The new notification requirements imposed by H.R. 6008 will help decrease the time required to respond to pipeline leaks, thereby lessening the damage caused by such leaks. Moreover, the increased penalties for violations of Federal pipeline safety laws will provide incentives for pipeline owners and operators to follow guidelines and aid responsibility. All in all, this is a very good bill and I strongly support it.

I urge my colleagues to join me in supporting H.R. 6008.

Mr. LoBIONDO. I yield back the balance of my time.

Mr. SCHAUER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. SCHAUER) that the House suspend the rules and pass the bill, H.R. 6008, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to ensure telephonic notice of certain incidents involving hazardous liquid and gas pipeline facilities, and for other purposes.''.

A motion to reconsider was laid on the table.

NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2010

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4714) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Transportation Safety Board Reauthorization Act of 2010''.

(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. Disclosure, availability, and use of information.
Sec. 7. Training.
Sec. 8. Reports and studies.
Sec. 9. Authorization of appropriations.
Sec. 10. Accident investigation authority.
Sec. 11. Marine casualty investigations.
Sec. 12. Inspections and autopsies.
Sec. 13. Discovery and use of cockpit and surface vehicle recordings and transcripts.
Sec. 14. Family assistance.
Sec. 15. Notification of marine casualties.
Sec. 16. Use of board name, logo, initials, and seal.

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

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

SEC. 3. DEFINITIONS.

Section 1101 is amended to read as follows:

''§ 1101. Definitions

''(a) ACCIDENT DEFINED.—In this chapter, the term 'accident'—

''(1) means an event associated with the operation of a vehicle, aircraft, or pipeline, which results in damage to or destruction of the vehicle, aircraft, or pipeline, or which results in the death of or serious injury to any person, regardless of whether the initiating event is accidental or otherwise; and

''(2) may include an incident that does not involve destruction or damage of a vehicle, aircraft, or pipeline, but affects transportation safety, as the Board prescribes by regulation.

''(b) APPLICABILITY OF DEFINITIONS IN OTHER LAWS.—The definitions contained in section 2101(17a) of title 46 and section 40102(a) of this title apply to this chapter.''.

SEC. 4. GENERAL ORGANIZATION.

The last sentence of section 1111(d) is amended by striking ''absent'' and inserting ''unavailable''.

SEC. 5. ADMINISTRATIVE.

(a) GENERAL AUTHORITY.—Section 1113(a) is amended—

(1) in paragraph (1)—

(A) by inserting ''and depositions'' after ''hearings''; and

(B) by striking ''subpena'' and inserting ''subpoena''; and

(2) in paragraph (2) by inserting before the first sentence the following: ''In the interest of promoting transportation safety, the Board shall have the authority by subpoena to summon witnesses and obtain evidence relevant to an accident investigation conducted under this chapter.''.

(b) ADDITIONAL POWERS.—

(1) AUTHORITY OF BOARD TO ENTER INTO CONTRACTS AND OTHER AGREEMENTS WITH NONPROFIT ENTITIES.—Section 1113(b)(1)(H) is amended by inserting ''and other agreements'' after ''contracts''.

(2) AUTHORITY OF BOARD TO ENTER INTO AND PERFORM CONTRACTS, AGREEMENTS, LEASES, OR OTHER TRANSACTIONS.—Section 1113(b) is amended—

(A) by striking paragraph (1)(I) and inserting the following:

''(I) negotiate, enter into, and perform contracts, agreements, leases, or other transactions with individuals, private entities, departments, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries on such terms and conditions as the Chairman of the Board considers appropriate to carry out the functions of the Board and require that such entities provide appropriate consideration for the reasonable costs of any facilities, goods, services, or training provided by the Board.''; and

(B) by adding at the end the following:

''(3) LEASE LIMITATION.—The authority of the Board to enter into leases shall be limited to the provision of special use space related to an accident investigation, or for general use space, at an average annual rental cost of not more than $300,000 for any individual property.''.

(3) AUTHORITY OF OTHER FEDERAL AGENCIES.—Section 1113(b)(2) is amended to read as follows:

''(2) AUTHORITY OF OTHER FEDERAL AGENCIES.—Notwithstanding any other provision of law, the head of a Federal department, agency, or instrumentality may transfer to or receive from the Board, with or without reimbursement, supplies, personnel, services, and equipment (other than administrative supplies and equipment).''.

(c) CRITERIA ON PUBLIC HEARINGS.—

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

''(i) PUBLIC HEARINGS.—

''(1) DEVELOPMENT OF CRITERIA.—The Board shall establish by regulation criteria to be used by the Board in determining, for each accident investigation and safety study undertaken by the Board, whether or not the Board will hold a public hearing on the investigation or study.

''(2) FACTORS.—In developing the criteria, the Board shall give priority consideration to the following factors:

''(A) Whether the accident has caused significant loss of life.

''(B) Whether the accident has caused significant property damage.

''(C) Whether the accident may involve a national transportation safety issue.

''(D) Whether a public hearing may provide needed information to the Board.

''(E) Whether a public hearing may offer an opportunity to educate the public on a safety issue.

''(F) Whether a public hearing may increase both the transparency of the Board's investigative process and public confidence that such process is comprehensive, accurate, and unbiased.

''(G) Whether a public hearing is likely to significantly delay the conclusion of an investigation and whether the possible adverse effects of the delay on safety outweigh the benefits of a public hearing.''.

(2) ANNUAL REPORT.—Section 1117 is amended—

(A) by striking ''and'' at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(C) by adding at the end the following:

''(7) an analysis of the Board's implementation of the criteria established pursuant to section 1113(i) during the prior calendar year, including an explanation of any instance in which the Board did not hold a public hearing for an investigation of an accident that has caused significant loss of life or property damage or that may involve a national transportation safety issue.''.

(d) ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE.—Section 1113 is further amended by adding at the end the following:

''(j) ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE.—

''(1) AUTHORITY TO PROVIDE INSURANCE.—The Board may procure accidental death and dismemberment insurance for an employee of the Board who travels for an accident investigation or other activity of the Board outside the United States or inside the United States under hazardous circumstances, as defined by the Board.

''(2) CREDITING OF INSURANCE BENEFITS TO OFFSET UNITED STATES TORT LIABILITY.—Any amounts paid to a person under insurance coverage procured under this subsection shall be credited as offsetting any liability of the United States to pay damages to that person under section 1346(b) of title 28, chapter 171 of title 28, chapter 163 of title 10, or any other provision of law authorizing recovery based upon tort liability of the United States in connection with the injury or death resulting in the insurance payment.

''(3) TREATMENT OF INSURANCE BENEFITS.—Any amounts paid under insurance coverage procured under this subsection shall not—

''(A) be considered additional pay or allowances for purposes of section 5536 of title 5; or

''(B) offset any benefits an employee may have as a result of government service, including compensation under chapter 81 of title 5.

''(4) ENTITLEMENT TO OTHER INSURANCE.—Nothing in this subsection shall be construed as affecting the entitlement of an employee to insurance under section 8704(b) of title 5.''.

SEC. 6. DISCLOSURE, AVAILABILITY, AND USE OF INFORMATION.

(a) TRADE SECRETS, COMMERCIAL INFORMATION, AND FINANCIAL INFORMATION.—Section 1114(b) is amended—

(1) by striking the subsection heading and inserting the following: ''TRADE SECRETS, COMMERCIAL INFORMATION, AND FINANCIAL INFORMATION'';

(2) in paragraph (1) in the matter preceding subparagraph (A)—

(A) by inserting ''submitted to the Board in the course of a Board investigation or study and'' after ''information''; and

(B) by inserting '', or commercial or financial information if the information would otherwise be withheld under section 552(b)(4) of title 5,'' after ''title 18'';

(3) in paragraph (2) by striking ''paragraph (1) of this subsection'' and inserting ''subparagraphs (A) through (C) of paragraph (1)''; and

(4) by adding at the end the following:

''(4) ANNOTATION OF CONTROLLED INFORMATION.—Each person submitting to the Board trade secrets, commercial information, financial information, or information that could be classified as controlled under the International Traffic in Arms Regulations shall appropriately annotate the information to indicate the restricted nature of the information in order to facilitate proper handling of such materials by the Board. In this paragraph, the term 'International Traffic in Arms Regulations' means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or any successor regulations).

''(5) DISCLOSURES TO PROTECT PUBLIC HEALTH AND SAFETY.—Disclosures of information under paragraph (1)(D) may include disclosures through accident investigation reports, safety studies, and safety recommendations.''.

(b) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—The second sentence of section 1114(d)(1) is amended by striking ''that'' after ''information''.

(c) VESSEL RECORDINGS AND TRANSCRIPTS.—Section 1114 is amended—

(1) in subsection (a)(1) by striking ''and (f)'' and inserting ''(e), and (g)'';

(2) in subsection (d)(1) by striking ''or vessel'';

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

(4) by inserting after subsection (d) the following:

''(e) VESSEL RECORDINGS AND TRANSCRIPTS.—

''(1) CONFIDENTIALITY OF RECORDINGS AND TRANSCRIPTS.—The Board may not disclose publicly any part of a vessel's voice or video recorder recording or transcript of oral communications by or among the crew, pilots, or docking masters of a vessel, vessel traffic services, or other vessels, or between the vessel's crew and company communication centers, related to a marine casualty investigated by the Board. However, the Board shall make public any part of a transcript or any written depiction of visual information the Board decides is relevant to the marine casualty—

''(A) if the Board holds a public hearing on the marine casualty, at the time of the hearing; or

''(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the marine casualty are placed in the public docket.

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

(d) FOREIGN INVESTIGATIONS.—Section 1114(g) (as redesignated by subsection (c)(3) of this section) is amended—

(1) in paragraph (1)(A) by striking ''shall'' and inserting ''may''; and

(2) in paragraph (2) by inserting '', or other relevant information authorized for disclosure under this chapter,'' after ''information''.

(e) PARTY REPRESENTATIVES TO NTSB INVESTIGATIONS.—

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

''(h) PARTY REPRESENTATIVES TO NTSB INVESTIGATIONS.—

''(1) PROHIBITION ON DISCLOSURE OF INFORMATION.—A party representative to an accident or marine casualty investigation of the Board is prohibited from disclosing, orally or in written form, investigative information, as defined by the Board, to anyone who is not an employee of the Board or who is not a party representative to such investigation, except—

''(A) as provided in paragraph (2); or

''(B) at the conclusion of the fact finding stage of an investigation, which the investigator-in-charge shall announce by formal posting of a notice in the publicly available investigation docket.

''(2) EXCEPTION.—If the investigator-in-charge determines that a disclosure of information related to an accident or marine casualty investigation is necessary to prevent additional accidents or marine casualties, to address a perceived safety deficiency, or to assist in the conduct of the investigation, the investigator-in-charge may at any time authorize in writing a party representative to disclose such information under conditions approved by the investigator-in-charge. Such conditions shall ensure that, until the posting of a formal notice described in paragraph (1)(B), or until the information disclosed pursuant to this paragraph becomes publicly available by any other means, neither the entity represented by the party representative nor any other person may use such information in preparation for the prosecution of any claim or defense in litigation in connection with the accident or marine casualty being investigated or to make or deny any insurance claim in connection with such accident or marine casualty.

''(3) COMPLIANCE.—The Board shall require any individual who is a party representative to an investigation of the Board to sign a party agreement that includes language informing the individual of the prohibition in paragraph (1).

''(4) REPRESENTATIVES OF FEDERAL AGENCIES.—Paragraph (3) shall not apply to an individual who is a representative of the Secretary of Transportation, the Secretary of the department in which the Coast Guard is operating, or any other Federal department, agency, or instrumentality participating in the investigation and deemed by the Board to be performing a law enforcement or similar function.

''(5) COMPLIANCE WITH FAA STATUTORY OBLIGATIONS.—Nothing in this subsection prohibits the Federal Aviation Administration from fulfilling statutory obligations to ensure safe operations.

''(6) PARTY REPRESENTATIVE DEFINED.—In this subsection, the term 'party representative' means an individual representing a party to an investigation pursuant to section 831.11 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this subsection.''.

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

(A) in the section heading by striking ''**Aviation enforcement**'' and inserting ''**Enforcement**''; and

(B) by inserting ''1114(h),'' before ''1132,'' in each of subsections (a), (b)(1), and (c).

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

''1151. Enforcement.''

(f) GAO STUDY OF PARTY PROCESS.—

(1) IN GENERAL.—The Comptroller General shall conduct a study on the use of party representatives in investigations conducted by the National Transportation Safety Board.

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

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

(B) whether the participation of party representatives in a Board investigation results in any unfair advantages for the entities represented by the party representatives while the Board is conducting the investigation;

(C) whether the use of party representatives leads to bias in the outcome of a Board investigation; and

(D) whether Board investigations would be compromised in any way absent the participation and expertise of party representatives.

(3) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this subsection, including any recommendations for improvements in the Board's use of the party representative process.

SEC. 7. TRAINING.

Section 1115(d) is amended—

(1) by inserting ''theory and techniques and on transportation safety methods to advance Board safety recommendations'' before the period at the end of the first sentence;

(2) by inserting ''or who influence the course of transportation safety through support or adoption of Board safety recommendations'' before the period at the end of the second sentence; and

(3) by inserting ''under section 1118(c)(2)'' before the period at the end of the third sentence.

SEC. 8. REPORTS AND STUDIES.

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

(1) in paragraph (1) by striking ''carry out'' and inserting ''conduct''; and

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

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

(b) URGENT SAFETY RECOMMENDATIONS AND INTERIM MEASURES.—Section 1116 is amended by adding at the end the following:

''(c) URGENT SAFETY RECOMMENDATIONS AND INTERIM MEASURES.—

''(1) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall restrict the Board from—

''(A) making urgent safety recommendations, as identified by the Board during an ongoing safety investigation or study, to any department, agency, or instrumentality of

the Federal Government, a State or local governmental authority, or a person concerned with transportation safety; or

''(B) recommending interim measures, as identified by the Board, to a department, agency, instrumentality, authority, or person described in subparagraph (A) to mitigate risks to transportation safety pending implementation of more comprehensive responses by the department, agency, instrumentality, authority, or person.

''(2) INCLUSION IN FINAL ACCIDENT REPORTS.—If the Board makes an urgent safety recommendation or recommends an interim measure before completing a relevant final accident report, if any, the urgent safety recommendation or interim measure shall also be reflected in the final accident report.''.

(c) EVALUATION AND AUDIT.—Section 1138(a) is amended by striking ''conducted at least annually, but may be''.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

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

''(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this chapter—

''(1) $107,583,000 for fiscal year 2011;

''(2) $115,347,000 for fiscal year 2012;

''(3) $122,187,000 for fiscal year 2013; and

''(4) $124,158,000 for fiscal year 2014.

Such sums shall remain available until expended.''.

(b) FEES, REFUNDS, REIMBURSEMENTS, AND ADVANCES.—Section 1118(c) is amended—

(1) by striking the subsection heading and inserting the following: ''FEES, REFUNDS, REIMBURSEMENTS, AND ADVANCES'';

(2) in paragraph (1)—

(A) by striking ''and reimbursements'' and inserting ''reimbursements, and advances''; and

(B) by striking ''services'' and inserting ''activities, services, and facilities'';

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A) by striking ''or reimbursement'' and inserting ''reimbursement, or advance''; and

(B) in each of subparagraphs (A) and (B) by striking ''activities'' and all that follows before the semicolon and inserting ''activities, services, or facilities for which the fee, refund, reimbursement, or advance is associated'';

(4) by redesignating paragraph (3) as paragraph (4);

(5) by inserting after paragraph (2) the following:

''(3) ANNUAL RECORD OF COLLECTIONS.—The Board shall maintain an annual record of collections received under paragraph (2).''; and

(6) in paragraph (4) (as redesignated by paragraph (4) of this subsection) by inserting ''or advance'' after ''fee''.

SEC. 10. ACCIDENT INVESTIGATION AUTHORITY.

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

(1) in the matter preceding subparagraph (A) by striking ''cause or probable cause'' and inserting ''causes or probable causes'';

(2) in subparagraph (C) by striking ''a fatality or substantial property damage'' and inserting ''a fatality (other than a fatality involving a trespasser) or substantial property damage'';

(3) in subparagraph (E) by striking ''and'' at the end;

(4) in subparagraph (F) by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(G) an accident in response to an international request and delegation under appropriate international conventions, coordinated through the Department of State and accepted by the Board.''.

(b) AUTHORITIES OF OTHER AGENCIES.—The second sentence of section 1131(a)(3) is amended by inserting ''or relevant to'' after ''developed about''.

(c) ACCIDENTS NOT INVOLVING GOVERNMENT MISFEASANCE OR NONFEASANCE.—Section 1131(c) is amended by adding at the end the following:

''(3) AUTHORITY OF BOARD REPRESENTATIVE.—In the case of a delegation of authority under paragraph (1), the Secretary, or a person designated by the Secretary, shall have the authority of the Board, on display of appropriate credentials and written notice of inspection authority, to enter property where the aircraft accident has occurred or wreckage from the accident is located and to gather evidence in support of a Board investigation, in accordance with rules the Board may prescribe.''.

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

''(f) INCIDENT INVESTIGATIONS.—

''(1) MEMORANDUM OF UNDERSTANDING.—Not later than 90 days after the issuance of final regulations under section 1101(a)(2), the Chairman of the Board shall seek to enter into a memorandum of understanding with the Secretary of Transportation and the head of each modal administration of the Department of Transportation that sets forth—

''(A) an understanding of the conditions under which the Board will conduct an incident investigation that involves the applicable mode of transportation; and

''(B) the roles and responsibilities of the parties to the memorandum when the Board is conducting an incident investigation.

''(2) UPDATES AND RENEWALS.—Each memorandum of understanding required under paragraph (1) shall be updated and renewed not less than once every 5 years, unless parties to the memorandum agree that updating the memorandum is unnecessary.

''(3) BOARD AUTHORITY.—Nothing in this paragraph negates the authority of the Board to investigate an incident.

''(4) INCIDENT DEFINED.—In this subsection, the term 'incident' means an incident described in regulations issued under section 1101(a)(2).''.

SEC. 11. MARINE CASUALTY INVESTIGATIONS.

(a) IN GENERAL.—Chapter 11 is amended by inserting after section 1132 the following:

''§ 1132a. Marine casualty investigations

''(a) DELEGATION OF AUTHORITY TO COAST GUARD.—

''(1) IN GENERAL.—In an investigation of a major marine casualty under section 1131(a)(1)(E), the Board, with the consent of the Secretary of the department in which the Coast Guard is operating, may delegate to the Commandant of the Coast Guard full authority to obtain the facts of the casualty. In the case of such a delegation, the Commandant, acting through the Commandant's on-scene representative, shall have the full authority of the Board.

''(2) REQUIRED TRAINING, EXPERIENCE, AND QUALIFICATIONS.—The Board may not make a delegation under paragraph (1) unless the Board determines that the Commandant's on-scene representatives have sufficient training, experience, and qualifications in investigation, marine casualty reconstruction, evidence collection and preservation, human factors, and documentation to act in accordance with the best investigation practices of Federal and non-Federal entities.

''(b) PARTICIPATION OF COMMANDANT IN MARINE INVESTIGATIONS.—The Board shall provide for the participation of the Commandant of the Coast Guard in an investigation by the Board of a major marine casualty under section 1131(a)(1)(E) if such participation is necessary to carry out the duties and powers of the Commandant, except that the Commandant may not participate in establishing the probable cause of the marine casualty (other than as provided in section 1131(b)).''.

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

''1132a. Marine casualty investigations.''.

SEC. 12. INSPECTIONS AND AUTOPSIES.

(a) ENTRY AND INSPECTION.—Section 1134(a) is amended in the matter preceding paragraph (1)—

(1) by striking ''officer or employee'' and inserting ''officer, employee, or Federal designee''; and

(2) by inserting ''in the conduct of any accident investigation or study'' after ''National Transportation Safety Board''.

(b) INSPECTION, TESTING, PRESERVATION, AND MOVING OF AIRCRAFT AND PARTS.—Section 1134(b) is amended to read as follows:

''(b) INSPECTION, TESTING, PRESERVATION, AND MOVING OF AIRCRAFT AND PARTS.—

''(1) INSPECTION AND TESTING.—In investigating an aircraft accident under this chapter, the Board may—

''(A) inspect and test, to the extent necessary, any civil aircraft, aircraft engine, propeller, appliance, or property on an aircraft involved in an accident in air commerce;

''(B) seize or otherwise obtain any recording device and recording pertinent to the accident; and

''(C) require specific information only available from the manufacturer to enable the Board to read and interpret any flight parameter or navigation storage device or media on board the aircraft involved in the accident.

''(2) MOVING OF AIRCRAFT AND PARTS.—Any civil aircraft, aircraft engine, propeller, appliance, or property on an aircraft involved in an accident in air commerce shall be preserved, and may be moved, only as provided by regulations of the Board.

''(3) TRADE SECRETS, COMMERCIAL INFORMATION, AND FINANCIAL INFORMATION.—The provisions of section 1114(b) shall apply to materials provided under paragraph (1)(C) and properly identified as trade secrets, commercial information, or financial information.''.

(c) AVOIDING UNNECESSARY INTERFERENCE; PRESERVING EVIDENCE.—Section 1134(c) is amended to read as follows:

''(c) AVOIDING UNNECESSARY INTERFERENCE; PRESERVING EVIDENCE.—

''(1) INSPECTION AND TESTING.—In carrying out subsection (a)(1), an officer or employee may—

''(A) examine or test any vehicle, vessel, rolling stock, track, or pipeline component;

''(B) seize or otherwise obtain any recording device and recording pertinent to the accident; and

''(C) require the production of specific information only available from the manufacturer to enable the Board to read and interpret any operational parameter or navigation storage device or media on board the vehicle, vessel, or rolling stock involved in the accident.

''(2) TRADE SECRETS, COMMERCIAL INFORMATION, AND FINANCIAL INFORMATION.—The provisions of section 1114(b) shall apply to materials provided under paragraph (1)(C) and properly identified as trade secrets, commercial information, or financial information.

''(3) CONDUCT OF EXAMINATIONS AND TESTS.—An examination or test under paragraph (1)(A) shall be conducted in a way that—

''(A) does not interfere unnecessarily with transportation services provided by the owner or operator of the vehicle, vessel, rolling stock, track, or pipeline component; and

''(B) to the maximum extent feasible, preserves evidence related to the accident, consistent with the needs of the investigation and with the cooperation of that owner or operator.''.

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

Section 1154(a)(1)(A) is amended by striking ''; and'' and inserting ''; or''.

SEC. 14. FAMILY ASSISTANCE.

(a) FAMILY ASSISTANCE IN COMMERCIAL AVIATION ACCIDENTS.—Section 41113(b)(7) is amended by inserting before the period at the end the following: '', and that at least 60 days before the planned destruction of any unclaimed possession of a passenger a reasonable attempt will be made to notify the family of the passenger''.

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

SEC. 15. NOTIFICATION OF MARINE CASUALTIES.

Not later than 6 months after the date of enactment of this Act, the National Transportation Safety Board and the Secretary of the department in which the Coast Guard is operating shall jointly prescribe regulations to ensure the prompt notification and reporting of marine casualties by the Coast Guard to the Board.

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

Section 709 of title 18, United States Code, is amended—

(1) by inserting ''or'' at the end of the paragraph immediately preceding the paragraph that begins ''Shall be punished as follows:''; and

(2) by inserting the following before the paragraph that begins ''Shall be punished as follows:'':

''Whoever, except with the written permission of the Chairman of the National Transportation Safety Board, knowingly uses the words 'National Transportation Safety Board', the logo of the Board, the initials 'NTSB', or the official seal of the Board, or any colorable imitation of such words, logo, initials, or seal, in connection with any advertisement, circular, book, pamphlet, or other publication, or any play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, or other publication, or such play, motion picture, broadcast, telecast, or other production, is approved, endorsed, or authorized by the National Transportation Safety Board;''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from New Jersey (Mr. LOBIONDO) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4714.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very special moment for me. It's at least the fourth or fifth National Transportation Safety Board reauthorization bill that I have brought to the floor to manage during the years that I chaired the aviation authorization subcommittee. And during the years when we were in the minority and partnered with our Republican colleagues on the committee to bring NTSB authorizations to the floor, I'm proud to say they have all, under management by either party in our committee, these bills have all come out of committee with a unanimous vote.

□ 1920

We have not had recorded votes within committee. Whatever differences of view, we have been able to resolve and acknowledge one another's contributions. And the same with this reauthorization for NTSB.

I will just observe that I served in Congress as staff in 1966–67 when the Congress created the Department of Transportation and included within it an independent safety board. But after a few years, it was apparent that the Safety Board could not be independent within the Department. So the Congress, before I was elected, moved to separate the NTSB, separate the safety board from the Department and establish it as an independent agency separate from the Department itself.

In the years since then, the NTSB has become the worldwide gold standard for safety standards, for investigation of transportation accidents, and for leading the world to a better safety regime in all modes of transportation. Other nations have come to the U.S. to emulate our NTSB, to see how it works, how it's structured, and how it acts with independence. And we, in this authorization, continue that standard for the NTSB, increasing staff, increasing funding modestly only just to accommodate the needs of NTSB for the additional responsibilities we have shouldered upon the Safety Board. I would like to say that we add two full-time equivalent employees to support the recently enacted Rail Disaster Family Assistance Act, legislation that the former chairman of the committee, DON YOUNG, had introduced in 2006 and which we adopted by voice vote in the committee. I just want to make an acknowledgement of Mr. YOUNG's continued splendid contribution.

With that, I reserve the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume. Mr. OBERSTAR has been very passionate on this issue, along with a number of other issues. The critical importance of NTSB has been outlined over and over again. I urge all Members to look very carefully at this.

I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, we have no further requests for time on our side. I submit for the Record a more detailed explanation of the provisions of the reauthorization.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 4714, as amended, a bill to reauthorize the National Transportation Safety Board (NTSB), an independent agency with the vitally important responsibility to improve the safety of our nation's transportation network.

Since its inception in 1967, the NTSB has investigated more than 132,000 aviation accidents and more than 10,000 surface transportation accidents. During those 43 years, the Safety Board has issued more than 13,000 safety recommendations, with 82 percent of those recommendations accepted by the related agency or organization. In the last three years alone, the Safety Board has investigated more than 64 major accidents, issued 63 major reports covering all transportation modes (aviation, highway, transit, maritime, railroad, and pipeline/hazardous materials), and issued more than 521 safety recommendations.

The NTSB is widely acknowledged as the world's premier accident investigation agency. Thanks to the NTSB's diligent work in investigating the causes of past transportation accidents, and in recommending solutions, the traveling public is safer today than ever before.

But we must not be content with the progress we have made in improving transportation safety. That is why H.R. 4714, the ''National Transportation Safety Board Reauthorization Act of 2010'', provides the Safety Board with additional tools it needs to accomplish its crucial mission. To maintain its position as the world's preeminent investigative agency, the NTSB must have the resources necessary to handle increasingly complex accident investigations.

Accordingly, this bill authorizes increased funding over the next four years: $107.6 million in fiscal year (FY) 2011, $115.3 million in FY 2012, $122.2 million in FY 2013, and $124.2 million in FY 2014. These funding levels will allow the NTSB to hire an additional 66 full-time equivalent (FTE) positions, increasing its staffing to 477 FTEs. According to the NTSB's 2009 human capital forecast, 477 FTEs represent the Safety Board's optimal staffing level and enables the agency to take on more investigations and accomplish detailed examinations of transportation safety issues.

These funding levels are consistent with the previous NTSB authorization bill. In 2006, the Committee on Transportation and Infrastructure authorized $100 million for the Safety Board to support 475 FTEs in FY 2008 and FY 2009. That is the same number we are discussing today, plus two additional FTEs to support the recently-enacted Rail Disaster Family Assistance Act. My good friend from Alaska, and former Chairman of the Committee, DON YOUNG, introduced that legislation in 2006, which was adopted by a voice vote in Committee.

Unfortunately, appropriations have not kept pace with the Safety Board's needs. NTSB believes that it is imperative to increase its staffing to 477 FTEs to ensure that it has the investigative staff it needs to conduct effective investigations.

Importantly, H.R. 4714 also contains an explicit authorization for the NTSB to do what it

has done historically: investigate incidents as well as accidents. The Safety Board's work in response to incidents is no less important and has produced a body of work that, without question, has prevented future accidents and loss of life.

The NTSB's work in investigating past incidents has taught us that incidents are often precursors to major accidents that involve fatalities and serious damage. I recall the Safety Board's work on near-collisions and runway incursions in the 1980s, when I chaired our Subcommittee on Investigations and Oversight. In response to a spate of runway incursions—including one incident in which two DC–10s with a combined 501 passengers on board nearly collided at Minneapolis-St. Paul International Airport—the Safety Board issued detailed recommendations to the Federal Aviation Administration and operators on how to prevent similar near-disasters. In the years since, the Safety Board has continued its work in analyzing runway incursions. Enhancing runway safety remains a priority on the NTSB's Most Wanted List of aviation safety improvements.

In addition, H.R. 4714 should resolve, once and for all, any ambiguity in the NTSB's authority to issue subpoenas in all investigations. In a few cases, NTSB investigations have been hindered or delayed when the recipients of subpoenas have not complied, arguing that the NTSB's authority to issue subpoenas only extends to the conduct of public hearings. H.R. 4714 makes it clear that the NTSB's subpoena authority extends equally to all investigations: those that require public hearings, as well as those that do not.

The bill also clarifies that the NTSB is not required to determine a single cause or probable cause of a transportation accident, but may determine that there was more than one probable cause. The bill keeps pace with advances in accident investigation, which recognize that a particular accident is rarely attributable to a single cause or probable cause, and that most accidents happen as the result of cumulative factors.

The bill also holds the NTSB accountable, by requiring the Safety Board to develop a list of criteria that it will use to determine whether to hold a public hearing in any particular investigation.

Furthermore, H.R. 4714 permits the NTSB to delegate its full authority to investigate major marine casualties to the Coast Guard if the NTSB determines that Coast Guard personnel assigned to investigate marine casualties possess the training, experience, and qualifications necessary to employ best practices in use by marine casualty investigators. In addition, the bill ensures coordination and cooperation between the NTSB and the Coast Guard in investigations of major marine casualties.

H.R. 4714 also permits the NTSB, upon coordination with the State Department, to investigate a transportation accident that occurred overseas, and to use appropriated funds to complete that investigation. The NTSB accepted such a delegation of responsibility by the government of Afghanistan to investigate the 2004 crash of Blackwater 61, in which six Americans lost their lives.

H.R. 4714 provides the NTSB with the necessary funding and authority to accomplish its critical mission of ensuring the safety of the traveling public.

I urge my colleagues to join me in supporting H.R. 4714.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 4, 2010.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation, House of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR: This is to advise you that, as a result of your having consulted with us on provisions in H.R. 4714, the National Transportation Safety Board Reauthorization Act of 2010, that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agree to discharging our committee from further consideration of the bill without seeking formal referral, in order that it may proceed without delay to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 4714 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward, so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, March 4, 2010.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS: I write to you regarding H.R. 4714, the ''National Transportation Safety Reauthorization Act of 2010''.

I agree that provisions included in H.R. 4714 are of jurisdictional interest to the Committee on the Judiciary. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction. I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on the Judiciary has jurisdiction in H.R. 4714.

This exchange of letters will be placed in the Committee Report on H.R. 4714 and the Congressional Record as part of the consideration of this legislation in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

Mr. CARNAHAN. Mr. Speaker, I rise today in strong support of H.R. 4714, the National Transportation Safety Board Reauthorization Act.

At its heart, the reauthorization of the NTSB is about safety. Every year, the NTSB investigates thousands of accidents over all modes of transportation—investigations that are critical to determining why accidents happen, so steps can be taken to prevent them in the future.

One of the main ways the Board is able to complete so many investigations is by the use of the party process, where outside groups with specific technical expertise are brought in to assist in the course of the investigation.

Clearly, the party process is of critical importance to NTSB investigations.

However, reports have indicated during the course of these investigations it has become common place for official party representatives to provide information about the ongoing investigation to other members of their organization who have not signed the certification of party representative.

Meanwhile, the families of loved ones killed or injured in an accident do not have access to the information until it is placed in a public docket—often many months after the accident.

The idea that anyone could receive information about the possible cause of an accident in advance of victims or family members is not acceptable. What is even more appalling is the idea that this information could be handed over to entities or companies who might have a vested interest in the outcome of the investigation.

I am very pleased that this legislation includes a provision that prohibits a party representative to an NTSB investigation from violating the code of silence either orally or in writing during the course of an investigation.

This language will simply level the playing field for the family members of those killed or injured in an accident being investigated by the Board. It strengthens what is in fact already Board policy by putting the prohibition in statute and there by strengthens the party process.

This would not have been possible without the support and cooperation of the NTSB, as well as Chairman OBERSTAR and Subcommittee Chair COSTELLO, who worked with me to make sure this important language was included. And I must extend a special thanks to the families of Colgan Flight 3407. Their support for this provision is particularly meaningful to me.

As many of my colleagues know, this is a very personal issue to me. I know first-hand what it is like to wait for the conclusion on an NTSB investigation to learn more about the cause of the accident, knowing others many have access to the information about the investigation prior to you. I came out of that experience convinced that more needed to be done to make sure no one gets information before families do. Today, it is my hope that we are one step closer to codifying that common-sense principle into law.

Ms. NORTON. Mr. Speaker, I rise in strong support of the National Transportation Safety Board Reauthorization Act of 2010. This reauthorization, which extends the National Transportation Safety Board's (NTSB' s) oversight functions, is particularly important in the wake of the 2009 Metro Red Line train collision near the Fort Totten station here in the nation's capital, for which the NTSB just issued its final report. A provision in this bill, based on one of my bills, the National Transportation Safety Board Interim Safety Recommendations Act, clarifies that the NTSB may, and should, offer both interim and urgent safety recommendations to federal, state and local transportation authorities. This provision will save lives and does not impede investigations or affect final recommendations.

On June 22, 2009, two Washington Metropolitan Area Transit Authority (WMATA) trains collided near the Fort Totten station here in

the nation's capital. This collision was devastating for this region and for the nation's transit systems, as nine regional residents died, including seven from the nation's capital. Members of congress and their staff and many other federal employees of every rank form the majority of Metro's weekday riders. Millions of tourists, people who work in every sector and school children are regular riders. The collision has had nation-wide consequences. On September 22, 2010, even before its Metro study was complete, the NTSB issued nine nation-wide safety recommendations to address concerns about the safety of train control systems that use audio frequency track circuits, like those that contributed to the June 22nd train collision here, showing that low-cost recommendations are in order and might save lives.

The NTSB has been particularly vigilant in quickly reporting defects and operational problems to encourage remediation even before its final reports. In 1996, long before the June 22nd collision, the NTSB recommended that WMATA replace or retrofit its 1000-series train cars after a train overran a station platform, striking a standing, unoccupied train, and killing the driver of the striking train. The NTSB renewed this recommendation to replace or refurbish the older cars following the rollback accident in the Woodley Park Metro station in 2004, as it should have. The NTSB is not prohibited by statute from making interim recommendations for corrective actions, but low-cost recommendations were not made after any of the Metro accidents. This amendment clarifies that the NTSB does have such authority.

Even before the reasons for the June 22nd crash had been determined, it was evident that the striking car, which was a 1000-series train car, was significantly more damaged than the struck car, which was a newer 6000-series car. In fact, all of the fatalities were from the 1000-series car. Following the collision, the Amalgamated Transit Union Local 689 suggested that WMATA put the 1000-series cars between the newer, more crashworthy 6000-series cars. Unfortunately, without clarification of the regulatory authority provided by my provision, there have been no tests of crashworthiness either of the newer 6000-series cars or of the older 1000-series. However, the evidence from the crash suggests that 40-year-old cars may be more dangerous as lead and rear cars. The NTSB did not disagree with this interim step at a congressional hearing in July 2010, but it never recommended this or any other interim action, except action that is so costly that it cannot occur in a timely manner.

It is a well-known and frustrating fact that, for years, Metro has tried to convince Congress and its local jurisdictions to fund replacements for the old 1000-series cars and only in fiscal year 2010, after the tragic collision, did Congress appropriate the first $150 million of the $1.5 billion authorized in 2007. The 1000-series cars represent only 300 of Metro's 1,100-car fleet, but replacing those cars will cost $600 million and take at least five years. Congress and members of our regional delegation had been working long before the collision to get from Congress the $1.5 billion that has now been authorized for WMATA's urgent capital and preventive maintenance needs, including new cars. While we have finally been successful in getting the first $150 million, it will take years to fund these replacements, not to mention other capital needs. Recommendations short of multi-million dollar upgrades and replacements can save lives. My provision requires the NTSB to specifically consider recommending interim and urgent recommendations where appropriate, especially when a transit agency has not secured funds to comply with the costly permanent recommendations.

I ask that my colleagues support this bill.

Mr. OBERSTAR. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 4714, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

STATE ETHICS LAW PROTECTION ACT OF 2010

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3427) to amend title 23, United States Code, to protect States that have in effect laws or orders with respect to pay to play reform, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''State Ethics Law Protection Act of 2010''.

SEC. 2. PAY TO PLAY REFORM.

Section 112 of title 23, United States Code, is amended by adding at the end the following:

''(h) PAY TO PLAY REFORM.—A State transportation department shall not be considered to have violated a requirement of this section solely because the State in which that State transportation department is located, or a local government within that State, has in effect a law or an order that limits the amount of money an individual or entity that is doing business with a State or local agency with respect to a Federal-aid highway project may contribute to a political party, campaign, or elected official.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from New Jersey (Mr. LOBIONDO) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I yield such as he may consume to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Mr. Speaker, now more than ever, we must use every tool at our disposal to fight corruption. My home State of Illinois has made headlines time and again with charges of cronyism, corruption, and waste. Many of these charges involved pay-to-play politics, trading campaign contributions for government contracts.

In 2008, the Illinois General Assembly took a bipartisan stand by passing a bill to eliminate pay-to-play contracting. Amazingly, the Federal Government then told Illinois that it had to back down or risk losing highway funds. The Federal Highway Administration interpreted their competitive bidding requirements to mean that States couldn't weed out corrupt contractors. Clearly that wasn't the intent of this Chamber when it passed those requirements. That is why I am pleased we are debating this important fix.

H.R. 3427, the State Ethics Law Protection Act, will make it clear that Congress supports the right of States to fight corruption. States like Connecticut, New Jersey, South Carolina, Pennsylvania, and Kentucky have passed laws like Illinois', and others are debating similar bills. They are all arriving at the same bipartisan conclusion: Corruption must be stamped out and pay-to-play made a thing of the past. Our States have shown they are ready for reform. It is now our duty to ensure they have the ability to do so.

At this critical juncture, we must do all we can to inspire the trust and confidence of people across the country. After all, without the people's trust, we cannot govern. I wish to thank Chairman OBERSTAR and the committee for bringing this bill to the floor and urge my colleagues to support the State Ethics Law Protection Act.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

This is a commonsense good government bill which I support.

I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Illinois stated the case very clearly and thoughtfully, and the gentleman from New Jersey has further underscored the significance of this bill. This legislation makes clear that no State will be considered to have violated the Federal Highway Administration's competitive bidding requirements solely because the State chose to enact an anti-pay-to-play law. The bill would neither require a State to pass anti-pay-to-play nor prohibit a State from doing so. It would not weigh in on the merits of any existing State law. It simply removes what currently functions as a Federal prohibition on some States' efforts to prohibit pay-to-play. As the gentleman from New Jersey said, it is commonsense legislation, and I urge its passage.

Mr. Speaker, I rise today in strong support of H.R. 3427, as amended, the "State Ethics Law Protection Act of 2010", introduced by the gentleman from Illinois (Mr. QUIGLEY).

This bill aids State efforts to clean up their procurement processes by removing the threat of the loss of Federal-aid highway funds if a State chooses to enact "anti-pay-to-play" reforms.

Specifically, H.R. 3427 provides that a State may not be considered to have violated the