

# Union Calendar No. 356

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

# H. R. 4714

[Report No. 111-613]

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2011 through 2014, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2010

Mr. OBERSTAR (for himself, Mr. MICA, Mr. COSTELLO, Mr. PETRI, Mr. DEFAZIO, Ms. NORTON, and Mr. CUMMINGS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

SEPTEMBER 22, 2010

Additional sponsor: Ms. CORRINE BROWN of Florida

SEPTEMBER 22, 2010

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 *italic*]

[For text of introduced bill, see copy of bill as introduced on March 2, 2010]

# **A BILL**

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2011 through 2014, 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; TABLE OF CONTENTS.**

4        (a) *SHORT TITLE.*—*This Act may be cited as the “Na-*  
 5 *tional Transportation Safety Board Reauthorization Act of*  
 6 *2010”.*

7        (b) *TABLE OF CONTENTS.*—

*Sec. 1. Short title; table of contents.*

*Sec. 2. Amendments to title 49, United States Code.*

*Sec. 3. Definitions.*

*Sec. 4. General organization.*

*Sec. 5. Administrative.*

*Sec. 6. Recordings, transcripts, and investigations.*

*Sec. 7. Training.*

*Sec. 8. Reports and studies.*

*Sec. 9. Authorization of appropriations.*

*Sec. 10. Accident investigation authority.*

*Sec. 11. Maritime casualty investigations.*

*Sec. 12. Inspections and autopsies.*

*Sec. 13. Discovery and use of cockpit and surface vehicle recordings and tran-*  
*scripts.*

*Sec. 14. Family assistance.*

*Sec. 15. Coast Guard notification.*

*Sec. 16. Use of board name, logo, initials, and seal.*

8 **SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.**

9        *Except as otherwise specifically provided, whenever in*  
 10 *this Act an amendment or repeal is expressed in terms of*  
 11 *an amendment to, or repeal of, a section or other provision*  
 12 *of law, the reference shall be considered to be made to a*  
 13 *section or other provision of title 49, United States Code.*

14 **SEC. 3. DEFINITIONS.**

15        *Section 1101 is amended to read as follows:*

1 **“§ 1101. Definitions**

2       “(a) *ACCIDENT DEFINED.*—*In this chapter, the term*  
3 *‘accident’—*

4               “(1) *means an event associated with the oper-*  
5 *ation of a vehicle, aircraft, or pipeline, which results*  
6 *in damage to or destruction of the vehicle, aircraft, or*  
7 *pipeline, or which results in the death of or serious*  
8 *injury to any person, regardless of whether the initi-*  
9 *ating event is accidental or otherwise; and*

10               “(2) *may include an incident that does not in-*  
11 *volve destruction or damage of a vehicle, aircraft, or*  
12 *pipeline, but affects transportation safety, as the*  
13 *Board prescribes by regulation.*

14       “(b) *APPLICABILITY OF DEFINITIONS IN OTHER*  
15 *LAWS.*—*The definitions contained in section 2101(17a) of*  
16 *title 46 and section 40102(a) of this title apply to this chap-*  
17 *ter.”.*

18 **SEC. 4. GENERAL ORGANIZATION.**

19       *The last sentence of section 1111(d) is amended by*  
20 *striking “absent” and inserting “unavailable”.*

21 **SEC. 5. ADMINISTRATIVE.**

22       (a) *GENERAL AUTHORITY.*—*Section 1113(a) is*  
23 *amended—*

24               (1) *in paragraph (1)—*

25                       (A) *by inserting “and depositions” after*  
26 *“hearings”; and*

1           (B) by striking “subpena” and inserting  
2           “subpoena”; and

3           (2) in paragraph (2) by inserting before the first  
4 sentence the following: “In the interest of promoting  
5 transportation safety, the Board shall have the au-  
6 thority by subpoena to summon witnesses and obtain  
7 evidence relevant to an accident investigation con-  
8 ducted under this chapter.”.

9           (b) *ADDITIONAL POWERS.*—

10           (1) *AUTHORITY OF BOARD TO ENTER INTO CON-*  
11 *TRACTS AND OTHER AGREEMENTS WITH NONPROFIT*  
12 *ENTITIES.*—Section 1113(b)(1)(H) is amended by in-  
13 serring “and other agreements” after “contracts”.

14           (2) *AUTHORITY OF BOARD TO ENTER INTO AND*  
15 *PERFORM CONTRACTS, AGREEMENTS, LEASES, OR*  
16 *OTHER TRANSACTIONS.*—Section 1113(b) is amend-  
17 ed—

18           (A) by striking paragraph (1)(I) and in-  
19 serring the following:

20           “(I) negotiate, enter into, and perform contracts,  
21 agreements, leases, or other transactions with individ-  
22 uals, private entities, departments, agencies, and in-  
23 strumentalities of the Government, State and local  
24 governments, and governments of foreign countries on  
25 such terms and conditions as the Chairman of the

1 *Board considers appropriate to carry out the func-*  
2 *tions of the Board and require that such entities pro-*  
3 *vide appropriate consideration for the reasonable*  
4 *costs of any facilities, goods, services, or training pro-*  
5 *vided by the Board.”; and*

6 *(B) by adding at the end the following:*

7 *“(3) LEASE LIMITATION.—The authority of the*  
8 *Board to enter into leases shall be limited to the pro-*  
9 *vision of special use space related to an accident in-*  
10 *vestigation, or for general use space, at an average*  
11 *annual rental cost of not more than \$300,000 for any*  
12 *individual property.”.*

13 *(3) AUTHORITY OF OTHER FEDERAL AGEN-*  
14 *CIES.—Section 1113(b)(2) is amended to read as fol-*  
15 *lows:*

16 *“(2) AUTHORITY OF OTHER FEDERAL AGEN-*  
17 *CIES.—Notwithstanding any other provision of law,*  
18 *the head of a Federal department, agency, or instru-*  
19 *mentality may transfer to or receive from the Board,*  
20 *with or without reimbursement, supplies, personnel,*  
21 *services, and equipment (other than administrative*  
22 *supplies and equipment).”.*

23 *(c) CRITERIA ON PUBLIC HEARINGS.—*

24 *(1) IN GENERAL.—Section 1113 is amended by*  
25 *adding at the end the following:*

1       “(i) *PUBLIC HEARINGS.*—

2               “(1) *DEVELOPMENT OF CRITERIA.*—*The Board*  
3 *shall establish by regulation criteria to be used by the*  
4 *Board in determining, for each accident investigation*  
5 *and safety study undertaken by the Board, whether or*  
6 *not the Board will hold a public hearing on the inves-*  
7 *tigation or study.*

8               “(2) *FACTORS.*—*In developing the criteria, the*  
9 *Board shall give priority consideration to the fol-*  
10 *lowing factors:*

11                       “(A) *Whether the accident has caused sig-*  
12 *nificant loss of life.*

13                       “(B) *Whether the accident has caused sig-*  
14 *nificant property damage.*

15                       “(C) *Whether the accident may involve a*  
16 *national transportation safety issue.*

17                       “(D) *Whether a public hearing may provide*  
18 *needed information to the Board.*

19                       “(E) *Whether a public hearing may offer an*  
20 *opportunity to educate the public on a safety*  
21 *issue.*

22                       “(F) *Whether a public hearing may in-*  
23 *crease both the transparency of the Board’s in-*  
24 *vestigative process and public confidence that*

1           *such process is comprehensive, accurate, and un-*  
2           *biased.*

3           “(G) *Whether a public hearing is likely to*  
4           *significantly delay the conclusion of an inves-*  
5           *tigation and whether the possible adverse effects*  
6           *of the delay on safety outweigh the benefits of a*  
7           *public hearing.”.*

8           (2) *ANNUAL REPORT.*—*Section 1117 is amend-*  
9           *ed—*

10           (A) *by striking “and” at the end of para-*  
11           *graph (5);*

12           (B) *by striking the period at the end of*  
13           *paragraph (6) and inserting “; and”; and*

14           (C) *by adding at the end the following:*

15           “(7) *an analysis of the Board’s implementation*  
16           *of the criteria established pursuant to section 1113(i)*  
17           *during the prior calendar year, including an expla-*  
18           *nation of any instance in which the Board did not*  
19           *hold a public hearing for an investigation of an acci-*  
20           *dent that has caused significant loss of life or prop-*  
21           *erty damage or that may involve a national transpor-*  
22           *tation safety issue.”.*

23 **SEC. 6. RECORDINGS, TRANSCRIPTS, AND INVESTIGATIONS.**

24           (a) *VESSEL RECORDINGS AND TRANSCRIPTS.*—*Section*  
25 *1114 is amended—*



1           (1) *in subsection (a)(1) by striking “and (f)”*  
2 *and inserting “(e), and (g)”;*

3           (2) *in subsection (d)(1) by striking “or vessel”;*

4           (3) *by redesignating subsections (e) and (f) as*  
5 *subsections (f) and (g), respectively; and*

6           (4) *by inserting after subsection (d) the fol-*  
7 *lowing:*

8           “(e) *VESSEL RECORDINGS AND TRANSCRIPTS.—*

9           “(1) *CONFIDENTIALITY OF RECORDINGS AND*  
10 *TRANSCRIPTS.—The Board may not disclose publicly*  
11 *any part of a vessel’s voice or video recorder recording*  
12 *or transcript of oral communications by or among the*  
13 *crew, pilots, or docking masters of a vessel, vessel traf-*  
14 *fic services, or other vessels, or between the vessel’s*  
15 *crew and company communication centers, related to*  
16 *an accident investigated by the Board. However, the*  
17 *Board shall make public any part of a transcript or*  
18 *any written depiction of visual information that the*  
19 *Board decides is relevant to the accident—*

20           “(A) *if the Board holds a public hearing on*  
21 *the accident, at the time of the hearing; or*

22           “(B) *if the Board does not hold a public*  
23 *hearing, at the time a majority of the other fac-*  
24 *tual reports on the accident are placed in the*  
25 *public docket.*

1           “(2) *REFERENCES TO INFORMATION IN MAKING*  
2           *SAFETY RECOMMENDATIONS.*—*This subsection does*  
3           *not prevent the Board from referring at any time to*  
4           *voice or video recorder information in making safety*  
5           *recommendations.*”.

6           **(b) *PARTY REPRESENTATIVES TO NTSB INVESTIGA-***  
7           ***TIONS.***—

8           **(1) *IN GENERAL.***—*Section 1114 is further*  
9           *amended by adding at the end the following:*

10          “*(h) PARTY REPRESENTATIVES TO NTSB INVESTIGA-*  
11          *TIONS.*—

12               “(1) *PROHIBITION ON DISCLOSURE OF INFORMA-*  
13               *TION.*—*A party representative to an accident inves-*  
14               *tigation of the Board is prohibited from disclosing,*  
15               *orally or in written form, investigative information,*  
16               *as defined by the Board, to anyone who is not an em-*  
17               *ployee of the Board or who is not a party representa-*  
18               *tive to such investigation, except—*

19                       “(A) *as provided in paragraph (2); or*

20                       “(B) *at the conclusion of the fact finding*  
21                       *stage of an investigation, which the investigator-*  
22                       *in-charge shall announce by formal posting of a*  
23                       *notice in the publicly available investigation*  
24                       *docket.*

1           “(2) *EXCEPTION.*—*If the investigator-in-charge*  
2           *determines that a disclosure of information related to*  
3           *an accident investigation is necessary to prevent ad-*  
4           *ditional accidents, to address a perceived safety defi-*  
5           *ciency, or to assist in the conduct of the investigation,*  
6           *the investigator-in-charge may at any time authorize*  
7           *in writing a party representative to disclose such in-*  
8           *formation under conditions approved by the investi-*  
9           *gator-in-charge. Such conditions shall ensure that,*  
10           *until the posting of a formal notice described in para-*  
11           *graph (1)(B), or until the information disclosed pur-*  
12           *suant to this paragraph becomes publicly available by*  
13           *any other means, neither the entity represented by the*  
14           *party representative nor any other person may use*  
15           *such information in preparation for the prosecution*  
16           *of any claim or defense in litigation in connection*  
17           *with the accident being investigated or to make or*  
18           *deny any insurance claim in connection with such*  
19           *accident.*

20           “(3) *COMPLIANCE.*—*The Board shall require any*  
21           *individual who is a party representative to an inves-*  
22           *tigation of the Board to sign a party agreement that*  
23           *includes language informing the individual of the*  
24           *prohibition in paragraph (1).*

1           “(4) *REPRESENTATIVES OF FEDERAL AGEN-*  
 2           *CIES.—Paragraph (3) shall not apply to an indi-*  
 3           *vidual who is a representative of the Secretary of*  
 4           *Transportation, the Secretary of the department in*  
 5           *which the Coast Guard is operating, or any other*  
 6           *Federal department, agency, or instrumentality par-*  
 7           *ticipating in the investigation and deemed by the*  
 8           *Board to be performing a law enforcement or similar*  
 9           *function.*

10           “(5) *PARTY REPRESENTATIVE DEFINED.—In this*  
 11           *subsection, the term ‘party representative’ means an*  
 12           *individual representing a party to an investigation*  
 13           *pursuant to section 831.11 of title 49, Code of Federal*  
 14           *Regulations, as in effect on the date of enactment of*  
 15           *this subsection.*”.

16           (2) *CIVIL PENALTY.—Section 1151 is amended—*

17                   (A) *in the section heading by striking*  
 18                    “**Aviation enforcement**” *and inserting*  
 19                    “**Enforcement**”; *and*

20                   (B) *by inserting “1114(h),” before “1132,”*  
 21                    *in each of subsections (a), (b)(1), and (c).*

22           (3) *CONFORMING AMENDMENT.—The analysis for*  
 23            *chapter 11 is amended by striking the item relating*  
 24            *to section 1151 and inserting the following:*

          “1151. *Enforcement.*”.

25           (c) *GAO STUDY OF PARTY PROCESS.—*

1           (1) *IN GENERAL.*—*The Comptroller General shall*  
2           *conduct a study on the use of party representatives in*  
3           *investigations conducted by the National Transpor-*  
4           *tation Safety Board.*

5           (2) *CONTENTS.*—*In conducting the study, the*  
6           *Comptroller General shall examine, at a minimum—*

7                   (A) *whether the composition of the party*  
8                   *representatives should be broadened to include*  
9                   *on-going representatives from other entities that*  
10                   *could provide independent, technically qualified*  
11                   *representatives to a Board investigation;*

12                   (B) *whether the participation of party rep-*  
13                   *resentatives in a Board investigation results in*  
14                   *any unfair advantages for the entities rep-*  
15                   *resented by the party representatives while the*  
16                   *Board is conducting the investigation;*

17                   (C) *whether the use of party representatives*  
18                   *leads to bias in the outcome of a Board inves-*  
19                   *tigation; and*

20                   (D) *whether Board investigations would be*  
21                   *compromised in any way absent the participa-*  
22                   *tion and expertise of party representatives.*

23           (3) *REPORT TO CONGRESS.*—*Not later than 18*  
24           *months after the date of enactment of this Act, the*  
25           *Comptroller General shall submit to the Committee on*

1       *Transportation and Infrastructure of the House of*  
2       *Representatives and the Committee on Commerce,*  
3       *Science, and Transportation of the Senate a report on*  
4       *the results of the study conducted under this sub-*  
5       *section, including any recommendations for improve-*  
6       *ments in the Board’s use of the party representative*  
7       *process.*

8       **SEC. 7. TRAINING.**

9       *Section 1115(d) is amended—*

10               (1) *by inserting “theory and techniques and on*  
11               *transportation safety methods to advance Board safe-*  
12               *ty recommendations” before the period at the end of*  
13               *the first sentence;*

14               (2) *by inserting “or who influence the course of*  
15               *transportation safety through support or adoption of*  
16               *Board safety recommendations” before the period at*  
17               *the end of the second sentence; and*

18               (3) *by inserting “under section 1118(c)(2)” be-*  
19               *fore the period at the end of the third sentence.*

20       **SEC. 8. REPORTS AND STUDIES.**

21               (a) *STUDIES AND INVESTIGATIONS.—Section 1116(b)*  
22       *is amended—*

23               (1) *in paragraph (1) by striking “carry out”*  
24               *and inserting “conduct”; and*

1           (2) *by striking paragraph (3) and inserting the*  
2 *following:*

3           “(3) *prescribe requirements for persons reporting*  
4 *accidents, as defined in section 1101(a), that may be*  
5 *investigated by the Board under this chapter;*”.

6           (b) *INTERIM SAFETY RECOMMENDATIONS AND MEAS-*  
7 *URES.—Section 1116 is amended by adding at the end the*  
8 *following:*

9           “(c) *INTERIM SAFETY RECOMMENDATIONS AND MEAS-*  
10 *URES.—Nothing in this section shall restrict the Board*  
11 *from—*

12           “(1) *making urgent safety recommendations,*  
13 *identified through an ongoing safety investigation or*  
14 *study, to any regulatory department, agency, or in-*  
15 *strumentality of the Federal Government or a State*  
16 *or local governmental authority or a person concerned*  
17 *with transportation safety; or*

18           “(2) *recommending interim measures to mitigate*  
19 *risks to transportation safety pending implementation*  
20 *of more comprehensive responses by the appropriate*  
21 *department, agency, instrumentality, authority, or*  
22 *person.*”.

23           (c) *EVALUATION AND AUDIT.—Section 1138(a) is*  
24 *amended by striking “conducted at least annually, but may*  
25 *be”.*

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) *IN GENERAL.*—Section 1118(a) is amended to read  
3 as follows:

4 “(a) *IN GENERAL.*—There is authorized to be appro-  
5 priated for the purposes of this chapter—

6 “(1) \$117,368,000 for fiscal year 2011;

7 “(2) \$120,258,000 for fiscal year 2012;

8 “(3) \$122,187,000 for fiscal year 2013; and

9 “(4) \$124,158,000 for fiscal year 2014.

10 *Such sums shall remain available until expended.”.*

11 (b) *FEES, REFUNDS, REIMBURSEMENTS, AND AD-*  
12 *VANCES.*—Section 1118(c) is amended—

13 (1) *by striking the subsection heading and in-*  
14 *serting the following: “FEES, REFUNDS, REIMBURSE-*  
15 *MENTS, AND ADVANCES”;*

16 (2) *in paragraph (1)—*

17 (A) *by striking “and reimbursements” and*  
18 *inserting “reimbursements, and advances”; and*

19 (B) *by striking “services” and inserting*  
20 *“activities, services, and facilities”;*

21 (3) *in paragraph (2)—*

22 (A) *in the matter preceding subparagraph*  
23 *(A) by striking “or reimbursement” and insert-*  
24 *ing “reimbursement, or advance”; and*

25 (B) *in each of subparagraphs (A) and (B)*  
26 *by striking “activities” and all that follows be-*



1           *fore the semicolon and inserting “activities, serv-*  
2           *ices, or facilities for which the fee, refund, reim-*  
3           *bursement, or advance is associated”;*

4           *(4) by redesignating paragraph (3) as para-*  
5           *graph (4);*

6           *(5) by inserting after paragraph (2) the fol-*  
7           *lowing:*

8           *“(3) ANNUAL RECORD OF COLLECTIONS.—The*  
9           *Board shall maintain an annual record of collections*  
10          *received under paragraph (2).”;* and

11          *(6) in paragraph (4) (as redesignated by para-*  
12          *graph (4) of this subsection) by inserting “or ad-*  
13          *vance” after “fee”.*

14   **SEC. 10. ACCIDENT INVESTIGATION AUTHORITY.**

15          *(a) IN GENERAL.—Section 1131(a)(1) is amended—*

16                  *(1) in the matter preceding subparagraph (A) by*  
17                  *striking “cause or probable cause” and inserting*  
18                  *“causes or probable causes”;*

19                  *(2) in subparagraph (C) by striking “a fatality*  
20                  *or substantial property damage” and inserting “a fa-*  
21                  *tality (other than a fatality involving a trespasser) or*  
22                  *substantial property damage”;*

23                  *(3) in subparagraph (E) by striking “and” at*  
24                  *the end;*

1           (4) *in subparagraph (F) by striking the period*  
2           *at the end and inserting “; and”; and*

3           (5) *by adding at the end the following:*

4           “(G) *an accident in response to an international*  
5           *request and delegation under appropriate inter-*  
6           *national conventions, coordinated through the Depart-*  
7           *ment of State and accepted by the Board.”.*

8           (b) *AUTHORITIES OF OTHER AGENCIES.—The second*  
9           *sentence of section 1131(a)(3) is amended by inserting “or*  
10           *relevant to” after “developed about”.*

11           (c) *ACCIDENTS NOT INVOLVING GOVERNMENT MISFEA-*  
12           *SANCE OR NONFEASANCE.—Section 1131(c) is amended by*  
13           *adding at the end the following:*

14           “(3) *AUTHORITY OF BOARD REPRESENTATIVE.—*  
15           *In the case of a delegation of authority under para-*  
16           *graph (1), the Secretary, or a person designated by*  
17           *the Secretary, shall have the authority of the Board,*  
18           *on display of appropriate credentials and written no-*  
19           *tice of inspection authority, to enter property where*  
20           *the aircraft accident has occurred or wreckage from*  
21           *the accident is located and to gather evidence in sup-*  
22           *port of a Board investigation, in accordance with*  
23           *rules the Board may prescribe.”.*

24           (d) *INCIDENT INVESTIGATIONS.—Section 1131 is*  
25           *amended by adding at the end the following:*

1       “(f) *INCIDENT INVESTIGATIONS.*—

2               “(1) *MEMORANDUM OF UNDERSTANDING.*—*Not*  
3       *later than 90 days after the issuance of final regula-*  
4       *tions under section 1101(a)(2), the Chairman of the*  
5       *Board shall seek to enter into a memorandum of un-*  
6       *derstanding with the Secretary of Transportation and*  
7       *the head of each modal administration of the Depart-*  
8       *ment of Transportation that sets forth—*

9               “(A) *an understanding of the conditions*  
10       *under which the Board will conduct an incident*  
11       *investigation that involves the applicable mode of*  
12       *transportation; and*

13               “(B) *the roles and responsibilities of the*  
14       *parties to the memorandum when the Board is*  
15       *conducting an incident investigation.*

16               “(2) *UPDATES AND RENEWALS.*—*Each memo-*  
17       *randum of understanding required under paragraph*  
18       *(1) shall be updated and renewed not less than once*  
19       *every 5 years, unless parties to the memorandum*  
20       *agree that updating the memorandum is unnecessary.*

21               “(3) *BOARD AUTHORITY.*—*Nothing in this para-*  
22       *graph negates the authority of the Board to inves-*  
23       *tigate an incident.*

1           “(4) *INCIDENT DEFINED.*—*In this subsection, the*  
2           *term ‘incident’ means an incident described in regu-*  
3           *lations issued under section 1101(a)(2).’.*”

4 **SEC. 11. MARITIME CASUALTY INVESTIGATIONS.**

5           (a) *IN GENERAL.*—*Chapter 11 is amended by insert-*  
6           *ing after section 1132 the following:*

7 **“§ 1132a. Maritime casualty investigations**

8           “(a) *DELEGATION OF AUTHORITY TO COAST*  
9           *GUARD.*—

10           “(1) *IN GENERAL.*—*In an investigation of a*  
11           *major marine casualty under section 1131(a)(1)(E),*  
12           *the Board, with the consent of the Secretary of the de-*  
13           *partment in which the Coast Guard is operating,*  
14           *may delegate to the Commandant of the Coast Guard*  
15           *full authority to obtain the facts of the casualty. In*  
16           *the case of such a delegation, the Commandant, acting*  
17           *through the Commandant’s on-scene representative,*  
18           *shall have the full authority of the Board.*

19           “(2) *REQUIRED TRAINING, EXPERIENCE, AND*  
20           *QUALIFICATIONS.*—*The Board may not make a dele-*  
21           *gation under paragraph (1) unless the Board deter-*  
22           *mines that the Commandant’s on-scene representa-*  
23           *tives have sufficient training, experience, and quali-*  
24           *fications in investigation, marine casualty recon-*  
25           *struction, evidence collection and preservation, human*

1 *factors, and documentation to act in accordance with*  
2 *the best investigation practices of Federal and non-*  
3 *Federal entities.*

4 “(b) *NOTIFICATION AND REPORTING.*—*The Board and*  
5 *the Secretary shall jointly prescribe regulations governing*  
6 *the notification and reporting of marine casualties to the*  
7 *Board.*

8 “(c) *PARTICIPATION OF COMMANDANT IN MARINE IN-*  
9 *VESTIGATIONS.*—*The Board shall provide for the participa-*  
10 *tion of the Commandant of the Coast Guard in an inves-*  
11 *tigation by the Board of a major marine casualty under*  
12 *section 1131(a)(1)(E) if such participation is necessary to*  
13 *carry out the duties and powers of the Commandant, except*  
14 *that the Commandant may not participate in establishing*  
15 *the probable cause of the marine casualty (other than as*  
16 *provided in section 1131(b)).”.*

17 (b) *CONFORMING AMENDMENT.*—*The analysis for*  
18 *chapter 11 is amended by inserting after the item relating*  
19 *to section 1132 the following:*

“ 1132a. *Maritime casualty investigations.*”.

20 **SEC. 12. INSPECTIONS AND AUTOPSIES.**

21 *Section 1134(a) is amended in the matter preceding*  
22 *paragraph (1)—*

23 *(1) by striking “officer or employee” and insert-*  
24 *ing “officer, employee, or Federal designee”; and*

1           (2) by inserting “in the conduct of any accident  
2           investigation or study” after “National Transpor-  
3           tation Safety Board”.

4 **SEC. 13. DISCOVERY AND USE OF COCKPIT AND SURFACE**  
5 **VEHICLE RECORDINGS AND TRANSCRIPTS.**

6           Section 1154(a)(1)(A) is amended by striking “; and”  
7           and inserting “; or”.

8 **SEC. 14. FAMILY ASSISTANCE.**

9           (a) *FAMILY ASSISTANCE IN COMMERCIAL AVIATION*  
10 *ACCIDENTS.*—Section 41113(b)(7) is amended by inserting  
11 before the period at the end the following: “, and that at  
12 least 60 days before the planned destruction of any un-  
13 claimed possession of a passenger a reasonable attempt will  
14 be made to notify the family of the passenger”.

15           (b) *FAMILY ASSISTANCE IN COMMERCIAL AVIATION*  
16 *ACCIDENTS INVOLVING FOREIGN CARRIERS.*—Section  
17 41313(c)(7) is amended by inserting before the period at  
18 the end the following: “, and that at least 60 days before  
19 the planned destruction of any unclaimed possession of a  
20 passenger a reasonable attempt will be made to notify the  
21 family of the passenger”.

22 **SEC. 15. COAST GUARD NOTIFICATION.**

23           Not later than 6 months after the date of enactment  
24 of this Act, the National Transportation Safety Board and  
25 the Secretary of the department in which the Coast Guard

1 *is operating shall issue regulations to provide the Board*  
2 *prompt notification through the Coast Guard of all marine*  
3 *casualties of potential investigative interest to the Board.*

4 **SEC. 16. USE OF BOARD NAME, LOGO, INITIALS, AND SEAL.**

5 *Section 709 of title 18, United States Code, is amend-*  
6 *ed—*

7 *(1) by inserting “or” at the end of the paragraph*  
8 *immediately preceding the paragraph that begins*  
9 *“Shall be punished as follows:”; and*

10 *(2) by inserting the following before the para-*  
11 *graph that begins “Shall be punished as follows:”:*

12 *“Whoever, except with the written permission of the*  
13 *Chairman of the National Transportation Safety Board,*  
14 *knowingly uses the words ‘National Transportation Safety*  
15 *Board’, the logo of the Board, the initials ‘NTSB’, or the*  
16 *official seal of the Board, or any colorable imitation of such*  
17 *words, logo, initials, or seal, in connection with any adver-*  
18 *tisement, circular, book, pamphlet, or other publication, or*  
19 *any play, motion picture, broadcast, telecast, or other pro-*  
20 *duction, in a manner reasonably calculated to convey the*  
21 *impression that such advertisement, circular, book, pam-*  
22 *phlet, or other publication, or such play, motion picture,*  
23 *broadcast, telecast, or other production, is approved, en-*  
24 *dorsed, or authorized by the National Transportation Safe-*  
25 *ty Board;”.*

Union Calendar No. 356

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

**H. R. 4714**

[Report No. 111-613]

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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 2011 through 2014, and for other purposes.

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SEPTEMBER 22, 2010

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