

109TH CONGRESS
2D SESSION

H. R. 5076

IN THE SENATE OF THE UNITED STATES

DECEMBER 6, 2006

Received

AN ACT

To amend title 49, United States Code, to authorize appropriations for fiscal years 2007 and 2008, 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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “National Transportation Safety Board Reauthorization
4 Act of 2006”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Reports.
- Sec. 3. Investigation services.
- Sec. 4. Expenses of DOT Inspector General.
- Sec. 5. Evaluation and audit of the National Transportation Safety Board.
- Sec. 6. Audit procedures.
- Sec. 7. Implementation of NTSB’s “Most Wanted Transportation Safety Im-
provements, 2006”.
- Sec. 8. Authorization of appropriations.
- Sec. 9. Technical corrections.
- Sec. 10. Safety review.
- Sec. 11. DOT Inspector General oversight and investigations related to Central
Artery tunnel project.

7 **SEC. 2. REPORTS.**

8 (a) ANNUAL REPORTS.—

9 (1) IN GENERAL.—Section 1117 of title 49,
10 United States Code, is amended—

11 (A) in paragraph (2) by striking “and”
12 after the semicolon;

13 (B) in paragraph (3) by striking “State.”
14 and inserting “State;”; and

15 (C) by adding at the end the following:

16 “(4) a description of the activities and oper-
17 ations of the National Transportation Safety Board
18 Academy during the prior calendar year;

1 “(5) a list of accidents, during the prior cal-
2 endar year, that the Board was required to inves-
3 tigate under section 1131 but did not investigate
4 and an explanation of why they were not inves-
5 tigated; and

6 “(6) a list of ongoing investigations that have
7 exceeded the expected time allotted for completion
8 by Board order and an explanation for the addi-
9 tional time required to complete each such investiga-
10 tion.”.

11 (2) UTILIZATION PLAN.—

12 (A) PLAN.—Within 90 days after the date
13 of enactment of this Act, the National Trans-
14 portation Safety Board shall—

15 (i) develop a plan to achieve, to the
16 maximum extent feasible, the self-sufficient
17 operation of the National Transportation
18 Safety Board Academy and utilize the
19 Academy’s facilities and resources;

20 (ii) submit a draft of the plan to the
21 Comptroller General for review and com-
22 ment; and

23 (iii) submit a draft of the plan to the
24 Committee on Commerce, Science, and
25 Transportation of the Senate and the

1 Committee on Transportation and Infra-
2 structure of the House of Representatives.

3 (B) PLAN DEVELOPMENT CONSIDER-
4 ATIONS.—The Board shall—

5 (i) give consideration in developing
6 the plan under subparagraph (A)(i) to
7 other revenue-generating measures, includ-
8 ing subleasing the facility to another enti-
9 ty; and

10 (ii) include in the plan a detailed fi-
11 nancial statement that covers current
12 Academy expenses and revenues and an
13 analysis of the projected impact of the plan
14 on the Academy's expenses and revenues.

15 (C) REPORT.—Within 180 days after the
16 date of enactment of this Act, the National
17 Transportation Safety Board shall submit a re-
18 port to the Committee on Commerce, Science,
19 and Transportation of the Senate and the Com-
20 mittee on Transportation and Infrastructure of
21 the House of Representatives that includes—

22 (i) an updated copy of the plan devel-
23 oped pursuant to subparagraph (A)(i);

24 (ii) any comments and recommenda-
25 tions made by the Comptroller General

1 pursuant to the Government Accountability
2 Office’s review of the draft plan; and

3 (iii) a response to the Comptroller
4 General’s comments and recommendations,
5 including a description of any modifica-
6 tions made to the plan in response to those
7 comments and recommendations.

8 (D) IMPLEMENTATION.—The plan devel-
9 oped pursuant to subparagraph (A)(i) shall be
10 implemented within 2 years after the date of
11 enactment of this Act.

12 (b) DOT REPORT ON COMPLIANCE WITH REC-
13 OMMENDATIONS.—Section 1135(d)(3) of title 49, United
14 States Code, is amended to read as follows:

15 “(3) COMPLIANCE REPORT WITH REC-
16 OMMENDATIONS.—Within 90 days after the date on
17 which the Secretary submits a report under this sub-
18 section, the Board shall review the Secretary’s re-
19 port and transmit comments on the report to the
20 Secretary, the Committee on Commerce, Science,
21 and Transportation of the Senate, and the Com-
22 mittee on Transportation and Infrastructure of the
23 House of Representatives.”.

1 **SEC. 3. INVESTIGATION SERVICES.**

2 (a) IN GENERAL.—Section 4(a) of the National
3 Transportation Safety Board Reauthorization Act of 2003
4 (Public Law 108–168; 49 U.S.C. 1113 note) is amended
5 by striking “From the date of enactment of this Act
6 through September 30, 2006, the” and inserting “The”.

7 (b) REPORT.—Section 4(b) of such Act is amended—

8 (1) by striking “On February 1, 2006,” and in-
9 serting “On July 1 of each year, as part of the an-
10 nual report required by section 1117 of title 49,
11 United States Code,”; and

12 (2) in paragraph (1) by striking “for \$25,000
13 or more”.

14 **SEC. 4. EXPENSES OF DOT INSPECTOR GENERAL.**

15 Section 1137(d) of title 49, United States Code, is
16 amended to read as follows:

17 “(d) AUTHORIZATIONS OF APPROPRIATIONS.—

18 “(1) FUNDING.—There are authorized to be ap-
19 propriated to the Secretary of Transportation for
20 use by the Inspector General of the Department of
21 Transportation such sums as may be necessary to
22 cover expenses associated with activities pursuant to
23 the authority exercised under this section.

24 “(2) REIMBURSABLE AGREEMENT.—In the ab-
25 sence of an appropriation under this subsection for
26 an expense referred to in paragraph (1), the Inspec-

1 tor General and the Board shall have a reimbursable
2 agreement to cover such expense.”.

3 **SEC. 5. EVALUATION AND AUDIT OF THE NATIONAL TRANS-**
4 **PORTATION SAFETY BOARD.**

5 (a) IN GENERAL.—Subchapter III of chapter 11 of
6 title 49, United States Code, is amended by adding at the
7 end the following:

8 **“§ 1138. Evaluation and audit of National Transpor-**
9 **tation Safety Board**

10 “(a) IN GENERAL.—To promote economy, efficiency,
11 and effectiveness in the administration of the programs,
12 operations, and activities of the National Transportation
13 Safety Board, the Comptroller General of the United
14 States shall evaluate and audit the programs and expendi-
15 tures of the National Transportation Safety Board. Such
16 evaluation and audit shall be conducted at least annually,
17 but may be conducted as determined necessary by the
18 Comptroller General or the appropriate congressional com-
19 mittees.

20 “(b) RESPONSIBILITY OF COMPTROLLER GEN-
21 ERAL.—The Comptroller General shall evaluate and audit
22 Board programs, operations, and activities, including—

23 “(1) information management and security, in-
24 cluding privacy protection of personally identifiable
25 information;

1 “(2) resource management;
 2 “(3) workforce development;
 3 “(4) procurement and contracting planning,
 4 practices and policies;
 5 “(5) the extent to which the Board follows lead-
 6 ing practices in selected management areas; and
 7 “(6) the extent to which the Board addresses
 8 management challenges in completing accident inves-
 9 tigations.

10 “(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—
 11 For purposes of this section the term ‘appropriate con-
 12 gressional committees’ means the Committee on Com-
 13 merce, Science and Transportation of the Senate and the
 14 Committee on Transportation and Infrastructure of the
 15 House of Representatives.”.

16 (b) CLERICAL AMENDMENT.—The analysis for such
 17 chapter is amended by inserting after the item relating
 18 to section 1137 the following:

“1138. Evaluation and audit of National Transportation Safety Board”.

19 **SEC. 6. AUDIT PROCEDURES.**

20 The National Transportation Safety Board, in con-
 21 sultation with the Inspector General of the Department
 22 of Transportation, shall continue to develop and imple-
 23 ment comprehensive internal audit controls for its oper-
 24 ations. The audit controls shall address, at a minimum,
 25 Board asset management systems, including systems for

1 accounting management, debt collection, travel, and prop-
2 erty and inventory management and control.

3 **SEC. 7. IMPLEMENTATION OF NTSB'S "MOST WANTED**
4 **TRANSPORTATION SAFETY IMPROVEMENTS,**
5 **2006".**

6 Within 90 days after the date of enactment of this
7 Act, the Administrator of the Federal Aviation Adminis-
8 tration shall submit a report to the Committee on Com-
9 merce, Science, and Transportation of the Senate and the
10 Committee on Transportation and Infrastructure of the
11 House of Representatives explaining why the Federal
12 Aviation Administration has not implemented the aviation
13 recommendations in the "Most Wanted Transportation
14 Safety Improvements, 2006" of the National Transpor-
15 tation Safety Board.

16 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—Section 1118(a) of title 49,
18 United States Code, is amended—

19 (1) by striking "and" after "2005,"; and

20 (2) by striking "2006." and inserting "2006,
21 \$81,594,000 for fiscal year 2007, and \$92,625,000
22 for fiscal year 2008.".

23 (b) FEES, REFUNDS, AND REIMBURSEMENTS.—

24 (1) IN GENERAL.—Section 1118(c) of such title
25 is amended to read as follows:

1 “(c) FEES, REFUNDS, AND REIMBURSEMENTS.—

2 “(1) IN GENERAL.—The Board may impose
3 and collect such fees, refunds, and reimbursements
4 as it determines to be appropriate for services pro-
5 vided by or through the Board.

6 “(2) RECEIPTS CREDITED AS OFFSETTING COL-
7 LECTIONS.—Notwithstanding section 3302 of title
8 31, any fee, refund, or reimbursement collected
9 under this subsection—

10 “(A) shall be credited as offsetting collec-
11 tions to the account that finances the activities
12 and services for which the fee is imposed or
13 with which the refund or reimbursement is as-
14 sociated;

15 “(B) shall be available for expenditure only
16 to pay the costs of activities and services for
17 which the fee is imposed or with which the re-
18 fund or reimbursement is associated; and

19 “(C) shall remain available until expended.

20 “(3) REFUNDS.—The Board may refund any
21 fee paid by mistake or any amount paid in excess of
22 that required.”.

23 (2) EFFECTIVE DATE.—The amendments made
24 by paragraph (1) shall take effect on October 1,
25 2005.

1 (c) REPORT.—Section 1118(d) of title 49, United
2 States Code, is repealed.

3 **SEC. 9. TECHNICAL CORRECTIONS.**

4 (a) FUNCTIONAL UNIT FOR MARINE INVESTIGA-
5 TIONS.—Section 1111(g) of title 49, United States Code,
6 is amended by adding at the end the following:

7 “(5) marine.”.

8 (b) MARINE CASUALTY INVESTIGATIONS.—Section
9 1131(a)(1)(E) of such title is amended—

10 (1) by striking “on the navigable waters or ter-
11 ritorial sea of the United States,” and inserting “on
12 or under the navigable waters, internal waters, or
13 the territorial sea of the United States as described
14 in Presidential Proclamation No. 5928 of December
15 27, 1988,”; and

16 (2) by inserting “(as defined in section
17 2101(46) of title 46)” after “vessel of the United
18 States”.

19 (c) REFERENCE TO DEPARTMENTAL AUTHORITY.—
20 Section 1131(c)(1) of such title is amended by inserting
21 “or the Secretary of the department in which the Coast
22 Guard is operating” after “Transportation”.

23 (d) APPOINTMENT OF STAFF.—Section 1111 of such
24 title is amended—

1 (1) by striking paragraph (1) of subsection (e)
2 and inserting the following:

3 “(1) appoint and supervise officers and employ-
4 ees, other than regular and full-time employees in
5 the immediate offices of another member, necessary
6 to carry out this chapter;”;

7 (2) by redesignating paragraphs (2) and (3) of
8 subsection (e) as paragraphs (3) and (4), respec-
9 tively;

10 (3) by inserting after paragraph (1) of sub-
11 section (e) the following:

12 “(2) fix the pay of officers and employees nec-
13 essary to carry out this chapter;”;

14 (4) by redesignating subsection (i) as subsection
15 (j); and

16 (5) by inserting after subsection (h) the fol-
17 lowing:

18 “(i) BOARD MEMBER STAFF.—Each member of the
19 Board shall select and supervise regular and full-time em-
20 ployees in his or her immediate office as long as any such
21 employee has been approved for employment by the des-
22 ignated agency ethics official under the same guidelines
23 that apply to all employees of the Board. Except for the
24 Chairman, the appointment authority provided by this
25 subsection is limited to the number of full-time equivalent

1 positions, in addition to 1 senior professional staff at a
2 level not to exceed the GS 15 level and 1 administrative
3 staff, allocated to each member through the Board's an-
4 nual budget and allocation process.”.

5 (e) SPELLING CORRECTION.—Section 1113(a) of
6 such title is amended in paragraphs (3) and (4) by strik-
7 ing “subpena” and inserting “subpoena”.

8 (f) BOARD REVIEW.—Section 1113(c) of such title is
9 amended by inserting after the period at the end the fol-
10 lowing: “The Board shall develop and approve a process
11 for the Board’s review and comment or approval of docu-
12 ments submitted to the President, Director of the Office
13 of Management and Budget, or Congress under this sub-
14 section.”.

15 (g) INVESTIGATIVE OFFICERS.—Section 1113 of
16 such title is amended by adding at the end the following:

17 “(h) INVESTIGATIVE OFFICERS.—The Board shall
18 maintain at least 1 full-time employee in each State lo-
19 cated more than 1,000 miles from the nearest Board re-
20 gional office to provide initial investigative response to ac-
21 cidents the Board is empowered to investigate under this
22 chapter that occur in that State.”.

23 **SEC. 10. SAFETY REVIEW.**

24 (a) SAFETY AREA ALTERNATIVES.—With regard to
25 an environmental review of a project to improve runway

1 safety areas on Runway 8/26 at Juneau International Air-
2 port, the Secretary of Transportation may only select as
3 the preferred alternative the least expensive runway safety
4 area alternative that meets the standards of the Federal
5 Aviation Administration and that maintains the length of
6 the runway as of the date of enactment of this Act.

7 (b) COSTS TO BE CONSIDERED.—In determining
8 what is the least expensive runway safety area for pur-
9 poses of subsection (a), the Secretary shall consider, at
10 a minimum, the initial development costs and life cycle
11 costs of the project.

12 (c) SATISFACTION OF REQUIREMENT.—With respect
13 to the project described in subsection (a), the require-
14 ments of section 303(c)(1) of title 49, United States Code,
15 shall be considered to be satisfied by the selection of the
16 least expensive safety area alternative.

17 **SEC. 11. DOT INSPECTOR GENERAL OVERSIGHT AND IN-**
18 **VESTIGATIONS RELATED TO CENTRAL AR-**
19 **TERY TUNNEL PROJECT.**

20 (a) OVERSIGHT OF SAFETY REVIEW.—The Inspector
21 General of the Department of Transportation shall provide
22 objective and independent oversight of the activities per-
23 formed by the Federal Highway Administration, the Mas-
24 sachusetts Executive Office of Transportation, and the
25 Massachusetts Department of Transportation for the

1 project-wide safety review initiated as a result of the July
2 10, 2006, accident in the Central Artery tunnel project
3 in Boston, Massachusetts. The Inspector General shall en-
4 sure that such oversight is comprehensive, complete, and
5 carried out in a rigorous manner.

6 (b) INVESTIGATIONS OF CRIMINAL AND FRAUDU-
7 LENT ACTIVITIES.—In cooperation with the Attorney
8 General of the United States and the Attorney General
9 of the Commonwealth of Massachusetts, the Inspector
10 General shall investigate criminal or fraudulent acts com-
11 mitted in the design, expenditure of funds, and construc-
12 tion of the Central Artery tunnel project.

13 (c) REPORTS TO CONGRESS.—The Inspector General
14 shall submit to Congress periodically reports on the over-
15 sight and investigative activities conducted pursuant to
16 this section, together with any recommendations and ob-
17 servations of the Inspector General. If the Inspector
18 General identifies any safety issues of a time sensitive and
19 critical nature in carrying out this section, the Inspector
20 General shall promptly notify Congress.

Passed the House of Representatives December 6,
2006.

Attest:

KAREN L. HAAS,

Clerk.