

DEFINITIONS OF TERMS IN DIV. C OF PUB. L. 115-254

Pub. L. 115-254, div. C, § 1102, Oct. 5, 2018, 132 Stat. 3429, provided that: “In this division [enacting section 1140 of this title, amending sections 1111, 1113, 1114, 1116 to 1118, 1131, 1134, 1136, 1138, 1139, 1154, 41113, and 41313 of this title, and enacting provisions set out as notes under sections 1116, 1119, and 40101 of this title], the following definitions apply:

“(1) BOARD.—The term ‘Board’ means the National Transportation Safety Board.

“(2) CHAIRMAN.—The term ‘Chairman’ means the Chairman of the National Transportation Safety Board.

“(3) MOST WANTED LIST.—The term ‘Most Wanted List’ means the Board publication entitled ‘Most Wanted List’.”

SUBCHAPTER II—ORGANIZATION AND ADMINISTRATIVE

§ 1111. General organization

(a) ORGANIZATION.—The National Transportation Safety Board is an independent establishment of the United States Government.

(b) APPOINTMENT OF MEMBERS.—The Board is composed of 5 members appointed by the President, by and with the advice and consent of the Senate. Not more than 3 members may be appointed from the same political party. At least 3 members shall be appointed on the basis of technical qualification, professional standing, and demonstrated knowledge in accident reconstruction, safety engineering, human factors, transportation safety, or transportation regulation.

(c) TERMS OF OFFICE AND REMOVAL.—The term of office of each member is 5 years. An individual appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed, is appointed for the remainder of that term. When the term of office of a member ends, the member may continue to serve until a successor is appointed and qualified. The President may remove a member for inefficiency, neglect of duty, or malfeasance in office.

(d) CHAIRMAN AND VICE CHAIRMAN.—The President shall designate, by and with the advice and consent of the Senate, a Chairman of the Board. The President also shall designate a Vice Chairman of the Board. The terms of office of both the Chairman and Vice Chairman are 3 years. When the Chairman is absent or unable to serve or when the position of Chairman is vacant, the Vice Chairman acts as Chairman.

(e) DUTIES AND POWERS OF CHAIRMAN.—The Chairman is the chief executive and administrative officer of the Board. Subject to the general policies and decisions of the Board, the Chairman shall—

(1) appoint and supervise officers and employees, other than regular and full-time employees in the immediate offices of another member, necessary to carry out this chapter;

(2) fix the pay of officers and employees necessary to carry out this chapter;

(3) distribute business among the officers, employees, and administrative units of the Board; and

(4) supervise the expenditures of the Board.

(f) QUORUM.—Three members of the Board are a quorum in carrying out duties and powers of the Board.

(g) OFFICES, BUREAUS, AND DIVISIONS.—The Board shall establish offices necessary to carry out this chapter, including an office to investigate and report on the safe transportation of hazardous material. The Board shall establish distinct and appropriately staffed bureaus, divisions, or offices to investigate and report on accidents involving each of the following modes of transportation:

- (1) aviation.
- (2) highway and motor vehicle.
- (3) rail and tracked vehicle.
- (4) pipeline.
- (5) marine.

(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.

(i) BOARD MEMBER STAFF.—Each member of the Board shall select and supervise regular and full-time employees in his or her immediate office as long as any such employee has been approved for employment by the designated agency ethics official under the same guidelines that apply to all employees of the Board. Except for the Chairman, the appointment authority provided by this subsection is limited to the number of full-time equivalent positions, in addition to 1 senior professional staff at a level not to exceed the GS 15 level and 1 administrative staff, allocated to each member through the Board's annual budget and allocation process.

(j) SEAL.—The Board shall have a seal that shall be judicially recognized.

(k) OPEN MEETINGS.—

(1) IN GENERAL.—The Board shall be deemed to be an agency for purposes of section 552b of title 5.

(2) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

(A) IN GENERAL.—Notwithstanding section 552b of title 5, a majority of the members may hold a meeting that is not open to public observation to discuss official agency business if—

(i) no formal or informal vote or other official agency action is taken at the meeting;

(ii) each individual present at the meeting is a member or an employee of the Board;

(iii) at least 1 member of the Board from each political party is present at the meeting, if applicable; and

(iv) the General Counsel of the Board is present at the meeting.

(B) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—Except as provided under subparagraphs (C) and (D), not later than 2 business days after the conclusion of

a meeting under subparagraph (A), the Board shall make available to the public, in a place easily accessible to the public—

- (i) a list of the individuals present at the meeting; and
- (ii) a summary of the matters, including key issues, discussed at the meeting, except for any matter the Board properly determines may be withheld from the public under section 552b(c) of title 5.

(C) SUMMARY.—If the Board properly determines a matter may be withheld from the public under section 552b(c) of title 5, the Board shall provide a summary with as much general information as possible on each matter withheld from the public.

(D) ACTIVE INVESTIGATIONS.—If a discussion under subparagraph (A) directly relates to an active investigation, the Board shall make the disclosure under subparagraph (B) on the date the Board adopts the final report.

(E) PRESERVATION OF OPEN MEETINGS REQUIREMENTS FOR AGENCY ACTION.—Nothing in this paragraph may be construed to limit the applicability of section 552b of title 5 with respect to a meeting of the members other than that described in this paragraph.

(F) STATUTORY CONSTRUCTION.—Nothing in this paragraph may be construed—

- (i) to limit the applicability of section 552b of title 5 with respect to any information which is proposed to be withheld from the public under subparagraph (B)(ii); or
- (ii) to authorize the Board to withhold from any individual any record that is accessible to that individual under section 552a of title 5.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 746; Pub. L. 106–424, §10, Nov. 1, 2000, 114 Stat. 1886; Pub. L. 109–443, §9(a), (d), Dec. 21, 2006, 120 Stat. 3301; Pub. L. 115–254, div. C, §1112(a), (b), Oct. 5, 2018, 132 Stat. 3436.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1111(a)	49 App.:1902(a).	Jan. 3, 1975, Pub. L. 93–633, §303(a), (b)(2)–(c), 88 Stat. 2167, 2168.
1111(b)	49 App.:1902(b)(1) (1st sentence words before comma, 2d–last sentences).	Jan. 3, 1975, Pub. L. 93–633, §303(b)(1), 88 Stat. 2167; Oct. 14, 1982, Pub. L. 97–309, §1 (1st sentence), 96 Stat. 1453.
1111(c)	49 App.:1902(b)(2).	
1111(d)	49 App.:1902(b)(1) (1st sentence words after comma), (3) (1st, 2d, 4th sentences).	
1111(e)	49 App.:1902(b)(3) (3d, last sentences), (c)(3).	
1111(f)	49 App.:1902(b)(4).	
1111(g)	49 App.:1902(b)(5), (c)(1).	
1111(h)	49 App.:1902(c)(2).	

In subsection (a), the words “previously established within the Department of Transportation” are omitted as unnecessary. The words “in accordance with this section, on and after April 1, 1975” are omitted as executed.

In subsection (c), the words “except as otherwise provided in this paragraph” are omitted as surplus. The text of 49 App.:1902(b)(2) (4th sentence) is omitted as executed.

In subsection (d), the words “On or before January 1, 1976” are omitted as executed. The words “(and thereafter as required)” and “(hereafter in this chapter referred to as the ‘Chairman’)” are omitted as unnecessary.

In subsection (e), before clause (1), the words “is the chief executive and administrative officer of the Board” are substituted for “shall be the chief executive officer of the Board and shall exercise the executive and administrative functions of the Board” for clarity. The words “Subject to the general policies and decisions of the Board, the Chairman shall” are substituted for 49 App.:1902(b)(3) (last sentence) to eliminate unnecessary words. In clause (1), the words “Subject to the civil service and classification laws” are omitted as unnecessary because of title 5, United States Code, especially sections 3301, 5101, and 5331. The words “the Board is authorized” are omitted for consistency because the authority to appoint officers and employees is vested in the Chairman subject to the “general policies and decisions of the Board” as provided in the source provisions. The words “including investigators, attorneys, and administrative law judges” are omitted as covered by “officers and employees”. The words “carry out this chapter” are substituted for “carry out its powers and duties under this chapter” to eliminate unnecessary words. In clause (3), the words “expenditures of the Board” are substituted for “the use and expenditure of funds” for clarity.

In subsection (f), the words “duties and powers” are substituted for “function” for consistency in the revised title and with other titles of the Code.

In subsection (g), the text of 49 App.:1902(c)(1) is omitted as unnecessary because of 40:ch. 10.

Editorial Notes

REFERENCES IN TEXT

GS–15, referred to in subsec. (i), is contained in the General Schedule, which is set out under section 5332 of Title 5, Government Organization and Employees.

AMENDMENTS

2018—Subsec. (d). Pub. L. 115–254, §1112(a), substituted “3 years” for “2 years”.

Subsec. (k). Pub. L. 115–254, §1112(b), added subsec. (k).

2006—Subsec. (e)(1). Pub. L. 109–443, §9(d)(1), added par. (1) and struck out former par. (1) which read as follows: “appoint, supervise, and fix the pay of officers and employees necessary to carry out this chapter;”.

Subsec. (e)(2) to (4). Pub. L. 109–443, §9(d)(2), (3), added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

Subsec. (g)(5). Pub. L. 109–443, §9(a), added par. (5).

Subsecs. (i), (j). Pub. L. 109–443, §9(d)(4), (5), added subsec. (i) and redesignated former subsec. (i) as (j).

2000—Subsecs. (h), (i). Pub. L. 106–424 added subsec. (h) and redesignated former subsec. (h) as (i).

Statutory Notes and Related Subsidiaries

UTILIZATION PLAN

Pub. L. 109–443, §2(a)(2), Dec. 21, 2006, 120 Stat. 3297, provided that:

“(A) PLAN.—Within 90 days after the date of enactment of this Act [Dec. 21, 2006], the National Transportation Safety Board shall—

“(i) develop a plan to achieve, to the maximum extent feasible, the self-sufficient operation of the National Transportation Safety Board Academy and utilize the Academy’s facilities and resources;

“(ii) submit a draft of the plan to the Comptroller General for review and comment; and

“(iii) submit a draft of the plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

“(B) PLAN DEVELOPMENT CONSIDERATIONS.—The Board shall—

“(i) give consideration in developing the plan under subparagraph (A)(i) to other revenue-generating measures, including subleasing the facility to another entity; and

“(ii) include in the plan a detailed financial statement that covers current Academy expenses and revenues and an analysis of the projected impact of the plan on the Academy’s expenses and revenues.

“(C) REPORT.—Within 180 days after the date of enactment of this Act [Dec. 21, 2006], the National Transportation Safety Board shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

“(i) an updated copy of the plan developed pursuant to subparagraph (A)(i);

“(ii) any comments and recommendations made by the Comptroller General pursuant to the Government Accountability Office’s review of the draft plan; and

“(iii) a response to the Comptroller General’s comments and recommendations, including a description of any modifications made to the plan in response to those comments and recommendations.

“(D) IMPLEMENTATION.—The plan developed pursuant to subparagraph (A)(i) shall be implemented within 2 years after the date of enactment of this Act [Dec. 21, 2006].”

AUDIT PROCEDURES

Pub. L. 109–443, § 6, Dec. 21, 2006, 120 Stat. 3300, provided that: “The National Transportation Safety Board, in consultation with the Inspector General of the Department of Transportation, shall continue to develop and implement comprehensive internal audit controls for its operations. The audit controls shall address, at a minimum, Board asset management systems, including systems for accounting management, debt collection, travel, and property and inventory management and control.”

IMPROVED AUDIT PROCEDURES

Pub. L. 106–424, § 11, Nov. 1, 2000, 114 Stat. 1887, provided that: “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.”

§ 1112. Special boards of inquiry on air transportation safety

(a) ESTABLISHMENT.—If an accident involves a substantial question about public safety in air transportation, the National Transportation Safety Board may establish a special board of inquiry composed of—

(1) one member of the Board acting as chairman; and

(2) 2 members representing the public, appointed by the President on notification of the establishment of the special board of inquiry.

(b) QUALIFICATIONS AND CONFLICTS OF INTEREST.—The public members of a special board of inquiry must be qualified by training and experience to participate in the inquiry and may not have a pecuniary interest in an aviation enterprise involved in the accident to be investigated.

(c) AUTHORITY.—A special board of inquiry has the same authority that the Board has under this chapter.

(Pub. L. 103–272, § 1(d), July 5, 1994, 108 Stat. 747.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1112	49 App.:1443.	Aug. 23, 1958, Pub. L. 85–726, § 703, 72 Stat. 782.
	49 App.:1655(d) (1st sentence).	Oct. 15, 1966, Pub. L. 89–670, § 6(d) (1st sentence), 80 Stat. 938.
	49 App.:1903(a)(1)(A).	Jan. 3, 1975, Pub. L. 93–633, § 304(a)(1)(A), 88 Stat. 2168.

In subsection (c), the words “when convened to investigate an accident certified to it by the National Transportation Safety Board” are omitted as surplus.

§ 1113. Administrative

(a) GENERAL AUTHORITY.—(1) The National Transportation Safety Board, and when authorized by it, a member of the Board, an administrative law judge employed by or assigned to the Board, or an officer or employee designated by the Chairman of the Board, may conduct hearings to carry out this chapter, administer oaths, and require, by subpoena or otherwise, necessary witnesses and evidence.

(2) A witness or evidence in a hearing under paragraph (1) of this subsection may be summoned or required to be produced from any place in the United States to the designated place of the hearing. A witness summoned under this subsection is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(3) A subpoena shall be issued under the signature of the Chairman or the Chairman’s delegate but may be served by any person designated by the Chairman.

(4) If a person disobeys a subpoena, order, or inspection notice of the Board, the Board may bring a civil action in a district court of the United States to enforce the subpoena, order, or notice. An action under this paragraph may be brought in the judicial district in which the person against whom the action is brought resides, is found, or does business. The court may punish a failure to obey an order of the court to comply with the subpoena, order, or notice as a contempt of court.

(b) ADDITIONAL POWERS.—(1) The Board may—

(A) procure the temporary or intermittent services of experts or consultants under section 3109 of title 5;

(B) make agreements and other transactions necessary to carry out this chapter without regard to section 6101(b) to (d) of title 41;

(C) use, when appropriate, available services, equipment, personnel, and facilities of a department, agency, or instrumentality of the United States Government on a reimbursable or other basis;

(D) confer with employees and use services, records, and facilities of State and local governmental authorities;

(E) appoint advisory committees composed of qualified private citizens and officials of the Government and State and local governments as appropriate;

(F) accept voluntary and uncompensated services notwithstanding another law;

(G) accept gifts of money and other property;