

used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State;"; and

(E) by striking paragraph (5) and replacing it with the following:

"(5)(A) has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification as described in subsection (d)(1); or

"(B) has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept the photographic identification as described in subsection (d)(1);";

(2) in subsection (d)—

(A) paragraph (1)—

(i) by striking "retired" and inserting "separated"; and

(ii) by striking "to meet the standards" and all that follows through "concealed firearm" and inserting "to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm";

(B) paragraph (2)—

(i) in subparagraph (A), by striking "retired" and inserting "separated"; and

(ii) in subparagraph (B), by striking "that indicates" and all that follows through the period and inserting "or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met—

"(I) the active duty standards for qualification in firearms training, as established by the State, to carry a firearm of the same type as the concealed firearm; or

"(II) if the State has not established such standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm."; and

(3) by striking subsection (e) and inserting the following:

"(e) As used in this section—

"(1) the term 'firearm'—

"(A) except as provided in this paragraph, has the same meaning as in section 921 of this title;

"(B) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and

"(C) does not include—

"(i) any machinegun (as defined in section 5845 of the National Firearms Act);

"(ii) any firearm silencer (as defined in section 921 of this title); and

"(iii) any destructive device (as defined in section 921 of this title); and

"(2) the term 'service with a public agency as a law enforcement officer' includes service as a law enforcement officer of the Amtrak Police Department, service as a law enforcement officer of the Federal Reserve, or service as a law enforcement or police officer of the executive branch of the Federal Government."

Mr. LEAHY. Mr. President, I thank all Senators for joining me in support of the Law Enforcement Officers Safety Act Improvements Act of 2010. Passage of this legislation demonstrates the Senate's strong bipartisan support of all the men and women who serve in law enforcement roles in the United States. I thank the Judiciary Commit-

tee's Ranking Member Senator SESSIONS, Senator KYL, and Senator CONRAD for joining me as cosponsors of this legislation.

In March, for the third time since 2007, the Senate Judiciary Committee favorably reported legislation making needed improvements to the Law Enforcement Officers Safety Act of 2004, which allows qualified active and retired law enforcement officers to obtain certification to carry firearms across State lines. I am very pleased the Senate has at last given its approval to these important improvements to the original law.

In 2004, Congress passed the Law Enforcement Officers Safety Act. I worked with Senator Ben Nighthorse Campbell and 68 other Senators to show our strong support for the Nation's law enforcement community. Since enactment, however, many retired officers have experienced substantial difficulty in gaining the benefits the law was intended to confer. I listened carefully to the feedback and advice from those in the law enforcement community to make the existing law stronger and more workable in a responsible and measured way. I especially thank the Fraternal Order of Police, the Federal Law Enforcement Officers Association, and the National Association of Police Organizations for their strong support.

The amendments we pass today will make the original law's operation more efficient while maintaining the rigorous standards that apply to those who seek its benefits. It will ensure that law enforcement officers who have served honorably and who are now retired will have flexibility in achieving the law's benefits and privileges which Congress determined they deserve.

It is especially appropriate that we pass this legislation this week at a time when tens of thousands of law enforcement officers are in the Nation's Capital to honor and remember their fellow officers who have lost their lives in the line of duty. As I do each year, and in recognition of the ceremonies in Washington, I introduced a resolution to officially recognize May 15 as National Peace Officers Memorial Day. The Senate unanimously adopted that resolution. All of the men and women who serve and who are in Washington to remember and celebrate their fallen fellow officers should know that the Senate recognizes the extraordinary work they do on behalf of all Americans.

I thank all Senators who supported this measure and express my deep appreciation for the sacrifices and service of all of the men and women who give so much in the service of their fellow citizens.

Mr. DODD. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that

any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1132), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

## NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2009

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 273, S. 2768.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2768) to amend title 49, United States Code, authorizing appropriations for the National Transportation Safety Board for fiscal years 2010 through 2014, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Transportation Safety Board Reauthorization Act of 2009".

### SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 1118(a) of title 49, United States Code, is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated for the purposes of this chapter \$100,000,000 for fiscal year 2010, \$105,000,000 for fiscal year 2011, \$112,000,000 for fiscal year 2012, \$118,000,000 for fiscal year 2013, and \$124,000,000 for fiscal year 2014. Such sums shall remain available until expended."

(b) FEES, REFUNDS, REIMBURSEMENTS, AND ADVANCES.—Section 1118(c) of such title is amended to read as follows:

"(c) FEES, REFUNDS, REIMBURSEMENTS, AND ADVANCES.—

"(1) IN GENERAL.—The Board may impose and collect such fees, refunds, reimbursements, and advances as it determines to be appropriate for activities, services, and facilities provided by or through the Board.

"(2) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any fee, refund, reimbursement, or advance collected under this subsection—

"(A) shall be credited as offsetting collections to the account that finances the activities, services, or facilities for which the fee, refund, reimbursement, or advance is associated;

"(B) shall be available for expenditure only to pay the costs of activities, services, or facilities for which the fee, refund, reimbursement, or advance is associated; and

"(C) shall remain available until expended.

"(3) RECORD.—The Board shall maintain an annual record of collections received under paragraph (2).

"(4) REFUNDS.—The Board may refund any fee or advance paid by mistake or any amount paid in excess of that required."

### SEC. 3. TECHNICAL CORRECTIONS.

(a) DEFINITIONS.—Section 1101 of title 49, United States Code, is amended by striking

"otherwise." and inserting "otherwise, and may include incidents not involving destruction or damage, but significantly affecting transportation safety, as the Board may prescribe or Congress may direct."

(b) GENERAL ORGANIZATION.—Section 1111(d) of title 49, United States Code, is amended by striking "absent" and inserting "unavailable".

(c) ADMINISTRATIVE.—Section 1113 of title 49, United States Code, is amended—

(1) by inserting "or depositions" in paragraph (a)(1) after "hearings"; and

(2) by inserting "In the interest of transportation safety, the Board shall have the authority by subpoena to summon witnesses and obtain any and all evidence relevant to an accident investigation conducted under this chapter." after "(2)" in subsection (a)(2).

(d) DISCLOSURE, AVAILABILITY, AND USE OF INFORMATION.—Section 1114 of title 49, United States Code, is amended—

(1) by striking the heading for subsection (b) and inserting "(b) TRADE SECRETS; COMMERCIAL OR FINANCIAL INFORMATION."; and

(2) by inserting "submitted to the Board in the course of a Board investigation or study and" in subsection (b)(1) after "information" the first place it appears;

(3) by striking "title 18" in subsection (b)(1) and inserting "title 18, or commercial or financial information,";

(4) by striking "safety" in subsection (b)(1)(D) the first place it appears and inserting "safety, including through the issuance of reports of accident investigation or safety studies and safety recommendations,";

(5) by inserting "subparagraphs (A) through (C) of" after "under" in subsection (b)(2);

(6) by adding at the end of subsection (b) the following:

"(4) Each person submitting to the Board trade secrets, commercial or financial information, or information that could be classified as controlled under the International Traffic in Arms Regulations shall appropriately annotate the information to indicate the restricted nature of the information in order to facilitate proper handling of such materials by the Board.";

(7) by striking "shall" in paragraph(1)(A) of subsection (f) and inserting "may";

(8) by striking "information" in paragraph (2) of subsection (f) and inserting "information, or other relevant information authorized for disclosure under this chapter,"; and

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

"(g) ONGOING BOARD INVESTIGATIONS.—(1) Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, may publicly disclose records related to an ongoing Board investigation, and such records shall be exempt from disclosure under section 552(b)(3) of title 5. Notwithstanding the preceding sentence, the Board may make public specific records relevant to the investigation, release of which in the Board's judgment is necessary to promote transportation safety—

"(A) if the Board holds a public hearing on the accident or incident, at the time of the hearing;

"(B) if the Board does not hold a public hearing, at the time the Board determines that substantial portions of the underlying factual reports on the accident or incident, and supporting evidence, will be placed in the public docket; or

"(C) if the Board determines during an ongoing investigation or study that circumstances warrant disclosure of specific factual material and that such material need be placed in the public docket to facilitate dialogue with other agencies or instrumentalities, regulatory bodies, industry or industry groups, or Congress.

"(2) This subsection does not prevent the Board from referring at any time to evidence from an ongoing investigation in making safety recommendations.

"(3) In this subsection, the term 'ongoing investigation' means that period beginning at the

time the Board is notified of an accident or incident and ending when the Board issues a final report or brief, or determines to close an investigation without issuing a report or brief."

(e) REPORTS AND STUDIES.—Section 1116(b) of title 49, United States Code, is amended—

(1) by striking "carry out" in paragraph (1) and inserting "conduct"; and

(2) by striking paragraph (3) and inserting the following:

"(3) prescribe requirements for persons reporting accidents and incidents that may be investigated by the Board under this chapter;"

(f) DISCOVERY AND USE OF COCKPIT AND SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—Section 1154(a)(1)(A) of title 49, United States Code, is amended by striking "and" and inserting "or".

#### SEC. 4. AUTHORITY OF THE BOARD.

(a) EVALUATION AND AUDIT.—Section 1138(a) of title 49, United States Code, is amended by striking "conducted at least annually, but may be"

(b) TRAINING OF BOARD EMPLOYEES AND OTHERS.—Section 1115(d) of title 49, United States Code, is amended—

(1) by striking "investigation." and inserting "investigation, including investigation theory and techniques and transportation safety, to advance Board safety recommendations.";

(2) by striking "training." and inserting "training or who influence transportation safety through support or adoption of Board safety recommendations."; and

(3) by striking "collections." and inserting "collections under the provisions of section 1118 of this chapter."

(c) ACCIDENT INVESTIGATION AUTHORITY.—Section 1131 of title 49, United States Code, is amended—

(1) by striking subsection (a)(1)(C) and inserting the following:

"(C) a freight or passenger railroad accident in which there is a fatality (other than a fatality involving a trespasser), substantial property damage, or significant injury to the environment,";

(2) by striking "and" after the semicolon in subsection (a)(1)(E);

(3) by inserting "or incident" after "accident" each place it appears in subsection (a)(1)(F);

(4) by striking "chapter." in subsection (a)(1)(F) and inserting "chapter";

(5) by adding at the end of subsection (a)(1) the following:

"(G) an accident or incident in response to an international request and delegation under appropriate international conventions, coordinated through the Department of State and accepted by the Board; and

"(H) an incident or incidents significantly affecting transportation safety, as defined by the Board, under rules and in such detail as the Board may prescribe.";

(6) by striking "paragraph (1)(A)–(D) or (F)" in subsection (a)(2)(A) and inserting "any of subparagraphs (A) through (F) of paragraph (1)";

(7) by inserting "or incident" after "accident" each place it appears in subsection (a)(3);

(8) by inserting "or relevant to" after "developed about" in subsection (a)(3);

(9) by inserting "AND INCIDENT" after "ACCIDENT" in the heading for subsection (e); and

(10) by inserting "and incident" in subsection (e) after "each accident".

(d) CIVIL AIRCRAFT AND MARITIME ACCIDENT INVESTIGATIONS.—

(1) IN GENERAL.—Section 1132 of title 49, United States Code, is amended—

(A) by inserting "or have investigated" in subsection (a)(1) after "investigate";

(B) by striking "aircraft;" in subsection (a)(1)(A) and inserting "aircraft or a commercial space launch vehicle,"; and

(C) by adding at the end the following:

"(e) AUTHORITY OF BOARD REPRESENTATIVE.—The Board may, with the consent of the Sec-

retary, delegate to the Department of Transportation full authority to obtain the facts of any aviation accident or incident the Board shall investigate, and the on-scene representative of the Secretary shall have the full authority of the Board to, on display of appropriate credentials and written notice of inspection authority, enter property where an aviation accident has occurred or wreckage from the accident is located and do anything necessary to gather evidence in support of a Board investigation, in accordance with such rules as the Board may prescribe.

"(f) MARITIME ACCIDENT INVESTIGATIONS.—The Board may, with the consent of the Secretary of the department in which the Coast Guard is operating, delegate to the Coast Guard full authority to obtain the facts of any maritime accident or incident the Board shall investigate, and the on-scene representative of the Commandant of the Coast Guard shall have the full authority of the Board to, on display of appropriate credentials and written notice of inspection authority, enter property where a maritime accident has occurred or wreckage from the accident is located and do anything necessary to gather evidence in support of a Board investigation, in accordance with such rules as the Board may prescribe."

(2) CONFORMING AMENDMENTS.—

(A) The heading for section 1132 of title 49, United States Code, is amended to read as follows:

**"§ 1132. Civil aircraft and maritime accident investigations".**

(B) The table of contents for chapter 11 of title 49, United States Code, is amended by striking the item relating to section 1132 and inserting the following:

"1132. Civil aircraft and maritime accident investigations".

(e) INSPECTIONS AND AUTOPSIES.—Section 1134 of title 49, United States Code, is amended—

(1) by striking "officer or employee of the National Transportation Safety Board—" in subsection (a) and inserting "officer, employee, or designee of the National Transportation Safety Board in the conduct of any accident or incident investigation or study—";

(2) by adding at the end of subsection (b)(1) the following: "The Board may download or seize any recording device and recordings and may require specific information only available from the manufacturer to enable the Board to read and interpret any flight parameter or navigation storage device or media on board the accident aircraft. The provisions of section 1114(b) of this chapter shall apply to matters properly identified as trade secrets or commercial or financial information."; and

(3) by inserting after "component." in subsection (c) the following: "The officer or employee may download or seize any recording device and recordings, and may require the production of specific information only available from the manufacturer to enable the Board to read and interpret any operational parameter or navigation storage device or media on board the accident vehicle, vessel, or rolling stock. The provisions of section 1114(b) of this chapter shall apply to matters properly identified as trade secrets or commercial or financial information."

#### SEC. 5. AVIATION PENALTIES AND FAMILY ASSISTANCE.

(a) FAMILY ASSISTANCE IN COMMERCIAL AVIATION ACCIDENTS.—Section 4113(b)(7) of title 49, United States Code, is amended by striking "months." and inserting "months and that, prior to destruction of unclaimed possessions, a reasonable attempt will be made to notify the family of each passenger within 60 days of any planned destruction date."

(b) FAMILY ASSISTANCE IN COMMERCIAL AVIATION ACCIDENTS INVOLVING FOREIGN CARRIERS.—Section 4131(c)(7) of title 49, United States Code, is amended by striking "accident." and inserting "accident and that, prior to destruction of unclaimed possessions, a reasonable

attempt will be made to notify the family of each passenger within 60 days of any planned destruction date.”.

#### SEC. 6. ACCIDENT-RELATED INFORMATION RELEASE POLICY REPORT.

Within 180 days after the date of enactment of this Act, the National Transportation Safety Board shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report describing the policies, procedures, and guidelines used by the Board in the expedited release of factual accident-related information to victims and their families, Federal, State, and local accident investigators and agencies, private or third party investigation partners, the public, and other stakeholders.

Mr. DODD. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be considered; that a Dorgan-Rockefeller amendment, which is at the desk, be agreed to; the substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed; an amendment to the title, which is at the desk, be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4038) was agreed to.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2768), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2768

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “National Transportation Safety Board Reauthorization Act of 2010”.

#### SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 1118(a) of title 49, United States Code, is amended to read as follows:

“(a) IN GENERAL.—There are authorized to be appropriated for the purposes of this chapter \$98,050,000 for fiscal year 2011 and \$98,050,000 for fiscal year 2012. Such sums shall remain available until expended.”.

(b) FEES, REFUNDS, REIMBURSEMENTS, AND ADVANCES.—Section 1118(c) of such title is amended to read as follows:

“(c) FEES, REFUNDS, REIMBURSEMENTS, AND ADVANCES.—

“(1) IN GENERAL.—The Board may impose and collect such fees, refunds, reimbursements, and advances as it determines to be appropriate for activities, services, and facilities provided by or through the Board.

“(2) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any fee, refund, reimbursement, or advance collected under this subsection—

“(A) shall be credited as offsetting collections to the account that finances the activities, services, or facilities for which the fee, refund, reimbursement, or advance is associated;

“(B) shall be available for expenditure only to pay the costs of activities, services, or fa-

cilities for which the fee, refund, reimbursement, or advance is associated; and

“(C) shall remain available until expended.

“(3) RECORD.—The Board shall maintain an annual record of collections received under paragraph (2).

“(4) REFUNDS.—The Board may refund any fee or advance paid by mistake or any amount paid in excess of that required.”.

#### SEC. 3. TECHNICAL CORRECTIONS.

(a) DEFINITIONS.—Section 1101 of title 49, United States Code, is amended by striking “otherwise.” and inserting “otherwise, and may include incidents not involving destruction or damage, but significantly affecting transportation safety, as the Board may prescribe or Congress may direct.”.

(b) GENERAL ORGANIZATION.—Section 1111(d) of title 49, United States Code, is amended by striking “absent” and inserting “unavailable”.

(c) ADMINISTRATIVE.—Section 1113 of title 49, United States Code, is amended—

(1) by inserting “or depositions” in paragraph (a)(1) after “hearings”; and

(2) by inserting “In the interest of transportation safety, the Board shall have the authority by subpoena to summon witnesses and obtain any and all evidence relevant to an accident investigation conducted under this chapter.” after “(2)” in subsection (a)(2).

(d) DISCLOSURE, AVAILABILITY, AND USE OF INFORMATION.—Section 1114 of title 49, United States Code, is amended—

(1) by striking the heading for subsection (b) and inserting “(b) TRADE SECRETS; COMMERCIAL OR FINANCIAL INFORMATION.—”;

(2) by inserting “submitted to the Board in the course of a Board investigation or study and” in subsection (b)(1) after “information” the first place it appears;

(3) by striking “title 18” in subsection (b)(1) and inserting “title 18, or commercial or financial information.”;

(4) by striking “safety” in subsection (b)(1)(D) the first place it appears and inserting “safety, including through the issuance of reports of accident investigation or safety studies and safety recommendations.”;

(5) by inserting “subparagraphs (A) through (C) of” after “under” in subsection (b)(2);

(6) by adding at the end of subsection (b) the following:

“(4) Each person submitting to the Board trade secrets, commercial or financial information, or information that could be classified as controlled under the International Traffic in Arms Regulations shall appropriately annotate the information to indicate the restricted nature of the information in order to facilitate proper handling of such materials by the Board.”;

(7) by striking “shall” in paragraph (1)(A) of subsection (f) and inserting “may”;

(8) by striking “information” in paragraph (2) of subsection (f) and inserting “information, or other relevant information authorized for disclosure under this chapter.”; and

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

“(g) ONGOING BOARD INVESTIGATIONS.—(1) Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, may publicly disclose records related to an ongoing Board investigation, and such records shall be exempt from disclosure under section 552(b)(3) of title 5. Notwithstanding the preceding sentence, the Board may make public specific records relevant to the investigation, release of which in the Board’s judgment is necessary to promote transportation safety—

“(A) if the Board holds a public hearing on the accident or incident, at the time of the hearing;

“(B) if the Board does not hold a public hearing, at the time the Board determines that substantial portions of the underlying factual reports on the accident or incident, and supporting evidence, will be placed in the public docket; or

“(C) if the Board determines during an ongoing investigation or study that circumstances warrant disclosure of specific factual material and that such material need be placed in the public docket to facilitate dialogue with other agencies or instrumentalities, regulatory bodies, industry or industry groups, or Congress.

“(2) This subsection does not prevent the Board from referring at any time to evidence from an ongoing investigation in making safety recommendations.

“(3) In this subsection, the term ‘ongoing investigation’ means that period beginning at the time the Board is notified of an accident or incident and ending when the Board issues a final report or brief, or determines to close an investigation without issuing a report or brief.”.

(e) REPORTS AND STUDIES.—Section 1116(b) of title 49, United States Code, is amended—

(1) by striking “carry out” in paragraph (1) and inserting “conduct”; and

(2) by striking paragraph (3) and inserting the following:

“(3) prescribe requirements for persons reporting accidents and incidents that may be investigated by the Board under this chapter.”.

(f) DISCOVERY AND USE OF COCKPIT AND SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—Section 1154(a)(1)(A) of title 49, United States Code, is amended by striking “and” and inserting “or”.

#### SEC. 4. AUTHORITY OF THE BOARD.

(a) EVALUATION AND AUDIT.—Section 1138(a) of title 49, United States Code, is amended by striking “conducted at least annually, but may be”.

(b) TRAINING OF BOARD EMPLOYEES AND OTHERS.—Section 1115(d) of title 49, United States Code, is amended—

(1) by striking “investigation.” and inserting “investigation, including investigation theory and techniques and transportation safety, to advance Board safety recommendations.”;

(2) by striking “training.” and inserting “training or who influence transportation safety through support or adoption of Board safety recommendations.”; and

(3) by striking “collections.” and inserting “collections under the provisions of section 1118 of this chapter.”.

(c) ACCIDENT INVESTIGATION AUTHORITY.—Section 1131 of title 49, United States Code, is amended—

(1) by striking subsection (a)(1)(C) and inserting the following:

“(C) a freight or passenger railroad accident in which there is a fatality (other than a fatality involving a trespasser), substantial property damage, or significant injury to the environment.”;

(2) by striking “and” after the semicolon in subsection (a)(1)(E);

(3) by inserting “or incident” after “accident” each place it appears in subsection (a)(1)(F);

(4) by striking “chapter.” in subsection (a)(1)(F) and inserting “chapter.”;

(5) by adding at the end of subsection (a)(1) the following:

“(G) an accident or incident in response to an international request and delegation under appropriate international conventions, coordinated through the Department of State and accepted by the Board; and

“(H) an incident or incidents significantly affecting transportation safety, as defined by the Board, under rules and in such detail as the Board may prescribe.”;

(6) by inserting “or incident” after “accident” each place it appears in subsection (a)(3);

(7) by inserting “or relevant to” after “developed about” in subsection (a)(3);

(8) by inserting “AND INCIDENT” after “ACCIDENT” in the heading for subsection (e); and

(9) by inserting “and incident” in subsection (e) after “each accident”.

(d) CIVIL AIRCRAFT AND MARITIME ACCIDENT INVESTIGATIONS.—

(1) IN GENERAL.—Section 1132 of title 49, United States Code, is amended—

(A) by inserting “or have investigated” in subsection (a)(1) after “investigate”;

(B) by striking “aircraft,” in subsection (a)(1)(A) and inserting “aircraft or a commercial space launch vehicle;”; and

(C) by adding at the end the following:

“(e) AUTHORITY OF BOARD REPRESENTATIVE.—The Board may, with the consent of the Secretary, delegate to the Department of Transportation full authority to obtain the facts of any aviation accident or incident the Board shall investigate, and the on-scene representative of the Secretary shall have the full authority of the Board to, on display of appropriate credentials and written notice of inspection authority, enter property where an aviation accident has occurred or wreckage from the accident is located and do anything necessary to gather evidence in support of a Board investigation, in accordance with such rules as the Board may prescribe.”

“(f) MARITIME ACCIDENT INVESTIGATIONS.—The Board may, with the consent of the Secretary of the department in which the Coast Guard is operating, delegate to the Coast Guard full authority to obtain the facts of any maritime accident or incident the Board shall investigate, and the on-scene representative of the Commandant of the Coast Guard shall have the full authority of the Board to, on display of appropriate credentials and written notice of inspection authority, enter property where a maritime accident has occurred or wreckage from the accident is located and do anything necessary to gather evidence in support of a Board investigation, in accordance with such rules as the Board may prescribe.”

(2) CONFORMING AMENDMENTS.—

(A) The heading for section 1132 of title 49, United States Code, is amended to read as follows:

“§ 1132. Civil aircraft and maritime accident investigations”.

(B) The table of contents for chapter 11 of title 49, United States Code, is amended by striking the item relating to section 1132 and inserting the following:

“1132. Civil aircraft and maritime accident investigations”.

(e) INSPECTIONS AND AUTOPSIES.—Section 1134 of title 49, United States Code, is amended—

(1) by striking “officer or employee of the National Transportation Safety Board—” in subsection (a) and inserting “officer, employee, or designee of the National Transportation Safety Board in the conduct of any accident or incident investigation or study—”; and

(2) by adding at the end of subsection (b)(1) the following: “The Board may download or seize any recording device and recordings and may require specific information only available from the manufacturer to enable the Board to read and interpret any flight parameter or navigation storage device or media on board the accident aircraft. The provisions of section 1114(b) of this chapter shall apply to matters properly identified as trade secrets or commercial or financial information.”; and

(3) by inserting after “component.” in subsection (c) the following: “The officer or employee may download or seize any recording device and recordings, and may require the production of specific information only available from the manufacturer to enable the Board to read and interpret any operational parameter or navigation storage device or media on board the accident vehicle, vessel, or rolling stock. The provisions of section 1114(b) of this chapter shall apply to matters properly identified as trade secrets or commercial or financial information.”.

#### SEC. 5. AVIATION PENALTIES AND FAMILY ASSISTANCE.

(a) FAMILY ASSISTANCE IN COMMERCIAL AVIATION ACCIDENTS.—Section 4113(b)(7) of title 49, United States Code, is amended by striking “months.” and inserting “months and that, prior to destruction of unclaimed possessions, a reasonable attempt will be made to notify the family of each passenger within 60 days of any planned destruction date.”.

(b) FAMILY ASSISTANCE IN COMMERCIAL AVIATION ACCIDENTS INVOLVING FOREIGN CARRIERS.—Section 4131(c)(7) of title 49, United States Code, is amended by striking “accident.” and inserting “accident and that, prior to destruction of unclaimed possessions, a reasonable attempt will be made to notify the family of each passenger within 60 days of any planned destruction date.”.

#### SEC. 6. ACCIDENT-RELATED INFORMATION RELEASE POLICY REPORT.

Within 180 days after the date of enactment of this Act, the National Transportation Safety Board shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report describing the policies, procedures, and guidelines used by the Board in the expedited release of factual accident-related information to victims and their families, Federal, State, and local accident investigators and agencies, private or third party investigation partners, the public, and other stakeholders.

The amendment (No. 4039) was agreed to, as follows:

Amend the title so as to read “A Bill To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2011 and 2012, and for other purposes.”

#### EXPRESSING SYMPATHY TO AND SOLIDARITY WITH THE REPUBLIC OF KOREA

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 525, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 525) expressing sympathy to the families of those killed in the sinking of the Republic of Korea Ship Cheonan, and solidarity with the Republic of Korea in the aftermath of this tragic incident.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action

or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 525) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 525

Expressing sympathy to the families of those killed in the sinking of the Republic of Korea Ship Cheonan, and solidarity with the Republic of Korea in the aftermath of this tragic incident.

Whereas on March 26, 2010, the Republic of Korea Ship (ROKS) Cheonan was sunk by an external explosion in the vicinity of Baengnyeong Island, Republic of Korea;

Whereas of the 104 members of the crew of the Republic of Korea Ship Cheonan, 46 were killed in this incident, including 6 lost at sea;

Whereas on April 25, 2010, the Government of the Republic of Korea commenced a five-day period of mourning for these 46 sailors;

Whereas the Government of the Republic of Korea continues to lead an international investigation into the circumstances surrounding the sinking of the Republic of Korea Ship Cheonan;

Whereas the alliance between the United States and the Republic of Korea has been a vital anchor for security and stability in Asia for more than 50 years; and

Whereas the United States and the Republic of Korea are bound together by the shared values of democracy and the rule of law: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its sympathy and condolences to the families and loved ones of the sailors of the Republic of Korea Ship (ROKS) Cheonan who were killed in action on March 26, 2010;

(2) stands in solidarity with the people and the Government of the Republic of Korea in the aftermath of this tragic incident;

(3) reaffirms its enduring commitment to the alliance between the Republic of Korea and the United States and to the security of the Republic of Korea;

(4) urges the continuing full cooperation and assistance of the United States Government in aiding the Government of the Republic of Korea as it investigates the cause of the sinking of the Republic of Korea Ship Cheonan;

(5) urges the international community to provide all necessary support to the Republic of Korea as the Government of the Republic of Korea investigates the sinking of the Republic of Korea Ship Cheonan; and

(6) further urges the international community to fully and faithfully implement all United Nations Security Council Resolutions pertaining to security on the Korean Peninsula, including United Nations Security Council Resolution 1695 (2006), United Nations Security Council Resolution 1718 (2006), and United Nations Security Council Resolution 1874 (2009).

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 111-5

Mr. DODD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on May 13, 2010, by the President of the United States:

Treaty with Russia on Measures for Further Reduction and Limitation of