

transportation)” are omitted as surplus. In clause (1), the words “carrying out their duties and powers” are substituted for “in the performance of all of their authorized functions” for consistency in the revised title and with other titles of the United States Code. In clause (2), the words “of the United States Government, State and local governments, governments of foreign countries, interstate authorities, and private organizations” are substituted for “of Federal, interstate, State, local, and foreign governments and non-governmental organizations” for clarity and consistency in the revised title and with other titles of the Code.

In subsection (c)(1), before clause (A), the words “the Secretary shall deposit the fee in the Treasury” are added for clarity. In clause (B), the words “direct and indirect” are omitted as surplus. The word “administration” is omitted as being included in “operating”. The text of 49 App.:1903(b)(10) (last sentence) is omitted because 5:ch. 41 applies to the National Transportation Safety Board by its own terms.

AMENDMENTS

2000—Subsec. (d). Pub. L. 106-424 substituted “of the Board” for “of the National Transportation Safety Board, Salaries and Expenses”.

1996—Subsec. (d). Pub. L. 104-291 added subsec. (d).

§ 1116. Reports, studies, and retrospective reviews

(a) PERIODIC REPORTS.—The National Transportation Safety Board shall report periodically to Congress, departments, agencies, and instrumentalities of the United States Government and State and local governmental authorities concerned with transportation safety, and other interested persons. The report shall—

(1) advocate meaningful responses to reduce the likelihood of transportation accidents similar to those investigated by the Board; and

(2) propose corrective action to make the transportation of individuals as safe and free from risk of injury as possible, including action to minimize personal injuries that occur in transportation accidents.

(b) STUDIES, INVESTIGATIONS, AND OTHER REPORTS.—The Board also shall—

(1) carry out special studies and investigations about transportation safety, including avoiding personal injury;

(2) examine techniques and methods of accident investigation and periodically publish recommended procedures for accident investigations;

(3) prescribe requirements for persons reporting accidents and aviation incidents that—

(A) may be investigated by the Board under this chapter; or

(B) involve public aircraft (except aircraft of the armed forces and the intelligence agencies);

(4) evaluate, examine the effectiveness of, and publish the findings of the Board about the transportation safety consciousness of other departments, agencies, and instrumentalities of the Government and their effectiveness in preventing accidents; and

(5) evaluate the adequacy of safeguards and procedures for the transportation of hazardous material and the performance of other departments, agencies, and instrumentalities of the

Government responsible for the safe transportation of that material.

(c) ANNUAL REPORT.—The National Transportation Safety Board shall submit a report to Congress on July 1 of each year. The report shall include—

(1) a statistical and analytical summary of the transportation accident investigations conducted and reviewed by the Board during the prior calendar year;

(2) a survey and summary of the recommendations made by the Board to reduce the likelihood of recurrence of those accidents together with the observed response to each recommendation;

(3) a detailed appraisal of the accident investigation and accident prevention activities of other departments, agencies, and instrumentalities of the United States Government and State and local governmental authorities having responsibility for those activities under a law of the United States or a State;

(4) a description of the activities and operations of the National Transportation Safety Board Training Center during the prior calendar year;

(5) a list of accidents, during the prior calendar year, that the Board was required to investigate under section 1131 but did not investigate and an explanation of why they were not investigated; and

(6) a list of ongoing investigations that have exceeded the expected time allotted for completion by Board order and an explanation for the additional time required to complete each such investigation.

(d) RETROSPECTIVE REVIEWS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than June 1, 2019, and at least every 5 years thereafter, the Chairman shall complete a retrospective review of recommendations issued by the Board that are classified as open by the Board.

(2) CONTENTS.—A review under paragraph (1) shall include—

(A) a determination of whether the recommendation should be updated, closed, or reissued in light of—

(i) changed circumstances;

(ii) more recently issued recommendations;

(iii) the availability of new technologies; or

(iv) new information making the recommendation ineffective or insufficient for achieving its objective; and

(B) a justification for each determination under subparagraph (A).

(3) REPORT.—Not later than 180 days after the date a review under paragraph (1) is complete, the Chairman shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(A) the findings of the review under paragraph (1);

(B) each determination under paragraph (2)(A) and justification under paragraph (2)(B); and

(C) if applicable, a schedule for updating, closing, or reissuing a recommendation. (Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 751; Pub. L. 115-254, div. C, §§1107(a), 1111(a), Oct. 5, 2018, 132 Stat. 3432, 3436.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1116(a)	49 App.:1441(a)(3), (5) (related to reducing accidents). 49 App.:1655(c)(1). 49 App.:1655(d) (1st sentence). 49 App.:1903(a)(1)(A), (3).	Aug. 23, 1958, Pub. L. 85-726, § 701(a)(3), (5), 72 Stat. 781. Oct. 15, 1966, Pub. L. 89-670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, § 7(b), 96 Stat. 2444. Oct. 15, 1966, Pub. L. 89-670, § 6(d) (1st sentence), 80 Stat. 938. Jan. 3, 1975, Pub. L. 93-633, § 304(a)(1)(A), (3)-(5), (7), (8), 88 Stat. 2168, 2169.
1116(b)(1)	49 App.:1441(a)(5) (related to studies). 49 App.:1655(d) (1st sentence). 49 App.:1903(a)(1)(A), (4).	
1116(b) (2)-(5).	49 App.:1903(a)(5). 49 App.:1903(a)(6). 49 App.:1903(a)(7), (8).	Jan. 3, 1975, Pub. L. 93-633, § 304(a)(6), 88 Stat. 2169; Nov. 3, 1981, Pub. L. 97-74, § 4, 95 Stat. 1065; Dec. 30, 1987, Pub. L. 100-223, § 311(a), 101 Stat. 1528.

In subsection (a)(1), the word “recommending” is omitted as being included in “advocate” in 49 App.:1903(a)(3). The word “recurrence” is omitted as surplus. The text of 49 App.:1441(a)(3) and (5) (related to reducing accidents) is omitted as superseded by 49 App.:1903(a)(3).

In subsection (b)(1), the words “carry out” are substituted for “initiate and conduct” in 49 App.:1903(a)(4) for consistency in the revised title and with other titles of the United States Code. The text of 49 App.:1441(a)(5) (related to studies) is omitted as superseded by 49 App.:1903(a)(4).

In subsection (b)(2), the word “examine” is substituted for “assess and reassess” for clarity. The words “prepare and” are omitted as surplus.

In subsection (b)(3), the words “by regulation” are omitted as unnecessary because of section 1113(f) of the revised title.

In subsection (b)(4), the word “effectiveness” is substituted for “efficacy” for clarity.

AMENDMENTS

2018—Pub. L. 115-254, §1111(a)(1), substituted “, studies, and retrospective reviews” for “and studies” in section catchline.

Subsec. (c). Pub. L. 115-254, §1107(a), added subsec. (c).
Subsec. (d). Pub. L. 115-254, §1111(a)(2), added subsec. (d).

SAVINGS CLAUSE

Pub. L. 115-254, div. C, §1111(c), Oct. 5, 2018, 132 Stat. 3436, provided that: “Nothing in this section [amending this section] or the amendments made by this section may be construed to limit or otherwise affect the authority of the [National Transportation Safety] Board to update, close, or reissue a recommendation.”

§ 1117. Methodology

(a) IN GENERAL.—Not later than 2 years after the date of enactment of the National Transportation Safety Board Reauthorization Act, the Chairman shall include with each investigative report in which a recommendation is issued by

the Board a methodology section detailing the process and information underlying the selection of each recommendation.

(b) ELEMENTS.—Except as provided in subsection (c), the methodology section under subsection (a) shall include, for each recommendation—

(1) a brief summary of the Board’s collection and analysis of the specific accident investigation information most relevant to the recommendation;

(2) a description of the Board’s use of external information, including studies, reports, and experts, other than the findings of a specific accident investigation, if any were used to inform or support the recommendation, including a brief summary of the specific safety benefits and other effects identified by each study, report, or expert; and

(3) a brief summary of any examples of actions taken by regulated entities before the publication of the safety recommendation, to the extent such actions are known to the Board, that were consistent with the recommendation.

(c) ACCEPTABLE LIMITATION.—If the Board knows of more than 3 examples taken by regulated entities before the publication of the safety recommendation that were consistent with the recommendation, the brief summary under subsection (b)(3) may be limited to only 3 of those examples.

(d) EXCEPTION.—Subsection (a) shall not apply if the recommendation is only for a person to disseminate information on—

- (1) an existing agency best practices document; or
- (2) an existing regulatory requirement.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require any change to a recommendation made by the Board before the date of enactment of the National Transportation Safety Board Reauthorization Act, unless the recommendation is a repeat recommendation issued on or after the date of enactment of such Act.

(f) SAVINGS CLAUSE.—Nothing in this section may be construed—

- (1) to delay publication of the findings, cause, or probable cause of a Board investigation;
- (2) to delay the issuance of an urgent recommendation that the Board has determined must be issued to avoid immediate loss, death, or injury; or
- (3) to limit the number of examples the Board may consider before issuing a recommendation.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 751; Pub. L. 104-66, title II, §2151, Dec. 21, 1995, 109 Stat. 731; Pub. L. 109-443, §2(a)(1), Dec. 21, 2006, 120 Stat. 3297; Pub. L. 115-254, div. C, §1107(b)(1), Oct. 5, 2018, 132 Stat. 3432.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1117	49 App.:1904.	Jan. 3, 1975, Pub. L. 93-633, § 305, 88 Stat. 2171.