

Union Calendar No. 195

106TH CONGRESS
1ST SESSION

H. R. 2910

[Report No. 106-335]

A BILL

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes.

SEPTEMBER 27, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 1999

Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. DUNCAN, and Mr. LIPINSKI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

SEPTEMBER 27, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on September 22, 1999]

A BILL

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; REFERENCES.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the “National Transportation Safety Board Amendments Act of*
3 *1999”.*

4
5 (b) *REFERENCES.*—*Except as otherwise specifically*
6 *provided, whenever in this Act an amendment or repeal is*
7 *expressed in terms of an amendment to, or repeal of, a sec-*
8 *tion or other provision of law, the reference shall be consid-*
9 *ered to be made to a section or other provision of title 49,*
10 *United States Code.*

11 **SEC. 2. DEFINITIONS.**

12 *Section 1101 is amended to read as follows:*

13 **“§ 1101. Definitions**

14 *“Section 2101(17a) of title 46 and section 40102(a)*
15 *of this title apply to this chapter. In this chapter, the term*
16 *‘accident’ includes damage to or destruction of vehicles in*
17 *surface or air transportation or pipelines, regardless of*
18 *whether the initiating event is accidental or otherwise.”.*

19 **SEC. 3. AUTHORITY TO ENTER INTO AGREEMENTS.**

20 (a) *IN GENERAL.*—*Section 1113(b)(1)(I) is amended*
21 *to read as follows:*

22 *“(I) negotiate and enter into agreements with*
23 *private entities and departments, agencies, and in-*
24 *strumentalities of the Government, State and local*
25 *governments, and governments of foreign countries for*
26 *the provision of technical services or training in acci-*

1 *dent investigation theory and technique, and require*
2 *that such entities provide appropriate consideration*
3 *for the reasonable costs of any goods, services, or*
4 *training provided by the Board.”.*

5 *(b) DEPOSIT OF AMOUNTS.—Section 1113(b)(2) is*
6 *amended—*

7 *(1) by inserting “and section 1114(a)” before “to*
8 *be credited”; and*

9 *(2) by inserting “as offsetting collections” before*
10 *the period at the end.*

11 **SEC. 4. OVERTIME PAY.**

12 *Section 1113 is amended by adding at the end the fol-*
13 *lowing:*

14 *“(g) OVERTIME PAY.—*

15 *“(1) IN GENERAL.—Subject to the requirements*
16 *of this section and notwithstanding paragraphs (1)*
17 *and (2) of section 5542(a) of title 5, for an employee*
18 *of the Board whose basic pay is at a rate which*
19 *equals or exceeds the minimum rate of basic pay for*
20 *GS–10 of the General Schedule, the Board may estab-*
21 *lish an overtime hourly rate of pay for the employee*
22 *with respect to work performed at the scene of an ac-*
23 *cident (including travel to or from the scene) and*
24 *other work that is critical to an accident investiga-*
25 *tion in an amount equal to one and one-half times*

1 *the hourly rate of basic pay of the employee. All of*
2 *such amount shall be considered to be premium pay.*

3 “(2) *LIMITATION ON OVERTIME PAY TO AN EM-*
4 *PLOYEE.—An employee of the Board may not receive*
5 *overtime pay under paragraph (1), for work per-*
6 *formed in a calendar year, in an amount that exceeds*
7 *15 percent of the annual rate of basic pay of the em-*
8 *ployee for such calendar year.*

9 “(3) *LIMITATION ON TOTAL AMOUNT OF OVER-*
10 *TIME PAY.—The Board may not make overtime pay-*
11 *ments under paragraph (1), for work performed in a*
12 *calendar year, in a total amount that exceeds*
13 *\$570,000.*

14 “(4) *BASIC PAY DEFINED.—In this subsection,*
15 *the term ‘basic pay’ includes any applicable locality-*
16 *based comparability payment under section 5304 of*
17 *title 5 (or similar provision of law) and any special*
18 *rate of pay under section 5305 of title 5 (or similar*
19 *provision of law).*

20 “(5) *ANNUAL REPORT.—Not later than January*
21 *31, 2001, and annually thereafter, the Board shall*
22 *transmit to Congress a report identifying the total*
23 *amount of overtime payments made under this sub-*
24 *section in the preceding fiscal year and the number*
25 *of employees whose overtime pay under this subsection*

1 *was limited in such fiscal year as a result of the 15*
2 *percent limit established by paragraph (2).”.*

3 **SEC. 5. RECORDERS.**

4 *(a) COCKPIT VIDEO RECORDINGS.—Section 1114(c) is*
5 *amended—*

6 *(1) in the subsection heading by striking*
7 *“VOICE”;*

8 *(2) in paragraphs (1) and (2) by striking “cock-*
9 *pit voice recorder” and inserting “cockpit voice or*
10 *video recorder”; and*

11 *(3) in the second sentence of paragraph (1) by*
12 *inserting “or any written depiction of visual infor-*
13 *mation” after “transcript”.*

14 *(b) SURFACE VEHICLE RECORDINGS AND TRAN-*
15 *SCRIPTS.—*

16 *(1) IN GENERAL.—Section 1114 is amended—*

17 *(A) by redesignating subsections (d) and (e)*
18 *as subsections (e) and (f), respectively; and*

19 *(B) by inserting after subsection (c) the fol-*
20 *lowing:*

21 *“(d) SURFACE VEHICLE RECORDINGS AND TRAN-*
22 *SCRIPTS.—*

23 *“(1) CONFIDENTIALITY OF RECORDINGS.—The*
24 *Board may not disclose publicly any part of a surface*
25 *vehicle voice or video recorder recording or transcript*

1 of oral communications by or among drivers, train
2 employees, or other operating employees responsible
3 for the movement and direction of the vehicle or ves-
4 sel, or between such operating employees and com-
5 pany communication centers, related to an accident
6 investigated by the Board. However, the Board shall
7 make public any part of a transcript or any written
8 depiction of visual information that the Board decides
9 is relevant to the accident—

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

12 “(B) if the Board does not hold a public
13 hearing, at the time a majority of the other fac-
14 tual reports on the accident are placed in the
15 public docket.

16 “(2) REFERENCES TO INFORMATION IN MAKING
17 SAFETY RECOMMENDATIONS.—This subsection does
18 not prevent the Board from referring at any time to
19 voice or video recorder information in making safety
20 recommendations.”.

21 (2) CONFORMING AMENDMENT.—The first sen-
22 tence of section 1114(a) is amended by striking “and
23 (e)” and inserting “(d), and (f)”.

24 (c) DISCOVERY AND USE OF COCKPIT AND SURFACE
25 VEHICLE RECORDINGS AND TRANSCRIPTS.—

1 (1) *IN GENERAL.*—Section 1154 is amended—

2 (A) *in the section heading by striking*
3 **“cockpit voice and other material”** *and*
4 *inserting “cockpit and surface vehicle*
5 **recordings and transcripts”**;

6 (B) *in subsection (a)—*

7 (i) *by striking “cockpit voice recorder”*
8 *each place it appears and inserting “cockpit*
9 *or surface vehicle recorder”*;

10 (ii) *by striking “section 1114(c)” each*
11 *place it appears and inserting “section*
12 *1114(c) or 1114(d)”*; and

13 (iii) *by adding at the end the fol-*
14 *lowing:*

15 “(6) *In this subsection—*

16 “(A) *the term ‘recorder’ means a voice or video*
17 *recorder; and*

18 “(B) *the term ‘transcript’ includes any written*
19 *depiction of visual information obtained from a video*
20 *recorder.”.*

21 (2) *CONFORMING AMENDMENT.*—*The table of sec-*
22 *tions for chapter 11 is amended by striking the item*
23 *relating to section 1154 and inserting the following:*

 “1154. *Discovery and use of cockpit and surface vehicle recordings and tran-*
 scripts.”.

1 (d) *REQUIREMENTS FOR INSTALLATION AND USE OF*
2 *RECORDING DEVICES.*—Section 329 is amended by adding
3 *at the end the following:*

4 “(e) *REQUIREMENTS FOR INSTALLATION AND USE OF*
5 *RECORDING DEVICES.*—A requirement for the installation
6 *and use of an automatic voice, video, or data recording de-*
7 *vice on an aircraft, vessel, or surface vehicle shall not be*
8 *construed to be the collection of information for the purpose*
9 *of any Federal law or regulation, if the requirement—*

10 “(1) *meets a safety need for the automatic re-*
11 *coding of realtime voice or data experience that is re-*
12 *stricted to a fixed period of the most recent operation*
13 *of the aircraft, vessel, or surface vehicle;*

14 “(2) *does not place a periodic reporting burden*
15 *on any person; and*

16 “(3) *does not necessitate the collection and pres-*
17 *ervation of data separate from the device.”.*

18 **SEC. 6. PRIORITY OF INVESTIGATIONS.**

19 (a) *IN GENERAL.*—Section 1131(a)(2) is amended—

20 (1) *by striking “(2) An investigation” and in-*
21 *serting “(2)(A) Subject to the requirements of this*
22 *paragraph, an investigation”;* and

23 (2) *by adding at the end the following:*

24 “(B) *If the Attorney General, in consultation with the*
25 *Chairman of the Board, determines and notifies the Board*

1 *that circumstances reasonably indicate that the accident*
2 *may have been caused by an intentional criminal act, the*
3 *Board shall relinquish investigative priority to the Federal*
4 *Bureau of Investigation. The relinquishment of investiga-*
5 *tive priority by the Board shall not otherwise affect the au-*
6 *thority of the Board to continue its investigation under this*
7 *section.*

8 “(C) *If a law enforcement agency suspects and notifies*
9 *the Board that an accident being investigated by the Board*
10 *under paragraph (1)(A)–(D) may have been caused by an*
11 *intentional criminal act, the Board, in consultation with*
12 *the law enforcement agency, shall take necessary actions to*
13 *ensure that evidence of the criminal act is preserved.*”.

14 (b) *REVISION OF 1977 AGREEMENT.*—*Not later than*
15 *1 year after the date of enactment of this Act, the National*
16 *Transportation Safety Board and the Federal Bureau of*
17 *Investigation shall revise their 1977 agreement on the inves-*
18 *tigation of accidents to take into account the amendments*
19 *made by this Act.*

20 **SEC. 7. PUBLIC AIRCRAFT INVESTIGATION CLARIFICATION.**

21 Section 1131(d) is amended by striking “1134(b)(2)”
22 and inserting “1134(a), (b), (d), and (f)”.

23 **SEC. 8. AUTHORITY OF THE INSPECTOR GENERAL.**

24 (a) *IN GENERAL.*—*Subchapter III of chapter 11 of*
25 *subtitle II is amended by adding at the end the following:*

1 **“§ 1137. Authority of the Inspector General**

2 “(a) *IN GENERAL.*—*The Inspector General of the De-*
3 *partment of Transportation, in accordance with the mission*
4 *of the Inspector General to prevent and detect fraud and*
5 *abuse, shall have authority to review only the financial*
6 *management and business operations of the National*
7 *Transportation Safety Board, including internal account-*
8 *ing and administrative control systems, to determine com-*
9 *pliance with applicable Federal laws, rules, and regula-*
10 *tions.*

11 “(b) *DUTIES.*—*In carrying out this section, the In-*
12 *spector General shall—*

13 “(1) *keep the Chairman of the Board and Con-*
14 *gress fully and currently informed about problems re-*
15 *lating to administration of the internal accounting*
16 *and administrative control systems of the Board;*

17 “(2) *issue findings and recommendations for ac-*
18 *tions to address such problems; and*

19 “(3) *report periodically to Congress on any*
20 *progress made in implementing actions to address*
21 *such problems.*

22 “(c) *ACCESS TO INFORMATION.*—*In carrying out this*
23 *section, the Inspector General may exercise authorities*
24 *granted to the Inspector General under subsections (a) and*
25 *(b) of section 6 of the Inspector General Act of 1978 (5*
26 *U.S.C. App.).*

1 “(d) *REIMBURSEMENT.*—*The Inspector General shall*
2 *be reimbursed by the Board for the costs associated with*
3 *carrying out activities under this section.*”.

4 (b) *CONFORMING AMENDMENT.*—*The table of sections*
5 *for such subchapter is amended by adding at the end the*
6 *following:*

 “1137. *Authority of the Inspector General.*”.

7 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

8 *Section 1118(a) is amended to read as follows:*

9 “(a) *IN GENERAL.*—*There is authorized to be appro-*
10 *priated for the purposes of this chapter \$57,000,000 for fis-*
11 *cal year 2000, \$65,000,000 for fiscal year 2001, and*
12 *\$72,000,000 for fiscal year 2002. Such sums remain avail-*
13 *able until expended.*”.

14 **SEC. 10. TERMINAL DOPPLER WEATHER RADAR.**

15 *If the Administrator of the Federal Aviation Adminis-*
16 *tration determines that it would enhance aviation safety,*
17 *the Administrator shall install a Terminal Doppler Weath-*
18 *er Radar at the site of the former United States Coast*
19 *Guard Air Station Brooklyn at Floyd Bennett Field in*
20 *King’s County, New York.*