

Public Law 106-424  
106th Congress

An Act

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes.

Nov. 1, 2000  
[S. 2412]

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

**SECTION 1. SHORT TITLE; REFERENCES.**

(a) **SHORT TITLE.**—This Act may be cited as the “National Transportation Safety Board Amendments Act of 2000”.

(b) **REFERENCES.**—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.

National  
Transportation  
Safety Board  
Amendments Act  
of 2000.  
49 USC 1101  
note.

**SEC. 2. DEFINITIONS.**

Section 1101 is amended to read as follows:

**“§ 1101. Definitions**

“Section 2101(17a) of title 46 and section 40102(a) of this title apply to this chapter. In this chapter, the term ‘accident’ includes damage to or destruction of vehicles in surface or air transportation or pipelines, regardless of whether the initiating event is accidental or otherwise.”.

**SEC. 3. AUTHORITY TO ENTER INTO AGREEMENTS.**

(a) **IN GENERAL.**—Section 1113(b)(1)(I) is amended to read as follows:

“(I) negotiate and enter into agreements with individuals and private entities and departments, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries for the provision of facilities, accident-related and technical services or training in accident investigation theory and techniques, and require that such entities provide appropriate consideration for the reasonable costs of any facilities, goods, services, or training provided by the Board.”.

(b) **DEPOSIT OF AMOUNTS.**—

(1) Section 1113(b)(2) is amended—

(A) by inserting “as offsetting collections” after “to be credited”; and

(B) by adding after “Board.” the following: “The Board shall maintain an annual record of collections received under paragraph (1)(I) of this subsection.”.

(2) Section 1114(a) is amended—

(A) by inserting “(1)” before “Except”; and

(B) by adding at the end thereof the following:

“(2) The Board shall deposit in the Treasury amounts received under paragraph (1) to be credited to the appropriation of the Board as offsetting collections.”.

(3) Section 1115(d) is amended by striking “of the ‘National Transportation Safety Board, Salaries and Expenses’” and inserting “of the Board”.

#### SEC. 4. OVERTIME PAY.

Section 1113 is amended by adding at the end the following:  
“(g) OVERTIME PAY.—

“(1) IN GENERAL.—Subject to the requirements of this section and notwithstanding paragraphs (1) and (2) of section 5542(a) of title 5, for an employee of the Board whose basic pay is at a rate which equals or exceeds the minimum rate of basic pay for GS-10 of the General Schedule, the Board may establish an overtime hourly rate of pay for the employee with respect to work performed at the scene of an accident (including travel to or from the scene) and other work that is critical to an accident investigation in an amount equal to one and one-half times the hourly rate of basic pay of the employee. All of such amount shall be considered to be premium pay.

“(2) LIMITATION ON OVERTIME PAY TO AN EMPLOYEE.—An employee of the Board may not receive overtime pay under paragraph (1), for work performed in a calendar year, in an amount that exceeds 15 percent of the annual rate of basic pay of the employee for such calendar year.

“(3) LIMITATION ON TOTAL AMOUNT OF OVERTIME PAY.—The Board may not make overtime payments under paragraph (1) for work performed in any fiscal year in a total amount that exceeds 1.5 percent of the amount appropriated to carry out this chapter for that fiscal year.

“(4) BASIC PAY DEFINED.—In this subsection, the term ‘basic pay’ includes any applicable locality-based comparability payment under section 5304 of title 5 (or similar provision of law) and any special rate of pay under section 5305 of title 5 (or similar provision of law).

“(5) ANNUAL REPORT.—Not later than January 31, 2002, and annually thereafter, the Board shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House Transportation and Infrastructure Committee a report identifying the total amount of overtime payments made under this subsection in the preceding fiscal year, and the number of employees whose overtime pay under this subsection was limited in that fiscal year as a result of the 15 percent limit established by paragraph (2).”.

#### SEC. 5. RECORDERS.

(a) COCKPIT VIDEO RECORDINGS.—Section 1114(c) is amended—

(1) by striking “VOICE” in the subsection heading;

(2) by striking “cockpit voice recorder” in paragraphs (1) and (2) and inserting “cockpit voice or video recorder”; and

(3) by inserting “or any written depiction of visual information” after “transcript” in the second sentence of paragraph (1).

Deadline.

## (b) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

(1) IN GENERAL.—Section 1114 is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (e) the following:

## “(d) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

“(1) CONFIDENTIALITY OF RECORDINGS.—The Board may not disclose publicly any part of a surface vehicle voice or video recorder recording or transcript of oral communications by or among drivers, train employees, or other operating employees responsible for the movement and direction of the vehicle or vessel, or between such operating employees and company communication centers, related to an accident investigated by the Board. However, the Board shall make public any part of a transcript or any written depiction of visual information that the Board decides is relevant to the accident—

“(A) if the Board holds a public hearing on the accident, 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 accident 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.”

(2) CONFORMING AMENDMENT.—The first sentence of section 1114(a) is amended by striking “and (e)” and inserting “(d), and (f)”.

## (c) DISCOVERY AND USE OF COCKPIT AND SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

(1) IN GENERAL.—Section 1154 is amended—

(A) by striking the section heading and inserting the following:

**“§ 1154. Discovery and use of cockpit and surface vehicle recordings and transcripts”;**

(B) by striking “cockpit voice recorder” each place it appears in subsection (a) and inserting “cockpit or surface vehicle recorder”;

(C) by striking “section 1114(c)” each place it appears in subsection (a) and inserting “section 1114(c) or 1114(d)”; and

(D) by adding at the end the following:

“(6) In this subsection:

“(A) RECORDER.—The term ‘recorder’ means a voice or video recorder.

“(B) TRANSCRIPT.—The term ‘transcript’ includes any written depiction of visual information obtained from a video recorder.”

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 11 is amended by striking the item relating to section 1154 and inserting the following:

“1154. Discovery and use of cockpit and surface vehicle recordings and transcripts.”

## SEC. 6. PRIORITY OF INVESTIGATIONS.

(a) IN GENERAL.—Section 1131(a)(2) is amended—

(1) by striking “(2) An investigation” and inserting:

“(2)(A) Subject to the requirements of this paragraph, an investigation”; and

(2) by adding at the end the following:

“(B) If the Attorney General, in consultation with the Chairman of the Board, determines and notifies the Board that circumstances reasonably indicate that the accident may have been caused by an intentional criminal act, the Board shall relinquish investigative priority to the Federal Bureau of Investigation. The relinquishment of investigative priority by the Board shall not otherwise affect the authority of the Board to continue its investigation under this section.

“(C) If a Federal law enforcement agency suspects and notifies the Board that an accident being investigated by the Board under subparagraph (A), (B), (C), or (D) of paragraph (1) may have been caused by an intentional criminal act, the Board, in consultation with the law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved.”.

(b) **REVISION OF 1977 AGREEMENT.**—Not later than 1 year after the date of the enactment of this Act, the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this Act.

Deadline.  
49 USC 1131  
note.

#### **SEC. 7. PUBLIC AIRCRAFT INVESTIGATION CLARIFICATION.**

Section 1131(d) is amended by striking “1134(b)(2)” and inserting “1134 (a), (b), (d), and (f)”.

Deadline.  
49 USC 1131  
note.

#### **SEC. 8. MEMORANDUM OF UNDERSTANDING.**

Not later than 1 year after the date of the enactment of this Act, the National Transportation Safety Board and the United States Coast Guard shall revise their Memorandum of Understanding governing major marine accidents—

(1) to redefine or clarify the standards used to determine when the National Transportation Safety Board will lead an investigation; and

(2) to develop new standards to determine when a major marine accident involves significant safety issues relating to Coast Guard safety functions.

Reports.  
49 USC 1131  
note.

#### **SEC. 9. TRAVEL BUDGETS.**

The Chairman of the National Transportation Safety Board shall establish annual fiscal year budgets for non-accident-related travel expenditures for Board members which shall be approved by the Board and submitted to the Senate Committee on Commerce, Science, and Transportation and to the House of Representatives Committee on Transportation and Infrastructure together with an annual report detailing the non-accident-related travel of each Board member. The report shall include separate accounting for foreign and domestic travel, including any personnel or other expenses associated with that travel.

#### **SEC. 10. CHIEF FINANCIAL OFFICER.**

Section 1111 is amended—

(1) by redesignating subsection (h) as subsection (i); and  
(2) by inserting after subsection (g) the following:

“(h) CHIEF FINANCIAL OFFICER.—The Chairman shall designate an officer or employee of the Board as the Chief Financial Officer. The Chief Financial Officer shall—

“(1) report directly to the Chairman on financial management and budget execution;

“(2) direct, manage, and provide policy guidance and oversight on financial management and property and inventory control; and

“(3) review the fees, rents, and other charges imposed by the Board for services and things of value it provides, and suggest appropriate revisions to those charges to reflect costs incurred by the Board in providing those services and things of value.”.

#### SEC. 11. IMPROVED AUDIT PROCEDURES.

49 USC 1111  
note.

The National Transportation Safety Board, in consultation with the Inspector General of the Department of Transportation, shall develop and implement comprehensive internal audit controls for its financial programs based on the findings and recommendations of the private sector audit firm contract entered into by the Board in March, 2000. The improved internal audit controls shall, at a minimum, address Board asset management systems, including systems for accounting management, debt collection, travel, and property and inventory management and control.

#### SEC. 12. AUTHORITY OF THE INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter III of chapter 11 of subtitle II is amended by adding at the end the following:

##### “§ 1137. Authority of the Inspector General

“(a) IN GENERAL.—The Inspector General of the Department of Transportation, in accordance with the mission of the Inspector General to prevent and detect fraud and abuse, shall have authority to review only the financial management, property management, and business operations of the National Transportation Safety Board, including internal accounting and administrative control systems, to determine compliance with applicable Federal laws, rules, and regulations.

“(b) DUTIES.—In carrying out this section, the Inspector General shall—

“(1) keep the Chairman of the Board and Congress fully and currently informed about problems relating to administration of the internal accounting and administrative control systems of the Board;

“(2) issue findings and recommendations for actions to address such problems; and

“(3) report periodically to Congress on any progress made in implementing actions to address such problems.

“(c) ACCESS TO INFORMATION.—In carrying out this section, the Inspector General may exercise authorities granted to the Inspector General under subsections (a) and (b) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

“(d) REIMBURSEMENT.—The Inspector General shall be reimbursed by the Board for the costs associated with carrying out activities under this section.”.

(b) CONFORMING AMENDMENT.—The subchapter analysis for such subchapter is amended by adding at the end the following:

“1137. Authority of the Inspector General.”.

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

Section 1118 is amended to read as follows:

**“§ 1118. Authorization of appropriations**

“(a) **IN GENERAL.**—There are authorized to be appropriated for the purposes of this chapter \$57,000,000 for fiscal year 2000, \$65,000,000 for fiscal year 2001, and \$72,000,000 for fiscal year 2002, such sums to remain available until expended.

“(b) **EMERGENCY FUND.**—The Board has an emergency fund of \$2,000,000 available for necessary expenses of the Board, not otherwise provided for, for accident investigations. Amounts equal to the amounts expended annually out of the fund are authorized to be appropriated to the emergency fund.”

49 USC 44703  
note.

**SEC. 14. CREDITING OF LAW ENFORCEMENT FLIGHT TIME.**

In determining whether an individual meets the aeronautical experience requirements imposed under section 44703 of title 49, United States Code, for an airman certificate or rating, the Secretary of Transportation shall take into account any time spent by that individual operating a public aircraft as defined in section 40102 of title 49, United States Code, if that aircraft is—

- (1) identifiable by category and class; and
- (2) used in law enforcement activities.

**SEC. 15. TECHNICAL CORRECTION.**

Section 46301(d)(2) of title 49, United States Code, is amended by striking “46302, 46303,” and inserting “46301(b), 46302, 46303, 46318,”.

**SEC. 16. CONFIRMATION OF INTERIM FINAL RULE ISSUANCE UNDER SECTION 45301.**

The publication, by the Department of Transportation, Federal Aviation Administration, in the Federal Register of June 6, 2000 (65 FR 36002) of an interim final rule concerning Fees for FAA Services for Certain Flights (Docket No. FAA-00-7018) is deemed to have been issued in accordance with the requirements of section 45301(b)(2) of title 49, United States Code.

**SEC. 17. AERONAUTICAL CHARTING.**

(a) **IN GENERAL.**—Section 44721 of title 49, United States Code, is amended—

- (1) by striking paragraphs (3) and (4) of subsection (c); and

- (2) by adding at the end of subsection (g)(1) the following:

“(D) **CONTINUATION OF PRICES.**—The price of any product created under subsection (d) may correspond to the price of a comparable product produced by a department of the United States Government as that price was in effect on September 30, 2000, and may remain in effect until modified by regulation under section 9701 of title 31, United States Code.”; and

(3) by adding at the end of subsection (g) the following:

“(5) CREDITING AMOUNTS RECEIVED.—Notwithstanding any other provision of law, amounts received for the sale of products created and services performed under this section shall be fully credited to the account of the Federal Aviation Administration that funded the provision of the products or services and shall remain available until expended.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2000.

49 USC 44721  
note.

Approved November 1, 2000.

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LEGISLATIVE HISTORY—S. 2412 (H.R. 2910):

HOUSE REPORTS: No. 106-335 accompanying H.R. 2910 (Comm. on Transportation and Infrastructure).

SENATE REPORTS: No. 106-386 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 3, considered and passed Senate.

Oct. 17, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Nov. 1, Presidential statement.