

**Calendar No. 273**

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

**S. 2768**

**[Report No. 111–127]**

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2010 through 2014, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 10, 2009

Mr. DORGAN (for himself, Mr. ROCKEFELLER, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

FEBRUARY 23, 2010

Reported by Mr. ROCKEFELLER, with an amendment

[Strike all after the enacting clause and insert the part printed in *italic*]

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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 2010 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Transpor-  
3 tation Safety Board Reauthorization Act of 2009”.

4 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—Section 1118(a) of title 49,  
6 United States Code, is amended to read as follows:

7 “(a) IN GENERAL.—There are authorized to be ap-  
8 propriated for the purposes of this chapter \$100,000,000  
9 for fiscal year 2010, \$105,000,000 for fiscal year 2011,  
10 \$112,000,000 for fiscal year 2012, \$118,000,000 for fis-  
11 cal year 2013, and \$124,000,000 for fiscal year 2014.  
12 Such sums shall remain available until expended.”.

13 (b) FEES, REFUNDS, REIMBURSEMENTS, AND AD-  
14 VANCES.—Section 1118(c) of such title is amended to read  
15 as follows:

16 “(c) FEES, REFUNDS, REIMBURSEMENTS, AND AD-  
17 VANCES.—

18 “(1) IN GENERAL.—The Board may impose  
19 and collect such fees, refunds, reimbursements, and  
20 advances as it determines to be appropriate for ac-  
21 tivities, services, and facilities provided by or  
22 through the Board.

23 “(2) RECEIPTS CREDITED AS OFFSETTING COL-  
24 LECTIONS.—Notwithstanding section 3302 of title  
25 31, any fee, refund, reimbursement, or advance col-  
26 lected under this subsection—

1           “(A) shall be credited as offsetting collec-  
 2           tions to the account that finances the activities;  
 3           services, or facilities for which the fee, refund,  
 4           reimbursement, or advance is associated;

5           “(B) shall be available for expenditure only  
 6           to pay the costs of activities, services, or facili-  
 7           ties for which the fee, refund, reimbursement,  
 8           or advance is associated; and

9           “(C) shall remain available until expended.

10          “(3) RECORD.—The Board shall maintain an  
 11          annual record of collections received under para-  
 12          graph (2).

13          “(4) REFUNDS.—The Board may refund any  
 14          fee or advance paid by mistake or any amount paid  
 15          in excess of that required.”.

16 **SEC. 3. TECHNICAL CORRECTIONS.**

17          (a) DEFINITIONS.—Section 1101 of title 49, United  
 18          States Code, is amended by striking “otherwise.” and in-  
 19          serting “otherwise, and may include incidents not involv-  
 20          ing destruction or damage, but significantly affecting  
 21          transportation safety, as the Board may prescribe or Con-  
 22          gress may direct.”.

23          (b) GENERAL ORGANIZATION.—Section 1111(d) of  
 24          title 49, United States Code, is amended by striking “ab-  
 25          sent” and inserting “unavailable”.

1       (c) ~~ADMINISTRATIVE.—~~Section 1113 of title 49,  
2 United States Code, is amended—

3           (1) by inserting “or depositions” in paragraph  
4 (a)(1) after “hearings”; and

5           (2) by inserting “In the interest of transpor-  
6 tation safety, the Board shall have the authority by  
7 subpoena to summon witnesses and obtain any and  
8 all evidence relevant to an accident investigation  
9 conducted under this chapter.” after “(2)” in sub-  
10 section (a)(2).

11       (d) ~~DISCLOSURE, AVAILABILITY, AND USE OF IN-~~  
12 ~~FORMATION.—~~Section 1114 of title 49, United States  
13 Code, is amended—

14           (1) by striking the heading for subsection (b)  
15 and inserting “(b) ~~TRADE SECRETS; COMMERCIAL~~  
16 ~~OR FINANCIAL INFORMATION.—~~”;

17           (2) by inserting “submitted to the Board in the  
18 course of a Board investigation or study and” in  
19 subsection (b)(1) after “information” the first place  
20 it appears;

21           (3) by striking “title 18” in subsection (b)(1)  
22 and inserting “title 18, or commercial or financial  
23 information,”;

24           (4) by striking “safety” in subsection (b)(1)(D)  
25 the first place it appears and inserting “safety, in-

1 eluding through the issuance of reports of accident  
 2 investigation or safety studies and safety rec-  
 3 ommendations,”;

4 (5) by inserting “subparagraphs (A) through  
 5 (C) of” after “under” in subsection (b)(2);

6 (6) by adding at the end of subsection (b) the  
 7 following:

8 “(4) Each person submitting to the Board trade se-  
 9 crets, commercial or financial information, or information  
 10 that could be classified as controlled under the Inter-  
 11 national Traffic in Arms Regulations shall appropriately  
 12 annotate the information to indicate the restricted nature  
 13 of the information in order to facilitate proper handling  
 14 of such materials by the Board.”;

15 (7) by striking “shall” in paragraph(1)(A) of  
 16 subsection (f) and inserting “may”;

17 (8) by striking “information” in paragraph (2)  
 18 of subsection (f) and inserting “information, or  
 19 other relevant information authorized for disclosure  
 20 under this chapter,”; and

21 (9) by adding at the end thereof the following:

22 “(g) ONGOING BOARD INVESTIGATIONS.—(1) Not-  
 23 withstanding any other provision of law, neither the  
 24 Board, nor any agency receiving information from the  
 25 Board, may publicly disclose records related to an ongoing

1 Board investigation, and such records shall be exempt  
 2 from disclosure under section 552(b)(3) of title 5. Not-  
 3 withstanding the preceding sentence, the Board may make  
 4 public specific records relevant to the investigation, release  
 5 of which in the Board's judgment is necessary to promote  
 6 transportation safety—

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

9           “(B) if the Board does not hold a public hear-  
 10          ing, at the time the Board determines that substan-  
 11          tial portions of the underlying factual reports on the  
 12          accident or incident, and supporting evidence, will be  
 13          placed in the public docket; or

14          “(C) if the Board determines during an ongoing  
 15          investigation or study that circumstances warrant  
 16          disclosure of specific factual material and that such  
 17          material need be placed in the public docket to facili-  
 18          tate dialogue with other agencies or instrumental-  
 19          ities, regulatory bodies, industry or industry groups,  
 20          or Congress.

21          “(2) This subsection does not prevent the Board from  
 22          referring at any time to evidence from an ongoing inves-  
 23          tigation in making safety recommendations.

24          “(3) In this subsection, the term ‘ongoing investiga-  
 25          tion’ means that period beginning at the time the Board

1 is notified of an accident or incident and ending when the  
 2 Board issues a final report or brief, or determines to close  
 3 an investigation without issuing a report or brief.”.

4 (e) REPORTS AND STUDIES—Section 1116(b) of title  
 5 49, United States Code, is amended—

6 (1) by striking “carry out” in paragraph (1)  
 7 and inserting “conduct”; and

8 (2) by striking paragraph (3) and inserting the  
 9 following:

10 “(3) prescribe requirements for persons report-  
 11 ing accidents and incidents that may be investigated  
 12 by the Board under this chapter;”.

13 (f) DISCOVERY AND USE OF COCKPIT AND SURFACE  
 14 VEHICLE RECORDINGS AND TRANSCRIPTS.—Section  
 15 1154(a)(1)(A) of title 49, United States Code, is amended  
 16 by striking “and” and inserting “or”.

17 **SEC. 4. AUTHORITY OF THE BOARD.**

18 (a) EVALUATION AND AUDIT.—Section 1138(a) of  
 19 title 49, United States Code, is amended by striking “con-  
 20 ducted at least annually, but may be”.

21 (b) TRAINING OF BOARD EMPLOYEES AND OTH-  
 22 ERS.—Section 1115(d) of title 49, United States Code, is  
 23 amended—

24 (1) by striking “investigation.” and inserting  
 25 “investigation, including investigation theory and

1 techniques and transportation safety, to advance  
2 Board safety recommendations.”;

3 (2) by striking “training.” and inserting “train-  
4 ing or who influence transportation safety through  
5 support or adoption of Board safety recommenda-  
6 tions.”; and

7 (3) by striking “collections.” and inserting “col-  
8 lections under the provisions of section 1118 of this  
9 chapter.”.

10 (c) ACCIDENT INVESTIGATION AUTHORITY.—Section  
11 1131 of title 49, United States Code, is amended—

12 (1) by striking subsection (a)(1)(C) and insert-  
13 ing the following:

14 “(C) a freight or passenger railroad accident in  
15 which there is a fatality (other than a fatality involv-  
16 ing a trespasser), substantial property damage, or  
17 significant injury to the environment;”;

18 (2) by striking “and” after the semicolon in  
19 subsection (a)(1)(E);

20 (3) by inserting “or incident” after “accident”  
21 each place it appears in subsection (a)(1)(F);

22 (4) by striking “chapter.” in subsection  
23 (a)(1)(F) and inserting “chapter;”;

24 (5) by adding at the end of subsection (a)(1)  
25 the following:



1           “(G) an accident or incident in response to an  
2           international request and delegation under appro-  
3           priate international conventions, coordinated through  
4           the Department of State and accepted by the Board;  
5           and

6           “(H) an incident or incidents significantly af-  
7           fecting transportation safety, as defined by the  
8           Board, under rules and in such detail as the Board  
9           may prescribe.”;

10           (6) by striking “paragraph (1)(A)–(D) or (F)”  
11           in subsection (a)(2)(A) and inserting “any of sub-  
12           paragraphs (A) through (F) of paragraph (1)”;

13           (7) by inserting “or incident” after “accident”  
14           each place it appears in subsection (a)(3);

15           (8) by inserting “or relevant to” after “devel-  
16           oped about” in subsection (a)(3);

17           (9) by inserting “AND INCIDENT” after “ACCI-  
18           DENT” in the heading for subsection (c); and

19           (10) by inserting “and incident” in subsection  
20           (c) after “each accident”.

21           (d) CIVIL AIRCRAFT AND MARITIME ACCIDENT IN-  
22           VESTIGATIONS.—

23           (1) IN GENERAL.—Section 1132 of title 49,  
24           United States Code, is amended—

1                   (A) by inserting “or have investigated” in  
2                   subsection (a)(1) after “investigate”;

3                   (B) by striking “aircraft.” in subsection  
4                   (a)(1)(A) and inserting “aircraft or commercial  
5                   space launch vehicle.”; and

6                   (C) by adding at the end the following:

7           “(e) **AUTHORITY OF BOARD REPRESENTATIVE.**—The  
8 Board may, with the consent of the Secretary, delegate  
9 to the Department of Transportation full authority to ob-  
10 tain the facts of any aviation accident or incident the  
11 Board shall investigate, and the on-scene representative  
12 of the Secretary shall have the full authority of the Board  
13 to, on display of appropriate credentials and written notice  
14 of inspection authority, enter property where an aviation  
15 accident has occurred or wreckage from the accident is  
16 located and do anything necessary to gather evidence in  
17 support of a Board investigation, in accordance with such  
18 rules as the Board may prescribe.

19           “(f) **MARITIME ACCIDENT INVESTIGATIONS.**—The  
20 Board may, with the consent of the Secretary of the de-  
21 partment in which the Coast Guard is operating, delegate  
22 to the Coast Guard full authority to obtain the facts of  
23 any maritime accident or incident the Board shall inves-  
24 tigate, and the on-scene representative of the Com-  
25 mandant of the Coast Guard shall have the full authority

1 of the Board to, on display of appropriate credentials and  
 2 written notice of inspection authority, enter property  
 3 where a maritime accident has occurred or wreckage from  
 4 the accident is located and do anything necessary to gath-  
 5 er evidence in support of a Board investigation, in accord-  
 6 ance with such rules as the Board may prescribe.”.

7 (2) CONFORMING AMENDMENTS.—

8 (A) The heading for section 1132 of title  
 9 49, United States Code, is amended to read as  
 10 follows:

11 “§ 1132. **Civil aircraft and maritime accident inves-**  
 12 **tigations”.**

13 (B) The table of contents for chapter 11 of  
 14 title 49, United States Code, is amended by  
 15 striking the item relating to section 1132 and  
 16 inserting the following:

“1132. Civil aircraft and maritime accident investigations”.

17 (c) INSPECTIONS AND AUTOPSIES.—Section 1134 of  
 18 title 49, United States Code, is amended—

19 (1) by striking “officer or employee of the Na-  
 20 tional Transportation Safety Board—” in subsection  
 21 (a) and inserting “officer, employee, or designee of  
 22 the National Transportation Safety Board in the  
 23 conduct of any accident or incident investigation or  
 24 study—”;

1           (2) by adding at the end of subsection (b)(1)  
 2           the following: “The Board may download or seize  
 3           any recording device and recordings and may require  
 4           specific information only available from the manu-  
 5           facturer to enable the Board to read and interpret  
 6           any flight parameter or navigation storage device or  
 7           media on board the accident aircraft. The provisions  
 8           of section 1114(b) of this chapter shall apply to  
 9           matters properly identified as trade secrets or com-  
 10          mercial or financial information.”; and

11          (3) by inserting after “component.” in sub-  
 12          section (c) the following: “The officer or employee  
 13          may download or seize any recording device and re-  
 14          cordings, and may require the production of specific  
 15          information only available from the manufacturer to  
 16          enable the Board to read and interpret any oper-  
 17          ational parameter or navigation storage device or  
 18          media on board the accident vehicle, vessel, or roll-  
 19          ing stock. The provisions of section 1114(b) of this  
 20          chapter shall apply to matters properly identified as  
 21          trade secrets or commercial or financial informa-  
 22          tion.”.

23 **SEC. 5. AVIATION PENALTIES AND FAMILY ASSISTANCE.**

24          (a) **FAMILY ASSISTANCE IN COMMERCIAL AVIATION**  
 25 **ACCIDENTS.**—Section 41113(b)(7) of title 49, United

1 States Code is amended by striking “months.” and insert-  
 2 ing “months and that, prior to destruction of unclaimed  
 3 possessions, a reasonable attempt will be made to notify  
 4 the family of each passenger within 60 days of any  
 5 planned destruction date.”.

6 (b) FAMILY ASSISTANCE IN COMMERCIAL AVIATION  
 7 ACCIDENTS INVOLVING FOREIGN CARRIERS.—Section  
 8 41313(e)(7) of title 49, United States Code is amended  
 9 by striking “accident.” and inserting “accident and that,  
 10 prior to destruction of unclaimed possessions, a reasonable  
 11 attempt will be made to notify the family of each pas-  
 12 senger within 60 days of any planned destruction date.”.

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the “National Transportation*  
 15 *Safety Board Reauthorization Act of 2009”.*

16 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—Section 1118(a) of title 49, United  
 18 States Code, is amended to read as follows:

19 “(a) IN GENERAL.—There are authorized to be appro-  
 20 priated for the purposes of this chapter \$100,000,000 for  
 21 fiscal year 2010, \$105,000,000 for fiscal year 2011,  
 22 \$112,000,000 for fiscal year 2012, \$118,000,000 for fiscal  
 23 year 2013, and \$124,000,000 for fiscal year 2014. Such  
 24 sums shall remain available until expended.”.

1       (b) *FEES, REFUNDS, REIMBURSEMENTS, AND AD-*  
 2 *VANCES.—Section 1118(c) of such title is amended to read*  
 3 *as follows:*

4       “(c) *FEES, REFUNDS, REIMBURSEMENTS, AND AD-*  
 5 *VANCES.—*

6               “(1) *IN GENERAL.—The Board may impose and*  
 7 *collect such fees, refunds, reimbursements, and ad-*  
 8 *vances as it determines to be appropriate for activi-*  
 9 *ties, services, and facilities provided by or through the*  
 10 *Board.*

11              “(2) *RECEIPTS CREDITED AS OFFSETTING COL-*  
 12 *LECTIONS.—Notwithstanding section 3302 of title 31,*  
 13 *any fee, refund, reimbursement, or advance collected*  
 14 *under this subsection—*

15                   “(A) *shall be credited as offsetting collec-*  
 16 *tions to the account that finances the activities,*  
 17 *services, or facilities for which the fee, refund, re-*  
 18 *imbursement, or advance is associated;*

19                   “(B) *shall be available for expenditure only*  
 20 *to pay the costs of activities, services, or facilities*  
 21 *for which the fee, refund, reimbursement, or ad-*  
 22 *vance is associated; and*

23                   “(C) *shall remain available until expended.*

1           “(3) *RECORD.*—*The Board shall maintain an*  
 2           *annual record of collections received under paragraph*  
 3           *(2).*

4           “(4) *REFUNDS.*—*The Board may refund any fee*  
 5           *or advance paid by mistake or any amount paid in*  
 6           *excess of that required.*”.

7   **SEC. 3. TECHNICAL CORRECTIONS.**

8           (a) *DEFINITIONS.*—*Section 1101 of title 49, United*  
 9           *States Code, is amended by striking “otherwise.” and in-*  
 10          *serting “otherwise, and may include incidents not involving*  
 11          *destruction or damage, but significantly affecting transpor-*  
 12          *tation safety, as the Board may prescribe or Congress may*  
 13          *direct.*”.

14          (b) *GENERAL ORGANIZATION.*—*Section 1111(d) of title*  
 15          *49, United States Code, is amended by striking “absent”*  
 16          *and inserting “unavailable”.*

17          (c) *ADMINISTRATIVE.*—*Section 1113 of title 49, United*  
 18          *States Code, is amended—*

19                 (1) *by inserting “or depositions” in paragraph*  
 20                 *(a)(1) after “hearings”; and*

21                 (2) *by inserting “In the interest of transpor-*  
 22                 *tation safety, the Board shall have the authority by*  
 23                 *subpoena to summon witnesses and obtain any and*  
 24                 *all evidence relevant to an accident investigation con-*

1        *ducted under this chapter.” after “(2)” in subsection*  
 2        *(a)(2).*

3        *(d) DISCLOSURE, AVAILABILITY, AND USE OF INFOR-*  
 4        *MATION.—Section 1114 of title 49, United States Code, is*  
 5        *amended—*

6                *(1) by striking the heading for subsection (b) and*  
 7        *inserting “(b) TRADE SECRETS; COMMERCIAL OR FI-*  
 8        *NANCIAL INFORMATION.—”;*

9                *(2) by inserting “submitted to the Board in the*  
 10        *course of a Board investigation or study and” in sub-*  
 11        *section (b)(1) after “information” the first place it*  
 12        *appears;*

13                *(3) by striking “title 18” in subsection (b)(1)*  
 14        *and inserting “title 18, or commercial or financial*  
 15        *information,”;*

16                *(4) by striking “safety” in subsection (b)(1)(D)*  
 17        *the first place it appears and inserting “safety, in-*  
 18        *cluding through the issuance of reports of accident in-*  
 19        *vestigation or safety studies and safety recommenda-*  
 20        *tions,”;*

21                *(5) by inserting “subparagraphs (A) through (C)*  
 22        *of” after “under” in subsection (b)(2);*

23                *(6) by adding at the end of subsection (b) the fol-*  
 24        *lowing:*



1       “(4) *Each person submitting to the Board trade se-*  
 2 *crets, commercial or financial information, or information*  
 3 *that could be classified as controlled under the International*  
 4 *Traffic in Arms Regulations shall appropriately annotate*  
 5 *the information to indicate the restricted nature of the in-*  
 6 *formation in order to facilitate proper handling of such ma-*  
 7 *terials by the Board.*”;

8               (7) *by striking “shall” in paragraph(1)(A) of*  
 9 *subsection (f) and inserting “may”;*

10              (8) *by striking “information” in paragraph (2)*  
 11 *of subsection (f) and inserting “information, or other*  
 12 *relevant information authorized for disclosure under*  
 13 *this chapter,”; and*

14              (9) *by adding at the end thereof the following:*

15       “(g) *ONGOING BOARD INVESTIGATIONS.—(1) Notwith-*  
 16 *standing any other provision of law, neither the Board, nor*  
 17 *any agency receiving information from the Board, may*  
 18 *publicly disclose records related to an ongoing Board inves-*  
 19 *tigation, and such records shall be exempt from disclosure*  
 20 *under section 552(b)(3) of title 5. Notwithstanding the pre-*  
 21 *ceding sentence, the Board may make public specific records*  
 22 *relevant to the investigation, release of which in the Board’s*  
 23 *judgment is necessary to promote transportation safety—*

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

1           “(B) if the Board does not hold a public hearing,  
 2           at the time the Board determines that substantial  
 3           portions of the underlying factual reports on the acci-  
 4           dent or incident, and supporting evidence, will be  
 5           placed in the public docket; or

6           “(C) if the Board determines during an ongoing  
 7           investigation or study that circumstances warrant  
 8           disclosure of specific factual material and that such  
 9           material need be placed in the public docket to facili-  
 10          tate dialogue with other agencies or instrumentalities,  
 11          regulatory bodies, industry or industry groups, or  
 12          Congress.

13          “(2) This subsection does not prevent the Board from  
 14          referring at any time to evidence from an ongoing inves-  
 15          tigation in making safety recommendations.

16          “(3) In this subsection, the term ‘ongoing investiga-  
 17          tion’ means that period beginning at the time the Board  
 18          is notified of an accident or incident and ending when the  
 19          Board issues a final report or brief, or determines to close  
 20          an investigation without issuing a report or brief.”.

21          (e) *REPORTS AND STUDIES*—Section 1116(b) of title  
 22          49, *United States Code*, is amended—

23                  (1) by striking “carry out” in paragraph (1)  
 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 and incidents that may be investigated by*  
 5     *the Board under this chapter;*”.

6     (f) *DISCOVERY AND USE OF COCKPIT AND SURFACE*  
 7     *VEHICLE RECORDINGS AND TRANSCRIPTS.*—Section  
 8     1154(a)(1)(A) of title 49, United States Code, is amended  
 9     by striking “and” and inserting “or”.

10   **SEC. 4. AUTHORITY OF THE BOARD.**

11       (a) *EVALUATION AND AUDIT.*—Section 1138(a) of title  
 12     49, United States Code, is amended by striking “conducted  
 13     at least annually, but may be”.

14       (b) *TRAINING OF BOARD EMPLOYEES AND OTHERS.*—  
 15     Section 1115(d) of title 49, United States Code, is amend-  
 16     ed—

17           (1) *by striking “investigation.” and inserting*  
 18     *“investigation, including investigation theory and*  
 19     *techniques and transportation safety, to advance*  
 20     *Board safety recommendations.”;*

21           (2) *by striking “training.” and inserting “train-*  
 22     *ing or who influence transportation safety through*  
 23     *support or adoption of Board safety recommenda-*  
 24     *tions.”; and*

1           (3) by striking “collections.” and inserting “col-  
 2           lections under the provisions of section 1118 of this  
 3           chapter.”.

4           (c) ACCIDENT INVESTIGATION AUTHORITY.—Section  
 5           1131 of title 49, United States Code, is amended—

6           (1) by striking subsection (a)(1)(C) and insert-  
 7           ing the following:

8           “(C) a freight or passenger railroad accident in  
 9           which there is a fatality (other than a fatality involv-  
 10          ing a trespasser), substantial property damage, or  
 11          significant injury to the environment;”;

12          (2) by striking “and” after the semicolon in sub-  
 13          section (a)(1)(E);

14          (3) by inserting “or incident” after “accident”  
 15          each place it appears in subsection (a)(1)(F);

16          (4) by striking “chapter.” in subsection (a)(1)(F)  
 17          and inserting “chapter;”;

18          (5) by adding at the end of subsection (a)(1) the  
 19          following:

20          “(G) an accident or incident in response to an  
 21          international request and delegation under appro-  
 22          priate international conventions, coordinated through  
 23          the Department of State and accepted by the Board;  
 24          and

1           “(H) *an incident or incidents significantly af-*  
 2           *fecting transportation safety, as defined by the Board,*  
 3           *under rules and in such detail as the Board may pre-*  
 4           *scribe.”;*

5           (6) *by striking “paragraph (1)(A)–(D) or (F)”*  
 6           *in subsection (a)(2)(A) and inserting “any of sub-*  
 7           *paragraphs (A) through (F) of paragraph (1)”;*

8           (7) *by inserting “or incident” after “accident”*  
 9           *each place it appears in subsection (a)(3);*

10          (8) *by inserting “or relevant to” after “developed*  
 11          *about” in subsection (a)(3);*

12          (9) *by inserting “AND INCIDENT” after “ACCI-*  
 13          *DENT” in the heading for subsection (e); and*

14          (10) *by inserting “and incident” in subsection*  
 15          *(e) after “each accident”.*

16          (d) *CIVIL AIRCRAFT AND MARITIME ACCIDENT INVES-*  
 17          *TIGATIONS.—*

18               (1) *IN GENERAL.—Section 1132 of title 49,*  
 19               *United States Code, is amended—*

20                       (A) *by inserting “or have investigated” in*  
 21                       *subsection (a)(1) after “investigate”;*

22                       (B) *by striking “aircraft;” in subsection*  
 23                       *(a)(1)(A) and inserting “aircraft or a commer-*  
 24                       *cial space launch vehicle;”; and*

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

1       “(e) *AUTHORITY OF BOARD REPRESENTATIVE.—The*  
2 *Board may, with the consent of the Secretary, delegate to*  
3 *the Department of Transportation full authority to obtain*  
4 *the facts of any aviation accident or incident the Board*  
5 *shall investigate, and the on-scene representative of the Sec-*  
6 *retary shall have the full authority of the Board to, on dis-*  
7 *play of appropriate credentials and written notice of in-*  
8 *spection authority, enter property where an aviation acci-*  
9 *dent has occurred or wreckage from the accident is located*  
10 *and do anything necessary to gather evidence in support*  
11 *of a Board investigation, in accordance with such rules as*  
12 *the Board may prescribe.*

13       “(f) *MARITIME ACCIDENT INVESTIGATIONS.—The*  
14 *Board may, with the consent of the Secretary of the depart-*  
15 *ment in which the Coast Guard is operating, delegate to*  
16 *the Coast Guard full authority to obtain the facts of any*  
17 *maritime accident or incident the Board shall investigate,*  
18 *and the on-scene representative of the Commandant of the*  
19 *Coast Guard shall have the full authority of the Board to,*  
20 *on display of appropriate credentials and written notice of*  
21 *inspection authority, enter property where a maritime acci-*  
22 *dent has occurred or wreckage from the accident is located*  
23 *and do anything necessary to gather evidence in support*  
24 *of a Board investigation, in accordance with such rules as*  
25 *the Board may prescribe.”.*

1 (2) *CONFORMING AMENDMENTS.*—

2 (A) *The heading for section 1132 of title 49,*  
 3 *United States Code, is amended to read as fol-*  
 4 *lows:*

5 “§ **1132. Civil aircraft and maritime accident inves-**  
 6 **tigations**”.

7 (B) *The table of contents for chapter 11 of*  
 8 *title 49, United States Code, is amended by*  
 9 *striking the item relating to section 1132 and in-*  
 10 *serting the following:*

*“1132. Civil aircraft and maritime accident investigations”.*

11 (e) *INSPECTIONS AND AUTOPSIES.*—*Section 1134 of*  
 12 *title 49, United States Code, is amended—*

13 (1) *by striking “officer or employee of the Na-*  
 14 *tional Transportation Safety Board—” in subsection*  
 15 *(a) and inserting “officer, employee, or designee of the*  
 16 *National Transportation Safety Board in the conduct*  
 17 *of any accident or incident investigation or study—*  
 18 *”;*

19 (2) *by adding at the end of subsection (b)(1) the*  
 20 *following: “The Board may download or seize any re-*  
 21 *coding device and recordings and may require spe-*  
 22 *cific information only available from the manufac-*  
 23 *turer to enable the Board to read and interpret any*  
 24 *flight parameter or navigation storage device or*  
 25 *media on board the accident aircraft. The provisions*

1       of section 1114(b) of this chapter shall apply to mat-  
 2       ters properly identified as trade secrets or commercial  
 3       or financial information.”; and

4               (3) by inserting after “component.” in subsection  
 5       (c) the following: “The officer or employee may  
 6       download or seize any recording device and record-  
 7       ings, and may require the production of specific in-  
 8       formation only available from the manufacturer to  
 9       enable the Board to read and interpret any oper-  
 10      ational parameter or navigation storage device or  
 11      media on board the accident vehicle, vessel, or rolling  
 12      stock. The provisions of section 1114(b) of this chapter  
 13      shall apply to matters properly identified as trade se-  
 14      crets or commercial or financial information.”.

15   **SEC. 5. AVIATION PENALTIES AND FAMILY ASSISTANCE.**

16       (a) *FAMILY ASSISTANCE IN COMMERCIAL AVIATION*  
 17   *ACCIDENTS.*—Section 41113(b)(7) of title 49, United States  
 18   Code, is amended by striking “months.” and inserting  
 19   “months and that, prior to destruction of unclaimed posses-  
 20   sions, a reasonable attempt will be made to notify the fam-  
 21   ily of each passenger within 60 days of any planned de-  
 22   struction date.”.

23       (b) *FAMILY ASSISTANCE IN COMMERCIAL AVIATION*  
 24   *ACCIDENTS INVOLVING FOREIGN CARRIERS.*—Section  
 25   41313(c)(7) of title 49, United States Code, is amended by



1 *striking “accident.” and inserting “accident and that, prior*  
 2 *to destruction of unclaimed possessions, a reasonable at-*  
 3 *tempt will be made to notify the family of each passenger*  
 4 *within 60 days of any planned destruction date.”.*

5 **SEC. 6. ACCIDENT-RELATED INFORMATION RELEASE POL-**  
 6 **ICY REPORT.**

7 *Within 180 days after the date of enactment of this*  
 8 *Act, the National Transportation Safety Board shall submit*  
 9 *to the Senate Committee on Commerce, Science, and Trans-*  
 10 *portation and the House of Representatives Committee on*  
 11 *Transportation and Infrastructure a report describing the*  
 12 *policies, procedures, and guidelines used by the Board in*  
 13 *the expedited release of factual accident-related information*  
 14 *to victims and their families, Federal, State, and local acci-*  
 15 *dent investigators and agencies, private or third party in-*  
 16 *vestigation partners, the public, and other stakeholders.*

Calendar No. 273

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

**S. 2768**

[Report No. 111-127]

**A BILL**

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2010 through 2014, and for other purposes.

FEBRUARY 23, 2010

Reported with an amendment