

ter, the term “accident” includes damage to or destruction of vehicles in surface or air transportation or pipelines, regardless of whether the initiating event is accidental or otherwise.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 746; Pub. L. 106–424, §2, Nov. 1, 2000, 114 Stat. 1883.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1101	(no source)	

A number of the source provisions of the chapter are taken from 49 App.:ch. 20. The text of 49 App.:ch. 20 contains general definitions, some of which are used in those source provisions.

This section is included to ensure that the identical definitions that are relevant are used without repeating them. The source provisions for the definitions are found in the revision note for section 40102(a) of the revised title.

AMENDMENTS

2000—Pub. L. 106–424 amended section catchline and text generally. Prior to amendment, text read as follows: “Section 40102(a) of this title applies to this chapter.”

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109–443, §1(a), Dec. 21, 2006, 120 Stat. 3297, provided that: “This Act [enacting section 1138 of this title, amending sections 1111, 1113, 1117, 1118, 1131, 1135, and 1137 of this title, enacting provisions set out as notes under sections 1111 and 1118 of this title, and amending provisions set out as a note under section 1113 of this title] may be cited as the ‘National Transportation Safety Board Reauthorization Act of 2006.’”

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108–168, §1, Dec. 6, 2003, 117 Stat. 2032, provided that: “This Act [enacting section 354 of this title, amending sections 354, 1118, 1119, 1131, 1135, and 1136 of this title, and enacting provisions set out as notes under sections 1113, 1131, and 1135 of this title] may be cited as the ‘National Transportation Safety Board Reauthorization Act of 2003.’”

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106–424, §1(a), Nov. 1, 2000, 114 Stat. 1883, provided that: “This Act [enacting section 1137 of this title, amending this section and sections 1111, 1113 to 1115, 1118, 1131, 1154, 44721, and 46301 of this title, and enacting provisions set out as notes under sections 1111, 1113, 1131, 44703, and 44721 of this title] may be cited as the ‘National Transportation Safety Board Amendments Act of 2000.’”

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104–291, title I, §101, Oct. 11, 1996, 110 Stat. 3452, provided that: “This title [amending sections 1114, 1115, and 1118 of this title] may be cited as the ‘National Transportation Safety Board Amendments of 1996.’”

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 ap-

pointed 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 2 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.

(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.)

HISTORICAL AND REVISION NOTES

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

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

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).

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;

(H) make contracts with nonprofit entities to carry out studies related to duties and powers of the Board; and

(I) negotiate and enter into agreements with individuals and private entities and departments, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries for the provision of facilities, accident-related and technical services or training in accident investigation theory and techniques, and require that such entities provide appropriate consideration for the reasonable costs of any facilities, goods, services, or training provided by the Board.

(2) The Board shall deposit in the Treasury amounts received under paragraph (1)(I) of this subsection to be credited as offsetting collections to the appropriation of the Board. The Board shall maintain an annual record of collections received under paragraph (1)(I) of this subsection.

(c) SUBMISSION OF CERTAIN COPIES TO CONGRESS.—When the Board submits to the President or the Director of the Office of Manage-

ment and Budget a budget estimate, budget request, supplemental budget estimate, other budget information, a legislative recommendation, prepared testimony for congressional hearings, or comments on legislation, the Board must submit a copy to Congress at the same time. An officer, department, agency, or instrumentality of the Government may not require the Board to submit the estimate, request, information, recommendation, testimony, or comments to another officer, department, agency, or instrumentality of the Government for approval, comment, or review before being submitted to Congress. The Board shall develop and approve a process for the Board's review and comment or approval of documents submitted to the President, Director of the Office of Management and Budget, or Congress under this subsection.

(d) LIAISON COMMITTEES.—The Chairman may determine the number of committees that are appropriate to maintain effective liaison with other departments, agencies, and instrumentalities of the Government, State and local governmental authorities, and independent standard-setting authorities that carry out programs and activities related to transportation safety. The Board may designate representatives to serve on or assist those committees.

(e) INQUIRIES.—The Board, or an officer or employee of the Board designated by the Chairman, may conduct an inquiry to obtain information related to transportation safety after publishing notice of the inquiry in the Federal Register. The Board or designated officer or employee may require by order a department, agency, or instrumentality of the Government, a State or local governmental authority, or a person transporting individuals or property in commerce to submit to the Board a written report and answers to requests and questions related to a duty or power of the Board. The Board may prescribe the time within which the report and answers must be given to the Board or to the designated officer or employee. Copies of the report and answers shall be made available for public inspection.

(f) REGULATIONS.—The Board may prescribe regulations to carry out this chapter.

(g) OVERTIME PAY.—

(1) IN GENERAL.—Subject to the requirements of this section and notwithstanding paragraphs (1) and (2) of section 5542(a) of title 5, for an employee of the Board whose basic pay is at a rate which equals or exceeds the minimum rate of basic pay for GS-10 of the General Schedule, the Board may establish an overtime hourly rate of pay for the employee with respect to work performed at the scene of an accident (including travel to or from the scene) and other work that is critical to an accident investigation in an amount equal to one and one-half times the hourly rate of basic pay of the employee. All of such amount shall be considered to be premium pay.

(2) LIMITATION ON OVERTIME PAY TO AN EMPLOYEE.—An employee of the Board may not receive overtime pay under paragraph (1), for work performed in a calendar year, in an amount that exceeds 15 percent of the annual rate of basic pay of the employee for such calendar year.

(3) LIMITATION ON TOTAL AMOUNT OF OVERTIME PAY.—The Board may not make overtime payments under paragraph (1) for work performed in any fiscal year in a total amount that exceeds 1.5 percent of the amount appropriated to carry out this chapter for that fiscal year.

(4) BASIC PAY DEFINED.—In this subsection, the term “basic pay” includes any applicable locality-based comparability payment under section 5304 of title 5 (or similar provision of law) and any special rate of pay under section 5305 of title 5 (or similar provision of law).

(5) ANNUAL REPORT.—Not later than January 31, 2002, and annually thereafter, the Board shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House Transportation and Infrastructure Committee a report identifying the total amount of overtime payments made under this subsection in the preceding fiscal year, and the number of employees whose overtime pay under this subsection was limited in that fiscal year as a result of the 15 percent limit established by paragraph (2).

(h) INVESTIGATIVE OFFICERS.—The Board shall maintain at least 1 full-time employee in each State located more than 1,000 miles from the nearest Board regional office to provide initial investigative response to accidents the Board is empowered to investigate under this chapter that occur in that State.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 747; Pub. L. 106-424, §§3(a), (b)(1), 4, Nov. 1, 2000, 114 Stat. 1883, 1884; Pub. L. 109-443, §9(e)-(g), Dec. 21, 2006, 120 Stat. 3301; Pub. L. 111-350, §5(o)(2), Jan. 4, 2011, 124 Stat. 3853.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1113(a)	49 App.:1903(b)(1), (3).	Jan. 3, 1975, Pub. L. 93-633, §304(a)(1)(A), (b)(1), (3), (4), (7)-(9), 88 Stat. 2168, 2169, 2170; July 19, 1988, Pub. L. 100-372, §4, 102 Stat. 876.
1113(b)(1)(A)	49 App.:1441(b) (words before semicolon). 49 App.:1655(d) (1st sentence).	Aug. 23, 1958, Pub. L. 85-726, §701(b), 72 Stat. 781. Oct. 15, 1966, Pub. L. 89-670, §6(d) (1st sentence), 80 Stat. 938.
1113(b)(1)(B) 1113(b)(1)(C)	49 App.:1903(a)(1)(A), (b)(6)(C). 49 App.:1903(b)(4). 49 App.:1441(b) (words after semicolon). 49 App.:1655(d) (1st sentence). 49 App.:1903(a)(1)(A). 49 App.:1903(b)(6)(A).	Jan. 3, 1975, Pub. L. 93-633, §304(b)(6), 88 Stat. 2170; July 19, 1988, Pub. L. 100-372, §5, 102 Stat. 877.
1113(b)(1)(D)-(I), (2).	49 App.:1903(b)(6)(B), (D)-(H).	
1113(c)	49 App.:1903(b)(7).	
1113(d)	49 App.:1903(b)(8).	
1113(e)	49 App.:1903(b)(9).	
1113(f)	49 App.:1903(b)(12).	Jan. 3, 1975, Pub. L. 93-633, §304(b)(12), 88 Stat. 2171; July 19, 1988, Pub. L. 100-372, §4, 102 Stat. 876; Nov. 28, 1990, Pub. L. 101-641, §6, 104 Stat. 4656.

In subsection (a)(1), the words “sit and act at such times and places” are omitted as unnecessary. The word “necessary” is substituted for “as the Board or

such officer or employee deems advisable” because it is more accurate.

In subsection (a)(2), the words “the witness would have been” are added for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (a)(4), the words “If a person disobeys” are substituted for “In case of contumacy or refusal to obey” for consistency in the revised title and with other titles of the Code. The words “of the Board” are substituted for “of the Board, or of any duly designated employee thereof” to eliminate unnecessary words. The words “the Board may bring a civil action in a district court of the United States” are substituted for “such district court shall, upon the request of the Board, have jurisdiction” for consistency in the revised title and because of 28:1331. The word “forthwith” is omitted as surplus. The words “An action under this paragraph may be brought in the judicial district” are added for clarity.

In subsection (b)(1)(A), the text of 49 App.:1441(b) (words before semicolon) is omitted as superseded by 49 App.:1903(b)(6)(C).

In subsection (b)(1)(B), the words “make agreements and other transactions” are substituted for “enter into . . . such contracts, leases, cooperative agreements, or other transactions” to eliminate unnecessary words. The words “to carry out this chapter” are substituted for “in the conduct of the functions and the duties of the Board under this chapter” for consistency. The words “with any government entity or any person” are omitted as surplus.

In subsection (b)(1)(C), the words “Department of Transportation and of other” are omitted as surplus. The words “department, agency, or instrumentality of the United States Government” are substituted for “civilian or military agencies and instrumentalities of the Federal Government” in 49 App.:1903(b)(6)(A) for consistency in the revised title and with other titles of the Code. The text of 49 App.:1441(b) (words after semicolon) is omitted as superseded by 49 App.:1903(b)(6)(A).

In subsection (b)(1)(D), the word “available” is omitted as surplus.

In subsection (b)(1)(E), the words “one or more” are omitted as surplus because the authority to appoint advisory committees is discretionary and unlimited on its face. The word “appropriate” is substituted for “necessary or appropriate” to eliminate unnecessary words. The words “in accordance with the Federal Advisory Committee Act” are omitted as surplus because that Act applies unless specifically excluded. (See 5 App. U.S.C.)

In subsection (b)(1)(G), the words “gifts of money and other property” are substituted for “gifts or donations of money or property (real, personal, mixed, tangible, or intangible)” to eliminate unnecessary words.

In subsection (b)(1)(H), the words “public or private” are omitted as surplus.

Subsection (b)(2) is substituted for “and to apply the funds received to the Board’s appropriations” for clarity and consistency in the revised title and with other titles of the Code.

In subsection (c), the word “submits” is substituted for “submits or transmits” for consistency. The words “Director of the Office of Management and Budget” are substituted for “Office of Management and Budget” because of 31:502(a).

In subsection (d), the word “appropriate” is substituted for “necessary or appropriate” to eliminate unnecessary words.

In subsection (e), the words “officer or employee” are substituted for “employee” for consistency in the revised title. The words “by order” are substituted for “by special or general orders” to eliminate unnecessary words. The word “individuals” is substituted for “people” for consistency in the revised title.

In subsection (f), the words “prescribe regulations to carry out this chapter” are substituted for “rules and regulations as may be necessary to the exercise of its functions” for consistency in the revised title and with

other titles of the Code and because “rule” and “regulation” are synonymous.

REFERENCES IN TEXT

GS-10 of the General Schedule, referred to in subsec. (g)(1), is set out under section 5332 of Title 5, Government Organization and Employees.

AMENDMENTS

2011—Subsec. (b)(1)(B). Pub. L. 111-350 substituted “section 6101(b) to (d) of title 41” for “section 3709 of the Revised Statutes (41 U.S.C. 5)”.

2006—Subsec. (a)(3). Pub. L. 109-443, §9(e), substituted “subpoena” for “subpena”.

Subsec. (a)(4). Pub. L. 109-443, §9(e), which directed substitution of “subpoena” for “subpena”, was executed by making the substitution wherever appearing, to reflect the probable intent of Congress.

Subsec. (c). Pub. L. 109-443, §9(f), inserted at end “The Board shall develop and approve a process for the Board’s review and comment or approval of documents submitted to the President, Director of the Office of Management and Budget, or Congress under this subsection.”

Subsec. (h). Pub. L. 109-443, §9(g), added subsec. (h).

2000—Subsec. (b)(1)(D). Pub. L. 106-424, §3(a), amended subpar. (I) generally. Prior to amendment, subpar. (I) read as follows: “require that the departments, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries provide appropriate consideration for the reasonable costs of goods and services supplied by the Board.”

Subsec. (b)(2). Pub. L. 106-424, §3(b)(1), inserted “as offsetting collections” after “to be credited” and “The Board shall maintain an annual record of collections received under paragraph (1)(I) of this subsection.” at end.

Subsec. (g). Pub. L. 106-424, §4, added subsec. (g).

RELIEF FROM CONTRACTING REQUIREMENTS FOR INVESTIGATIONS SERVICES

Pub. L. 108-168, §4, Dec. 6, 2003, 117 Stat. 2033, as amended by Pub. L. 109-443, §3, Dec. 21, 2006, 120 Stat. 3298, provided that:

“(a) IN GENERAL.—The National Transportation Safety Board may enter into agreements or contracts under the authority of section 1113(b)(1)(B) of title 49, United States Code, for investigations conducted under section 1131 of that title without regard to any other provision of law requiring competition if necessary to expedite the investigation.

“(b) REPORT ON USAGE.—On July 1 of each year, as part of the annual report required by section 1117 of title 49, United States Code, the National Transportation Safety Board shall transmit a report to the House of Representatives Committee on Transportation and Infrastructure, the House of Representatives Committee on Government Reform [now Committee on Oversight and Government Reform], the Senate Committee on Commerce, Science, and Transportation, and the Senate Committee on Governmental Affairs that—

“(1) describes each contract executed by the Board to which the authority provided by subsection (a) was applied; and

“(2) sets forth the rationale for dispensing with competition requirements with respect to such contract.”

TRAVEL BUDGETS

Pub. L. 106-424, §9, Nov. 1, 2000, 114 Stat. 1886, provided that: “The Chairman of the National Transportation Safety Board shall establish annual fiscal year budgets for non-accident-related travel expenditures for Board members which shall be approved by the Board and submitted to the Senate Committee on Commerce, Science, and Transportation and to the House of Representatives Committee on Transportation and Infrastructure together with an annual report detailing

the non-accident-related travel of each Board member. The report shall include separate accounting for foreign and domestic travel, including any personnel or other expenses associated with that travel.”

§ 1114. Disclosure, availability, and use of information

(a) GENERAL.—(1) Except as provided in subsections (b), (c), (d), and (f) of this section, a copy of a record, information, or investigation submitted or received by the National Transportation Safety Board, or a member or employee of the Board, shall be made available to the public on identifiable request and at reasonable cost. This subsection does not require the release of information described by section 552(b) of title 5 or protected from disclosure by another law of the United States.

(2) The Board shall deposit in the Treasury amounts received under paragraph (1) to be credited to the appropriation of the Board as offsetting collections.

(b) TRADE SECRETS.—(1) The Board may disclose information related to a trade secret referred to in section 1905 of title 18 only—

(A) to another department, agency, or instrumentality of the United States Government when requested for official use;

(B) to a committee of Congress having jurisdiction over the subject matter to which the information is related, when requested by that committee;

(C) in a judicial proceeding under a court order that preserves the confidentiality of the information without impairing the proceeding; and

(D) to the public to protect health and safety after giving notice to any interested person to whom the information is related and an opportunity for that person to comment in writing, or orally in closed session, on the proposed disclosure, if the delay resulting from notice and opportunity for comment would not be detrimental to health and safety.

(2) Information disclosed under paragraph (1) of this subsection may be disclosed only in a way designed to preserve its confidentiality.

(3) PROTECTION OF VOLUNTARY SUBMISSION OF INFORMATION.—Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, shall disclose voluntarily provided safety-related information if that information is not related to the exercise of the Board’s accident or incident investigation authority under this chapter and if the Board finds that the disclosure of the information would inhibit the voluntary provision of that type of information.

(c) COCKPIT RECORDINGS AND TRANSCRIPTS.—(1) The Board may not disclose publicly any part of a cockpit voice or video recorder recording or transcript of oral communications by and between flight crew members and ground stations related to an accident or incident investigated by the Board. However, the Board shall make public any part of a transcript or any written depiction of visual information the Board decides is relevant to the accident or incident—

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

(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident or incident are placed in the public docket.

(2) This subsection does not prevent the Board from referring at any time to cockpit voice or video recorder information in making safety recommendations.

(d) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

(1) CONFIDENTIALITY OF RECORDINGS.—The Board may not disclose publicly any part of a surface vehicle voice or video recorder recording or transcript of oral communications by or among drivers, train employees, or other operating employees responsible for the movement and direction of the vehicle or vessel, or between such operating employees and company communication centers, related to an accident investigated by the Board. However, the Board shall make public any part of a transcript or any written depiction of visual information that the Board decides is relevant to the accident—

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

(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident are placed in the public docket.

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

(e) DRUG TESTS.—(1) Notwithstanding section 503(e) of the Supplemental Appropriations Act, 1987 (Public Law 100-71, 101 Stat. 471), the Secretary of Transportation shall provide the following information to the Board when requested in writing by the Board:

(A) any report of a confirmed positive toxicological test, verified as positive by a medical review officer, conducted on an officer or employee of the Department of Transportation under post-accident, unsafe practice, or reasonable suspicion toxicological testing requirements of the Department, when the officer or employee is reasonably associated with the circumstances of an accident or incident under the investigative jurisdiction of the Board.

(B) any laboratory record documenting that the test is confirmed positive.

(2) Except as provided by paragraph (3) of this subsection, the Board shall maintain the confidentiality of, and exempt from disclosure under section 552(b)(3) of title 5—

(A) a laboratory record provided the Board under paragraph (1) of this subsection that reveals medical use of a drug allowed under applicable regulations; and

(B) medical information provided by the tested officer or employee related to the test or a review of the test.

(3) The Board may use a laboratory record made available under paragraph (1) of this subsection to develop an evidentiary record in an investigation of an accident or incident if—

(A) the fitness of the tested officer or employee is at issue in the investigation; and

(B) the use of that record is necessary to develop the evidentiary record.

(f) FOREIGN INVESTIGATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, shall disclose records or information relating to its participation in foreign aircraft accident investigations; except that—

(A) the Board shall release records pertaining to such an investigation when the country conducting the investigation issues its final report or 2 years following the date of the accident, whichever occurs first; and

(B) the Board may disclose records and information when authorized to do so by the country conducting the investigation.

(2) SAFETY RECOMMENDATIONS.—Nothing in this subsection shall restrict the Board at any time from referring to foreign accident investigation information in making safety recommendations.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 749; Pub. L. 104–291, title I, §§102, 103, Oct. 11, 1996, 110 Stat. 3452; Pub. L. 106–424, §§3(b)(2), 5(a), (b), Nov. 1, 2000, 114 Stat. 1884, 1885.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1114(a)	49 App.:1905(a).	Jan. 3, 1975, Pub. L. 93–633, §306(a), (b), 88 Stat. 2172; Oct. 14, 1982, Pub. L. 97–309, §2, 96 Stat. 1453.
1114(b)	49 App.:1905(b).	Jan. 3, 1975, Pub. L. 93–633, 88 Stat. 2156, §306(c); added Oct. 14, 1982, Pub. L. 97–309, §2, 96 Stat. 1453; re-stated Nov. 28, 1990, Pub. L. 101–641, §4, 104 Stat. 4654.
1114(c)	49 App.:1905(c).	
1114(d)(1)	49 App.:1903(b)(11)(A).	Jan. 3, 1975, Pub. L. 93–633, 88 Stat. 2156, §304(b)(11); added Nov. 28, 1990, Pub. L. 101–641, §6, 104 Stat. 4656.
1114(d)(2)	49 App.:1903(b)(11)(B).	
1114(d)(3)	49 App.:1903(b)(11)(C).	

In subsection (a), the words “record, information, or investigation” are substituted for “communication, document, investigation, or other report, or information” to eliminate unnecessary words. The words “of the United States” are added for clarity.

In subsection (c)(1), before clause (A), the words “Notwithstanding any other provision of law” are omitted as surplus. The word “relevant” is substituted for “relevant and pertinent” to eliminate unnecessary words.

In subsection (d), the words “officer or employee” are substituted for “employee” for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (d)(2), before clause (A), the words “maintain the confidentiality of” are substituted for “maintain in confidence” for consistency in the revised title and with other titles of the Code. In clause (A), the words “of a confirmed and verified toxicological test” are omitted as unnecessary because of the re-statement of the source provisions in paragraph (1) of this subsection.

In subsection (d)(3), the words “laboratory record made available under paragraph (1) of this subsection” are substituted for “such a laboratory record” for clarity.

REFERENCES IN TEXT

Section 503(e) of the Supplemental Appropriations Act, 1987, referred to in subsec. (e)(1), is section 503(e) of Pub. L. 100–71, which is set out as a note under section 7301 of Title 5, Government Organization and Employees.

AMENDMENTS

2000—Subsec. (a). Pub. L. 106–424, §§3(b)(2), 5(b)(2), designated existing provisions as par. (1), substituted “(d), and (f)” for “and (e)” in first sentence, and added par. (2).

Subsec. (c). Pub. L. 106–424, §5(a)(1), struck out “Voice” after “Cockpit” in heading.

Subsec. (c)(1). Pub. L. 106–424, §5(a)(2), (3), substituted “cockpit voice or video recorder” for “cockpit voice recorder” in first sentence and inserted “or any written depiction of visual information” after “transcript” in second sentence.

Subsec. (c)(2). Pub. L. 106–424, §5(a)(2), substituted “cockpit voice or video recorder” for “cockpit voice recorder”.

Subsec. (d). Pub. L. 106–424, §5(b)(1)(B), which directed the addition of subsec. (d) after subsec. (e), was executed by adding subsec. (d) before subsec. (e) to reflect the probable intent of Congress. Former subsec. (d) redesignated (e).

Subsecs. (e), (f). Pub. L. 106–424, §5(b)(1)(A), redesignated subsecs. (d) and (e) as (e) and (f), respectively.

1996—Subsec. (a). Pub. L. 104–291, §102(1), substituted “(b), (c), and (e)” for “(b) and (c)”.

Subsec. (b)(3). Pub. L. 104–291, §103, added par. (3).

Subsec. (e). Pub. L. 104–291, §102(2), added subsec. (e).

§ 1115. Training

(a) DEFINITION.—In this section, “Institute” means the Transportation Safety Institute of the Department of Transportation and any successor organization of the Institute.

(b) USE OF INSTITUTE SERVICES.—The National Transportation Safety Board may use, on a reimbursable basis, the services of the Institute. The Secretary of Transportation shall make the Institute available to—

(1) the Board for safety training of employees of the Board in carrying out their duties and powers; and

(2) other safety personnel of the United States Government, State and local governments, governments of foreign countries, interstate authorities, and private organizations the Board designates in consultation with the Secretary.

(c) FEES.—(1) Training at the Institute for safety personnel (except employees of the Government) shall be provided at a reasonable fee established periodically by the Board in consultation with the Secretary. The fee shall be paid directly to the Secretary, and the Secretary shall deposit the fee in the Treasury. The amount of the fee—

(A) shall be credited to the appropriate appropriation (subject to the requirements of any annual appropriation); and

(B) is an offset against any annual reimbursement agreement between the Board and the Secretary to cover all reasonable costs of providing training under this subsection that the Secretary incurs in operating the Institute.

(2) The Board shall maintain an annual record of offsets under paragraph (1)(B) of this subsection.

(d) TRAINING OF BOARD EMPLOYEES AND OTHERS.—The Board may conduct training of its employees in those subjects necessary for the proper performance of accident investigation. The Board may also authorize attendance at courses given under this subsection by other government personnel, personnel of foreign governments, and personnel from industry or otherwise who have a requirement for accident investigation training. The Board may require non-Board personnel to reimburse some or all of the training costs, and amounts so reimbursed shall be credited to the appropriation of the Board as offsetting collections.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 750; Pub. L. 104-291, title I, §104, Oct. 11, 1996, 110 Stat. 3453; Pub. L. 106-424, §3(b)(3), Nov. 1, 2000, 114 Stat. 1884.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1115(a)	(no source).	
1115(b)	49 App.:1903(b)(10) (1st, 2d sentences).	Jan. 3, 1975, Pub. L. 93-633, §304(b)(10), 88 Stat. 2156; added July 19, 1988, Pub. L. 100-372, §4, 102 Stat. 876.
1115(c)	49 App.:1903(b)(10) (3d-last sentences).	

In subsections (b) and (c), the words “or successor organization” are omitted as unnecessary because of subsection (a) of this section.

In subsection (b), before clause (1), the words “(established for the purpose of developing courses and conducting training in safety and security for all modes of transportation)” are omitted as surplus. In clause (1), the words “carrying out their duties and powers” are substituted for “in the performance of all of their authorized functions” for consistency in the revised title and with other titles of the United States Code. In clause (2), the words “of the United States Government, State and local governments, governments of foreign countries, interstate authorities, and private organizations” are substituted for “of Federal, interstate, State, local, and foreign governments and non-governmental organizations” for clarity and consistency in the revised title and with other titles of the Code.

In subsection (c)(1), before clause (A), the words “the Secretary shall deposit the fee in the Treasury” are added for clarity. In clause (B), the words “direct and indirect” are omitted as surplus. The word “administration” is omitted as being included in “operating”. The text of 49 App.:1903(b)(10) (last sentence) is omitted because 5.ch. 41 applies to the National Transportation Safety Board by its own terms.

AMENDMENTS

2000—Subsec. (d). Pub. L. 106-424 substituted “of the Board” for “of the National Transportation Safety Board, Salaries and Expenses”.

1996—Subsec. (d). Pub. L. 104-291 added subsec. (d).

§ 1116. Reports and studies

(a) PERIODIC REPORTS.—The National Transportation Safety Board shall report periodically to Congress, departments, agencies, and instrumentalities of the United States Government and State and local governmental authorities concerned with transportation safety, and other interested persons. The report shall—

(1) advocate meaningful responses to reduce the likelihood of transportation accidents similar to those investigated by the Board; and

(2) propose corrective action to make the transportation of individuals as safe and free from risk of injury as possible, including action to minimize personal injuries that occur in transportation accidents.

(b) STUDIES, INVESTIGATIONS, AND OTHER REPORTS.—The Board also shall—

(1) carry out special studies and investigations about transportation safety, including avoiding personal injury;

(2) examine techniques and methods of accident investigation and periodically publish recommended procedures for accident investigations;

(3) prescribe requirements for persons reporting accidents and aviation incidents that—

(A) may be investigated by the Board under this chapter; or

(B) involve public aircraft (except aircraft of the armed forces and the intelligence agencies);

(4) evaluate, examine the effectiveness of, and publish the findings of the Board about the transportation safety consciousness of other departments, agencies, and instrumentalities of the Government and their effectiveness in preventing accidents; and

(5) evaluate the adequacy of safeguards and procedures for the transportation of hazardous material and the performance of other departments, agencies, and instrumentalities of the Government responsible for the safe transportation of that material.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 751.)

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). 49 App.:1655(c)(1).	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, 1993, 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.
	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.
1116(b)(1)	49 App.:1441(a)(5) (related to studies). 49 App.:1655(d) (1st sentence). 49 App.:1903(a)(1)(A), (4).	
	49 App.:1903(a)(5).	
1116(b)(2)-(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.

§ 1117. Annual report

The National Transportation Safety Board shall submit a report to Congress on July 1 of each year. The report shall include—

(1) a statistical and analytical summary of the transportation accident investigations conducted and reviewed by the Board during the prior calendar year;

(2) a survey and summary of the recommendations made by the Board to reduce the likelihood of recurrence of those accidents together with the observed response to each recommendation;

(3) a detailed appraisal of the accident investigation and accident prevention activities of other departments, agencies, and instrumentalities of the United States Government and State and local governmental authorities having responsibility for those activities under a law of the United States or a State;

(4) a description of the activities and operations of the National Transportation Safety Board Academy during the prior calendar year;

(5) 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

(6) 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.

(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.)

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.

AMENDMENTS

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.”

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which the 9th item on page 185 identifies a reporting provision which, as subsequently amended, is contained in this section), see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

§ 1118. Authorization of appropriations

(a) IN GENERAL.—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.

(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.)

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. 28, 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.

AMENDMENTS

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 fiscal year 1994, \$44,000,000 for fiscal year 1995, \$45,100,000 for fiscal year 1996, \$42,400,00 for fiscal year 1997, \$44,400,000 for fiscal year 1998, and \$46,600,000 for fiscal year 1999. Such sums shall remain available until expended.

“(b) EMERGENCY FUND.—The Board has an emergency fund of \$1,000,000 available for necessary expenses of the Board, not otherwise provided for, for accident investigations. The following amounts may be appropriated to the fund:

“(1) \$1,000,000 to establish the fund.

“(2) amounts equal to amounts expended annually out of the fund.

“(c) AVAILABILITY OF AMOUNTS.—Amounts appropriated under this section remain available until expended.”

1996—Subsec. (a). Pub. L. 104-291 struck out “and” after “1995,” and inserted “, \$42,400,00 for fiscal year

1997, \$44,400,000 for fiscal year 1998, and \$46,600,000 for fiscal year 1999.” before period at end of first sentence.

1994—Subsec. (a). Pub. L. 103-411 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “Not more than \$38,800,000 may be appropriated to the National Transportation Safety Board for the fiscal year ending September 30, 1993, to carry out this chapter.”

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-443, § 8(b)(2), Dec. 21, 2006, 120 Stat. 3300, provided that: “The amendments made by paragraph (1) [amending this section] shall take effect on October 1, 2005.”

§ 1119. Accident and safety data classification and publication

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this section, the National Transportation Safety Board shall, in consultation and coordination with the Administrator of the Federal Aviation Administration, develop a system for classifying air carrier accident data maintained by the Board.

(b) REQUIREMENTS FOR CLASSIFICATION SYSTEM.—

(1) IN GENERAL.—The system developed under this section shall provide for the classification of accident and safety data in a manner that, in comparison to the system in effect on the date of the enactment of this section, provides for safety-related categories that provide clearer descriptions of accidents associated with air transportation, including a more refined classification of accidents which involve fatalities, injuries, or substantial damage and which are only related to the operation of an aircraft.

(2) PUBLIC COMMENT.—In developing a system of classification under paragraph (1), the Board shall provide adequate opportunity for public review and comment.

(3) FINAL CLASSIFICATION.—After providing for public review and comment, and after consulting with the Administrator, the Board shall issue final classifications. The Board shall ensure that air travel accident covered under this section is classified in accordance with the final classifications issued under this section for data for calendar year 1997, and for each subsequent calendar year.

(4) PUBLICATION.—The Board shall publish on a periodic basis accident and safety data in accordance with the final classifications issued under paragraph (3).

(5) RECOMMENDATIONS OF THE ADMINISTRATOR.—The Administrator may, from time to time, request the Board to consider revisions (including additions to the classification system developed under this section). The Board shall respond to any request made by the Administrator under this section not later than 90 days after receiving that request.

(c) APPEALS.—

(1) NOTIFICATION OF RIGHTS.—In any case in which an employee of the Board determines that an occurrence associated with the operation of an aircraft constitutes an accident, the employee shall notify the owner or operator of that aircraft of the right to appeal that determination to the Board.

(2) PROCEDURE.—The Board shall establish and publish the procedures for appeals under this subsection.

(3) LIMITATION ON APPLICABILITY.—This subsection shall not apply in the case of an accident that results in a loss of life.

(Added Pub. L. 104-264, title IV, § 407(a)(1), Oct. 9, 1996, 110 Stat. 3257; amended Pub. L. 108-168, § 5, Dec. 6, 2003, 117 Stat. 2034.)

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsecs. (a) and (b)(1), is the date of enactment of Pub. L. 104-264, which was approved Oct. 9, 1996.

AMENDMENTS

2003—Subsec. (c). Pub. L. 108-168 added subsec. (c).

EFFECTIVE DATE

Except as otherwise specifically provided, section applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104-264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

SUBCHAPTER III—AUTHORITY

§ 1131. General authority

(a) GENERAL.—(1) The National Transportation Safety Board shall investigate or have investigated (in detail the Board prescribes) and establish the facts, circumstances, and cause or probable cause of—

(A) an aircraft accident the Board has authority to investigate under section 1132 of this title or an aircraft accident involving a public aircraft as defined by section 40102(a)(37)¹ of this title other than an aircraft operated by the Armed Forces or by an intelligence agency of the United States;

(B) a highway accident, including a railroad grade crossing accident, the Board selects in cooperation with a State;

(C) a railroad accident in which there is a fatality or substantial property damage, or that involves a passenger train;

(D) a pipeline accident in which there is a fatality, substantial property damage, or significant injury to the environment;

(E) a major marine casualty (except a casualty involving only public vessels) occurring on or under the navigable waters, internal waters, or the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988, or involving a vessel of the United States (as defined in section 2101(46)¹ of title 46), under regulations prescribed jointly by the Board and the head of the department in which the Coast Guard is operating; and

(F) any other accident related to the transportation of individuals or property when the Board decides—

- (i) the accident is catastrophic;
- (ii) the accident involves problems of a recurring character; or
- (iii) the investigation of the accident would carry out this chapter.

(2)(A) Subject to the requirements of this paragraph, an investigation by the Board under paragraph (1)(A)–(D) or (F) of this subsection has priority over any investigation by another department, agency, or instrumentality of the United States Government. The Board shall provide for appropriate participation by other departments, agencies, or instrumentalities in the investigation. However, those departments, agencies, or instrumentalities may not participate in the decision of the Board about the probable cause of the accident.

(B) If the Attorney General, in consultation with the Chairman of the Board, determines and notifies the Board that circumstances reasonably indicate that the accident may have been caused by an intentional criminal act, the Board shall relinquish investigative priority to the Federal Bureau of Investigation. The relinquishment of investigative priority by the Board shall not otherwise affect the authority of the Board to continue its investigation under this section.

(C) If a Federal law enforcement agency suspects and notifies the Board that an accident being investigated by the Board under subparagraph (A), (B), (C), or (D) of paragraph (1) may have been caused by an intentional criminal act, the Board, in consultation with the law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved.

(3) This section and sections 1113, 1116(b), 1133, and 1134(a) and (c)–(e) of this title do not affect the authority of another department, agency, or instrumentality of the Government to investigate an accident under applicable law or to obtain information directly from the parties involved in, and witnesses to, the accident. The Board and other departments, agencies, and instrumentalities shall ensure that appropriate information developed about the accident is exchanged in a timely manner.

(b) ACCIDENTS INVOLVING PUBLIC VESSELS.—(1) The Board or the head of the department in which the Coast Guard is operating shall investigate and establish the facts, circumstances, and cause or probable cause of a marine accident involving a public vessel and any other vessel. The results of the investigation shall be made available to the public.

(2) Paragraph (1) of this subsection and subsection (a)(1)(E) of this section do not affect the responsibility, under another law of the United States, of the head of the department in which the Coast Guard is operating.

(c) ACCIDENTS NOT INVOLVING GOVERNMENT MISFEASANCE OR NONFEASANCE.—(1) When asked by the Board, the Secretary of Transportation or the Secretary of the department in which the Coast Guard is operating may—

(A) investigate an accident described under subsection (a) or (b) of this section in which misfeasance or nonfeasance by the Government has not been alleged; and

(B) report the facts and circumstances of the accident to the Board.

(2) The Board shall use the report in establishing cause or probable cause of an accident described under subsection (a) or (b) of this section.

¹ See References in Text note below.