

NATIONAL TRANSPORTATION SAFETY BOARD
REAUTHORIZATION ACT OF 2003

MAY 1, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 1527]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 1527) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003 through 2006, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

H.R. 1527 reauthorizes the National Transportation Safety Board for fiscal years 2003 through 2006. The Board's authorization expired on September 30, 2002.

BACKGROUND AND NEED FOR THE LEGISLATION

The NTSB is charged with determining the probable cause of transportation accidents and promoting transportation safety. The Board investigates accidents, conducts safety studies, and evaluates the effectiveness of other government agencies' programs for preventing transportation accidents.

In addition, the NTSB coordinates all Federal assistance to families of victims of catastrophic aviation accidents. When resources allow, the NTSB provides family assistance for accidents in other transportation modes as well.

The Board also serves as the "court of appeal" for airmen, mechanics, or mariners whenever the Federal Aviation Administration (FAA) or the U.S. Coast Guard takes an adverse certificate action against them. In the Aviation Investment and Reform Act for the

21st Century (AIR 21), Congress expanded the Board's jurisdiction to include review of FAA emergency revocations of pilot licenses. These emergency revocations take effect immediately, and prior to AIR 21 the pilot's only recourse was to take the FAA to court.

Most importantly, the NTSB makes safety recommendations, based on its investigations, to Federal, State and local government agencies and to the transportation industry regarding actions that should be taken to prevent accidents.

Since 1967, the Board has investigated more than 110,000 aviation accidents, and at least 10,000 other accidents in other transportation modes. The Board also investigates accidents involving the transportation of hazardous materials, and is the sole U.S. accredited representative at foreign aviation accident investigations under the Convention on International Civil Aviation.

NTSB has no authority to issue substantive regulations covering the transportation industry. Therefore, its effectiveness is dependent upon timely accident reports and safety recommendations. According to the NTSB, since its inception in 1967, the NTSB has issued almost 12,000 safety recommendations in all modes of transportation. Over 82 percent of these recommendations have been adopted by the regulatory and transportation communities.

NTSB operations

When the NTSB is notified of a major accident, it launches a go-team that varies in size depending on the severity of the accident and the complexity of the issues involved. Go-teams consist of NTSB investigators who are experts in appropriate technical specialties, based on the mode of transportation and the nature of the accident. Each Board expert manages an investigative group made up of other experts from industry and government organizations that are parties to the investigation in the collection of the facts surrounding the accident. Eventually, each Board expert prepares a factual report that is verified for accuracy by each of the party representatives in the group. The factual reports are placed in the public docket and, after the completion of a formal technical review by the team, they constitute the factual record of the investigation.

After investigating an accident, NTSB determines the probable cause and issues a formal report. Parties do not participate in the analytical or report-writing phases of NTSB investigations, although they may submit their proposed findings of probable cause and proposed safety recommendations directly to the Board.

The NTSB is statutorily required to make a probable cause determination on all aviation accidents. However, this does not mean that the NTSB conducts an on-site investigation of all aviation accidents. While the NTSB does investigate significant aviation accidents and incidents, for other aviation accidents, the Board may instead request the FAA to collect factual information. This information is then used by the Board to determine the probable cause of the accident. States or other agencies often investigate accidents in other modes of transportation.

NTSB Training Academy

In November 2000, the NTSB selected the George Washington University as the new home of the NTSB Academy, which will be located on the University's Northern Virginia campus in Ashburn,

adjacent to the U.S. Department of Transportation's National Crash Analysis Center. This site was selected pursuant to a competitive process, and was supported in the Joint Explanatory Statement accompanying the conference report on the FY 2001 Transportation Appropriations Act.

The NTSB and the University signed a 20-year lease in July 2001. Construction is on schedule and acceptance of the building and commencement of rent payments should begin as previously scheduled on August 1, 2003. The state-of-the-art, 72,000-square-foot facility will contain five classrooms, a large laboratory to house the three-dimensional, 93-foot reconstruction of the forward portion of the TWA flight 800 aircraft's fuselage, additional laboratory spaces, a simulations court, meeting rooms, student and teacher work areas, and offices.

The new facility will enable the NTSB to train its own investigators and the transportation community in accident investigation techniques. In addition to refining and making the NTSB's current accident investigation course more accessible, the NTSB will offer courses in all transportation modes in areas such as human factors, survival factors, vehicle performance, interviewing techniques, accident scene documentation, and investigation management. The new courses—human factors, survival factors, and interviewing techniques—are in the final phase of development and are scheduled to be delivered late in calendar year 2003 and early 2004. A total of 15 courses have been identified for development and plans are underway for offering these courses.

Authorized funding levels

The Committee supports the authorized funding levels requested by the NTSB. The table below shows the NTSB's FY 2003 appropriation level, the FY 2004 President's request level, and the authorization levels that are requested by the NTSB for FYs 2004–2006.

	[Dollars in millions]				
	2003 Enacted	2004 Pres. bud.	2004 Auth.	2005 Auth.	2006 Auth.
Salaries & Expenses:					
Funding	\$68.632	\$67.215	\$78.757	\$83.011	\$87.539
Full-Time Equivalent Staff	433	397	469	469	469
Training Academy:					
Funding	\$3.347	\$4.265	\$4.896	\$4.995	\$5.200
Full-Time Equivalent Staff	7	6	10	10	10
Total, NTSB Salaries & Expenses:					
Funding	\$71.979	\$71.480	\$83.653	\$88.006	\$92.739
Full-Time Equivalent Staff	440	403	479	479	479
NTSB Emergency Fund		\$.587	(¹)	(¹)	(¹)

¹ The Emergency Fund currently has a balance of \$1.413 million. The 2004 Budget requests an additional \$587 million to restore the balance to the current authorized level of \$2 million. H.R. 1527 would authorize the NTSB to maintain a \$6 million balance, which would allow a further appropriation of \$4 million to the Fund.

The FY 2004 President's budget requests \$71.48 million for the NTSB, \$499 thousand below the FY 2003 enacted level, which was not yet known at the time the President's budget was formulated. This reduction in total funding, together with increased costs related to pay raises, benefit cost increases, inflation, and costs associated with the start-up of the NTSB Training Academy, would require the NTSB to reduce staff by 37 FTEs in FY 2004.

The NTSB has requested an FY 2004 authorization level of \$83.65 million, which is \$12.2 million higher than the President's budget request. This \$12.2 million increase above the President's request would fund 479 full-time equivalent staff-years, which is 39 FTEs more than the FY 2003 enacted level and 76 FTEs more than the FY 2004 President's budget level.

The further increases in funding requested for FY 2005 and FY 2006 would simply maintain NTSB operations at the FY 2004 authorized level.

The bill also authorizes a higher funding level for the NTSB's Emergency Fund. The Fund's current authorized level of \$2 million is not always sufficient to cover the costs of an expensive accident investigation, especially where underwater wreckage recovery is required. In such cases, the NTSB's solvency is at risk until a supplemental appropriation can be enacted. For example, the NTSB was in danger of running out of funds in FY 2000 until the supplemental appropriation for the Egypt Air and Alaska Air investigations was finally enacted in July 2000. A larger Emergency Fund would ensure that accident investigations could continue without any delay and without jeopardizing the Board's normal operations due to a temporary lack of funds. Therefore, the bill authorizes the appropriation of such sums that may be necessary to maintain the Emergency Fund at a level of \$6 million.

Use of increased funds to hire additional field investigators

There is a wealth of knowledge gained from investigating general aviation accidents. Determining root causes for these accidents is important to the safety of the national transportation system. The data gathered during these investigations by the NTSB assist aircraft manufacturers in determining how aircraft can be made safer. However, due to an inadequate number of field investigators, the NTSB is not developing all potential safety recommendations. The NTSB field investigators are overworked and are carrying case-loads well above their optimum levels. The Committee encourages funding of the authorized amounts in this bill to help the NTSB hire additional field investigators. This will ensure that accidents are thoroughly investigated by NTSB experts and that data leading to safety recommendations is made available in a timely manner.

Notification of appeal rights

The Committee has been contacted by aircraft operators who have concerns with the criteria that the NTSB uses to classify an event as an "accident." Their concern is that the criteria that NTSB uses are not fully articulated and that there is no procedure to question an NTSB field inspector's decision that a particular incident should be classified as an accident. Whether or not an incident is classified as an accident can have serious implications for an operator's FAA certificate and on the insurance premiums that the operator will pay. Section 3 of the bill addresses this issue by requiring the NTSB to notify aircraft owners and operators of their right to appeal a determination by an NTSB employee that a non-fatal event associated with the operation of an aircraft constitutes an accident.

Family assistance

Section 5 of the bill responds to the NTSB's request for a statutory change to the Board's responsibility to provide assistance to families of passengers involved in aircraft accidents resulting from intentional criminal acts. Current law triggers the NTSB's family affairs response irrespective of the suspected cause of the accident. This is necessary to provide family assistance without any delay due to uncertainty about which agency will lead the investigation. Although the NTSB Amendments Act of 2000 (P.L. 106–424) established a mechanism for the transfer of investigative priority from the NTSB to the Federal Bureau of Investigation (FBI) in the event of an accident caused by an intentional criminal act, no mechanism for the transfer of family affairs responsibility was requested or provided.

Based on the events of September 11, 2001, the NTSB believes that such a mechanism is needed. The NTSB believes that, if investigative responsibility is transferred to the FBI, then the responsibility for family assistance should be transferred as well. This is necessary because when the FBI has investigative priority, the site of the crash is considered a crime scene and access to the scene and release of information about the investigation are much more restricted than when the NTSB has investigative priority.

According to the NTSB, since September 11th, the FBI has recognized the need to have a stronger program to respond to victims for events of this magnitude. In January 2002, the Director of the FBI announced a reorganization of the Office of Victims Assistance (OVA). The new Program Director of OVA is responsible for designing a program to work with the NTSB and other agencies to support victims in terrorist and criminal events resulting in mass fatalities. The FBI has hired 92 of 112 Victim Assistance Specialists who will be assigned to headquarters and regional offices around the country, and who will be organized into quick response teams in the event of a criminal act resulting in mass fatalities. The FBI is currently in the process of providing training to all the specialists. In addition, the Bureau has hired a Victim Coordinator for terrorism cases. According to the NTSB, an FY 2004 budget is currently being developed by the Bureau to support the activities of this program and Memorandums of Understanding (MOU) are also being developed with other Federal agencies. This should provide the necessary infrastructure for the FBI to assume the NTSB's family assistance responsibilities in the event of an aircraft accident caused by an intentional criminal act.

SUMMARY OF THE LEGISLATION

Sec. 1. Short title

This Act may be cited as the “National Transportation Safety Board Reauthorization Act of 2003”.

Sec. 2. Authorization of appropriations

Subsection (a) authorizes the appropriation of \$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 to fund authorized activities of the National Transportation Safety Board.

Subsection (b) authorizes the appropriation of such sums as may be necessary to increase the NTSB's Emergency Fund to, and maintain the Fund at, a level not to exceed \$6,000,000.

Subsection (c) authorizes the appropriation of \$3,347,000 for fiscal year 2003, \$4,896,000 for fiscal year 2004, \$4,995,000 for fiscal year 2005, and \$5,200,000 for fiscal year 2006 for necessary expenses of the NTSB Academy.

Sec. 3. Accident and safety data classification and publication

Section 3 requires that, in any case in which an employee of the NTSB determines that a non-fatal event associated with the operation of an aircraft constitutes an accident, the employee must notify the aircraft owner or operator of the right to appeal that determination to the NTSB. Section 3 also requires the NTSB to establish and publish procedures for such appeals. The requirements of this section could be met simply by amending the NTSB's existing "Pilot/Operator Aircraft Accident Report" form to include a notification of appeal rights and procedures.

Sec. 4. Secretary of Transportation's responses to safety recommendations

Section 4 requires the Secretary of Transportation to submit a report to Congress and the NTSB on February 1st of each year containing the regulatory status of each recommendation made by the NTSB to the Secretary that the NTSB includes in its "most wanted list" of safety improvements. The Secretary must continue to report annually on the status of each such recommendation until either final action is taken, or the Secretary determines and states in such a report that no action should be taken. Section 4 also provides that, if on March 1st of each year the NTSB has not received the required report, then the NTSB shall notify Congress of the Secretary's failure to submit the report. The Secretary's report should not merely state whether or not the Department of Transportation accepts the recommendation, but should describe what regulatory action it plans to take, when it intends to take the action, or when it will make a decision on the issues raised by the recommendation.

Sec. 5. Assistance to families of passengers involved in aircraft accidents

Section 5 provides that, if the NTSB has relinquished investigative priority for an aviation accident, and the Federal agency to which the NTSB has relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident, then the NTSB is relieved of its family assistance duties under section 1136 of title 49, United States Code. Section 5 further provides that, in such a case, the NTSB shall assist, to the maximum extent possible, the agency to which the NTSB has relinquished investigative priority in assisting families with respect to the accident. Finally, section 5 requires the NTSB and the FBI to revise their 1977 agreement on the investigation of accidents within one year of enactment to take into account the amendments made by this section.

Sec. 6. Technical amendments

Section 6 makes technical corrections to the margins in section 1131(a)(2) of title 49, United States Code.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

H.R. 1527 was introduced by Chairman Don Young, Ranking Member James Oberstar, Aviation Subcommittee Chairman John Mica, and Aviation Subcommittee Ranking Member Peter DeFazio on April 1, 2003. It was referred to the Committee on Transportation and Infrastructure. A full committee mark-up was held on April 9, 2003, where the legislation was ordered reported to the House by voice vote.

ROLLCALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each rollcall vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no rollcall votes during consideration of the bill.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objective of this legislation are to improve transportation safety.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 1527 from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 17, 2003.

Hon. DON YOUNG,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1527, the National Transportation Safety Board Reauthorization Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Rachel Milberg.

Sincerely,

BARRY B. ANDERSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 1527—National Transportation Safety Board Reauthorization Act of 2003

Summary: The National Transportation Safety Board (NTSB) investigates every civil aviation accident and significant accidents in other modes of transportation. Over the 2003–2006 period, H.R. 1527 would authorize the appropriation of an additional \$274 million for NTSB activities and its training academy, including amounts necessary for the agency to maintain an emergency fund of \$6 million at all times.

Assuming appropriation of amounts authorized by the bill, CBO estimates that implementing H.R. 1527 would cost \$270 million over the 2003–2008 period. Enacting the bill would not affect direct spending or revenues.

H.R. 1527 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1527 is shown in the following table. The costs of this legislation fall within budget function 400 (transportation).

	By fiscal year, in millions of dollars—					
	2003	2004	2005	2006	2007	2008
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Budget Authority ¹	72	0	0	0	0	0
Estimated Outlays	70	7	0	0	0	0
Proposed Changes:						
Authorization Level	9	84	88	93	0	0
Estimated Outlays	4	76	88	93	9	0
Spending Under H.R. 1527:						
Authorization Level	81	84	88	93	0	0
Estimated Outlays	74	83	88	93	9	0

¹ The 2003 level is the amount appropriated thus far for the National Transportation Safety Board.

Basis of estimate: For this estimate, CBO assumes that H.R. 1527 will be enacted in fiscal year 2003 and that the authorized amounts will be appropriated for each year. Estimates of spending are based on information from NTSB and historical spending patterns for these programs.

NTSB and its Academy

For fiscal year 2003, H.R. 1527 would authorize the appropriation of \$77 million. Because \$72 million has already been appropriated for these activities in 2003, CBO estimates that implementing this provision of the bill would require the appropriation of an additional \$5 million. CBO assumes that the additional budget authority would be provided in a supplemental appropriations act in 2003. Over the 2004–2006 period, the bill would authorize the appropriation of \$265 million for the NTSB.

Emergency Fund

Current law authorizes the appropriation of amounts necessary to maintain balances in the emergency fund of \$2 million. H.R. 1527 would increase the authorization to \$6 million. (The emergency fund currently has a balance of about \$1.5 million.) Implementing this provision of H.R. 1527 would require the appropriation of \$4 million in 2003.

NTSB does not use the emergency fund on a regular basis, and CBO does not estimate any outlays from the fund over the 2003–2008 period. Consequently, we estimate that the emergency fund would not require any additional appropriations to maintain the fund at \$6 million over the next five years.

Intergovernmental and private-sector impact: H.R. 1527 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On March 20, 2003, CBO transmitted a cost estimate for S.579, the National Transportation Safety Board Reauthorization Act of 2003, as ordered reported by the Senate Committee on Commerce, Science, and Transportation on March 13, 2003. The two versions of the bill are similar, and the estimated costs are the same; however, the Senate version would authorize the appropriation of amounts necessary to maintain balances in the emergency fund of \$3 million.

Estimate prepared by: Federal Costs: Rachel Milberg; Impact on State, Local, and Tribal Governments: Greg Waring; and Impact on the Private Sector: Jean Talarico.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office

pursuant to section 423 of the Unfunded Mandates Reform Act. (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1994 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local or tribal law. The Committee states that H.R. 1527 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act. (Public Law 104–1.)

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHAPTER 11 OF TITLE 49, UNITED STATES CODE

CHAPTER 11—NATIONAL TRANSPORTATION SAFETY BOARD

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SUBCHAPTER II—ORGANIZATION AND ADMINISTRATIVE

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§ 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, [and] \$72,000,000 for fiscal year 2002, [such sums to] \$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 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. [Amounts equal to the amounts expended annually out of the fund are authorized to be appropriated to the emergency fund.] *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 of not to exceed \$6,000,000.*

(c) *ACADEMY.*—*There are authorized to be appropriated to the Board for necessary expenses of the National Transportation Safety Board Academy, not otherwise provided for, \$3,347,000 for fiscal year 2003, \$4,896,000 for fiscal year 2004, \$4,995,000 for fiscal year 2005, and \$5,200,000 for fiscal year 2006. Such sums shall remain available until expended.*

§ 1119. Accident and safety data classification and publication

(a) * * *

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(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.*

SUBCHAPTER III—AUTHORITY

§ 1131. General authority

(a) *GENERAL.*—(1) * * *

(2)(A) * * *

(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.

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§ 1135. Secretary of Transportation's responses to safety recommendations

(a) * * *

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[(d) *REPORTS TO CONGRESS.*—The Secretary shall submit to Congress on January 1 of each year a report containing each recommendation on transportation safety made by the Board to the Secretary during the prior year and a copy of the Secretary's response to each recommendation.]

(d) *REPORTING REQUIREMENTS.*—

(1) *ANNUAL SECRETARIAL REGULATORY STATUS REPORTS.*—On February 1 of each year, the Secretary shall submit a report to Congress and the Board containing the regulatory status of each significant safety recommendation made by the Board to the Secretary (or to an Administration within the Department). The Secretary shall continue to report on the regulatory status of each such recommendation in the report due on February 1 of subsequent years until final regulatory action is taken on that recommendation or the Secretary (or an Administration within the Department) determines and states in such a report that no action should be taken.

(2) *FAILURE TO REPORT.*—If on March 1 of each year the Board has not received the Secretary's report required by this subsection, the Board shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the Secretary's failure to submit the required report.

(3) *SIGNIFICANT SAFETY RECOMMENDATION DEFINED.*—For the purposes of this subsection, the term "significant safety recommendation" means a recommendation included in the Board's "most wanted list".

(4) *TERMINATION.*—This subsection shall cease to be in effect after the report required to be filed on February 1, 2008, is filed.

§ 1136. Assistance to families of passengers involved in aircraft accidents

(a) * * *

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(j) *RELINQUISHMENT OF INVESTIGATIVE PRIORITY.*—

(1) *GENERAL RULE.*—This section (other than subsection (g)) shall not apply to an aircraft accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

(2) *BOARD ASSISTANCE.*—If this section does not apply to an aircraft accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.

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