

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).	Aug. 23, 1958, Pub. L. 85-726, § 701(a)(3), (5), 72 Stat. 781.
	49 App.:1655(c)(1).	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.
	49 App.:1655(d) (1st sentence).	Oct. 15, 1966, Pub. L. 89-670, § 6(d) (1st sentence), 80 Stat. 938.
1116(b)(1) ....	49 App.:1903(a)(1)(A), (3).	Jan. 3, 1975, Pub. L. 93-633, § 304(a)(1)(A), (3)-(5), (7), (8), 88 Stat. 2168, 2169.
	49 App.:1441(a)(5) (related to studies).	
	49 App.:1655(d) (1st sentence).	
1116(b)(2)-(5).	49 App.:1903(a)(1)(A), (4).	
	49 App.:1903(a)(5).	
	49 App.:1903(a)(6).	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.
	49 App.:1903(a)(7), (8).	

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 The text of 49 App.:1441(a)(3) and (5) (related to reducing accidents) is omitted as superseded by 49 App.:1903(a)(3).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 The text of 49 App.:1441(a)(5) (related to studies) is omitted as superseded by 49 App.:1903(a)(4).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

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, 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 advis-

able” 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 governmental 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.—There are authorized to be appropriated for the purposes of this chapter \$111,400,000 for fiscal year 2019, \$112,400,000 for fiscal year 2020, \$113,400,000 for fiscal year 2021, and \$114,400,000 for fiscal year 2022. Such sums 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.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1118(a) .....	49 App.:1907(a) (1st-6th, last sentences).	Jan. 3, 1975, Pub. L. 93-633, §309(a); 88 Stat. 2173; Oct. 11, 1976, Pub. L. 94-481, 90 Stat. 2080; Sept. 11, 1978, Pub. L. 95-363, §2, 92 Stat. 597; Nov. 3, 1981, Pub. L. 97-74, §2, 95 Stat. 1065; June 6, 1983, Pub. L. 98-37, 97 Stat. 204; July 19, 1988, Pub. L. 100-372, §2, 102 Stat. 876; Nov. 26, 1990, Pub. L. 101-641, §2, 104 Stat. 4654.
1118(b) .....	49 App.:1907(b) (1st, 2d sentences).	Jan. 3, 1975, Pub. L. 93-633, 88 Stat. 2156, §309(b); added July 19, 1988, Pub. L. 100-372, §2(b), 102 Stat. 876.
1118(c) .....	49 App.:1907(a) (7th sentence), (b) (last sentence).	

In subsection (a), the words “to the National Transportation Safety Board” are added for clarity and consistency in the revised title. References to the fiscal years ending June 30, 1975, through September 30, 1992, are omitted as obsolete.

In subsection (b)(2), the words “amounts equal to amounts expended annually out of the fund” are substituted for “to replenish the fund annually” for clarity.

**Editorial Notes**

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254 amended subsec. (a) generally. Prior to amendment, text read as follows: “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, \$72,000,000 for fiscal year 2002, \$73,325,000 for fiscal year 2003, \$78,757,000 for fiscal year 2004, \$83,011,000 for fiscal year 2005, \$87,539,000 for fiscal year 2006, \$81,594,000 for fiscal year 2007, and \$92,625,000 for fiscal year 2008. Such sums shall remain available until expended.”

2006—Subsec. (a). Pub. L. 109-443, §8(a), struck out “and” after “2005,” and substituted “2006, \$81,594,000 for fiscal year 2007, and \$92,625,000 for fiscal year 2008.” for “2006.”

Subsec. (c). Pub. L. 109-443, §8(b)(1), amended subsec. (c) generally. Prior to amendment, subsec. (c) related to appropriations and fees for the National Transportation Safety Board Academy.

Subsec. (d). Pub. L. 109-443, §8(c), struck out heading and text of subsec. (d). Text read as follows: “The National Transportation Safety Board shall transmit an annual report to the Congress on the activities and operations of the National Transportation Safety Board Academy.”

2003—Subsec. (a). Pub. L. 108-168, §2(a), struck out “and” after “fiscal year 2001,” and substituted “\$73,325,000 for fiscal year 2003, \$78,757,000 for fiscal year 2004, \$83,011,000 for fiscal year 2005, and \$87,539,000 for fiscal year 2006. Such sums shall” for “such sums to”.

Subsec. (b). Pub. L. 108-168, §2(b), added second sentence and struck out former second sentence which read as follows: “Amounts equal to the amounts expended annually out of the fund are authorized to be appropriated to the emergency fund.”

Subsecs. (c), (d). Pub. L. 108-168, §2(c), added subsecs. (c) and (d).

2000—Pub. L. 106-424 amended section catchline and text generally. Prior to amendment, text read as follows:

“(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this chapter \$37,580,000 for