

(6) 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

(7) 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; Pub. L. 118–63, title XII, §1209, May 16, 2024, 138 Stat. 1425.)

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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 The text of 49 App.:1441(a)(3) and (5) (related to reducing accidents) is omitted as superseded by 49 App.:1903(a)(3).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.

Editorial Notes

AMENDMENTS

2024—Subsec. (c)(3) to (7). Pub. L. 118–63 added par. (3) and redesignated former pars. (3) to (6) as (4) to (7), respectively.

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).

Statutory Notes and Related Subsidiaries

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,

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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).	

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.

In this section, before clause (1), the words “but need not be limited to” are omitted as surplus. In clause (2), the words “in such detail as the Board deems advisable” are omitted as surplus. In clause (3), the words “departments, agencies, and instrumentalities of the United States Government and State and local governmental authorities” are substituted for “other government agencies” for clarity and consistency in the revised title and with other titles of the United States Code. The words “for those activities” are substituted for “in this field” for clarity. In clause (4), the word “evaluation” is substituted for “appraisal and evaluation and review” because it is inclusive.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the National Transportation Safety Board Reauthorization Act and the date of enactment of such Act, referred to in subsecs. (a) and (e), are the date of enactment of div. C of Pub. L. 115–254, which was approved Oct. 5, 2018.

AMENDMENTS

2018—Pub. L. 115–254 amended section generally. Prior to amendment, section related to annual report.

2006—Pars. (4) to (6). Pub. L. 109–443 added pars. (4) to (6).

1995—Par. (4). Pub. L. 104–66 struck out par. (4) which read as follows: “an evaluation conducted every 2 years of transportation safety and recommendations for legislative and administrative action and change.”

§ 1118. Authorization of appropriations

(a) IN GENERAL.—

(1) AUTHORIZATIONS.—There is authorized to be appropriated for purposes of this chapter—

- (A) \$140,000,000 for fiscal year 2024;
- (B) \$145,000,000 for fiscal year 2025;
- (C) \$148,000,000 for fiscal year 2026;
- (D) \$151,000,000 for fiscal year 2027; and
- (E) \$154,000,000 for fiscal year 2028.

(2) AVAILABILITY.—Amounts authorized under paragraph (1) shall 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. In addition, there are authorized to be appropriated such sums as may be necessary to increase the fund to, and maintain the fund at, a level not to exceed \$4,000,000.

(c) FEES, REFUNDS, AND REIMBURSEMENTS.—

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

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

- (A) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed or with which the refund or reimbursement is associated;
- (B) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed or with which the refund or reimbursement is associated; and
- (C) shall remain available until expended.

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

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 752; Pub. L. 103–411, §2, Oct. 25, 1994, 108 Stat. 4236; Pub. L. 104–291, title I, §105, Oct. 11, 1996, 110 Stat. 3453; Pub. L. 106–424, §13, Nov. 1, 2000, 114 Stat. 1888; Pub. L. 108–168, §2, Dec. 6, 2003, 117 Stat. 2032; Pub. L. 109–443, §8(a), (b)(1), (c), Dec. 21, 2006, 120 Stat. 3300; Pub. L. 115–254, div. C, §1103, Oct. 5, 2018, 132 Stat. 3429; Pub. L. 118–63, title XII, §1202, May 16, 2024, 138 Stat. 1422.)