

109TH CONGRESS
2^D SESSION

S. 3679

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2006

Referred to the Committee on Transportation and Infrastructure

AN ACT

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”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Reports.
- Sec. 3. Contracting requirements for investigation services.
- Sec. 4. Technical corrections.
- Sec. 5. AMTRAK plan to assist families of passengers involved in rail passenger accidents.
- Sec. 6. Inspector General of the National Transportation Safety Board.
- Sec. 7. Audit procedures.
- Sec. 8. DOT Inspector General to investigate Central Artery project contractors and oversight agencies.
- Sec. 9. Implementation of NTSB's "Most Wanted Transportation Safety Improvements, 2006".
- Sec. 10. Authorization of appropriations.

3 **SEC. 2. REPORTS.**

4 (a) ANNUAL REPORTS.—

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

7 (A) by striking “and” after the semicolon
 8 in paragraph (2);

9 (B) by striking “State.” in paragraph (3)
 10 and inserting “State;”; and

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

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

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

1 “(6) a list of ongoing investigations that have
2 exceeded the expected time allotted for completion
3 by Board order and an explanation for the addi-
4 tional time required to complete each such investiga-
5 tion.”.

6 (2) UTILIZATION PLAN.—

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

10 (i) develop a plan to achieve the self-
11 sufficient operation of the National Trans-
12 portation Safety Board Academy and uti-
13 lize fully the Academy’s facilities and re-
14 sources;

15 (ii) submit a draft of the plan to the
16 Comptroller General for review and com-
17 ment; and

18 (iii) submit a draft of the plan to the
19 Senate Committee on Commerce, Science,
20 and Transportation and the House of Rep-
21 resentatives Committee on Transportation
22 and Infrastructure.

23 (B) PLAN DEVELOPMENT CONSIDER-
24 ATIONS.—The Board shall—

1 (i) give consideration in developing
2 the plan to subleasing the facility to an-
3 other entity or other revenue-generating
4 measures; and

5 (ii) include in the plan a detailed fi-
6 nancial statement that covers current
7 Academy expenses and revenues and an
8 analysis of the projected impact of the plan
9 on the Academy's expenses and revenues.

10 (C) REPORT.—Within 180 days after the
11 date of enactment of this Act, the National
12 Transportation Safety Board shall submit a re-
13 port to the Senate Committee on Commerce,
14 Science, and Transportation and the House of
15 Representatives Committee on Transportation
16 and Infrastructure that includes—

17 (i) an updated copy of the plan;

18 (ii) any comments and recommenda-
19 tions made by the Comptroller General
20 pursuant to the Government Accountability
21 Office's review of the draft plan; and

22 (iii) a response to the Comptroller
23 General's comments and recommendations,
24 including a description of any modifica-

1 tions made to the plan in response to those
2 comments and recommendations.

3 (D) IMPLEMENTATION.—The plan shall be
4 fully implemented within 2 years after the date
5 of enactment of this Act.

6 (b) DOT REPORT ON COMPLIANCE WITH REC-
7 COMMENDATIONS.—Within 90 days after the Secretary of
8 Transportation submits a report under section 1135(d) of
9 title 49, United States Code, the National Transportation
10 Safety Board shall review the Secretary’s report and
11 transmit comments on the report to the Secretary, the
12 Senate Committee on Commerce, Science, and Transpor-
13 tation and the House of Representatives Committee on
14 Transportation and Infrastructure.

15 (c) TRANSPORTATION SAFETY REAUTHORIZATION
16 RECOMMENDATIONS.—The Board shall, as appropriate,
17 provide recommendations and comments to the Congress
18 pertaining to pending transportation safety legislation.

19 **SEC. 3. CONTRACTING REQUIREMENTS FOR INVESTIGA-**
20 **TION SERVICES.**

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

23 (1) by striking “and” after the semicolon in
24 paragraph (1)(H);

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

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

5 “(I) for an investigation under section 1131, enter
6 into agreements or contracts without regard to any other
7 provision of law requiring competition, if necessary to ex-
8 pedite the investigation; and”;

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

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

14 (1) by striking “and” after the semicolon in
15 paragraph (5);

16 (2) by striking “investigation.” in paragraph
17 (6) and inserting “investigation; and”;

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

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

1 **SEC. 4. TECHNICAL CORRECTIONS.**

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

5 “(5) marine.”.

6 (b) MARINE CASUALTY INVESTIGATIONS.—Section
7 1131(a)(1)(E) of title 49, United States Code, is amend-
8 ed—

9 (1) by striking “on the navigable waters or ter-
10 ritorial sea of the United States,” and inserting “on
11 the navigable waters, all internal waters, and the
12 territorial sea of the United States,”; and

13 (2) by inserting “(as defined in section
14 2101(46))” after “vessel of the United States”.

15 (c) REFERENCE TO DEPARTMENTAL AUTHORITY.—
16 Section 1131(c)(1) of title 49, United States Code, is
17 amended by inserting “or the Secretary of the department
18 in which the Coast Guard is operating” after “Transpor-
19 tation”.

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

22 (1) by striking paragraph (1) of subsection (e)
23 and inserting the following:

24 “(1) appoint and supervise officers and employ-
25 ees, other than regular and fulltime employees in the

1 immediate offices of another member, necessary to
2 carry out this chapter;”;

3 (2) by redesignating paragraphs (2) and (3) of
4 subsection (e) as paragraphs (3) and (4), respec-
5 tively, and inserting after paragraph (1) the fol-
6 lowing:

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

9 (3) by redesignating subsection (i) as subsection
10 (k); and

11 (4) by inserting after subsection (h) the fol-
12 lowing:

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

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

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

19 “(j) BOARD MEMBER STAFF.—Each member of the
20 Board shall appoint and supervise regular and fulltime
21 employees in his or her immediate office as long as any
22 such employee has been approved for employment by the
23 designated agency ethics official under the same guidelines
24 that apply to all employees of the Board. The appointment
25 authority provided by this subsection is limited to the

1 number of fulltime equivalent positions, in addition to 1
2 senior professional staff at the GS–15 level and 1 adminis-
3 trative staff, allocated each member through the Board’s
4 annual budget and allocation process.”.

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

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

21 (g) INVESTIGATIVE OFFICERS.—Section 1113 of title
22 49, United States Code, is amended by adding at the end
23 thereof the following:

24 “(h) INVESTIGATIVE OFFICERS.—The Board shall
25 maintain at least 1 fulltime employee in each State located

1 more than 1,000 miles from the nearest Board regional
 2 office to provide initial investigative response to accidents
 3 the Board is empowered to investigate under this chapter
 4 that occur in those States.”.

5 **SEC. 5. AMTRAK PLAN TO ASSIST FAMILIES OF PAS-**
 6 **SENGERS INVOLVED IN RAIL PASSENGER AC-**
 7 **CIDENTS.**

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

11 **“§ 24316. Plans to address needs of families of pas-**
 12 **sengers involved in rail passenger acci-**
 13 **dents**

14 “(a) SUBMISSION OF PLAN.—Not later than 6
 15 months after the date of the enactment of the National
 16 Transportation Safety Board Reauthorization Act of
 17 2006, Amtrak shall submit to the Chairman of the Na-
 18 tional Transportation Safety Board, the Secretary of
 19 Transportation, and the Secretary of Homeland Security
 20 a plan for addressing the needs of the families of pas-
 21 sengers involved in any rail passenger accident involving
 22 an Amtrak intercity train and resulting in a loss of life.

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

1 “(1) A process by which Amtrak will maintain
2 and provide to the National Transportation Safety
3 Board and the Secretary of Transportation, imme-
4 diately upon request, a list (which is based on the
5 best available information at the time of the request)
6 of the names of the passengers aboard the train
7 (whether or not such names have been verified), and
8 will periodically update the list. The plan shall in-
9 clude a procedure, with respect to unreserved trains
10 and passengers not holding reservations on other
11 trains, for Amtrak to use reasonable efforts to ascer-
12 tain the number and names of passengers aboard a
13 train involved in an accident.

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

18 “(3) A process for notifying the families of the
19 passengers, before providing any public notice of the
20 names of the passengers, by suitably trained individ-
21 uals.

22 “(4) A process for providing the notice de-
23 scribed in paragraph (2) to the family of a pas-
24 senger as soon as Amtrak has verified that the pas-

1 senger was aboard the train (whether or not the
2 names of all of the passengers have been verified).

3 “(5) A process by which the family of each pas-
4 senger will be consulted about the disposition of all
5 remains and personal effects of the passenger within
6 Amtrak’s control; that any possession of the pas-
7 senger within Amtrak’s control will be returned to
8 the family unless the possession is needed for the ac-
9 cident investigation or any criminal investigation;
10 and that any unclaimed possession of a passenger
11 within Amtrak’s control will be retained by the rail
12 passenger carrier for at least 18 months.

13 “(6) A process by which the treatment of the
14 families of nonrevenue passengers will be the same
15 as the treatment of the families of revenue pas-
16 sengers.

17 “(7) An assurance that Amtrak will provide
18 adequate training to its employees and agents to
19 meet the needs of survivors and family members fol-
20 lowing an accident.

21 “(c) USE OF INFORMATION.—The National Trans-
22 portation Safety Board, the Secretary of Transportation,
23 and Amtrak may not release any personal information on
24 a list obtained under subsection (b)(1) but may provide
25 information on the list about a passenger to the family

1 of the passenger to the extent that the Board or Amtrak
2 considers appropriate.

3 “(d) LIMITATION ON LIABILITY.—Amtrak shall not
4 be liable for damages in any action brought in a Federal
5 or State court arising out of the performance of Amtrak
6 in preparing or providing a passenger list, or in providing
7 information concerning a train reservation, pursuant to a
8 plan submitted by Amtrak under subsection (b), unless
9 such liability was caused by Amtrak’s conduct.

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

15 “(f) FUNDING.—There shall be made available to the
16 Secretary of Transportation for the use of Amtrak
17 \$500,000 for fiscal year 2007 to carry out this section.
18 Amounts made available pursuant to this subsection shall
19 remain available until expended.”.

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

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

1 **SEC. 6. INSPECTOR GENERAL OF THE NATIONAL TRANS-**
2 **PORTATION SAFETY BOARD.**

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

5 **“§ 1137. Designation of the Department of Transpor-**
6 **tation Inspector General as Inspector**
7 **General of the National Transportation**
8 **Safety Board**

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

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

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

25 “(A) financial management, property man-
26 agement, and business operations, including in-

1 ternal accounting and administrative control
2 systems;

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

6 “(C) resource management;

7 “(D) workforce development;

8 “(E) procurement and contracting plan-
9 ning, practices and policies;

10 “(F) malfeasance in office by Board em-
11 ployees and contractors; and

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

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

22 “(c) DUTIES.—In carrying out this section, the In-
23 spector General shall—

24 “(1) report directly to the Chairman of the
25 Committee and ensure that the Chairman is kept

1 fully and currently informed concerning fraud and
2 other serious problems, abuses, and deficiencies re-
3 lating to the administration of programs, operations,
4 and activities of the Board;

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

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

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

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

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

1 spector General and the Board shall have a reimbursable
2 agreement to cover such expenses.”.

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

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

7 **SEC. 7. AUDIT PROCEDURES.**

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

15 **SEC. 8. DOT INSPECTOR GENERAL TO INVESTIGATE CEN-**
16 **TRAL ARTERY PROJECT CONTRACTORS AND**
17 **OVERSIGHT AGENCIES.**

18 (a) IN GENERAL.—The Inspector General of the De-
19 partment of Transportation shall investigate the contrac-
20 tors involved in the development and construction of the
21 Central Artery tunnel project in Boston, Massachusetts,
22 and the public agencies that oversaw their work, including
23 the Massachusetts Turnpike Authority and the Federal
24 Highway Administration.

1 (b) PRIORITIES AND PROCEDURE.—In carrying out
2 the mandate provided by subsection (a), the Inspector
3 General shall—

4 (1) oversee any investigations related to the col-
5 lapse of ceiling plates in the tunnel on July 10,
6 2006;

7 (2) oversee a comprehensive review of the safety
8 of the Central Artery project; and

9 (3) audit and investigate parties involved in the
10 construction, maintenance, and oversight of the Cen-
11 tral Artery project, including the Massachusetts
12 Turnpike Authority and the Federal Highway Ad-
13 ministration, in order to determine whether the col-
14 lapse of ceiling plates in the tunnel on July 10,
15 2006, resulted from whether poor planning, develop-
16 ment, construction, or other factors.

17 **SEC. 9. IMPLEMENTATION OF NTSB'S "MOST WANTED**
18 **TRANSPORTATION SAFETY IMPROVEMENTS,**
19 **2006".**

20 Within 90 days after the date of enactment of this
21 Act, the Administrator of the Federal Aviation Adminis-
22 tration shall submit a report to the Senate Committee on
23 Commerce, Science, and Transportation and the House of
24 Representatives Committee on Transportation and Infra-
25 structure explaining why the Federal Aviation Administra-

1 tion has not implemented the aviation recommendations
2 in the NTSB’s “Most Wanted Transportation Safety Im-
3 provements, 2006”.

4 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

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

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

8 (2) by striking “2006.” and inserting “2006,
9 \$79,594,000 for fiscal year 2007, and \$84,382,432
10 for fiscal year 2008.”.

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

13 “(b) EMERGENCY FUND.—There are authorized to
14 be appropriated for necessary expenses of the Board, not
15 otherwise provided for, for accident investigations
16 amounts sufficient to maintain the emergency fund at a
17 level not to exceed \$4,000,000, such sums to remain avail-
18 able until expended.”.

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

20 (1) IN GENERAL.—Section 1118(c) of title 49,
21 United States Code, is amended—

22 (A) by striking “ACADEMY.—” and insert-
23 ing “FEES, REFUNDS, AND REIMBURSE-
24 MENTS.—”;

1 (B) by striking paragraph (1) and redesignig-
2 nating paragraphs (2), (3), and (4) as para-
3 graphs (1), (2), and (3), respectively, and reset-
4 ting each such paragraph 2 ems from the left
5 margin;

6 (C) by striking paragraph (1), as redesignig-
7 nated, and inserting the following:

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

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

15 (E) by striking “imposed;” in subpara-
16 graphs (A) and (B) of paragraph (2), as redesi-
17 gnated, and inserting “imposed or with which
18 the refund or reimbursement is associated;”.

19 (2) EFFECTIVE DATE.—The amendments made
20 by paragraph (1) shall take effect on October 1,
21 2005.

- 1 (d) REPORT.—Section 1118(d) of title 49, United
- 2 States Code, is repealed.

Passed the Senate September 25, 2006.

Attest: EMILY J. REYNOLDS,
Secretary.