

106TH CONGRESS
1ST SESSION

H. R. 2910

IN THE SENATE OF THE UNITED STATES

OCTOBER 1, 1999

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

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

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

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

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

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

11 **SEC. 2. DEFINITIONS.**

12 Section 1101 is amended to read as follows:

13 **“§ 1101. Definitions**

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

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

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

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

1 accident investigation theory and technique, and re-
2 quire that such entities provide appropriate consider-
3 ation for the reasonable costs of any goods, services,
4 or training provided by the Board.”.

5 (b) DEPOSIT OF AMOUNTS.—Section 1114(a) is
6 amended—

7 (1) by inserting “(1)” before “Except”; and

8 (2) by adding at the end the following:

9 “(2) The Board shall deposit in the Treasury
10 amounts received under paragraph (1). Such amounts
11 shall be available to the Board as provided in appropria-
12 tions Acts.”.

13 **SEC. 4. OVERTIME PAY.**

14 Section 1113 is amended by adding at the end the
15 following:

16 “(g) OVERTIME PAY.—

17 “(1) IN GENERAL.—Subject to the require-
18 ments of this section and notwithstanding para-
19 graphs (1) and (2) of section 5542(a) of title 5, for
20 an employee of the Board whose basic pay is at a
21 rate which equals or exceeds the minimum rate of
22 basic pay for GS–10 of the General Schedule, the
23 Board may establish an overtime hourly rate of pay
24 for the employee with respect to work performed at
25 the scene of an accident (including travel to or from

1 the scene) and other work that is critical to an acci-
2 dent investigation in an amount equal to one and
3 one-half times the hourly rate of basic pay of the
4 employee. All of such amount shall be considered to
5 be premium pay.

6 “(2) LIMITATION ON OVERTIME PAY TO AN EM-
7 PLOYEE.—An employee of the Board may not re-
8 ceive overtime pay under paragraph (1), for work
9 performed in a calendar year, in an amount that ex-
10 ceeds 15 percent of the annual rate of basic pay of
11 the employee for such calendar year.

12 “(3) LIMITATION ON TOTAL AMOUNT OF OVER-
13 TIME PAY.—The Board may not make overtime pay-
14 ments under paragraph (1), for work performed in
15 a calendar year, in a total amount that exceeds
16 \$570,000.

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

23 “(5) ANNUAL REPORT.—Not later than Janu-
24 ary 31, 2001, and annually thereafter, the Board
25 shall transmit to Congress a report identifying the

1 total amount of overtime payments made under this
2 subsection in the preceding fiscal year and the num-
3 ber of employees whose overtime pay under this sub-
4 section was limited in such fiscal year as a result
5 of the 15 percent limit established by paragraph
6 (2).”.

7 **SEC. 5. RECORDERS.**

8 (a) **COCKPIT VIDEO RECORDINGS.**—Section 1114(c)
9 is amended—

10 (1) in the subsection heading by striking
11 “VOICE”;

12 (2) in paragraphs (1) and (2) by striking
13 “cockpit voice recorder” and inserting “cockpit voice
14 or video recorder”; and

15 (3) in the second sentence of paragraph (1) by
16 inserting “or any written depiction of visual infor-
17 mation” after “transcript”.

18 (b) **SURFACE VEHICLE RECORDINGS AND TRAN-**
19 **SCRIPTS.**—

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

21 (A) by redesignating subsections (d) and
22 (e) as subsections (e) and (f), respectively; and

23 (B) by inserting after subsection (c) the
24 following:

1 “(d) SURFACE VEHICLE RECORDINGS AND TRAN-
2 SCRIPTS.—

3 “(1) CONFIDENTIALITY OF RECORDINGS.—The
4 Board may not disclose publicly any part of a sur-
5 face vehicle voice or video recorder recording or
6 transcript of oral communications by or among driv-
7 ers, train employees, or other operating employees
8 responsible for the movement and direction of the
9 vehicle or vessel, or between such operating employ-
10 ees and company communication centers, related to
11 an accident investigated by the Board. However, the
12 Board shall make public any part of a transcript or
13 any written depiction of visual information that the
14 Board decides is relevant to the accident—

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

17 “(B) if the Board does not hold a public
18 hearing, at the time a majority of the other fac-
19 tual reports on the accident are placed in the
20 public docket.

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

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

4 (c) DISCOVERY AND USE OF COCKPIT AND SURFACE
5 VEHICLE RECORDINGS AND TRANSCRIPTS.—

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

7 (A) in the section heading by striking
8 “**cockpit voice and other material**” and
9 inserting “**cockpit and surface vehicle**
10 **recordings and transcripts**”;

11 (B) in subsection (a)—

12 (i) by striking “cockpit voice re-
13 corder” each place it appears and inserting
14 “cockpit or surface vehicle recorder”;

15 (ii) by striking “section 1114(c)” each
16 place it appears and inserting “section
17 1114(c) or 1114(d)”;

18 (iii) by adding at the end the fol-
19 lowing:

20 “(6) In this subsection—

21 “(A) the term ‘recorder’ means a voice or video
22 recorder; and

23 “(B) the term ‘transcript’ includes any written
24 depiction of visual information obtained from a video
25 recorder.”.

1 (2) CONFORMING AMENDMENT.—The table of
2 sections for chapter 11 is amended by striking the
3 item relating to section 1154 and inserting the fol-
4 lowing:

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

5 (d) REQUIREMENTS FOR INSTALLATION AND USE OF
6 RECORDING DEVICES.—Section 329 is amended by add-
7 ing at the end the following:

8 “(e) REQUIREMENTS FOR INSTALLATION AND USE
9 OF RECORDING DEVICES.—A requirement for the installa-
10 tion and use of an automatic voice, video, or data record-
11 ing device on an aircraft, vessel, or surface vehicle shall
12 not be construed to be the collection of information for
13 the purpose of any Federal law or regulation, if the
14 requirement—

15 “(1) meets a safety need for the automatic re-
16 cording of realtime voice or data experience that is
17 restricted to a fixed period of the most recent oper-
18 ation of the aircraft, vessel, or surface vehicle;

19 “(2) does not place a periodic reporting burden
20 on any person; and

21 “(3) does not necessitate the collection and
22 preservation of data separate from the device.”.

23 **SEC. 6. PRIORITY OF INVESTIGATIONS.**

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

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

4 (2) by adding at the end the following:

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

14 “(C) If a law enforcement agency suspects and noti-
15 fies the Board that an accident being investigated by the
16 Board under paragraph (1)(A) through (D) may have
17 been caused by an intentional criminal act, the Board, in
18 consultation with the law enforcement agency, shall take
19 necessary actions to ensure that evidence of the criminal
20 act is preserved.”.

21 (b) REVISION OF 1977 AGREEMENT.—Not later than
22 1 year after the date of the enactment of this Act, the
23 National Transportation Safety Board and the Federal
24 Bureau of Investigation shall revise their 1977 agreement

1 on the investigation of accidents to take into account the
2 amendments made by this Act.

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

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

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

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

9 **“§ 1137. Authority of the Inspector General**

10 “(a) IN GENERAL.—The Inspector General of the
11 Department of Transportation, in accordance with the
12 mission of the Inspector General to prevent and detect
13 fraud and abuse, shall have authority to review only the
14 financial management and business operations of the Na-
15 tional Transportation Safety Board, including internal ac-
16 counting and administrative control systems, to determine
17 compliance with applicable Federal laws, rules, and regu-
18 lations.

19 “(b) DUTIES.—In carrying out this section, the In-
20 spector General shall—

21 “(1) keep the Chairman of the Board and Con-
22 gress fully and currently informed about problems
23 relating to administration of the internal accounting
24 and administrative control systems of the Board;

1 “(2) issue findings and recommendations for
2 actions to address such problems; and

3 “(3) report periodically to Congress on any
4 progress made in implementing actions to address
5 such problems.

6 “(c) ACCESS TO INFORMATION.—In carrying out this
7 section, the Inspector General may exercise authorities
8 granted to the Inspector General under subsections (a)
9 and (b) of section 6 of the Inspector General Act of 1978
10 (5 U.S.C. App.).

11 “(d) REIMBURSEMENT.—The Inspector General shall
12 be reimbursed by the Board for the costs associated with
13 carrying out activities under this section.”.

14 (b) CONFORMING AMENDMENT.—The table of sec-
15 tions for such subchapter is amended by adding at the
16 end the following:

 “1137. Authority of the Inspector General.”.

17 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

19 “(a) IN GENERAL.—There is authorized to be appro-
20 priated for the purposes of this chapter \$57,000,000 for
21 fiscal year 2000, \$65,000,000 for fiscal year 2001, and

1 \$72,000,000 for fiscal year 2002. Such sums remain avail-
2 able until expended.”.

Passed the House of Representatives September 30,
1999.

Attest:

JEFF TRANDAHL,

Clerk.