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HOUSE OF REPRESENTATIVES
REPORT
109–512

NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 2006

JUNE 20, 2006.—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. 5076]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 5076) to amend title 49, United States Code, to authorize appropriations for fiscal years 2007, 2008, and 2009, 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. 5076 reauthorizes the National Transportation Safety Board (NTSB) for fiscal years 2007 through 2009. The Board's authorization expires on September 30, 2006.

BACKGROUND AND NEED FOR THE LEGISLATION

The NTSB is charged with investigating civil aviation accidents and significant transportation accidents in the surface modes—railroad, highway, marine, and pipeline. The NTSB determines the probable cause of all civil aviation accidents and significant surface transportation accidents, conducts safety studies, and evaluates the effectiveness of other government agencies' programs for preventing transportation accidents.

In addition, the NTSB assists the families of victims of aviation accidents. When resources allow, the NTSB also provides family assistance for accidents in other transportation modes.

The Board also serves as the "court of appeal" for airmen, mechanics, and mariners whenever the Federal Aviation Administra-

tion (FAA) or the U.S. Coast Guard takes a certificate action. The Board's four administrative law judges issue decisions on appeals filed with the Board, and these decisions may be further appealed to the full five-member Board.

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 124,000 aviation accidents, and at least 10,000 accidents in other transportation modes. The Safety 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, it has issued almost 12,000 safety recommendations in all modes of transportation. The regulatory and transportation communities have adopted more than 82 percent of these recommendations.

NTSB structure

The NTSB is composed of five board members who are nominated by the President and confirmed by the Senate. No more than three members may be from the same political party, and at least three members must be appointed on the basis of technical qualification, professional standing, and demonstrated technical knowledge. All board members serve a five-year term. The President designates, and the Senate confirms, one of the five members to serve as Chairman for a term of two years. The President also designates one of the members to serve as Vice Chairman.

NTSB operations

Each year, the NTSB investigates more than 1,800 aviation accidents and incidents, and about one hundred railroad, highway, maritime, and pipeline transportation accidents. To leverage its limited resources, the Board typically designates other government agencies, organizations, corporations, or foreign authorities (in the case of, for example, investigations involving foreign aircraft) as parties to the investigation. According to the NTSB, the participation of these other parties not only greatly multiplies the Board's resources, it also ensures general agreement on the facts developed during an investigation, and allows first-hand access to information so that the parties can take appropriate and timely corrective actions.

The NTSB has wide discretion over which organizations it designates as parties, except that, by law, the Federal Aviation Administration is a party to each aviation investigation. Only those entities that can provide technical expertise required for the investigation are granted party status, and only those persons who can provide the Board with needed expertise are permitted to serve on the investigative team.

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 Safety Board investigators who are experts in appropriate technical specialties, based on the mode of transportation and the nature of the accident. Each Safety Board expert manages an investigative group made up of other experts from industry and government organizations that are parties to the investigation. Each Safety Board expert prepares a factual report that is verified for accuracy by the party representatives in the group. The factual reports are placed in the publicly accessible docket and, after the completion of a formal technical review by the entire team, they constitute the factual record of the investigation.

After investigating an accident, the 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 determine the probable cause of all civil aviation accidents. The Board asks the FAA to send inspectors to document the facts of certain aviation accidents, and the Board uses this information to make a determination of probable cause. In general, the Board relies on the FAA to conduct the on-scene investigation on its behalf for most non-fatal aviation accidents and for some fatal aviation accidents in which the cause is obvious and there is little chance of deriving a safety benefit from the investigation.

NTSB Training Academy

The Academy provides training in transportation safety and accident investigation techniques to its own investigators and the transportation community. The NTSB Academy opened in Ashburn, Virginia, in September 2003. The building houses the forward portion of the TWA flight 800 aircraft fuselage, laboratory spaces, meeting rooms, student and teacher work areas, and various offices including one of the Board's aviation regional offices. Since the Academy became operational, the staff has mainly focused on delivering, improving, and expanding programs that were already being delivered before the building opened.

Concerns about the level of investigative resources being used to support the Academy have prompted NTSB management to revise the focus of the Academy. The NTSB will be exploring partnership and contracting possibilities that yield higher revenue returns, with decreased demands on investigative resources. According to the NTSB, the Academy will rely more heavily on instructors from academic, governmental, and private organizations.

The NTSB also plans to establish a training and academic Oversight Board comprised of senior NTSB staff. This panel will oversee the curriculum development of contractors and third party organizations, will monitor the Academy Plan, will oversee marketing strategy, and will ensure that the Academy courses maintain a high standard of excellence and accountability to students and the public. The NTSB believes that these changes will reduce the amount of investigative resources used at the Academy and create more training opportunities for NTSB staff at the Academy.

Authorization and use of appropriations

The Committee supports the authorized funding levels shown in the table below for FY2007–FY2009. For comparison purposes, the NTSB's FY2006 appropriation level and the FY2007 President's Budget request level are also shown.

[Dollars in millions]

	FY2006 enacted	FY2007 President's budget	FY2007 auth.	FY2008 auth.	FY2009 auth.
Salaries & Expenses:					
Funding	$76.700	$79.594	$81.594	$99.974	$104.844
Full-Time Equivalents	396	399	410	475	475

While the NTSB's last reauthorization (the National Transportation Safety Board Reauthorization Act of 2003) authorized the NTSB and the Academy separately, H.R. 5076 would combine funding for these purposes in a single authorization. The FY2007 President's budget requests $79.6 million for the NTSB, $2.9 million above the FY2006 enacted level. This increase is related to pay raises, benefit cost increases, inflation, and a proposal to merge the NTSB's $2 million Emergency Fund into its regular salaries and expenses account. No new program initiatives are funded in the President's request level. Compared to the FY2007 President's request level, the FY2007 authorization level would permit the hiring of 11 additional critical investigative positions, for a total of 410 full-time equivalent employees. These 11 critical positions include a fire and explosion specialist, a rail operations and track specialist, a flight data recorder specialist, a regional air safety investigator specializing in the new light jet aircraft, a survival factors investigator, and other technical positions.

The FY2008 and FY2009 authorization levels are based on 475 full time equivalent employees. The NTSB has determined through a human capital forecast conducted in FY2006 that 475 is the minimum number of full-time employees needed to effectively and efficiently meet the mission and support efforts that are expected of the Board.

Emergency Fund

The Committee does not support the Administration's proposal to shift the existing $2 million balance of the NTSB's Emergency Fund into the NTSB's Salaries and Expenses account. Section 2(b) of the bill maintains a separate Emergency Fund, and increases the Fund from $2 million to $4 million.

In the event of a major accident that imposes extraordinary costs on the NTSB, the Emergency Fund allows the NTSB to proceed with its investigation without first waiting for enactment of a supplemental appropriation.

The cost of a major aviation accident investigation, particularly one that requires underwater recovery of wreckage, cannot be accommodated within the NTSB's normal budget. Typically, a supplemental appropriation must be enacted to cover these extraordinary costs, but this can take months. During this time, the Emergency Fund is critically important in terms of bridging the gap until a supplemental appropriation is received.

For example, in FY2000, two major aviation accidents occurred—Egypt Air Flight 990 and Alaska Airlines Flight 261. Egypt Air occurred in November 1999 and Alaska Air occurred in January 2000. To fund these two accident investigations, the NTSB needed to use a deficiency apportionment (apportioning its full-year appropriation up front) to cover the extraordinary expenses of these two investigations until a $5 million payment was received from the Egyptian government on June 30, 2000, and a supplemental appropriation was enacted in July 2000. At the time the $5 million was received from the Egyptians, the NTSB was within a day of having to shut down due to lack of funding.

In FY1996, the investigations of ValuJet Flight 592 and TWA Flight 800 also strained the NTSB's resources. The Valujet accident occurred in May 1996, followed by the TWA 800 accident in July 1996. A supplemental appropriation of $30 million was eventually enacted, but not until a year later, in June 1997. To continue its investigation pending enactment of the supplemental, the NTSB was forced to rely on the U.S. Navy to absorb the cost of the underwater recovery of TWA 800 wreckage. In addition, funds owed to the State of New York and local counties in New York in connection with TWA 800, and to Dade County, Florida, in connection with ValuJet 592, were delayed, as well.

Due to inflation, the cost of these types of accident investigations today would be even greater, increasing the need for the Emergency Fund. Therefore, section 2(b) increases the Board's existing Emergency Fund from $2 million to $4 million to better ensure that the Board's investigation of a major accident is not delayed pending enactment of a supplemental appropriation.

Staff of NTSB members

Section 3 of the bill provides that each member of the Board retains the authority to appoint employees to "the member's personal staff." The intent of this language is for each member to be provided authority to choose personal professional and administrative staff without the need for coordination with or approval by the NTSB Chairman or any other agency. Such authority is, however, limited to the number of full-time equivalent positions allocated to each member, and contingent on each potential employee being approved for employment by the designated agency ethics official under the same guidelines applicable to all Safety Board employees.

Payment for services of DOT Inspector General

The National Transportation Safety Board Amendments Act of 2000 (P.L. 106–424) authorized the DOT Inspector General (IG) to review the financial management, property management, and business operations of the Board. That Act also provided that the Inspector General would be reimbursed by the Board for the costs associated with carrying out these activities. In FY 2005, the Board reimbursed the DOT IG $274,931 for costs associated with carrying out these activities.

Section 7 eliminates the reimbursement provision with the understanding that the Inspector General will be funded directly for these activities. This provision allows for a more efficient allocation

and management of resources. The Safety Board reports that the Inspector General concurs with this proposal.

Relief from certain contracting requirements for investigation services

The Board's last reauthorization legislation, the National Transportation Safety Board Reauthorization Act of 2003 (P.L. 108–168), provided the authority for the NTSB to enter into certain agreements or contracts without competition when necessary to expedite an investigation. Since this authority was provided in 2003, it has been used ten times and has proven beneficial in allowing the Board to award quickly contracts to obtain services to expedite accident investigations. This authority sunsets on September 30, 2006. Section 8 of the bill eliminates the sunset provision and makes the special contracting authority permanent.

Runway safety areas

Improving runway safety areas remains a NTSB safety recommendation following several plane crashes starting in the 1970's through today. The FAA's runway safety area program was established in response to the NTSB's recommendations. Section 10 addresses a runway safety area project at Juneau International Airport in Alaska.

SUMMARY OF THE LEGISLATION

Sec. 1.—Short title

This Act may be cited as the "National Transportation Safety Board Amendments Act of 2006".

Sec. 2.—Authorization of appropriations

Subsection (a) authorizes the appropriation of $81,594,000 for fiscal year 2007, $99,974,000 for fiscal year 2008, and $104,844,000 for fiscal year 2009 to fund authorized activities of the National Transportation Safety Board (NTSB).

In FY2007, the authorized funding level of $81,594,000 would support 410 full-time equivalent staff. This authorized level exceeds the amount requested for the NTSB in the FY2007 President's Budget by $2,000,000. This increase above the President's Budget would permit the hiring of 11 critical investigative positions.

In FY2008 and FY2009, the authorized funding level would support 475 full-time equivalent staff, including 455 permanent Board staff and 20 co-operative (i.e., student) positions. This staffing level has been identified by the Board's recently completed human capital forecast as being the optimal level to effectively and efficiently execute the NTSB's mission.

Subsection (b) increases the NTSB's Emergency Fund from its current balance of $1,998,000, to $4,000,000. In the event of a major accident that imposes extraordinary costs on the NTSB, the Emergency Fund allows the NTSB to proceed with its investigation without first waiting for enactment of a supplemental appropriation.

In addition, subsection (b) authorizes the appropriation of such sums as may be necessary to maintain the Fund at a level not to exceed $4,000,000.

Subsection (c) authorizes fees, refunds, and reimbursements collected by the Board to remain available until expended. This provision permits the Board to use refunds and reimbursements that are received in a fiscal year subsequent to the year for which the funds were originally appropriated.

Sec. 3.—Staff of NTSB members

Section 3 authorizes each member of the Board, rather than the Chairman, to appoint employees on his or her own personal staff.

Sec. 4.—Technical corrections

Section 1111(g) of title 49 lists the offices that the Board is required to establish to investigate and report on accidents in the various modes of transportation. The section currently lists aviation, highway and motor vehicle, rail, and pipeline, but omits marine. Because it is clear from other portions of the Board's statute (such as section 1131) that Congress intends for the Board to investigate marine accidents, and because the Board has long investigated marine accidents, subsection (a) adds "marine" to the transportation modes currently listed in section 1111(g) so that section 1111(g) accurately reflects the modal investigative units that exist at the NTSB.

Subsection (b) makes a technical amendment to section 48103 of title 49 to conform the amount of FY2006 contract authority listed in that section to the amount that is actually available after two rescissions that were enacted in FY2006 appropriations acts.

Sec. 5.—Annual report

Section 5 incorporates what is currently a separate report on the activities and operations of the National Transportation Safety Board Academy into the annual report required under section 1117 of title 49, United States Code.

Sec. 6.—Marine accident investigations

Section 6 clarifies that the NTSB has jurisdiction to investigate major marine accidents occurring on bodies of water located entirely within the boundaries of a single state, such as Lake George, New York. Specifically, section 6 replaces the phrase "navigable waters or territorial sea of the United States" with the broader language, "on or under waters subject to the jurisdiction of the United States." Also, the use of the term "vessel of the United States" was previously undefined in title 49; accordingly, section 6 adds a reference to the definition provided in section 2101(46) of title 46, United States Code.

Sec. 7.—Payment for services of Inspector General

As part of the National Transportation Safety Board Amendments Act of 2000, the Inspector General of the Department of Transportation (DOT IG) was authorized to review the financial management, property management, and business operations of the Board. That legislation also provided that the DOT IG would be reimbursed by the Board for the costs associated with carrying

out these activities. Effective October 1, 2006, section 7 removes the provision in current law that authorizes the Board to reimburse the DOT IG. The DOT IG would instead be funded directly for these activities.

Sec. 8.—Investigation services

Subsection (a) makes permanent the expedited contracting procedures that were authorized for the NTSB in the 2003 reauthorization act. Subsection (b) continues the disclosure and reporting requirements associated with this authority under current law. Specifically, the requirement to report annually each instance in which a contract for $25,000 or more was executed by the Board using the expedited contracting authority is made permanent, and consolidated with the annual report required under section 1117 of title 49, United States Code.

Sec. 9.—Rescission of unobligated balances

Section 9 rescinds $2,002,000 in unobligated balances remaining from the $5 billion made available by the Air Transportation Safety and System Stabilization Act (P.L. 107–42). These funds were provided to compensate air carriers for costs incurred as a result of the Federal Government's shutdown of the national airspace system after the terrorist attacks of September 11, 2001. These funds are no longer needed to settle claims against the air carrier compensation funds provided by P.L. 107–42.

Sec. 10.—Review of Alaska runway safety area project

Section 10 provides that, for a runway safety area project at Juneau International Airport in Alaska, the Federal Aviation Administration (FAA) may only select as the preferred alternative the least expensive alternative, including lifecycle costs, that otherwise meets FAA standards and that maintains the length of the runway as of the date of enactment. In addition, subsection (c) provides that certain environmental review requirements shall be considered to be satisfied by the selection of the least expensive safety area alternative.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

H.R. 5076 was introduced by Chairman Don Young, Ranking Member James Oberstar, Aviation Subcommittee Chairman John Mica, and Aviation Subcommittee Ranking Member Jerry Costello on April 4, 2006. It was referred to the Committee on Transportation and Infrastructure. A full committee mark-up was held on April 5, 2006, 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. 5076 from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 24, 2006.

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. 5076, the National Transportation Safety Board Amendments Act of 2006.

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

Sincerely,

DONALD B. MARRON,
Acting Director.

Enclosure.

H.R. 5076—National Transportation Safety Board Amendments Act of 2006

Summary: The National Transportation Safety Board (NTSB) investigates every civil aviation accident and significant accidents involving other modes of transportation. Over the 2007–2009 period, H.R. 5076 would authorize the appropriation of $287 million for all NTSB activities, including its training academy.

CBO estimates that enacting the bill would not have a significant impact on direct spending over the 2006–2016 period. H.R.

5076 would provide $2 million in new budget authority for the NTSB emergency fund, increasing total resources of the fund to $4 million. CBO estimates that spending over the next 10 years from this addition to the emergency fund would not be significant. In addition, the bill would rescind $2 million of unobligated balances originally provided by the Air Transportation Safety and System Stabilization Act (Public Law 107–42).

H.R. 5076 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 5076 is shown in the following table. The costs of this legislation fall within budget function 400 (transportation).

	By fiscal year, in millions of dollars—					
	2006	2007	2008	2009	2010	2011
SPENDING SUBJECT TO APPROPRIATION						
NTSB Spending Under Current Law:						
Budget Authority	75	0	0	0	0	0
Estimated Outlays	76	8	0	0	0	0
Proposed Changes:						
Authorization Level	0	82	100	105	0	0
Estimated Outlays	0	74	98	105	10	0
NTSB Spending Under H.R. 5076:						
Authorization Level	75	82	100	105	0	0
Estimated Outlas	75	82	98	105	10	0

Basis of estimate: For this estimate, CBO assumes that H.R. 5076 will be enacted in fiscal year 2006 and that the authorized amounts will be appropriated for each year. Estimates of spending are based on information from NTSB and historical patterns for these programs.

Spending subject to appropriation

Over the 2007–2009 period, the bill would authorize the appropriation of $287 million for the NTSB. H.R. 5076 would combine funding for both the NTSB and its training center in a single authorization of appropriations. (Current law includes a separate authorization of appropriations for the training center, also known as the Academy.) Assuming that the authorized funding is provided, CBO estimates that implementing the bill would cost $287 million over the 2007–2010 period.

Direct spending

CBO estimates that enacting the bill would not have a significant impact on direct spending over the 2006–2016 period. The bill would provide $2 million of new budget authority to the NTSB emergency fund. In addition, H.R. 5076 would rescind $2 million in budget authority from a compensation program for air carriers. Thus, there would be no net impact on the budget from those actions.

Emergency Fund. H.R. 5076 would provide $2 million in new budget authority for the NTSB emergency fund. The emergency fund provides additional resources when there is more work in a year than there is funding. According to NTSB, the Board does not use the fund on a regular basis. CBO estimates that, over the last

10 years, outlays from the fund averaged less than $200,000 per year. Consequently, CBO estimates that spending of this new budget authority over the next 10 years would not be significant in any year.

Compensation for Air Carriers. The bill would rescind $2 million of unobligated funds provided by the Air Transportation Safety and System Stabilization Act (Public Law 107–42). That budget authority was a part of an economic relief package for aircarriers impacted by the terrorist attacks of September 11, 2001. CBO does not expect that there will be any future spending from those unobligated funds. Thus, this rescission would not affect direct spending over the 2006–2016 period.

Intergovernmental and private-sector impact: H.R. 5076 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Cost: Gregory Waring. Impact on State, Local, and Tribal Governments: Sarah Puro. Impact on the Private Sector: Fatimot Ladipo.

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 1974 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. 5076 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):

TITLE 49, UNITED STATES CODE

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SUBTITLE II—OTHER GOVERNMENT AGENCIES

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CHAPTER 11—NATIONAL TRANSPORTATION SAFETY BOARD

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SUBCHAPTER II—ORGANIZATION AND ADMINISTRATIVE

§ 1111. General organization

(a) * * *

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(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, supervise, and fix the pay of officers and employees necessary to carry out this chapter*, except that each member of the Board shall appoint employees on the member's personal staff*;

* * * * * * *

(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) * * *

* * * * * * *

(5) marine.

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§ 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) * * *

(2) a survey and summary of the recommendations made by the Board to reduce the likelihood of recurrence of those acci-

dents together with the observed response to each recommendation; [and]

(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[.]*; and*

(4) a description of the activities and operations of the National Transportation Safety Board Academy.

§ 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, 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. 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.]

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this chapter $81,594,000 for fiscal year 2007, $99,974,000 for fiscal year 2008, and $104,844,000 for fiscal year 2009. Such sums shall remain available until expended.

(b) EMERGENCY FUND.—

(1) IN GENERAL.—The Board has an emergency fund available for necessary expenses of the Board, not otherwise provided for, for accident investigations.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to maintain the fund at a level not to exceed $4,000,000.

(3) AVAILABILITY OF AMOUNTS.—Amounts in the fund shall be available without further appropriations action and shall remain available until expended.

(c) [ACADEMY] *FEES, REFUNDS, AND REIMBURSEMENTS.*—

[(1) AUTHORIZATION.—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.

[(2) FEES.—The Board may impose and collect such fees as it determines to be appropriate for services provided by or through the Academy.]

(1) IN GENERAL.—The Board may collect such fees, refunds, and reimbursements, as the Board determines appropriate for services provided by or through the Board.

[(3)] *(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.

[(4)**]** *(3)* REFUNDS.—The Board may refund any fee paid by mistake or any amount paid in excess of that required.

[(d) REPORT ON ACADEMY OPERATIONS.—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.**]**

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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) * * *

* * * * * * *

(E) a major marine casualty (except a casualty involving only public vessels) occurring **[**on the navigable waters or territorial sea of the United States,**]** *on or under waters subject to the jurisdiction of the United States,* or involving a vessel of the United States *(as defined in section 2101(46) of title 46)*, under regulations prescribed jointly by the Board and the head of the department in which the Coast Guard is operating; and

* * * * * * *

§ 1137. Authority of the Inspector General

(a) * * *

* * * * * * *

[(d) REIMBURSEMENT.—The Inspector General shall be reimbursed by the Board for the costs associated with carrying out activities under this section.**]**

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PART C—FINANCING

CHAPTER 481—AIRPORT AND AIRWAY TRUST FUND AUTHORIZATIONS

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§ 48103. Airport planning and development and noise compatibility planning and programs

The total amounts which shall be available after September 30, 2003, to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to make grants for airport planning and airport development under section 47104 of this title, airport noise compatibility planning under section 47505(a)(2) of this title, and carrying out noise compatibility programs under section 47504(c) of this title shall be—

(1) * * *

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(3) [$3,600,000,000] *$3,514,500,000* for fiscal year 2006; and

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§ 48104. Operations and maintenance

(a) AUTHORIZATION OF APPROPRIATIONS.—[the] *The* balance of the money available in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) may be appropriated to the Secretary of Transportation out of the Fund for—

(1) direct costs the Secretary incurs to flight check, operate, and maintain air navigation facilities referred to in section 44502(a)(1)(A) of this title safely and efficiently; and

(2) the costs of services provided under international agreements related to the joint financing of air navigation services assessed against the United States Government.

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SECTION 4 OF THE NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2003

SEC. 4. RELIEF FROM CONTRACTING REQUIREMENTS FOR INVESTIGATIONS SERVICES.

(a) IN GENERAL.—[From the date of enactment of this Act through September 30, 2006, the] *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 February 1, 2006,] *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, the Senate Committee on Commerce, Science, and Transportation, and the Senate Committee on Governmental Affairs that—

(1) * * *

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