

Union Calendar No. 281

107TH CONGRESS
2^D SESSION

H. R. 4466

[Report No. 107-470]

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.

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

MAY 16, 2002

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on April 17, 2002]

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,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “National Transportation*
3 *Safety Board Reauthorization Act of 2002”.*

4 **TITLE I—NTSB**
5 **REAUTHORIZATION**

6 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

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

9 *(1) by striking “and”; and*

10 *(2) by striking “such sums to” and inserting the*
11 *following: “\$73,325,000 for fiscal year 2003,*
12 *\$84,999,000 for fiscal year 2004, and \$89,687,000 for*
13 *fiscal year 2005. Such sums shall”.*

14 *(b) EMERGENCY FUND.—Section 1118(b) of such title*
15 *is amended by striking the second sentence and inserting*
16 *the following: “In addition, there are authorized to be ap-*
17 *propriated such sums as may be necessary to increase the*
18 *fund to, and maintain the fund at, a level of not to exceed*
19 *\$6,000,000.”.*

20 *(c) NTSB ACADEMY.—Section 1118 of such title is*
21 *amended by adding at the end the following:*

22 *“(c) ACADEMY.—There are authorized to be appro-*
23 *priated to the Board for necessary expenses of the National*
24 *Transportation Safety Board Academy, not otherwise pro-*
25 *vided for, \$3,347,000 for fiscal year 2003, \$4,896,000 for*

1 *fiscal year 2004, and \$4,995,000 for fiscal year 2005. Such*
2 *sums shall remain available until expended.”.*

3 **SEC. 102. ACCIDENT AND SAFETY DATA CLASSIFICATION**
4 **AND PUBLICATION.**

5 *Section 1119 of title 49, United States Code, is amend-*
6 *ed by adding at the end the following:*

7 “(c) *APPEALS.—*

8 *“(1) NOTIFICATION OF RIGHTS.—In any case in*
9 *which an employee of the Board determines that an*
10 *occurrence associated with the operation of an air-*
11 *craft constitutes an accident, the employee shall notify*
12 *the owner or operator of that aircraft of the right to*
13 *appeal that determination to the Board.*

14 *“(2) PROCEDURE.—The Board shall establish*
15 *and publish the procedures for appeals under this*
16 *subsection.*

17 *“(3) LIMITATION ON APPLICABILITY.—This sub-*
18 *section shall not apply in the case of an accident that*
19 *results in a loss of life.”.*

20 **SEC. 103. SECRETARY OF TRANSPORTATION’S RESPONSES**
21 **TO SAFETY RECOMMENDATIONS.**

22 *Section 1135(d) of title 49, United States Code, is*
23 *amended to read as follows:*

24 “(d) *REPORTING REQUIREMENTS.—*

1 “(1) *ANNUAL SECRETARIAL REGULATORY STATUS*
2 *REPORTS.*—*On February 1 of each year, the Sec-*
3 *retary shall submit a report to Congress and the*
4 *Board containing the regulatory status of each sig-*
5 *nificant safety recommendation made by the Board to*
6 *the Secretary (or to an Administration within the*
7 *Department). The Secretary shall continue to report*
8 *on the regulatory status of each such recommendation*
9 *in the report due on February 1 of subsequent years*
10 *until final regulatory action is taken on that rec-*
11 *ommendation or the Secretary (or an Administration*
12 *within the Department) determines and states in such*
13 *a report that no action should be taken.*

14 “(2) *FAILURE TO REPORT.*—*If on March 1 of*
15 *each year the Board has not received the Secretary’s*
16 *report required by this subsection, the Board shall no-*
17 *tify the Committee on Transportation and Infrastruc-*
18 *ture of the House of Representatives and the Com-*
19 *mittee on Commerce, Science, and Transportation of*
20 *the Senate of the Secretary’s failure to submit the re-*
21 *quired report.*

22 “(3) *SIGNIFICANT SAFETY RECOMMENDATION DE-*
23 *FINED.*—*For the purposes of this subsection, the term*
24 *‘significant safety recommendation’ means a rec-*

1 *ommendation included in the Board’s ‘most wanted*
2 *list’.*

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

6 **SEC. 104. ASSISTANCE TO FAMILIES OF PASSENGERS IN-**
7 **VOLVED IN AIRCRAFT ACCIDENTS.**

8 (a) *RELINQUISHMENT OF INVESTIGATIVE PRIORITY.*—
9 *Section 1136 of title 49, United States Code, is amended*
10 *by adding at the end the following:*

11 “(j) *RELINQUISHMENT OF INVESTIGATIVE PRI-*
12 *ORITY.*—

13 “(1) *GENERAL RULE.*—*This section (other than*
14 *subsection (g)) shall not apply to an aircraft accident*
15 *if the Board has relinquished investigative priority*
16 *under section 1131(a)(2)(B) and the Federal agency*
17 *to which the Board relinquished investigative priority*
18 *is willing and able to provide assistance to the vic-*
19 *tims and families of the passengers involved in the*
20 *accident.*

21 “(2) *BOARD ASSISTANCE.*—*If this section does*
22 *not apply to an aircraft accident because the Board*
23 *has relinquished investigative priority with respect to*
24 *the accident, the Board shall assist, to the maximum*
25 *extent possible, the agency to which the Board has re-*

1 *linquished investigative priority in assisting families*
2 *with respect to the accident.”.*

3 *(b) REVISION OF MOU.—Not later than 1 year after*
4 *the date of enactment of this Act, the National Transpor-*
5 *tation Safety Board and the Federal Bureau of Investiga-*
6 *tion shall revise their 1977 agreement on the investigation*
7 *of accidents to take into account the amendments made by*
8 *this section and title II and shall submit a copy of the re-*
9 *vised agreement to the Committee on Transportation and*
10 *Infrastructure of the House of Representatives and the Com-*
11 *mittee on Commerce, Science, and Transportation of the*
12 *Senate.*

13 **SEC. 105. TECHNICAL AMENDMENTS.**

14 *Section 1131(a)(2) of title 49, United States Code, is*
15 *amended by moving subparagraphs (B) and (C) 4 ems to*
16 *the left.*

17 **SEC. 106. ADVERSE EFFECTS OF CARRY-ON BAGGAGE.**

18 *(a) STUDY.—The National Transportation Safety*
19 *Board shall conduct a study to identify the adverse effects,*
20 *including passenger injuries or other safety problems, asso-*
21 *ciated with carry-on baggage stored in overhead bins*
22 *aboard passenger aircraft and sufficient ways to deal with*
23 *such problems.*

24 *(b) REPORT.—Not later than October 1, 2002, the*
25 *Board shall report to the Committee on Transportation and*

1 *Infrastructure of the House of Representatives and the Com-*
2 *mittee on Commerce, Science, and Transportation of the*
3 *Senate on the results of the study.*

4 **TITLE II—RAILROAD FAMILY**
5 **ASSISTANCE**

6 **SEC. 201. ASSISTANCE BY NATIONAL TRANSPORTATION**
7 **SAFETY BOARD TO FAMILIES OF PASSENGERS**
8 **INVOLVED IN RAIL PASSENGER ACCIDENTS.**

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

12 **“§ 1138. Assistance to families of passengers involved**
13 **in rail passenger accidents**

14 “(a) *IN GENERAL.*—As soon as practicable after being
15 *notified of a rail passenger accident within the United*
16 *States involving a rail passenger carrier and resulting in*
17 *a major loss of life, the Chairman of the National Transpor-*
18 *tation Safety Board shall—*

19 “(1) *designate and publicize the name and phone*
20 *number of a director of family support services who*
21 *shall be an employee of the Board and shall be re-*
22 *sponsible for acting as a point of contact within the*
23 *Federal Government for the families of passengers in-*
24 *volved in the accident and a liaison between the rail*
25 *passenger carrier and the families; and*

1 “(2) designate an independent nonprofit organi-
2 zation, with experience in disasters and posttrauma
3 communication with families, which shall have pri-
4 mary responsibility for coordinating the emotional
5 care and support of the families of passengers in-
6 volved in the accident.

7 “(b) *RESPONSIBILITIES OF THE BOARD.*—The Board
8 shall have primary Federal responsibility for—

9 “(1) facilitating the recovery and identification
10 of fatally injured passengers involved in an accident
11 described in subsection (a); and

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

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

16 “(B) Government agencies; and

17 “(C) the rail passenger carrier involved,
18 with respect to the accident and the post-accident ac-
19 tivities.

20 “(c) *RESPONSIBILITIES OF DESIGNATED ORGANIZA-*
21 *TION.*—The organization designated for an accident under
22 subsection (a)(2) shall have the following responsibilities
23 with respect to the families of passengers involved in the
24 accident:

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

4 “(2) To take such actions as may be necessary
5 to provide an environment in which the families may
6 grieve in private.

7 “(3) To meet with the families who have traveled
8 to the location of the accident, to contact the families
9 unable to travel to such location, and to contact all
10 affected families periodically thereafter until such
11 time as the organization, in consultation with the di-
12 rector of family support services designated for the ac-
13 cident under subsection (a)(1), determines that fur-
14 ther assistance is no longer needed.

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

17 “(d) PASSENGER LISTS.—

18 “(1) REQUESTS FOR PASSENGER LISTS.—

19 “(A) REQUESTS BY DIRECTOR OF FAMILY
20 SUPPORT SERVICES.—It shall be the responsi-
21 bility of the director of family support services
22 designated for an accident under subsection
23 (a)(1) to request, as soon as practicable, from the
24 rail passenger carrier involved in the accident a
25 list, which is based on the best available infor-

1 *mation at the time of the request, of the names*
2 *of the passengers that were aboard the rail pas-*
3 *senger carrier’s train involved in the accident. A*
4 *rail passenger carrier shall use reasonable efforts,*
5 *with respect to its unreserved trains, and pas-*
6 *sengers not holding reservations on its other*
7 *trains, to ascertain the names of passengers*
8 *aboard a train involved in an accident.*

9 *“(B) REQUESTS BY DESIGNATED ORGANIZA-*
10 *TION.—The organization designated for an acci-*
11 *dent under subsection (a)(2) may request from*
12 *the rail passenger carrier involved in the acci-*
13 *dent a list described in subparagraph (A).*

14 *“(2) USE OF INFORMATION.—The director of*
15 *family support services and the organization may not*
16 *release to any person information on a list obtained*
17 *under paragraph (1) but may provide information on*
18 *the list about a passenger to the family of the pas-*
19 *senger to the extent that the director of family support*
20 *services or the organization considers appropriate.*

21 *“(e) CONTINUING RESPONSIBILITIES OF THE*
22 *BOARD.—In the course of its investigation of an accident*
23 *described in subsection (a), the Board shall, to the max-*
24 *imum extent practicable, ensure that the families of pas-*
25 *sengers involved in the accident—*

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

4 “(2) are individually informed of and allowed to
5 attend any public hearings and meetings of the Board
6 about the accident.

7 “(f) *USE OF RAIL PASSENGER CARRIER RE-*
8 *SOURCES.*—To the extent practicable, the organization des-
9 ignated for an accident under subsection (a)(2) shall coordi-
10 nate its activities with the rail passenger carrier involved
11 in the accident to facilitate the reasonable use of the re-
12 sources of the carrier.

13 “(g) *PROHIBITED ACTIONS.*—

14 “(1) *ACTIONS TO IMPEDE THE BOARD.*—No per-
15 son (including a State or political subdivision) may
16 impede the ability of the Board (including the direc-
17 tor of family support services designated for an acci-
18 dent under subsection (a)(1)), or an organization des-
19 ignated for an accident under subsection (a)(2), to
20 carry out its responsibilities under this section or the
21 ability of the families of passengers involved in the
22 accident to have contact with one another.

23 “(2) *UNSOLICITED COMMUNICATIONS.*—No unso-
24 licited communication concerning a potential action
25 for personal injury or wrongful death may be made

1 *by an attorney (including any associate, agent, em-*
2 *ployee, or other representative of an attorney) or any*
3 *potential party to the litigation to an individual*
4 *(other than an employee of the rail passenger carrier)*
5 *injured in the accident, or to a relative of an indi-*
6 *vidual involved in the accident, before the 45th day*
7 *following the date of the accident.*

8 *“(3) PROHIBITION ON ACTIONS TO PREVENT*
9 *MENTAL HEALTH AND COUNSELING SERVICES.—No*
10 *State or political subdivision may prevent the em-*
11 *ployees, agents, or volunteers of an organization des-*
12 *ignated for an accident under subsection (a)(2) from*
13 *providing mental health and counseling services*
14 *under subsection (c)(1) in the 30-day period begin-*
15 *ning on the date of the accident. The director of fam-*
16 *ily support services designated for the accident under*
17 *subsection (a)(1) may extend such period for not to*
18 *exceed an additional 30 days if the director deter-*
19 *mines that the extension is necessary to meet the*
20 *needs of the families and if State and local authori-*
21 *ties are notified of the determination.*

22 *“(h) DEFINITIONS.—In this section, the following defi-*
23 *nitions apply:*

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

4 “(A) *interstate intercity rail passenger*
5 *transportation (as such term is defined in sec-*
6 *tion 24102); or*

7 “(B) *interstate or intrastate high-speed rail*
8 *(as such term is defined in section 26105) trans-*
9 *portation,*
10 *regardless of its cause or suspected cause.*

11 “(2) *RAIL PASSENGER CARRIER.*—*The term ‘rail*
12 *passenger carrier’ means a rail carrier providing—*

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

16 “(B) *interstate or intrastate high-speed rail*
17 *(as such term is defined in section 26105) trans-*
18 *portation,*
19 *except that such term shall not include a tourist, his-*
20 *toric, scenic, or excursion rail carrier.*

21 “(3) *PASSENGER.*—*The term ‘passenger’*
22 *includes—*

23 “(A) *an employee of a rail passenger car-*
24 *rier aboard a train;*

1 “(B) any other person aboard the train
2 without regard to whether the person paid for the
3 transportation, occupied a seat, or held a res-
4 ervation for the rail transportation; and

5 “(C) any other person injured or killed in
6 the accident.

7 “(i) *LIMITATION ON STATUTORY CONSTRUCTION.*—
8 Nothing in this section may be construed as limiting the
9 actions that a rail passenger carrier may take, or the obli-
10 gations that a rail passenger carrier may have, in pro-
11 viding assistance to the families of passengers involved in
12 a rail passenger accident.

13 “(j) *RELINQUISHMENT OF INVESTIGATIVE PRI-*
14 *ORITY.*—

15 “(1) *GENERAL RULE.*—This section (other than
16 subsection (g)) shall not apply to a railroad accident
17 if the Board has relinquished investigative priority
18 under section 1131(a)(2)(B) and the Federal agency
19 to which the Board relinquished investigative priority
20 is willing and able to provide assistance to the vic-
21 tims and families of the passengers involved in the
22 accident.

23 “(2) *BOARD ASSISTANCE.*—If this section does
24 not apply to a railroad accident because the Board
25 has relinquished investigative priority with respect to

1 *the accident, the Board shall assist, to the maximum*
 2 *extent possible, the agency to which the Board has re-*
 3 *linquished investigative priority in assisting families*
 4 *with respect to the accident.”.*

5 **(b) CONFORMING AMENDMENT.**—*The table of sections*
 6 *for such chapter is amended by inserting after the item re-*
 7 *lating to section 1137 the following:*

“1138. Assistance to families of passengers involved in rail passenger accidents.”.

8 **SEC. 202. RAIL PASSENGER CARRIER PLANS TO ADDRESS**
 9 **NEEDS OF FAMILIES OF PASSENGERS IN-**
 10 **VOLVED IN RAIL PASSENGER ACCIDENTS.**

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

14 **“CHAPTER 251—FAMILY ASSISTANCE**

“Sec.

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

15 **“§25101. Plans to address needs of families of pas-**
 16 **sengers involved in rail passenger acci-**
 17 **dents**

18 **“(a) SUBMISSION OF PLANS.**—*Not later than 6 months*
 19 *after the date of the enactment of this section, each rail pas-*
 20 *senger carrier shall submit to the Secretary of Transpor-*
 21 *tation and the Chairman of the National Transportation*
 22 *Safety Board a plan for addressing the needs of the families*

1 *of passengers involved in any rail passenger accident in-*
2 *volving a train of the rail passenger carrier and resulting*
3 *in a major loss of life.*

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

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

10 “(2) *A process for notifying the families of the*
11 *passengers, before providing any public notice of the*
12 *names of the passengers, either by utilizing the serv-*
13 *ices of the organization designated for the accident*
14 *under section 1138(a)(2) of this title or the services*
15 *of other suitably trained individuals.*

16 “(3) *An assurance that the notice described in*
17 *paragraph (2) will be provided to the family of a pas-*
18 *senger as soon as the rail passenger carrier has*
19 *verified that the passenger was aboard the train*
20 *(whether or not the names of all of the passengers*
21 *have been verified) and, to the extent practicable, in*
22 *person.*

23 “(4) *An assurance that the rail passenger carrier*
24 *will provide to the director of family support services*
25 *designated for the accident under section 1138(a)(1)*

1 of this title, and to the organization designated for the
2 accident under section 1138(a)(2) of this title, imme-
3 diately upon request, a list (which is based on the best
4 available information at the time of the request) of
5 the names of the passengers aboard the train (whether
6 or not such names have been verified), and will peri-
7 odically update the list. The plan shall include a pro-
8 cedure, with respect to unreserved trains and pas-
9 sengers not holding reservations on other trains, for
10 the rail passenger carrier to use reasonable efforts to
11 ascertain the names of passengers aboard a train in-
12 volved in an accident.

13 “(5) An assurance that the family of each pas-
14 senger will be consulted about the disposition of all
15 remains and personal effects of the passenger within
16 the control of the rail passenger carrier.

17 “(6) An assurance that if requested by the family
18 of a passenger, any possession of the passenger within
19 the control of the rail passenger carrier (regardless of
20 its condition) will be returned to the family unless the
21 possession is needed for the accident investigation or
22 any criminal investigation.

23 “(7) An assurance that any unclaimed posses-
24 sion of a passenger within the control of the rail pas-

1 *senger carrier will be retained by the rail passenger*
2 *carrier for at least 18 months.*

3 *“(8) An assurance that the family of each pas-*
4 *senger or other person killed in the accident will be*
5 *consulted about construction by the rail passenger*
6 *carrier of any monument to the passengers, including*
7 *any inscription on the monument.*

8 *“(9) An assurance that the treatment of the fam-*
9 *ilies of nonrevenue passengers will be the same as the*
10 *treatment of the families of revenue passengers.*

11 *“(10) An assurance that the rail passenger car-*
12 *rier will work with any organization designated*
13 *under section 1138(a)(2) of this title on an ongoing*
14 *basis to ensure that families of passengers receive an*
15 *appropriate level of services and assistance following*
16 *each accident.*

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

21 *“(12) An assurance that the rail passenger car-*
22 *rier will assist the family of a passenger in traveling*
23 *to the location of the accident and provide for the*
24 *physical care of the family while the family is staying*
25 *at such location.*

1 “(13) *An assurance that the rail passenger car-*
2 *rier will commit sufficient resources to carry out the*
3 *plan.*

4 “(14) *An assurance that the rail passenger car-*
5 *rier will provide adequate training to the employees*
6 *and agents of the carrier to meet the needs of sur-*
7 *vivors and family members following an accident.*

8 “(15) *An assurance that, upon request of the*
9 *family of a passenger, the rail passenger carrier will*
10 *inform the family of whether the passenger’s name*
11 *appeared on any preliminary passenger manifest for*
12 *the train involved in the accident.*

13 “(c) *LIMITATION ON LIABILITY.—A rail passenger car-*
14 *rier shall not be liable for damages in any action brought*
15 *in a Federal or State court arising out of the performance*
16 *of the rail passenger carrier in preparing or providing a*
17 *passenger list, or in providing information concerning a*
18 *train reservation, pursuant to a plan submitted by the rail*
19 *passenger carrier under subsection (b), unless such liability*
20 *was caused by conduct of the rail passenger carrier which*
21 *was grossly negligent or which constituted intentional mis-*
22 *conduct.*

23 “(d) *DEFINITIONS.—In this section—*

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

4 “(2) the term ‘passenger’ means a person aboard
5 a rail passenger carrier’s train that is involved in a
6 rail passenger accident.

7 “(e) *LIMITATION ON STATUTORY CONSTRUCTION.*—
8 *Nothing in this section may be construed as limiting the*
9 *actions that a rail passenger carrier may take, or the obli-*
10 *gations that a rail passenger carrier may have, in pro-*
11 *viding assistance to the families of passengers involved in*
12 *a rail passenger accident.”.*

13 (b) *CONFORMING AMENDMENT.*—*The table of chapters*
14 *for subtitle V of title 49, United States Code, is amended*
15 *by adding after the item relating to chapter 249 the fol-*
16 *lowing new item:*

 “251. *FAMILY ASSISTANCE* 25101”.

Union Calendar No. 281

107TH CONGRESS
2^D SESSION

H. R. 4466

[Report No. 107-470]

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.

MAY 16, 2002

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed