

109TH CONGRESS
2D SESSION

S. 3679

To authorize appropriations for the National Transportation Safety Board,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 18, 2006

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

A BILL

To authorize appropriations for the National Transportation
Safety Board, 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
5 “National Transportation Safety Board Reauthorization
6 Act of 2006”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Reports.
- Sec. 3. Repeal of reimbursement for DOT inspector general services.
- Sec. 4. Contracting requirements for investigation services.

Sec. 5. Technical corrections.

Sec. 6. AMTRAK plan to assist families of passengers involved in rail passenger accidents.

Sec. 7. Inspector General of the National Transportation Safety Board.

Sec. 8. Audit procedures.

Sec. 9. Authorization of appropriations.

1 **SEC. 2. REPORTS.**

2 (a) ANNUAL REPORTS.—

3 (1) IN GENERAL.—Section 1117 of title 49,
4 United States Code, is amended—

5 (A) by striking “and” after the semicolon
6 in paragraph (2);

7 (B) by striking “State.” in paragraph (3)
8 and inserting “State;”; and

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

10 “(4) a description of the activities and oper-
11 ations of the National Transportation Safety Board
12 Academy during the prior calendar year;

13 “(5) a list of accidents during the prior cal-
14 endar year that the Board was required to inves-
15 tigate under section 1131 of this title but did not in-
16 vestigate, and an explanation of why they were not
17 investigated; and

18 “(6) a list of ongoing investigations that have
19 exceeded the expected time allotted for completion
20 by Board order and an explanation for the addi-
21 tional time required to complete each such investiga-
22 tion.”.

1 (2) UTILIZATION PLAN.—

2 (A) PLAN.—Within 90 days after the date
3 of enactment of this Act, the National Trans-
4 portation Safety Board shall—

5 (i) develop a plan to achieve the self-
6 sufficient operation of the National Trans-
7 portation Safety Board Academy and uti-
8 lize fully the Academy’s facilities and re-
9 sources;

10 (ii) submit a draft of the plan to the
11 Comptroller General for review and com-
12 ment; and

13 (iii) submit a draft of the plan to the
14 Senate Committee on Commerce, Science,
15 and Transportation and the House of Rep-
16 resentatives Committee on Transportation
17 and Infrastructure.

18 (B) PLAN DEVELOPMENT CONSIDER-
19 ATIONS.—The Board shall—

20 (i) give consideration in developing
21 the plan to subleasing the facility to an-
22 other entity or other revenue-generating
23 measures; and

24 (ii) include in the plan a detailed fi-
25 nancial statement that covers current

1 Academy expenses and revenues and an
2 analysis of the projected impact of the plan
3 on the Academy's expenses and revenues.

4 (C) REPORT.—Within 180 days after the
5 date of enactment of this Act, the National
6 Transportation Safety Board shall submit a re-
7 port to the Senate Committee on Commerce,
8 Science, and Transportation and the House of
9 Representatives Committee on Transportation
10 and Infrastructure that includes—

- 11 (i) an updated copy of the plan;
12 (ii) any comments and recommenda-
13 tions made by the Comptroller General
14 pursuant to the Government Accountability
15 Office's review of the draft plan; and
16 (iii) a response to the Comptroller
17 General's comments and recommendations,
18 including a description of any modifica-
19 tions made to the plan in response to those
20 comments and recommendations.

21 (D) IMPLEMENTATION.—The plan shall be
22 fully implemented within 2 years after the date
23 of enactment of this Act.

24 (b) DOT REPORT ON COMPLIANCE WITH REC-
25 OMMENDATIONS.—Within 90 days after the Secretary of

1 Transportation submits a report under section 1135(d) of
2 title 49, United States Code, the National Transportation
3 Safety Board shall review the Secretary's report and
4 transmit comments on the report to the Secretary, the
5 Senate Committee on Commerce, Science, and Transpor-
6 tation and the House of Representatives Committee on
7 Transportation and Infrastructure.

8 (c) TRANSPORTATION SAFETY REAUTHORIZATION
9 RECOMMENDATIONS.—The Board shall, as appropriate,
10 provide recommendations and comments to the Congress
11 pertaining to pending transportation safety legislation.

12 **SEC. 3. REPEAL OF REIMBURSEMENT FOR DOT INSPECTOR**
13 **GENERAL SERVICES.**

14 Section 1137 of title 49, United States Code, is
15 amended by striking subsection (d).

16 **SEC. 4. CONTRACTING REQUIREMENTS FOR INVESTIGA-**
17 **TION SERVICES.**

18 (a) IN GENERAL.—Section 1113(b) of title 49,
19 United States Code, is amended—

20 (1) by striking “and” after the semicolon in
21 paragraph (1)(H);

22 (2) by redesignating subparagraph (I) as sub-
23 paragraph (J) in paragraph (1);

24 (3) by inserting after subparagraph (H) of
25 paragraph (1) the following:

1 “(I) for an investigation under section 1131,
2 enter into agreements or contracts without regard to
3 any other provision of law requiring competition, if
4 necessary to expedite the investigation; and”;

5 (4) by striking “(1)(I)” each place it appears in
6 paragraph (2) and inserting “(1)(J)”.

7 (b) REPORT ON USAGE.—Section 1117 of title 49,
8 United States Code, as amended by section 2, is further
9 amended—

10 (1) by striking “and” after the semicolon in
11 paragraph (5);

12 (2) by striking “investigation.” in paragraph
13 (6) and inserting “investigation; and”;

14 (3) by adding at the end the following:

15 “(7) a description of each contract executed
16 during the preceding calendar year under the au-
17 thority of section 1113(b)(1)(I), and the rationale
18 for dispensing with competition requirements with
19 respect to each such contract.”.

20 **SEC. 5. TECHNICAL CORRECTIONS.**

21 (a) FUNCTIONAL UNIT FOR MARINE INVESTIGA-
22 TIONS.—Section 1111(g) of title 49, United States Code,
23 is amended by adding at the end the following:

24 “(5) marine.”.

1 (b) MARINE CASUALTY INVESTIGATIONS.—Section
2 1131(a)(1)(E) of title 49, United States Code, is amend-
3 ed—

4 (1) by striking “on the navigable waters or ter-
5 ritorial sea of the United States,” and inserting “on
6 the navigable waters, all internal waters, and the
7 territorial sea of the United States,”; and

8 (2) by inserting “(as defined in section
9 2101(46))” after “vessel of the United States”.

10 (c) REFERENCE TO DEPARTMENTAL AUTHORITY.—
11 Section 1131(c)(1) of title 49, United States Code, is
12 amended by inserting “or the Secretary of the department
13 in which the Coast Guard is operating” after “Transpor-
14 tation”.

15 (d) APPOINTMENT OF MANAGING DIRECTOR.—Sec-
16 tion 1111 of title 49, United States Code, is amended—

17 (1) by striking paragraph (1) of subsection (e)
18 and inserting the following:

19 “(1) appoint and supervise officers and employ-
20 ees, other than regular and fulltime employees in the
21 immediate offices of another member, necessary to
22 carry out this chapter;”;

23 (2) by redesignating paragraphs (2) and (3) of
24 subsection (e) as paragraphs (3) and (4), respec-

1 tively, and inserting after paragraph (1) the fol-
2 lowing:

3 “(2) fix the pay of officers and employees nec-
4 essary to carry out this chapter;”;

5 (3) by redesignating subsection (i) as subsection
6 (k); and

7 (4) by inserting after subsection (h) the fol-
8 lowing:

9 “(i) MANAGING DIRECTOR.—The Board shall have a
10 Managing Director who shall be—

11 “(1) appointed by the Chairman, in consulta-
12 tion with the Board; and

13 “(2) approved by the Board, pursuant to a pro-
14 cedure developed and adopted by the Board.

15 “(j) BOARD MEMBER STAFF.—Each member of the
16 Board shall appoint and supervise regular and fulltime
17 employees in his or her immediate office as long as any
18 such employee has been approved for employment by the
19 designated agency ethics official under the same guidelines
20 that apply to all employees of the Board. The appointment
21 authority provided by this subsection is limited to the
22 number of fulltime equivalent positions, in addition to 1
23 senior professional staff at the GS–15 level and 1 adminis-
24 trative staff, allocated each member through the Board’s
25 annual budget and allocation process.”.

1 (e) BOARD APPROVAL.—Section 1113(c) of title 49,
2 United States Code, is amended by inserting “The Board
3 shall develop and approve a process for the Board’s review
4 and comment or approval of documents submitted to the
5 President, Director of the Office of Management and
6 Budget, or the Congress under this subsection.” after
7 “Congress.”.

8 (f) INVESTIGATION TRACKING SYSTEM.—Within 6
9 months after the date of enactment of this Act, the Na-
10 tional Transportation Safety Board shall develop and im-
11 plement a process or system available to all Board mem-
12 bers that tracks the status and activities associated with
13 all ongoing and pending investigations undertaken by the
14 Board, including the expected completion date, staff as-
15 signments, and such other information as the Board may
16 require for the investigations.

17 (g) INVESTIGATIVE OFFICERS.—Section 1113 of title
18 49, United States Code, is amended by adding at the end
19 thereof the following:

20 “(h) INVESTIGATIVE OFFICERS.—The Board shall
21 maintain at least 1 fulltime employee in each State located
22 more than 1,000 miles from the nearest Board regional
23 office to provide initial investigative response to accidents
24 the Board is empowered to investigate under this chapter
25 that occur in those States.”.

1 **SEC. 6. AMTRAK PLAN TO ASSIST FAMILIES OF PAS-**
2 **SENGERS INVOLVED IN RAIL PASSENGER AC-**
3 **CIDENTS.**

4 (a) IN GENERAL.—Chapter 243 of title 49, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 24316. Plans to address needs of families of pas-**
8 **sengers involved in rail passenger acci-**
9 **dents**

10 “(a) SUBMISSION OF PLAN.—Not later than 6
11 months after the date of the enactment of the Rail Secu-
12 rity Act of 2005, Amtrak shall submit to the Chairman
13 of the National Transportation Safety Board, the Sec-
14 retary of Transportation, and the Secretary of Homeland
15 Security a plan for addressing the needs of the families
16 of passengers involved in any rail passenger accident in-
17 volving an Amtrak intercity train and resulting in a loss
18 of life.

19 “(b) CONTENTS OF PLANS.—The plan to be sub-
20 mitted by Amtrak under subsection (a) shall include, at
21 a minimum, the following:

22 “(1) A process by which Amtrak will maintain
23 and provide to the National Transportation Safety
24 Board and the Secretary of Transportation, imme-
25 diately upon request, a list (which is based on the
26 best available information at the time of the request)

1 of the names of the passengers aboard the train
2 (whether or not such names have been verified), and
3 will periodically update the list. The plan shall in-
4 clude a procedure, with respect to unreserved trains
5 and passengers not holding reservations on other
6 trains, for Amtrak to use reasonable efforts to ascer-
7 tain the number and names of passengers aboard a
8 train involved in an accident.

9 “(2) A plan for creating and publicizing a reli-
10 able, toll-free telephone number within 4 hours after
11 such an accident occurs, and for providing staff, to
12 handle calls from the families of the passengers.

13 “(3) A process for notifying the families of the
14 passengers, before providing any public notice of the
15 names of the passengers, by suitably trained individ-
16 uals.

17 “(4) A process for providing the notice de-
18 scribed in paragraph (2) to the family of a pas-
19 senger as soon as Amtrak has verified that the pas-
20 senger was aboard the train (whether or not the
21 names of all of the passengers have been verified).

22 “(5) A process by which the family of each pas-
23 senger will be consulted about the disposition of all
24 remains and personal effects of the passenger within
25 Amtrak’s control; that any possession of the pas-

1 senger within Amtrak’s control will be returned to
2 the family unless the possession is needed for the ac-
3 cident investigation or any criminal investigation;
4 and that any unclaimed possession of a passenger
5 within Amtrak’s control will be retained by the rail
6 passenger carrier for at least 18 months.

7 “(6) A process by which the treatment of the
8 families of nonrevenue passengers will be the same
9 as the treatment of the families of revenue pas-
10 sengers.

11 “(7) An assurance that Amtrak will provide
12 adequate training to its employees and agents to
13 meet the needs of survivors and family members fol-
14 lowing an accident.

15 “(c) USE OF INFORMATION.—The National Trans-
16 portation Safety Board, the Secretary of Transportation,
17 and Amtrak may not release any personal information on
18 a list obtained under subsection (b)(1) but may provide
19 information on the list about a passenger to the family
20 of the passenger to the extent that the Board or Amtrak
21 considers appropriate.

22 “(d) LIMITATION ON LIABILITY.—Amtrak shall not
23 be liable for damages in any action brought in a Federal
24 or State court arising out of the performance of Amtrak
25 in preparing or providing a passenger list, or in providing

1 information concerning a train reservation, pursuant to a
 2 plan submitted by Amtrak under subsection (b), unless
 3 such liability was caused by Amtrak's conduct.

4 “(e) LIMITATION ON STATUTORY CONSTRUCTION.—
 5 Nothing in this section may be construed as limiting the
 6 actions that Amtrak may take, or the obligations that Am-
 7 trak may have, in providing assistance to the families of
 8 passengers involved in a rail passenger accident.

9 “(f) FUNDING.—There shall be made available to the
 10 Secretary of Transportation for the use of Amtrak
 11 \$500,000 for fiscal year 2007 to carry out this section.
 12 Amounts made available pursuant to this subsection shall
 13 remain available until expended.”.

14 (b) CONFORMING AMENDMENT.—The chapter anal-
 15 ysis for chapter 243 of title 49, United States Code, is
 16 amended by adding at the end the following:

“24316. Plan to assist families of passengers involved in rail passenger acci-
 dents.”.

17 **SEC. 7. INSPECTOR GENERAL OF THE NATIONAL TRANS-**
 18 **PORTATION SAFETY BOARD.**

19 (a) IN GENERAL.—Section 1137 of title 49, United
 20 States Code, is amended to read as follows:

1 **“§ 1137. Designation of the Department of Transpor-**
2 **tation Inspector General as Inspector**
3 **General of the National Transportation**
4 **Safety Board**

5 “(a) ESTABLISHMENT OF INSPECTOR GENERAL OF
6 THE NATIONAL TRANSPORTATION SAFETY BOARD.—In
7 order to promote economy, efficiency, and effectiveness in
8 the administration of, and to prevent and detect fraud and
9 abuse in the programs, operations, and activities of the
10 National Transportation Safety Board, the Inspector Gen-
11 eral of the Department of Transportation shall serve as
12 the Inspector General of the National Transportation
13 Safety Board.

14 “(b) AUTHORITY OF THE INSPECTOR GENERAL.—

15 “(1) The Inspector General shall exercise such
16 authority as provided by the Inspector General Act
17 of 1978, and other applicable laws, over Board pro-
18 grams, operations and activities not directly associ-
19 ated with specific accident investigations or adju-
20 dications, including—

21 “(A) financial management, property man-
22 agement, and business operations, including in-
23 ternal accounting and administrative control
24 systems;

1 “(B) information management and secu-
2 rity, including privacy protection of personally
3 identifiable information;

4 “(C) resource management;

5 “(D) workforce development;

6 “(E) procurement and contracting plan-
7 ning, practices and policies;

8 “(F) malfeasance in office by Board em-
9 ployees and contractors; and

10 “(G) allegations of false statements, fraud,
11 and other criminal activity within the jurisdic-
12 tion of the Board.

13 “(2) In consultation with the Senate Committee
14 on Commerce, Science, and Transportation or the
15 House Committee on Transportation and Infrastruc-
16 ture Committee, the Inspector General may conduct
17 an audit, investigation, or other review on matters
18 not described in subparagraphs (A) through (G) of
19 paragraph (1).

20 “(c) DUTIES.—In carrying out this section, the In-
21 specter General shall—

22 “(1) report directly to the Chairman of the
23 Committee and ensure that the Chairman is kept
24 fully and currently informed concerning fraud and
25 other serious problems, abuses, and deficiencies re-

1 lating to the administration of programs, operations,
2 and activities of the Board;

3 “(2) recommend to the Chairman corrective ac-
4 tion concerning such problems, abuses, and defi-
5 ciencies;

6 “(3) report to the Chairman on the progress
7 made in implementing such corrective action; and

8 “(4) promptly notify the Chairman on any
9 problems related to access for information or car-
10 rying out an audit or investigation.

11 “(d) INFORMATION PROVIDED TO BOARD MEM-
12 BERS.—The Inspector General and Chairman shall ensure
13 that all members of the Board are informed of major work
14 in progress through regular and periodic briefings and, as
15 appropriate, on a timelier basis for matters of a significant
16 nature.

17 “(e) AUTHORIZATION FOR APPROPRIATIONS.—There
18 are authorized to be appropriated to the Secretary of
19 Transportation for use by the Inspector General of the De-
20 partment of Transportation such sums as may be nec-
21 essary to cover expenses associated with activities pursu-
22 ant to the authority exercised as the Inspector General
23 of the Board. In the absence of an appropriation, the In-
24 spector General and the Board shall have a reimbursable
25 agreement to cover such expenses.”.

1 (b) CONFORMING AMENDMENT.—The chapter anal-
 2 ysis for chapter 11 of title 49, United States Code, is
 3 amended by striking the item relating to section 1137 and
 4 inserting the following:

“1137. Designation of the Department of Transportation Inspector General as
 Inspector General of the National Transportation Safety
 Board.”.

5 **SEC. 8. AUDIT PROCEDURES.**

6 The National Transportation Safety Board, in con-
 7 sultation with the Inspector General, shall continue to de-
 8 velop and implement comprehensive internal audit controls
 9 for its operations. The audit controls shall, at a minimum,
 10 address Board asset management systems, including sys-
 11 tems for accounting management, debt collection, travel,
 12 and property and inventory management and control.

13 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—Section 1118(a) of title 49,
 15 United States Code, is amended—

16 (1) by striking “and” after “2005,”; and

17 (2) by striking “2006.” and inserting “2006,
 18 \$79,594,000 for fiscal year 2007, and \$84,382,432
 19 for fiscal year 2008.”.

20 (b) EMERGENCY FUND.—Section 1118(b) of title 49,
 21 United States Code, is amended to read as follows:

22 “(b) EMERGENCY FUND.—There are authorized to
 23 be appropriated for necessary expenses of the Board, not
 24 otherwise provided for, for accident investigations

1 amounts sufficient to maintain the emergency fund at a
 2 level not to exceed \$4,000,000, such sums to remain avail-
 3 able until expended.”.

4 (c) FEES, REFUNDS, AND REIMBURSEMENTS.—

5 (1) IN GENERAL.—Section 1118(e) of title 49,
 6 United States Code, is amended—

7 (A) by striking “ACADEMY.—” and insert-
 8 ing “FEES, REFUNDS, AND REIMBURSE-
 9 MENTS.—”;

10 (B) by striking paragraph (1) and redesign-
 11 ating paragraphs (2), (3), and (4) as para-
 12 graphs (1), (2), and (3), respectively, and reset-
 13 ting each such paragraph 2 ems from the left
 14 margin;

15 (C) by striking paragraph (1), as redesign-
 16 ated, and inserting the following:

17 “(1) IN GENERAL.—The Board may impose
 18 and collect such fees, refunds, and reimbursements
 19 as it determines to be appropriate for services pro-
 20 vided by or through the Board.”;

21 (D) by striking “fee” the first place it ap-
 22 pears in paragraph (2), as redesignated, and in-
 23 serting “fee, refund, or reimbursement”; and

24 (E) by striking “imposed;” in subpara-
 25 graphs (A) and (B) of paragraph (2), as redesi-

1 ignated, and inserting “imposed or with which
2 the refund or reimbursement is associated;”.

3 (2) EFFECTIVE DATE.—The amendments made
4 by paragraph (1) shall take effect on October 1,
5 2005.

6 (d) REPORT.—Section 1118(d) of title 49, United
7 States Code, is repealed.

○