in assisting fami-  
22 lies with respect to the accident.”.

23 (b) REVISION OF MOU.—Not later than 1 year after  
24 the date of enactment of this Act, the National Transpor-  
25 tation Safety Board and the Federal Bureau of Investiga-  
26 tion shall revise their 1977 agreement on the investigation

1 of accidents to take into account the amendments made  
2 by this section and title II and shall submit a copy of the  
3 revised agreement to the Committee on Transportation  
4 and Infrastructure of the House of Representatives and  
5 the Committee on Commerce, Science, and Transportation  
6 of the Senate.

7 **SEC. 105. TECHNICAL AMENDMENTS.**

8 Section 1131(a)(2) of title 49, United States Code,  
9 is amended by moving subparagraphs (B) and (C) 4 ems  
10 to the left.

11 **TITLE II—RAILROAD FAMILY**  
12 **ASSISTANCE**

13 **SEC. 201. ASSISTANCE BY NATIONAL TRANSPORTATION**  
14 **SAFETY BOARD TO FAMILIES OF PAS-**  
15 **SENGERS INVOLVED IN RAIL PASSENGER AC-**  
16 **CIDENTS.**

17 (a) IN GENERAL.—Subchapter III of chapter 11 of  
18 title 49, United States Code, is amended by adding at the  
19 end the following:

20 **“§ 1138. Assistance to families of passengers involved**  
21 **in rail passenger accidents**

22 “(a) IN GENERAL.—As soon as practicable after  
23 being notified of a rail passenger accident within the  
24 United States involving a rail passenger carrier and result-

1 ing in a major loss of life, the Chairman of the National  
2 Transportation Safety Board shall—

3 “(1) designate and publicize the name and  
4 phone number of a director of family support serv-  
5 ices who shall be an employee of the Board and shall  
6 be responsible for acting as a point of contact within  
7 the Federal Government for the families of pas-  
8 sengers involved in the accident and a liaison be-  
9 tween the rail passenger carrier and the families;  
10 and

11 “(2) designate an independent nonprofit organi-  
12 zation, with experience in disasters and posttrauma  
13 communication with families, which shall have pri-  
14 mary responsibility for coordinating the emotional  
15 care and support of the families of passengers in-  
16 volved in the accident.

17 “(b) RESPONSIBILITIES OF THE BOARD.—The Board  
18 shall have primary Federal responsibility for—

19 “(1) facilitating the recovery and identification  
20 of fatally injured passengers involved in an accident  
21 described in subsection (a); and

22 “(2) communicating with the families of pas-  
23 sengers involved in the accident as to the roles of—

24 “(A) the organization designated for an ac-  
25 cident under subsection (a)(2);

1 “(B) Government agencies; and

2 “(C) the rail passenger carrier involved,  
3 with respect to the accident and the post-accident  
4 activities.

5 “(c) RESPONSIBILITIES OF DESIGNATED ORGANIZA-  
6 TION.—The organization designated for an accident under  
7 subsection (a)(2) shall have the following responsibilities  
8 with respect to the families of passengers involved in the  
9 accident:

10 “(1) To provide mental health and counseling  
11 services, in coordination with the disaster response  
12 team of the rail passenger carrier involved.

13 “(2) To take such actions as may be necessary  
14 to provide an environment in which the families may  
15 grieve in private.

16 “(3) To meet with the families who have trav-  
17 eled to the location of the accident, to contact the  
18 families unable to travel to such location, and to  
19 contact all affected families periodically thereafter  
20 until such time as the organization, in consultation  
21 with the director of family support services des-  
22 igned for the accident under subsection (a)(1), de-  
23 termines that further assistance is no longer needed.

24 “(4) To arrange a suitable memorial service, in  
25 consultation with the families.



1 “(d) PASSENGER LISTS.—

2 “(1) REQUESTS FOR PASSENGER LISTS.—

3 “(A) REQUESTS BY DIRECTOR OF FAMILY  
4 SUPPORT SERVICES.—It shall be the responsi-  
5 bility of the director of family support services  
6 designated for an accident under subsection  
7 (a)(1) to request, as soon as practicable, from  
8 the rail passenger carrier involved in the acci-  
9 dent a list, which is based on the best available  
10 information at the time of the request, of the  
11 names of the passengers that were aboard the  
12 rail passenger carrier’s train involved in the ac-  
13 cident. A rail passenger carrier shall use rea-  
14 sonable efforts, with respect to its unreserved  
15 trains, and passengers not holding reservations  
16 on its other trains, to ascertain the names of  
17 passengers aboard a train involved in an acci-  
18 dent.

19 “(B) REQUESTS BY DESIGNATED ORGANI-  
20 ZATION.—The organization designated for an  
21 accident under subsection (a)(2) may request  
22 from the rail passenger carrier involved in the  
23 accident a list described in subparagraph (A).

24 “(2) USE OF INFORMATION.—The director of  
25 family support services and the organization may

1 not release to any person information on a list ob-  
2 tained under paragraph (1) but may provide infor-  
3 mation on the list about a passenger to the family  
4 of the passenger to the extent that the director of  
5 family support services or the organization considers  
6 appropriate.

7 “(e) CONTINUING RESPONSIBILITIES OF THE  
8 BOARD.—In the course of its investigation of an accident  
9 described in subsection (a), the Board shall, to the max-  
10 imum extent practicable, ensure that the families of pas-  
11 sengers involved in the accident—

12 “(1) are briefed, prior to any public briefing,  
13 about the accident and any other findings from the  
14 investigation; and

15 “(2) are individually informed of and allowed to  
16 attend any public hearings and meetings of the  
17 Board about the accident.

18 “(f) USE OF RAIL PASSENGER CARRIER RE-  
19 SOURCES.—To the extent practicable, the organization  
20 designated for an accident under subsection (a)(2) shall  
21 coordinate its activities with the rail passenger carrier in-  
22 volved in the accident to facilitate the reasonable use of  
23 the resources of the carrier.

24 “(g) PROHIBITED ACTIONS.—

1           “(1) ACTIONS TO IMPEDE THE BOARD.—No  
2 person (including a State or political subdivision)  
3 may impede the ability of the Board (including the  
4 director of family support services designated for an  
5 accident under subsection (a)(1)), or an organization  
6 designated for an accident under subsection (a)(2),  
7 to carry out its responsibilities under this section or  
8 the ability of the families of passengers involved in  
9 the accident to have contact with one another.

10           “(2) UNSOLICITED COMMUNICATIONS.—No un-  
11 solicited communication concerning a potential ac-  
12 tion for personal injury or wrongful death may be  
13 made by an attorney (including any associate, agent,  
14 employee, or other representative of an attorney) or  
15 any potential party to the litigation to an individual  
16 (other than an employee of the rail passenger car-  
17 rier) injured in the accident, or to a relative of an  
18 individual involved in the accident, before the 45th  
19 day following the date of the accident.

20           “(3) PROHIBITION ON ACTIONS TO PREVENT  
21 MENTAL HEALTH AND COUNSELING SERVICES.—No  
22 State or political subdivision may prevent the em-  
23 ployees, agents, or volunteers of an organization des-  
24 ignated for an accident under subsection (a)(2) from  
25 providing mental health and counseling services

1 under subsection (c)(1) in the 30-day period begin-  
2 ning on the date of the accident. The director of  
3 family support services designated for the accident  
4 under subsection (a)(1) may extend such period for  
5 not to exceed an additional 30 days if the director  
6 determines that the extension is necessary to meet  
7 the needs of the families and if State and local au-  
8 thorities are notified of the determination.

9 “(h) DEFINITIONS.—In this section, the following  
10 definitions apply:

11 “(1) RAIL PASSENGER ACCIDENT.—The term  
12 ‘rail passenger accident’ means any rail passenger  
13 disaster occurring in the provision of—

14 “(A) interstate intercity rail passenger  
15 transportation (as such term is defined in sec-  
16 tion 24102); or

17 “(B) interstate or intrastate high-speed  
18 rail (as such term is defined in section 26105)  
19 transportation,  
20 regardless of its cause or suspected cause.

21 “(2) RAIL PASSENGER CARRIER.—The term  
22 ‘rail passenger carrier’ means a rail carrier  
23 providing—

1           “(A) interstate intercity rail passenger  
2           transportation (as such term is defined in sec-  
3           tion 24102); or

4           “(B) interstate or intrastate high-speed  
5           rail (as such term is defined in section 26105)  
6           transportation,

7           except that such term shall not include a tourist,  
8           historic, scenic, or excursion rail carrier.

9           “(3) PASSENGER.—The term ‘passenger’  
10          includes—

11           “(A) an employee of a rail passenger car-  
12           rier aboard a train;

13           “(B) any other person aboard the train  
14           without regard to whether the person paid for  
15           the transportation, occupied a seat, or held a  
16           reservation for the rail transportation; and

17           “(C) any other person injured or killed in  
18           the accident.

19          “(i) LIMITATION ON STATUTORY CONSTRUCTION.—  
20          Nothing in this section may be construed as limiting the  
21          actions that a rail passenger carrier may take, or the obli-  
22          gations that a rail passenger carrier may have, in pro-  
23          viding assistance to the families of passengers involved in  
24          a rail passenger accident.

1       “(j) RELINQUISHMENT OF INVESTIGATIVE PRI-  
2 ORITY.—

3           “(1) GENERAL RULE.—This section (other than  
4 subsection (g)) shall not apply to a railroad accident  
5 if the Board has relinquished investigative priority  
6 under section 1131(a)(2)(B) and the Federal agency  
7 to which the Board relinquished investigative pri-  
8 ority is willing and able to provide assistance to the  
9 victims and families of the passengers involved in  
10 the accident.

11           “(2) BOARD ASSISTANCE.—If this section does  
12 not apply to a railroad accident because the Board  
13 has relinquished investigative priority with respect to  
14 the accident, the Board shall assist, to the maximum  
15 extent possible, the agency to which the Board has  
16 relinquished investigative priority in assisting fami-  
17 lies with respect to the accident.”.

18       (b) CONFORMING AMENDMENT.—The table of sec-  
19 tions for such chapter is amended by inserting after the  
20 item relating to section 1137 the following:

“1138. Assistance to families of passengers involved in rail passenger acci-  
dents.”.

1 **SEC. 202. RAIL PASSENGER CARRIER PLANS TO ADDRESS**  
 2 **NEEDS OF FAMILIES OF PASSENGERS IN-**  
 3 **VOLVED IN RAIL PASSENGER ACCIDENTS.**

4 (a) IN GENERAL.—Part C of subtitle V of title 49,  
 5 United States Code, is amended by adding at the end the  
 6 following new chapter:

7 **“CHAPTER 251—FAMILY ASSISTANCE**

“Sec.

“25101. Plans to address needs of families of passengers involved in rail pas-  
 senger accidents.

8 **“§ 25101. Plans to address needs of families of pas-**  
 9 **sengers involved in rail passenger acci-**  
 10 **dents**

11 “(a) SUBMISSION OF PLANS.—Not later than 6  
 12 months after the date of the enactment of this section,  
 13 each rail passenger carrier shall submit to the Secretary  
 14 of Transportation and the Chairman of the National  
 15 Transportation Safety Board a plan for addressing the  
 16 needs of the families of passengers involved in any rail  
 17 passenger accident involving a train of the rail passenger  
 18 carrier and resulting in a major loss of life.

19 “(b) CONTENTS OF PLANS.—A plan to be submitted  
 20 by a rail passenger carrier under subsection (a) shall in-  
 21 clude, at a minimum, the following:

1           “(1) A plan for publicizing a reliable, toll-free  
2 telephone number, and for providing staff, to handle  
3 calls from the families of the passengers.

4           “(2) A process for notifying the families of the  
5 passengers, before providing any public notice of the  
6 names of the passengers, either by utilizing the serv-  
7 ices of the organization designated for the accident  
8 under section 1138(a)(2) of this title or the services  
9 of other suitably trained individuals.

10           “(3) An assurance that the notice described in  
11 paragraph (2) will be provided to the family of a  
12 passenger as soon as the rail passenger carrier has  
13 verified that the passenger was aboard the train  
14 (whether or not the names of all of the passengers  
15 have been verified) and, to the extent practicable, in  
16 person.

17           “(4) An assurance that the rail passenger car-  
18 rier will provide to the director of family support  
19 services designated for the accident under section  
20 1138(a)(1) of this title, and to the organization des-  
21 igned for the accident under section 1138(a)(2) of  
22 this title, immediately upon request, a list (which is  
23 based on the best available information at the time  
24 of the request) of the names of the passengers  
25 aboard the train (whether or not such names have



1       been verified), and will periodically update the list.  
2       The plan shall include a procedure, with respect to  
3       unreserved trains and passengers not holding res-  
4       ervations on other trains, for the rail passenger car-  
5       rier to use reasonable efforts to ascertain the names  
6       of passengers aboard a train involved in an accident.

7               “(5) An assurance that the family of each pas-  
8       senger will be consulted about the disposition of all  
9       remains and personal effects of the passenger within  
10      the control of the rail passenger carrier.

11              “(6) An assurance that if requested by the fam-  
12      ily of a passenger, any possession of the passenger  
13      within the control of the rail passenger carrier (re-  
14      gardless of its condition) will be returned to the fam-  
15      ily unless the possession is needed for the accident  
16      investigation or any criminal investigation.

17              “(7) An assurance that any unclaimed posses-  
18      sion of a passenger within the control of the rail  
19      passenger carrier will be retained by the rail pas-  
20      senger carrier for at least 18 months.

21              “(8) An assurance that the family of each pas-  
22      senger or other person killed in the accident will be  
23      consulted about construction by the rail passenger  
24      carrier of any monument to the passengers, includ-  
25      ing any inscription on the monument.

1           “(9) An assurance that the treatment of the  
2 families of nonrevenue passengers will be the same  
3 as the treatment of the families of revenue pas-  
4 sengers.

5           “(10) An assurance that the rail passenger car-  
6 rier will work with any organization designated  
7 under section 1138(a)(2) of this title on an ongoing  
8 basis to ensure that families of passengers receive an  
9 appropriate level of services and assistance following  
10 each accident.

11           “(11) An assurance that the rail passenger car-  
12 rier will provide reasonable compensation to any or-  
13 ganization designated under section 1138(a)(2) of  
14 this title for services provided by the organization.

15           “(12) An assurance that the rail passenger car-  
16 rier will assist the family of a passenger in traveling  
17 to the location of the accident and provide for the  
18 physical care of the family while the family is stay-  
19 ing at such location.

20           “(13) An assurance that the rail passenger car-  
21 rier will commit sufficient resources to carry out the  
22 plan.

23           “(14) An assurance that the rail passenger car-  
24 rier will provide adequate training to the employees

1 and agents of the carrier to meet the needs of sur-  
2 vivors and family members following an accident.

3 “(15) An assurance that, upon request of the  
4 family of a passenger, the rail passenger carrier will  
5 inform the family of whether the passenger’s name  
6 appeared on any preliminary passenger manifest for  
7 the train involved in the accident.

8 “(c) LIMITATION ON LIABILITY.—A rail passenger  
9 carrier shall not be liable for damages in any action  
10 brought in a Federal or State court arising out of the per-  
11 formance of the rail passenger carrier in preparing or pro-  
12 viding a passenger list, or in providing information con-  
13 cerning a train reservation, pursuant to a plan submitted  
14 by the rail passenger carrier under subsection (b), unless  
15 such liability was caused by conduct of the rail passenger  
16 carrier which was grossly negligent or which constituted  
17 intentional misconduct.

18 “(d) DEFINITIONS.—In this section—

19 “(1) the terms ‘rail passenger accident’ and  
20 ‘rail passenger carrier’ have the meanings such  
21 terms have in section 1138 of this title; and

22 “(2) the term ‘passenger’ means a person  
23 aboard a rail passenger carrier’s train that is in-  
24 volved in a rail passenger accident.

1       “(e) LIMITATION ON STATUTORY CONSTRUCTION.—  
 2 Nothing in this section may be construed as limiting the  
 3 actions that a rail passenger carrier may take, or the obli-  
 4 gations that a rail passenger carrier may have, in pro-  
 5 viding assistance to the families of passengers involved in  
 6 a rail passenger accident.”.

7       (b) CONFORMING AMENDMENT.—The table of chap-  
 8 ters for subtitle V of title 49, United States Code, is  
 9 amended by adding after the item relating to chapter 249  
 10 the following new item:

“251. FAMILY ASSISTANCE ..... 25101”.

