

Union Calendar No. 356

111TH CONGRESS
2^D SESSION

H. R. 4714

[Report No. 111-613]

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2011 through 2014, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2010

Mr. OBERSTAR (for himself, Mr. MICA, Mr. COSTELLO, Mr. PETRI, Mr. DEFAZIO, Ms. NORTON, and Mr. CUMMINGS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

SEPTEMBER 22, 2010

Additional sponsor: Ms. CORRINE BROWN of Florida

SEPTEMBER 22, 2010

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 *italic*]

[For text of introduced bill, see copy of bill as introduced on March 2, 2010]

A BILL

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2011 through 2014, 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,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the “Na-*
 5 *tional Transportation Safety Board Reauthorization Act of*
 6 *2010”.*

7 (b) *TABLE OF CONTENTS.*—

Sec. 1. Short title; table of contents.

Sec. 2. Amendments to title 49, United States Code.

Sec. 3. Definitions.

Sec. 4. General organization.

Sec. 5. Administrative.

Sec. 6. Recordings, transcripts, and investigations.

Sec. 7. Training.

Sec. 8. Reports and studies.

Sec. 9. Authorization of appropriations.

Sec. 10. Accident investigation authority.

Sec. 11. Maritime casualty investigations.

Sec. 12. Inspections and autopsies.

Sec. 13. Discovery and use of cockpit and surface vehicle recordings and tran-
scripts.

Sec. 14. Family assistance.

Sec. 15. Coast Guard notification.

Sec. 16. Use of board name, logo, initials, and seal.

8 **SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.**

9 *Except as otherwise specifically provided, whenever in*
 10 *this Act an amendment or repeal is expressed in terms of*
 11 *an amendment to, or repeal of, a section or other provision*
 12 *of law, the reference shall be considered to be made to a*
 13 *section or other provision of title 49, United States Code.*

14 **SEC. 3. DEFINITIONS.**

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

1 **“§ 1101. Definitions**

2 “(a) *ACCIDENT DEFINED.*—In this chapter, the term
3 ‘accident’—

4 “(1) means an event associated with the oper-
5 ation of a vehicle, aircraft, or pipeline, which results
6 in damage to or destruction of the vehicle, aircraft, or
7 pipeline, or which results in the death of or serious
8 injury to any person, regardless of whether the initi-
9 ating event is accidental or otherwise; and

10 “(2) may include an incident that does not in-
11 volve destruction or damage of a vehicle, aircraft, or
12 pipeline, but affects transportation safety, as the
13 Board prescribes by regulation.

14 “(b) *APPLICABILITY OF DEFINITIONS IN OTHER*
15 *LAWS.*—The definitions contained in section 2101(17a) of
16 title 46 and section 40102(a) of this title apply to this chap-
17 ter.”.

18 **SEC. 4. GENERAL ORGANIZATION.**

19 The last sentence of section 1111(d) is amended by
20 striking “absent” and inserting “unavailable”.

21 **SEC. 5. ADMINISTRATIVE.**

22 (a) *GENERAL AUTHORITY.*—Section 1113(a) is
23 amended—

24 (1) in paragraph (1)—

25 (A) by inserting “and depositions” after
26 “hearings”; and

1 (B) by striking “subpena” and inserting
2 “subpoena”; and

3 (2) in paragraph (2) by inserting before the first
4 sentence the following: “In the interest of promoting
5 transportation safety, the Board shall have the au-
6 thority by subpoena to summon witnesses and obtain
7 evidence relevant to an accident investigation con-
8 ducted under this chapter.”.

9 (b) *ADDITIONAL POWERS.*—

10 (1) *AUTHORITY OF BOARD TO ENTER INTO CON-*
11 *TRACTS AND OTHER AGREEMENTS WITH NONPROFIT*
12 *ENTITIES.*—Section 1113(b)(1)(H) is amended by in-
13 sserting “and other agreements” after “contracts”.

14 (2) *AUTHORITY OF BOARD TO ENTER INTO AND*
15 *PERFORM CONTRACTS, AGREEMENTS, LEASES, OR*
16 *OTHER TRANSACTIONS.*—Section 1113(b) is amend-
17 ed—

18 (A) by striking paragraph (1)(I) and in-
19 sserting the following:

20 “(I) negotiate, enter into, and perform contracts,
21 agreements, leases, or other transactions with individ-
22 uals, private entities, departments, agencies, and in-
23 strumentalities of the Government, State and local
24 governments, and governments of foreign countries on
25 such terms and conditions as the Chairman of the

1 *Board considers appropriate to carry out the func-*
2 *tions of the Board and require that such entities pro-*
3 *vide appropriate consideration for the reasonable*
4 *costs of any facilities, goods, services, or training pro-*
5 *vided by the Board.”; and*

6 *(B) by adding at the end the following:*

7 *“(3) LEASE LIMITATION.—The authority of the*
8 *Board to enter into leases shall be limited to the pro-*
9 *vision of special use space related to an accident in-*
10 *vestigation, or for general use space, at an average*
11 *annual rental cost of not more than \$300,000 for any*
12 *individual property.”.*

13 *(3) AUTHORITY OF OTHER FEDERAL AGEN-*
14 *CIES.—Section 1113(b)(2) is amended to read as fol-*
15 *lows:*

16 *“(2) AUTHORITY OF OTHER FEDERAL AGEN-*
17 *CIES.—Notwithstanding any other provision of law,*
18 *the head of a Federal department, agency, or instru-*
19 *mentality may transfer to or receive from the Board,*
20 *with or without reimbursement, supplies, personnel,*
21 *services, and equipment (other than administrative*
22 *supplies and equipment).”.*

23 *(c) CRITERIA ON PUBLIC HEARINGS.—*

24 *(1) IN GENERAL.—Section 1113 is amended by*
25 *adding at the end the following:*

1 “(i) *PUBLIC HEARINGS.*—

2 “(1) *DEVELOPMENT OF CRITERIA.*—*The Board*
3 *shall establish by regulation criteria to be used by the*
4 *Board in determining, for each accident investigation*
5 *and safety study undertaken by the Board, whether or*
6 *not the Board will hold a public hearing on the inves-*
7 *tigation or study.*

8 “(2) *FACTORS.*—*In developing the criteria, the*
9 *Board shall give priority consideration to the fol-*
10 *lowing factors:*

11 “(A) *Whether the accident has caused sig-*
12 *nificant loss of life.*

13 “(B) *Whether the accident has caused sig-*
14 *nificant property damage.*

15 “(C) *Whether the accident may involve a*
16 *national transportation safety issue.*

17 “(D) *Whether a public hearing may provide*
18 *needed information to the Board.*

19 “(E) *Whether a public hearing may offer an*
20 *opportunity to educate the public on a safety*
21 *issue.*

22 “(F) *Whether a public hearing may in-*
23 *crease both the transparency of the Board’s in-*
24 *vestigative process and public confidence that*

1 *such process is comprehensive, accurate, and un-*
2 *biased.*

3 “(G) *Whether a public hearing is likely to*
4 *significantly delay the conclusion of an inves-*
5 *tigation and whether the possible adverse effects*
6 *of the delay on safety outweigh the benefits of a*
7 *public hearing.”.*

8 (2) *ANNUAL REPORT.*—*Section 1117 is amend-*
9 *ed—*

10 (A) *by striking “and” at the end of para-*
11 *graph (5);*

12 (B) *by striking the period at the end of*
13 *paragraph (6) and inserting “; and”; and*

14 (C) *by adding at the end the following:*

15 “(7) *an analysis of the Board’s implementation*
16 *of the criteria established pursuant to section 1113(i)*
17 *during the prior calendar year, including an expla-*
18 *nation of any instance in which the Board did not*
19 *hold a public hearing for an investigation of an acci-*
20 *dent that has caused significant loss of life or prop-*
21 *erty damage or that may involve a national transpor-*
22 *tation safety issue.”.*

23 **SEC. 6. RECORDINGS, TRANSCRIPTS, AND INVESTIGATIONS.**

24 (a) *VESSEL RECORDINGS AND TRANSCRIPTS.*—*Section*
25 *1114 is amended—*

1 (1) *in subsection (a)(1) by striking “and (f)”*
2 *and inserting “(e), and (g)”;*

3 (2) *in subsection (d)(1) by striking “or vessel”;*

4 (3) *by redesignating subsections (e) and (f) as*
5 *subsections (f) and (g), respectively; and*

6 (4) *by inserting after subsection (d) the fol-*
7 *lowing:*

8 “(e) *VESSEL RECORDINGS AND TRANSCRIPTS.—*

9 “(1) *CONFIDENTIALITY OF RECORDINGS AND*
10 *TRANSCRIPTS.—The Board may not disclose publicly*
11 *any part of a vessel’s voice or video recorder recording*
12 *or transcript of oral communications by or among the*
13 *crew, pilots, or docking masters of a vessel, vessel traf-*
14 *fic services, or other vessels, or between the vessel’s*
15 *crew and company communication centers, related to*
16 *an accident investigated by the Board. However, the*
17 *Board shall make public any part of a transcript or*
18 *any written depiction of visual information that the*
19 *Board decides is relevant to the accident—*

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

22 “(B) *if the Board does not hold a public*
23 *hearing, at the time a majority of the other fac-*
24 *tual reports on the accident are placed in the*
25 *public docket.*

1 “(2) *REFERENCES TO INFORMATION IN MAKING*
2 *SAFETY RECOMMENDATIONS.*—*This subsection does*
3 *not prevent the Board from referring at any time to*
4 *voice or video recorder information in making safety*
5 *recommendations.*”.

6 (b) *PARTY REPRESENTATIVES TO NTSB INVESTIGA-*
7 *TIONS.*—

8 (1) *IN GENERAL.*—*Section 1114 is further*
9 *amended by adding at the end the following:*

10 “(h) *PARTY REPRESENTATIVES TO NTSB INVESTIGA-*
11 *TIONS.*—

12 “(1) *PROHIBITION ON DISCLOSURE OF INFORMA-*
13 *TION.*—*A party representative to an accident inves-*
14 *tigation of the Board is prohibited from disclosing,*
15 *orally or in written form, investigative information,*
16 *as defined by the Board, to anyone who is not an em-*
17 *ployee of the Board or who is not a party representa-*
18 *tive to such investigation, except—*

19 “(A) *as provided in paragraph (2); or*

20 “(B) *at the conclusion of the fact finding*
21 *stage of an investigation, which the investigator-*
22 *in-charge shall announce by formal posting of a*
23 *notice in the publicly available investigation*
24 *docket.*

1 “(2) *EXCEPTION.*—*If the investigator-in-charge*
2 *determines that a disclosure of information related to*
3 *an accident investigation is necessary to prevent ad-*
4 *ditional accidents, to address a perceived safety defi-*
5 *ciency, or to assist in the conduct of the investigation,*
6 *the investigator-in-charge may at any time authorize*
7 *in writing a party representative to disclose such in-*
8 *formation under conditions approved by the investi-*
9 *gator-in-charge. Such conditions shall ensure that,*
10 *until the posting of a formal notice described in para-*
11 *graph (1)(B), or until the information disclosed pur-*
12 *suant to this paragraph becomes publicly available by*
13 *any other means, neither the entity represented by the*
14 *party representative nor any other person may use*
15 *such information in preparation for the prosecution*
16 *of any claim or defense in litigation in connection*
17 *with the accident being investigated or to make or*
18 *deny any insurance claim in connection with such*
19 *accident.*

20 “(3) *COMPLIANCE.*—*The Board shall require any*
21 *individual who is a party representative to an inves-*
22 *tigation of the Board to sign a party agreement that*
23 *includes language informing the individual of the*
24 *prohibition in paragraph (1).*

1 “(4) *REPRESENTATIVES OF FEDERAL AGEN-*
 2 *CIES.—Paragraph (3) shall not apply to an indi-*
 3 *vidual who is a representative of the Secretary of*
 4 *Transportation, the Secretary of the department in*
 5 *which the Coast Guard is operating, or any other*
 6 *Federal department, agency, or instrumentality par-*
 7 *ticipating in the investigation and deemed by the*
 8 *Board to be performing a law enforcement or similar*
 9 *function.*

10 “(5) *PARTY REPRESENTATIVE DEFINED.—In this*
 11 *subsection, the term ‘party representative’ means an*
 12 *individual representing a party to an investigation*
 13 *pursuant to section 831.11 of title 49, Code of Federal*
 14 *Regulations, as in effect on the date of enactment of*
 15 *this subsection.”.*

16 (2) *CIVIL PENALTY.—Section 1151 is amended—*

17 (A) *in the section heading by striking*
 18 “**Aviation enforcement**” *and inserting*
 19 “**Enforcement**”; *and*

20 (B) *by inserting “1114(h),” before “1132,”*
 21 *in each of subsections (a), (b)(1), and (c).*

22 (3) *CONFORMING AMENDMENT.—The analysis for*
 23 *chapter 11 is amended by striking the item relating*
 24 *to section 1151 and inserting the following:*

 “1151. *Enforcement.*”.

25 (c) *GAO STUDY OF PARTY PROCESS.—*

1 (1) *IN GENERAL.*—*The Comptroller General shall*
2 *conduct a study on the use of party representatives in*
3 *investigations conducted by the National Transpor-*
4 *tation Safety Board.*

5 (2) *CONTENTS.*—*In conducting the study, the*
6 *Comptroller General shall examine, at a minimum—*

7 (A) *whether the composition of the party*
8 *representatives should be broadened to include*
9 *on-going representatives from other entities that*
10 *could provide independent, technically qualified*
11 *representatives to a Board investigation;*

12 (B) *whether the participation of party rep-*
13 *resentatives in a Board investigation results in*
14 *any unfair advantages for the entities rep-*
15 *resented by the party representatives while the*
16 *Board is conducting the investigation;*

17 (C) *whether the use of party representatives*
18 *leads to bias in the outcome of a Board inves-*
19 *tigation; and*

20 (D) *whether Board investigations would be*
21 *compromised in any way absent the participa-*
22 *tion and expertise of party representatives.*

23 (3) *REPORT TO CONGRESS.*—*Not later than 18*
24 *months after the date of enactment of this Act, the*
25 *Comptroller General shall submit to the Committee on*

1 *Transportation and Infrastructure of the House of*
2 *Representatives and the Committee on Commerce,*
3 *Science, and Transportation of the Senate a report on*
4 *the results of the study conducted under this sub-*
5 *section, including any recommendations for improve-*
6 *ments in the Board’s use of the party representative*
7 *process.*

8 **SEC. 7. TRAINING.**

9 *Section 1115(d) is amended—*

10 (1) *by inserting “theory and techniques and on*
11 *transportation safety methods to advance Board safe-*
12 *ty recommendations” before the period at the end of*
13 *the first sentence;*

14 (2) *by inserting “or who influence the course of*
15 *transportation safety through support or adoption of*
16 *Board safety recommendations” before the period at*
17 *the end of the second sentence; and*

18 (3) *by inserting “under section 1118(c)(2)” be-*
19 *fore the period at the end of the third sentence.*

20 **SEC. 8. REPORTS AND STUDIES.**

21 (a) *STUDIES AND INVESTIGATIONS.—Section 1116(b)*
22 *is amended—*

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

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

3 “(3) *prescribe requirements for persons reporting*
4 *accidents, as defined in section 1101(a), that may be*
5 *investigated by the Board under this chapter;*”.

6 (b) *INTERIM SAFETY RECOMMENDATIONS AND MEAS-*
7 *URES.—Section 1116 is amended by adding at the end the*
8 *following:*

9 “(c) *INTERIM SAFETY RECOMMENDATIONS AND MEAS-*
10 *URES.—Nothing in this section shall restrict the Board*
11 *from—*

12 “(1) *making urgent safety recommendations,*
13 *identified through an ongoing safety investigation or*
14 *study, to any regulatory department, agency, or in-*
15 *strumentality of the Federal Government or a State*
16 *or local governmental authority or a person concerned*
17 *with transportation safety; or*

18 “(2) *recommending interim measures to mitigate*
19 *risks to transportation safety pending implementation*
20 *of more comprehensive responses by the appropriate*
21 *department, agency, instrumentality, authority, or*
22 *person.*”.

23 (c) *EVALUATION AND AUDIT.—Section 1138(a) is*
24 *amended by striking “conducted at least annually, but may*
25 *be”.*

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) *IN GENERAL.*—Section 1118(a) is amended to read
3 as follows:

4 “(a) *IN GENERAL.*—There is authorized to be appro-
5 priated for the purposes of this chapter—

6 “(1) \$117,368,000 for fiscal year 2011;

7 “(2) \$120,258,000 for fiscal year 2012;

8 “(3) \$122,187,000 for fiscal year 2013; and

9 “(4) \$124,158,000 for fiscal year 2014.

10 *Such sums shall remain available until expended.”.*

11 (b) *FEES, REFUNDS, REIMBURSEMENTS, AND AD-*
12 *VANCES.*—Section 1118(c) is amended—

13 (1) *by striking the subsection heading and in-*
14 *serting the following: “FEES, REFUNDS, REIMBURSE-*
15 *MENTS, AND ADVANCES”;*

16 (2) *in paragraph (1)—*

17 (A) *by striking “and reimbursements” and*
18 *inserting “reimbursements, and advances”; and*

19 (B) *by striking “services” and inserting*
20 *“activities, services, and facilities”;*

21 (3) *in paragraph (2)—*

22 (A) *in the matter preceding subparagraph*
23 *(A) by striking “or reimbursement” and insert-*
24 *ing “reimbursement, or advance”; and*

25 (B) *in each of subparagraphs (A) and (B)*
26 *by striking “activities” and all that follows be-*

1 *fore the semicolon and inserting “activities, serv-*
2 *ices, or facilities for which the fee, refund, reim-*
3 *bursement, or advance is associated”;*

4 *(4) by redesignating paragraph (3) as para-*
5 *graph (4);*

6 *(5) by inserting after paragraph (2) the fol-*
7 *lowing:*

8 *“(3) ANNUAL RECORD OF COLLECTIONS.—The*
9 *Board shall maintain an annual record of collections*
10 *received under paragraph (2).”;* and

11 *(6) in paragraph (4) (as redesignated by para-*
12 *graph (4) of this subsection) by inserting “or ad-*
13 *vance” after “fee”.*

14 **SEC. 10. ACCIDENT INVESTIGATION AUTHORITY.**

15 *(a) IN GENERAL.—Section 1131(a)(1) is amended—*

16 *(1) in the matter preceding subparagraph (A) by*
17 *striking “cause or probable cause” and inserting*
18 *“causes or probable causes”;*

19 *(2) in subparagraph (C) by striking “a fatality*
20 *or substantial property damage” and inserting “a fa-*
21 *tality (other than a fatality involving a trespasser) or*
22 *substantial property damage”;*

23 *(3) in subparagraph (E) by striking “and” at*
24 *the end;*

1 (4) *in subparagraph (F) by striking the period*
2 *at the end and inserting “; and”; and*

3 (5) *by adding at the end the following:*

4 “(G) *an accident in response to an international*
5 *request and delegation under appropriate inter-*
6 *national conventions, coordinated through the Depart-*
7 *ment of State and accepted by the Board.”.*

8 (b) *AUTHORITIES OF OTHER AGENCIES.—The second*
9 *sentence of section 1131(a)(3) is amended by inserting “or*
10 *relevant to” after “developed about”.*

11 (c) *ACCIDENTS NOT INVOLVING GOVERNMENT MISFEA-*
12 *SANCE OR NONFEASANCE.—Section 1131(c) is amended by*
13 *adding at the end the following:*

14 “(3) *AUTHORITY OF BOARD REPRESENTATIVE.—*
15 *In the case of a delegation of authority under para-*
16 *graph (1), the Secretary, or a person designated by*
17 *the Secretary, shall have the authority of the Board,*
18 *on display of appropriate credentials and written no-*
19 *tice of inspection authority, to enter property where*
20 *the aircraft accident has occurred or wreckage from*
21 *the accident is located and to gather evidence in sup-*
22 *port of a Board investigation, in accordance with*
23 *rules the Board may prescribe.”.*

24 (d) *INCIDENT INVESTIGATIONS.—Section 1131 is*
25 *amended by adding at the end the following:*

1 “(f) *INCIDENT INVESTIGATIONS.*—

2 “(1) *MEMORANDUM OF UNDERSTANDING.*—*Not*
3 *later than 90 days after the issuance of final regula-*
4 *tions under section 1101(a)(2), the Chairman of the*
5 *Board shall seek to enter into a memorandum of un-*
6 *derstanding with the Secretary of Transportation and*
7 *the head of each modal administration of the Depart-*
8 *ment of Transportation that sets forth—*

9 “(A) *an understanding of the conditions*
10 *under which the Board will conduct an incident*
11 *investigation that involves the applicable mode of*
12 *transportation; and*

13 “(B) *the roles and responsibilities of the*
14 *parties to the memorandum when the Board is*
15 *conducting an incident investigation.*

16 “(2) *UPDATES AND RENEWALS.*—*Each memo-*
17 *randum of understanding required under paragraph*
18 *(1) shall be updated and renewed not less than once*
19 *every 5 years, unless parties to the memorandum*
20 *agree that updating the memorandum is unnecessary.*

21 “(3) *BOARD AUTHORITY.*—*Nothing in this para-*
22 *graph negates the authority of the Board to inves-*
23 *tigate an incident.*

1 “(4) *INCIDENT DEFINED.*—*In this subsection, the*
2 *term ‘incident’ means an incident described in regu-*
3 *lations issued under section 1101(a)(2).’.*”

4 **SEC. 11. MARITIME CASUALTY INVESTIGATIONS.**

5 (a) *IN GENERAL.*—*Chapter 11 is amended by insert-*
6 *ing after section 1132 the following:*

7 **“§ 1132a. Maritime casualty investigations**

8 “(a) *DELEGATION OF AUTHORITY TO COAST*
9 *GUARD.*—

10 “(1) *IN GENERAL.*—*In an investigation of a*
11 *major marine casualty under section 1131(a)(1)(E),*
12 *the Board, with the consent of the Secretary of the de-*
13 *partment in which the Coast Guard is operating,*
14 *may delegate to the Commandant of the Coast Guard*
15 *full authority to obtain the facts of the casualty. In*
16 *the case of such a delegation, the Commandant, acting*
17 *through the Commandant’s on-scene representative,*
18 *shall have the full authority of the Board.*

19 “(2) *REQUIRED TRAINING, EXPERIENCE, AND*
20 *QUALIFICATIONS.*—*The Board may not make a dele-*
21 *gation under paragraph (1) unless the Board deter-*
22 *mines that the Commandant’s on-scene representa-*
23 *tives have sufficient training, experience, and quali-*
24 *fications in investigation, marine casualty recon-*
25 *struction, evidence collection and preservation, human*

1 *factors, and documentation to act in accordance with*
2 *the best investigation practices of Federal and non-*
3 *Federal entities.*

4 “(b) *NOTIFICATION AND REPORTING.*—*The Board and*
5 *the Secretary shall jointly prescribe regulations governing*
6 *the notification and reporting of marine casualties to the*
7 *Board.*

8 “(c) *PARTICIPATION OF COMMANDANT IN MARINE IN-*
9 *VESTIGATIONS.*—*The Board shall provide for the participa-*
10 *tion of the Commandant of the Coast Guard in an inves-*
11 *tigation by the Board of a major marine casualty under*
12 *section 1131(a)(1)(E) if such participation is necessary to*
13 *carry out the duties and powers of the Commandant, except*
14 *that the Commandant may not participate in establishing*
15 *the probable cause of the marine casualty (other than as*
16 *provided in section 1131(b)).”.*

17 (b) *CONFORMING AMENDMENT.*—*The analysis for*
18 *chapter 11 is amended by inserting after the item relating*
19 *to section 1132 the following:*

“ 1132a. *Maritime casualty investigations.*”.

20 **SEC. 12. INSPECTIONS AND AUTOPSIES.**

21 *Section 1134(a) is amended in the matter preceding*
22 *paragraph (1)—*

23 *(1) by striking “officer or employee” and insert-*
24 *ing “officer, employee, or Federal designee”; and*

1 (2) by inserting “in the conduct of any accident
2 investigation or study” after “National Transpor-
3 tation Safety Board”.

4 **SEC. 13. DISCOVERY AND USE OF COCKPIT AND SURFACE**
5 **VEHICLE RECORDINGS AND TRANSCRIPTS.**

6 Section 1154(a)(1)(A) is amended by striking “; and”
7 and inserting “; or”.

8 **SEC. 14. FAMILY ASSISTANCE.**

9 (a) *FAMILY ASSISTANCE IN COMMERCIAL AVIATION*
10 *ACCIDENTS.*—Section 41113(b)(7) is amended by inserting
11 before the period at the end the following: “, and that at
12 least 60 days before the planned destruction of any un-
13 claimed possession of a passenger a reasonable attempt will
14 be made to notify the family of the passenger”.

15 (b) *FAMILY ASSISTANCE IN COMMERCIAL AVIATION*
16 *ACCIDENTS INVOLVING FOREIGN CARRIERS.*—Section
17 41313(c)(7) is amended by inserting before the period at
18 the end the following: “, and that at least 60 days before
19 the planned destruction of any unclaimed possession of a
20 passenger a reasonable attempt will be made to notify the
21 family of the passenger”.

22 **SEC. 15. COAST GUARD NOTIFICATION.**

23 Not later than 6 months after the date of enactment
24 of this Act, the National Transportation Safety Board and
25 the Secretary of the department in which the Coast Guard

1 *is operating shall issue regulations to provide the Board*
2 *prompt notification through the Coast Guard of all marine*
3 *casualties of potential investigative interest to the Board.*

4 **SEC. 16. USE OF BOARD NAME, LOGO, INITIALS, AND SEAL.**

5 *Section 709 of title 18, United States Code, is amend-*
6 *ed—*

7 *(1) by inserting “or” at the end of the paragraph*
8 *immediately preceding the paragraph that begins*
9 *“Shall be punished as follows:”; and*

10 *(2) by inserting the following before the para-*
11 *graph that begins “Shall be punished as follows:”:*

12 *“Whoever, except with the written permission of the*
13 *Chairman of the National Transportation Safety Board,*
14 *knowingly uses the words ‘National Transportation Safety*
15 *Board’, the logo of the Board, the initials ‘NTSB’, or the*
16 *official seal of the Board, or any colorable imitation of such*
17 *words, logo, initials, or seal, in connection with any adver-*
18 *tisement, circular, book, pamphlet, or other publication, or*
19 *any play, motion picture, broadcast, telecast, or other pro-*
20 *duction, in a manner reasonably calculated to convey the*
21 *impression that such advertisement, circular, book, pam-*
22 *phlet, or other publication, or such play, motion picture,*
23 *broadcast, telecast, or other production, is approved, en-*
24 *dorsed, or authorized by the National Transportation Safe-*
25 *ty Board;”.*

Union Calendar No. 356

11TH CONGRESS
2^D SESSION

H. R. 4714

[Report No. 111-613]

A BILL

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2011 through 2014, and for other purposes.

SEPTEMBER 22, 2010

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