

Calendar No. 613109TH CONGRESS
2^D SESSION**S. 3679****[Report No. 109-335]**

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

SEPTEMBER 15, 2006

Reported by Mr. STEVENS, with an amendment

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

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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “National Transportation Safety Board Reauthorization
4 Act of 2006”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
6 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.

7 **SEC. 2. REPORTS.**

8 (a) **ANNUAL REPORTS.**—

9 (1) **IN GENERAL.**—Section 1117 of title 49,
10 United States Code, is amended—

11 (A) by striking “and” after the semicolon
12 in paragraph (2);

13 (B) by striking “State.” in paragraph (3)
14 and inserting “State;”, and

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

16 “(4) a description of the activities and oper-
17 ations of the National Transportation Safety Board
18 Academy during the prior calendar year;

19 “(5) a list of accidents during the prior cal-
20 endar year that the Board was required to inves-
21 tigate under section 1131 of this title but did not in-

1 investigate, and an explanation of why they were not
2 investigated; and

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

8 (2) UTILIZATION PLAN.—

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

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

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

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

1 (B) PLAN DEVELOPMENT CONSIDER-
2 ATIONS.—The Board shall—

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

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

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

19 (i) an updated copy of the plan;

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

24 (iii) a response to the Comptroller
25 General's comments and recommendations;

1 including a description of any modifica-
2 tions made to the plan in response to those
3 comments and recommendations.

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

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

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

20 **SEC. 3. REPEAL OF REIMBURSEMENT FOR DOT INSPECTOR**
21 **GENERAL SERVICES.**

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

1 **SEC. 4. CONTRACTING REQUIREMENTS FOR INVESTIGA-**
 2 **TION SERVICES.**

3 (a) **IN GENERAL.**—Section 1113(b) of title 49,
 4 United States Code, is amended—

5 (1) by striking “and” after the semicolon in
 6 paragraph (1)(H);

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

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

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

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

17 (b) **REPORT ON USAGE.**—Section 1117 of title 49,
 18 United States Code, as amended by section 2, is further
 19 amended—

20 (1) by striking “and” after the semicolon in
 21 paragraph (5);

22 (2) by striking “investigation.” in paragraph
 23 (6) and inserting “investigation; and”;

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

25 “(7) a description of each contract executed
 26 during the preceding calendar year under the au-

1 thority of section 1113(b)(1)(I), and the rationale
 2 for dispensing with competition requirements with
 3 respect to each such contract.”.

4 **SEC. 5. TECHNICAL CORRECTIONS.**

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

8 “(5) marine.”.

9 (b) **MARINE CASUALTY INVESTIGATIONS.**—Section
 10 1131(a)(1)(E) of title 49, United States Code, is amend-
 11 ed—

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

16 (2) by inserting “(as defined in section
 17 2101(46))” after “vessel of the United States”.

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

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

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

3 “~~(1) appoint and supervise officers and employ-~~
4 ~~ees, other than regular and fulltime employees in the~~
5 ~~immediate offices of another member, necessary to~~
6 ~~carry out this chapter;”;~~

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

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

13 (3) by redesignating subsection (i) as subsection
14 (k); and

15 (4) by inserting after subsection (h) the fol-
16 lowing:

17 “~~(i) MANAGING DIRECTOR.—The Board shall have a~~
18 ~~Managing Director who shall be—~~

19 “~~(1) appointed by the Chairman, in consulta-~~
20 ~~tion with the Board; and~~

21 “~~(2) approved by the Board, pursuant to a pro-~~
22 ~~cedure developed and adopted by the Board.~~

23 “~~(j) BOARD MEMBER STAFF.—Each member of the~~
24 ~~Board shall appoint and supervise regular and fulltime~~
25 ~~employees in his or her immediate office as long as any~~

1 such employee has been approved for employment by the
2 designated agency ethics official under the same guidelines
3 that apply to all employees of the Board. The appointment
4 authority provided by this subsection is limited to the
5 number of fulltime equivalent positions, in addition to 1
6 senior professional staff at the GS-15 level and 1 adminis-
7 trative staff, allocated each member through the Board's
8 annual budget and allocation process."

9 (e) BOARD APPROVAL.—Section 1113(e) of title 49,
10 United States Code, is amended by inserting "The Board
11 shall develop and approve a process for the Board's review
12 and comment or approval of documents submitted to the
13 President, Director of the Office of Management and
14 Budget, or the Congress under this subsection." after
15 "Congress."

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

1 (g) INVESTIGATIVE OFFICERS.—Section 1113 of title
 2 49, United States Code, is amended by adding at the end
 3 thereof the following:

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

10 **SEC. 6. AMTRAK PLAN TO ASSIST FAMILIES OF PAS-**
 11 **SENGERS INVOLVED IN RAIL PASSENGER AC-**
 12 **CIDENTS.**

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

16 **“§ 24316. Plans to address needs of families of pas-**
 17 **sengers involved in rail passenger acci-**
 18 **dents**

19 “(a) SUBMISSION OF PLAN.—Not later than 6
 20 months after the date of the enactment of the Rail Secu-
 21 rity Act of 2005, Amtrak shall submit to the Chairman
 22 of the National Transportation Safety Board, the Sec-
 23 retary of Transportation, and the Secretary of Homeland
 24 Security a plan for addressing the needs of the families
 25 of passengers involved in any rail passenger accident in-

1 volving an Amtrak intercity train and resulting in a loss
2 of life.

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

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

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

23 “(3) A process for notifying the families of the
24 passengers, before providing any public notice of the

1 names of the passengers, by suitably trained individ-
2 uals.

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

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

18 “(6) A process by which the treatment of the
19 families of nonrevenue passengers will be the same
20 as the treatment of the families of revenue pas-
21 sengers.

22 “(7) An assurance that Amtrak will provide
23 adequate training to its employees and agents to
24 meet the needs of survivors and family members fol-
25 lowing an accident.

1 “(c) USE OF INFORMATION.—The National Trans-
2 portation Safety Board, the Secretary of Transportation,
3 and Amtrak may not release any personal information on
4 a list obtained under subsection (b)(1) but may provide
5 information on the list about a passenger to the family
6 of the passenger to the extent that the Board or Amtrak
7 considers appropriate.

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

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

20 “(f) FUNDING.—There shall be made available to the
21 Secretary of Transportation for the use of Amtrak
22 \$500,000 for fiscal year 2007 to carry out this section.
23 Amounts made available pursuant to this subsection shall
24 remain available until expended.”.

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

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

4 **SEC. 7. INSPECTOR GENERAL OF THE NATIONAL TRANS-**
 5 **PORTATION SAFETY BOARD.**

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

8 **“§ 1137. Designation of the Department of Transpor-**
 9 **tation Inspector General as Inspector**
 10 **General of the National Transportation**
 11 **Safety Board**

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

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

22 “(1) The Inspector General shall exercise such
 23 authority as provided by the Inspector General Act
 24 of 1978, and other applicable laws, over Board pro-

1 grams, operations and activities not directly associ-
2 ated with specific accident investigations or adju-
3 dications, including—

4 “(A) financial management, property man-
5 agement, and business operations, including in-
6 ternal accounting and administrative control
7 systems;

8 “(B) information management and secu-
9 rity, including privacy protection of personally
10 identifiable information;

11 “(C) resource management;

12 “(D) workforce development;

13 “(E) procurement and contracting plan-
14 ning, practices and policies;

15 “(F) malfeasance in office by Board em-
16 ployees and contractors; and

17 “(G) allegations of false statements, fraud,
18 and other criminal activity within the jurisdic-
19 tion of the Board.

20 “(2) In consultation with the Senate Committee
21 on Commerce, Science, and Transportation or the
22 House Committee on Transportation and Infrastruc-
23 ture Committee, the Inspector General may conduct
24 an audit, investigation, or other review on matters

1 not described in subparagraphs (A) through (G) of
2 paragraph (1).

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

5 “(1) report directly to the Chairman of the
6 Committee and ensure that the Chairman is kept
7 fully and currently informed concerning fraud and
8 other serious problems, abuses, and deficiencies re-
9 lating to the administration of programs, operations,
10 and activities of the Board;

11 “(2) recommend to the Chairman corrective ac-
12 tion concerning such problems, abuses, and defi-
13 ciencies;

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

16 “(4) promptly notify the Chairman on any
17 problems related to access for information or ear-
18 nying out an audit or investigation.

19 “(d) INFORMATION PROVIDED TO BOARD MEM-
20 BERS.—The Inspector General and Chairman shall ensure
21 that all members of the Board are informed of major work
22 in progress through regular and periodic briefings and, as
23 appropriate, on a timelier basis for matters of a significant
24 nature.

1 “(e) AUTHORIZATION FOR APPROPRIATIONS.—There
 2 are authorized to be appropriated to the Secretary of
 3 Transportation for use by the Inspector General of the De-
 4 partment of Transportation such sums as may be nec-
 5 essary to cover expenses associated with activities pursu-
 6 ant to the authority exercised as the Inspector General
 7 of the Board. In the absence of an appropriation, the In-
 8 spector General and the Board shall have a reimbursable
 9 agreement to cover such expenses.”.

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

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

14 **SEC. 8. AUDIT PROCEDURES.**

15 The National Transportation Safety Board, in con-
 16 sultation with the Inspector General, shall continue to de-
 17 velop and implement comprehensive internal audit controls
 18 for its operations. The audit controls shall, at a minimum,
 19 address Board asset management systems, including sys-
 20 tems for accounting management, debt collection, travel,
 21 and property and inventory management and control.

22 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

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

2 (2) by striking “2006.” and inserting “2006,
3 \$79,594,000 for fiscal year 2007, and \$84,382,432
4 for fiscal year 2008.”.

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

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

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

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

16 (A) by striking “ACADEMY.—” and insert-
17 ing “FEES, REFUNDS, AND REIMBURSE-
18 MENTS.—”;

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

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

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

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

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

12 (2) EFFECTIVE DATE.—The amendments made
13 by paragraph (1) shall take effect on October 1,
14 2005.

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

17 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

18 (a) *SHORT TITLE.*—*This Act may be cited as the “Na-*
19 *tional Transportation Safety Board Reauthorization Act of*
20 *2006”.*

21 (b) *TABLE OF CONTENTS.*—*The table of contents for*
22 *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.

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 in*
6 *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 calendar*
14 *year that the Board was required to investigate under*
15 *section 1131 of this title but did not investigate, and*
16 *an explanation of why they were not investigated;*
17 *and*

18 “(6) *a list of ongoing investigations that have ex-*
19 *ceeded the expected time allotted for completion by*
20 *Board order and an explanation for the additional*
21 *time required to complete each such investigation.”.*

22 (2) *UTILIZATION PLAN.*—

1 (A) *PLAN.*—*Within 90 days after the date*
2 *of enactment of this Act, the National Transpor-*
3 *tation Safety Board shall—*

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

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

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

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

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

23 (ii) *include in the plan a detailed fi-*
24 *nancial statement that covers current Acad-*
25 *emy expenses and revenues and an analysis*

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

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

10 (i) an updated copy of the plan;

11 (ii) any comments and recommenda-
12 tions made by the Comptroller General pur-
13 suant to the Government Accountability Of-
14 fice's review of the draft plan; and

15 (iii) a response to the Comptroller
16 General's comments and recommendations,
17 including a description of any modifica-
18 tions made to the plan in response to those
19 comments and recommendations.

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

23 (b) *DOT REPORT ON COMPLIANCE WITH REC-*
24 *COMMENDATIONS.*—Within 90 days after the Secretary of
25 Transportation submits a report under section 1135(d) of

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

3 (b) *REPORT ON USAGE*.—Section 1117 of title 49,
4 *United States Code*, as amended by section 2, is further
5 amended—

6 (1) by striking “and” after the semicolon in
7 paragraph (5);

8 (2) by striking “investigation.” in paragraph (6)
9 and inserting “investigation; and”; and

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

11 “(7) a description of each contract executed dur-
12 ing the preceding calendar year under the authority
13 of section 1113(b)(1)(I), and the rationale for dis-
14 pensing with competition requirements with respect to
15 each such contract.”.

16 **SEC. 4. TECHNICAL CORRECTIONS.**

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

20 “(5) marine.”.

21 (b) *MARINE CASUALTY INVESTIGATIONS*.—Section
22 1131(a)(1)(E) of title 49, *United States Code*, is amended—

23 (1) by striking “on the navigable waters or terri-
24 torial sea of the United States,” and inserting “on the

1 *navigable waters, all internal waters, and the terri-*
2 *torial sea of the United States,”; and*

3 (2) *by inserting “(as defined in section*
4 *2101(46))” after “vessel of the United States”.*

5 (c) *REFERENCE TO DEPARTMENTAL AUTHORITY.—*
6 *Section 1131(c)(1) of title 49, United States Code, is*
7 *amended by inserting “or the Secretary of the department*
8 *in which the Coast Guard is operating” after “Transpor-*
9 *tation”.*

10 (d) *APPOINTMENT OF MANAGING DIRECTOR.—Section*
11 *1111 of title 49, United States Code, is amended—*

12 (1) *by striking paragraph (1) of subsection (e)*
13 *and inserting the following:*

14 “(1) *appoint and supervise officers and employ-*
15 *ees, other than regular and fulltime employees in the*
16 *immediate offices of another member, necessary to*
17 *carry out this chapter;”;*

18 (2) *by redesignating paragraphs (2) and (3) of*
19 *subsection (e) as paragraphs (3) and (4), respectively,*
20 *and inserting after paragraph (1) the following:*

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

23 (3) *by redesignating subsection (i) as subsection*
24 *(k); and*

1 (4) by inserting after subsection (h) the fol-
2 lowing:

3 “(i) *MANAGING DIRECTOR.*—*The Board shall have a*
4 *Managing Director who shall be—*

5 “*(1) appointed by the Chairman, in consultation*
6 *with the Board; and*

7 “*(2) approved by the Board, pursuant to a pro-*
8 *cedure developed and adopted by the Board.*

9 “(j) *BOARD MEMBER STAFF.*—*Each member of the*
10 *Board shall appoint and supervise regular and fulltime em-*
11 *ployees in his or her immediate office as long as any such*
12 *employee has been approved for employment by the des-*
13 *ignated agency ethics official under the same guidelines that*
14 *apply to all employees of the Board. The appointment au-*
15 *thority provided by this subsection is limited to the number*
16 *of fulltime equivalent positions, in addition to 1 senior pro-*
17 *fessional staff at the GS-15 level and 1 administrative staff,*
18 *allocated each member through the Board’s annual budget*
19 *and allocation process.”.*

20 “(e) *BOARD APPROVAL.*—*Section 1113(c) of title 49,*
21 *United States Code, is amended by inserting “The Board*
22 *shall develop and approve a process for the Board’s review*
23 *and comment or approval of documents submitted to the*
24 *President, Director of the Office of Management and Budg-*
25 *et, or the Congress under this subsection.” after “Congress.”.*

1 (f) *INVESTIGATION TRACKING SYSTEM.*—Within 6
 2 months after the date of enactment of this Act, the National
 3 Transportation Safety Board shall develop and implement
 4 a process or system available to all Board members that
 5 tracks the status and activities associated with all ongoing
 6 and pending investigations undertaken by the Board, in-
 7 cluding the expected completion date, staff assignments, and
 8 such other information as the Board may require for the
 9 investigations.

10 (g) *INVESTIGATIVE OFFICERS.*—Section 1113 of title
 11 49, United States Code, is amended by adding at the end
 12 thereof the following:

13 “(h) *INVESTIGATIVE OFFICERS.*—The Board shall
 14 maintain at least 1 fulltime employee in each State located
 15 more than 1,000 miles from the nearest Board regional of-
 16 fice to provide initial investigative response to accidents the
 17 Board is empowered to investigate under this chapter that
 18 occur in those States.”.

19 **SEC. 5. AMTRAK PLAN TO ASSIST FAMILIES OF PAS-**
 20 **SENGERS INVOLVED IN RAIL PASSENGER AC-**
 21 **CIDENTS.**

22 (a) *IN GENERAL.*—Chapter 243 of title 49, United
 23 States Code, is amended by adding at the end the following:

1 **“§24316. Plans to address needs of families of pas-**
2 **sengers involved in rail passenger acci-**
3 **dents**

4 “(a) *SUBMISSION OF PLAN.*—Not later than 6 months
5 after the date of the enactment of the National Transpor-
6 tation Safety Board Reauthorization Act of 2006, Amtrak
7 shall submit to the Chairman of the National Transpor-
8 tation Safety Board, the Secretary of Transportation, and
9 the Secretary of Homeland Security a plan for addressing
10 the needs of the families of passengers involved in any rail
11 passenger accident involving an Amtrak intercity train and
12 resulting in a loss of life.

13 “(b) *CONTENTS OF PLANS.*—The plan to be submitted
14 by Amtrak under subsection (a) shall include, at a min-
15 imum, the following:

16 “(1) A process by which Amtrak will maintain
17 and provide to the National Transportation Safety
18 Board and the Secretary of Transportation, imme-
19 diately upon request, a list (which is based on the best
20 available information at the time of the request) of
21 the names of the passengers aboard the train (whether
22 or not such names have been verified), and will peri-
23 odically update the list. The plan shall include a pro-
24 cedure, with respect to unreserved trains and pas-
25 sengers not holding reservations on other trains, for
26 Amtrak to use reasonable efforts to ascertain the num-

1 *ber and names of passengers aboard a train involved*
2 *in an accident.*

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

7 *“(3) A process for notifying the families of the*
8 *passengers, before providing any public notice of the*
9 *names of the passengers, by suitably trained individ-*
10 *uals.*

11 *“(4) A process for providing the notice described*
12 *in paragraph (2) to the family of a passenger as soon*
13 *as Amtrak has verified that the passenger was aboard*
14 *the train (whether or not the names of all of the pas-*
15 *sengers have been verified).*

16 *“(5) A process by which the family of each pas-*
17 *senger will be consulted about the disposition of all*
18 *remains and personal effects of the passenger within*
19 *Amtrak’s control; that any possession of the passenger*
20 *within Amtrak’s control will be returned to the family*
21 *unless the possession is needed for the accident inves-*
22 *tigation or any criminal investigation; and that any*
23 *unclaimed possession of a passenger within Amtrak’s*
24 *control will be retained by the rail passenger carrier*
25 *for at least 18 months.*

1 “(6) *A process by which the treatment of the*
2 *families of nonrevenue passengers will be the same as*
3 *the treatment of the families of revenue passengers.*

4 “(7) *An assurance that Amtrak will provide ade-*
5 *quate training to its employees and agents to meet the*
6 *needs of survivors and family members following an*
7 *accident.*

8 “(c) *USE OF INFORMATION.—The National Transpor-*
9 *tation Safety Board, the Secretary of Transportation, and*
10 *Amtrak may not release any personal information on a list*
11 *obtained under subsection (b)(1) but may provide informa-*
12 *tion on the list about a passenger to the family of the pas-*
13 *senger to the extent that the Board or Amtrak considers ap-*
14 *propriate.*

15 “(d) *LIMITATION ON LIABILITY.—Amtrak shall not be*
16 *liable for damages in any action brought in a Federal or*
17 *State court arising out of the performance of Amtrak in*
18 *preparing or providing a passenger list, or in providing*
19 *information concerning a train reservation, pursuant to a*
20 *plan submitted by Amtrak under subsection (b), unless such*
21 *liability was caused by Amtrak’s conduct.*

22 “(e) *LIMITATION ON STATUTORY CONSTRUCTION.—*
23 *Nothing in this section may be construed as limiting the*
24 *actions that Amtrak may take, or the obligations that Am-*

1 *trak may have, in providing assistance to the families of*
 2 *passengers involved in a rail passenger accident.*

3 “(f) *FUNDING.*—*There shall be made available to the*
 4 *Secretary of Transportation for the use of Amtrak \$500,000*
 5 *for fiscal year 2007 to carry out this section. Amounts made*
 6 *available pursuant to this subsection shall remain available*
 7 *until expended.”.*

8 (b) *CONFORMING AMENDMENT.*—*The chapter analysis*
 9 *for chapter 243 of title 49, United States Code, is amended*
 10 *by adding at the end the following:*

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

11 ***SEC. 6. INSPECTOR GENERAL OF THE NATIONAL TRANS-***
 12 ***PORTATION SAFETY BOARD.***

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

15 ***“§ 1137. Designation of the Department of Transpor-***
 16 ***tation Inspector General as Inspector***
 17 ***General of the National Transportation***
 18 ***Safety Board***

19 “(a) *ESTABLISHMENT OF INSPECTOR GENERAL OF*
 20 *THE NATIONAL TRANSPORTATION SAFETY BOARD.*—*In*
 21 *order to promote economy, efficiency, and effectiveness in*
 22 *the administration of, and to prevent and detect fraud and*
 23 *abuse in the programs, operations, and activities of the Na-*
 24 *tional Transportation Safety Board, the Inspector General*

1 *of the Department of Transportation shall serve as the In-*
2 *pector General of the National Transportation Safety*
3 *Board.*

4 “(b) *AUTHORITY OF THE INSPECTOR GENERAL.—*

5 “(1) *The Inspector General shall exercise such*
6 *authority as provided by the Inspector General Act of*
7 *1978, and other applicable laws, over Board pro-*
8 *grams, operations and activities not directly associ-*
9 *ated with specific accident investigations or adjudica-*
10 *tions, including—*

11 “(A) *financial management, property man-*
12 *agement, and business operations, including in-*
13 *ternal accounting and administrative control*
14 *systems;*

15 “(B) *information management and secu-*
16 *rity, including privacy protection of personally*
17 *identifiable information;*

18 “(C) *resource management;*

19 “(D) *workforce development;*

20 “(E) *procurement and contracting plan-*
21 *ning, practices and policies;*

22 “(F) *malfeasance in office by Board em-*
23 *ployees and contractors; and*

1 “(G) *allegations of false statements, fraud,*
2 *and other criminal activity within the jurisdic-*
3 *tion of the Board.*

4 “(2) *In consultation with the Senate Committee*
5 *on Commerce, Science, and Transportation or the*
6 *House Committee on Transportation and Infrastruc-*
7 *ture Committee, the Inspector General may conduct*
8 *an audit, investigation, or other review on matters*
9 *not described in subparagraphs (A) through (G) of*
10 *paragraph (1).*

11 “(c) *DUTIES.—In carrying out this section, the Inspec-*
12 *tor General shall—*

13 “(1) *report directly to the Chairman of the Com-*
14 *mittee and ensure that the Chairman is kept fully*
15 *and currently informed concerning fraud and other*
16 *serious problems, abuses, and deficiencies relating to*
17 *the administration of programs, operations, and ac-*
18 *tivities of the Board;*

19 “(2) *recommend to the Chairman corrective ac-*
20 *tion concerning such problems, abuses, and defi-*
21 *ciencies;*

22 “(3) *report to the Chairman on the progress*
23 *made in implementing such corrective action; and*

1 “(4) promptly notify the Chairman on any prob-
2 lems related to access for information or carrying out
3 an audit or investigation.

4 “(d) *INFORMATION PROVIDED TO BOARD MEMBERS.*—
5 *The Inspector General and Chairman shall ensure that all*
6 *members of the Board are informed of major work in*
7 *progress through regular and periodic briefings and, as ap-*
8 *propriate, on a timelier basis for matters of a significant*
9 *nature.*

10 “(e) *AUTHORIZATION FOR APPROPRIATIONS.*—*There*
11 *are authorized to be appropriated to the Secretary of Trans-*
12 *portation for use by the Inspector General of the Depart-*
13 *ment of Transportation such sums as may be necessary to*
14 *cover expenses associated with activities pursuant to the au-*
15 *thority exercised as the Inspector General of the Board. In*
16 *the absence of an appropriation, the Inspector General and*
17 *the Board shall have a reimbursable agreement to cover such*
18 *expenses.”.*

19 “(b) *CONFORMING AMENDMENT.*—*The chapter analysis*
20 *for chapter 11 of title 49, United States Code, is amended*
21 *by striking the item relating to section 1137 and inserting*
22 *the following:*

 “1137. *Designation of the Department of Transportation Inspector General as In-*
 pector General of the National Transportation Safety Board”.

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

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

9 **SEC. 8. DOT INSPECTOR GENERAL TO INVESTIGATE CEN-**
10 **TRAL ARTERY PROJECT CONTRACTORS AND**
11 **OVERSIGHT AGENCIES.**

12 *(a) IN GENERAL.—The Inspector General of the De-*
13 *partment of Transportation shall investigate the contractors*
14 *involved in the development and construction of the Central*
15 *Artery tunnel project in Boston, Massachusetts, and the*
16 *public agencies that oversaw their work, including the Mas-*
17 *sachusetts Turnpike Authority and the Federal Highway*
18 *Administration.*

19 *(b) PRIORITIES AND PROCEDURE.—In carrying out*
20 *the mandate provided by subsection (a), the Inspector Gen-*
21 *eral shall—*

22 *(1) oversee any investigations related to the col-*
23 *lapse of ceiling plates in the tunnel on July 10, 2006;*

24 *(2) oversee a comprehensive review of the safety*
25 *of the Central Artery project; and*

1 (3) *audit and investigate parties involved in the*
2 *construction, maintenance, and oversight of the Cen-*
3 *tral Artery project, including the Massachusetts Turn-*
4 *pike Authority and the Federal Highway Administra-*
5 *tion, in order to determine whether the collapse of*
6 *ceiling plates in the tunnel on July 10, 2006, resulted*
7 *from whether poor planning, development, construc-*
8 *tion, or other factors.*

9 **SEC. 9. IMPLEMENTATION OF NTSB'S "MOST WANTED**
10 **TRANSPORTATION SAFETY IMPROVEMENTS,**
11 **2006".**

12 *Within 90 days after the date of enactment of this Act,*
13 *the Administrator of the Federal Aviation Administration*
14 *shall submit a report to the Senate Committee on Com-*
15 *merce, Science, and Transportation and the House of Rep-*
16 *resentatives Committee on Transportation and Infrastruc-*
17 *ture explaining why the Federal Aviation Administration*
18 *has not implemented the aviation recommendations in the*
19 *NTSB's "Most Wanted Transportation Safety Improve-*
20 *ments, 2006".*

21 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

22 *(a) IN GENERAL.—Section 1118(a) of title 49, United*
23 *States Code, is amended—*

24 *(1) by striking "and" after "2005,"; and*

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

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

6 “(b) *EMERGENCY FUND.—There are authorized to be*
 7 *appropriated for necessary expenses of the Board, not other-*
 8 *wise provided for, for accident investigations amounts suffi-*
 9 *cient to maintain the emergency fund at a level not to ex-*
 10 *ceed \$4,000,000, such sums to remain available until ex-*
 11 *pended.”.*

12 (c) *FEES, REFUNDS, AND REIMBURSEMENTS.—*

13 (1) *IN GENERAL.—Section 1118(c) of title 49,*
 14 *United States Code, is amended—*

15 (A) *by striking “ACADEMY.—” and insert-*
 16 *ing “FEES, REFUNDS, AND REIMBURSE-*
 17 *MENTS.—”;*

18 (B) *by striking paragraph (1) and redesign-*
 19 *ating paragraphs (2), (3), and (4) as para-*
 20 *graphs (1), (2), and (3), respectively, and reset-*
 21 *ting each such paragraph 2 ems from the left*
 22 *margin;*

23 (C) *by striking paragraph (1), as redesign-*
 24 *ated, and inserting the following:*

1 “(1) *IN GENERAL.*—*The Board may impose and*
2 *collect such fees, refunds, and reimbursements as it*
3 *determines to be appropriate for services provided by*
4 *or through the Board.*”;

5 *(D) by striking “fee” the first place it ap-*
6 *pears in paragraph (2), as redesignated, and in-*
7 *serting “fee, refund, or reimbursement”; and*

8 *(E) by striking “imposed;” in subpara-*
9 *graphs (A) and (B) of paragraph (2), as redesi-*
10 *gnated, and inserting “imposed or with which the*
11 *refund or reimbursement is associated;”.*

12 (2) *EFFECTIVE DATE.*—*The amendments made*
13 *by paragraph (1) shall take effect on October 1, 2005.*

14 (d) *REPORT.*—*Section 1118(d) of title 49, United*
15 *States Code, is repealed.*

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109TH CONGRESS
2^D SESSION

S. 3679

[Report No. 109-335]

A BILL

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

SEPTEMBER 15, 2006

Reported with an amendment