

considers significant, with particular attention to issues of importance to small shippers and small railroads, including car supply, rates, competition, and effective procedures for addressing legitimate shipper and other claims.

(2) To the extent the Council addresses specific grain car issues, it shall coordinate such activities with the National Grain Car Council. The Secretary and Chairman shall cooperate with the Council to provide research, technical and other reasonable support in developing any reports and policy statements required or authorized by this subsection.

(3) The Council shall endeavor to develop within the private sector mechanisms to prevent, or identify and effectively address, obstacles to the most effective and efficient transportation system practicable.

(4) The Council shall prepare an annual report concerning its activities and the results of Council efforts to resolve industry issues, and propose whatever regulatory or legislative relief it considers appropriate. The Council shall include in the annual report such recommendations as it considers appropriate with respect to the performance of the Secretary and Chairman under this chapter, and with respect to the operation and effectiveness of meetings and industry developments relating to the Council's efforts, and such other information as it considers appropriate. Such annual reports shall be reviewed by the Secretary and Chairman, and shall include the Secretary's and Chairman's views or comments relating to—

(A) the accuracy of information therein;

(B) Council efforts and reasonableness of Council positions and actions; and

(C) any other aspects of the Council's work as they may consider appropriate.

The Council may prepare other reports or develop policy statements as the Council considers appropriate. An annual report shall be submitted for each fiscal year and shall be submitted to the Secretary and Chairman within 90 days after the end of the fiscal year. Other such reports and statements may be submitted as the Council considers appropriate.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 937; amended Pub. L. 104-287, §5(7), Oct. 11, 1996, 110 Stat. 3389.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (a)(4), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-287 substituted "December 29, 1995" for "the date of enactment of the ICC Termination Act of 1995" in introductory provisions.

§ 727. Definitions

All terms used in this chapter that are defined in subtitle IV shall have the meaning given those terms in that subtitle.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 940.)

SUBTITLE II—OTHER GOVERNMENT AGENCIES

Chapter 11. National Transportation Safety Board 1101

CHAPTER 11—NATIONAL TRANSPORTATION SAFETY BOARD

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Sec. 1101. Definitions.

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1151. Aviation enforcement.
1152. Joinder and intervention in aviation proceedings.
1153. Judicial review.
1154. Discovery and use of cockpit and surface vehicle recordings and transcripts.
1155. Aviation penalties.

AMENDMENTS

2008—Pub. L. 110-432, div. A, title V, §501(b), Oct. 16, 2008, 122 Stat. 4897, added item 1139.

2006—Pub. L. 109-443, §5(b), Dec. 21, 2006, 120 Stat. 3300, added item 1138.

2000—Pub. L. 106-424, §§5(c)(2), 12(b), Nov. 1, 2000, 114 Stat. 1885, 1887, added item 1137 and substituted "and surface vehicle recordings and transcripts" for "voice and other material" in item 1154.

1996—Pub. L. 104-264, title IV, §407(a)(2), title VII, §702(a)(2), Oct. 9, 1996, 110 Stat. 3258, 3267, added items 1119 and 1136.

1994—Pub. L. 103-272, §1(c), (d), July 5, 1994, 108 Stat. 745, added subtitle II (comprised of chapter 11, §§1101-1155) and struck out former subtitle II, except that chapter 31 (comprised of §§3101-3104) of subtitle II was redesignated and restated as chapter 315 (comprised of §§31501-31504) of subtitle VI, as enacted by Pub. L. 103-272, §1(e).

SUBCHAPTER I—GENERAL

§ 1101. Definitions

Section 2101(17a) of title 46 and section 40102(a) of this title apply to this chapter. In this chap-

¹ So in original. Probably should be followed by a period.

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

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

HISTORICAL AND REVISION NOTES

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

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

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

AMENDMENTS

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

SHORT TITLE OF 2006 AMENDMENT

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

SHORT TITLE OF 2003 AMENDMENT

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

SHORT TITLE OF 2000 AMENDMENT

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

SHORT TITLE OF 1996 AMENDMENT

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

SUBCHAPTER II—ORGANIZATION AND ADMINISTRATIVE

§ 1111. General organization

(a) ORGANIZATION.—The National Transportation Safety Board is an independent establishment of the United States Government.

(b) APPOINTMENT OF MEMBERS.—The Board is composed of 5 members appointed by the President, by and with the advice and consent of the Senate. Not more than 3 members may be ap-

pointed from the same political party. At least 3 members shall be appointed on the basis of technical qualification, professional standing, and demonstrated knowledge in accident reconstruction, safety engineering, human factors, transportation safety, or transportation regulation.

(c) TERMS OF OFFICE AND REMOVAL.—The term of office of each member is 5 years. An individual appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed, is appointed for the remainder of that term. When the term of office of a member ends, the member may continue to serve until a successor is appointed and qualified. The President may remove a member for inefficiency, neglect of duty, or malfeasance in office.

(d) CHAIRMAN AND VICE CHAIRMAN.—The President shall designate, by and with the advice and consent of the Senate, a Chairman of the Board. The President also shall designate a Vice Chairman of the Board. The terms of office of both the Chairman and Vice Chairman are 2 years. When the Chairman is absent or unable to serve or when the position of Chairman is vacant, the Vice Chairman acts as Chairman.

(e) DUTIES AND POWERS OF CHAIRMAN.—The Chairman is the chief executive and administrative officer of the Board. Subject to the general policies and decisions of the Board, the Chairman shall—

- (1) appoint and supervise officers and employees, other than regular and full-time employees in the immediate offices of another member, necessary to carry out this chapter;
- (2) fix the pay of officers and employees necessary to carry out this chapter;
- (3) distribute business among the officers, employees, and administrative units of the Board; and
- (4) supervise the expenditures of the Board.

(f) QUORUM.—Three members of the Board are a quorum in carrying out duties and powers of the Board.

(g) OFFICES, BUREAUS, AND DIVISIONS.—The Board shall establish offices necessary to carry out this chapter, including an office to investigate and report on the safe transportation of hazardous material. The Board shall establish distinct and appropriately staffed bureaus, divisions, or offices to investigate and report on accidents involving each of the following modes of transportation:

- (1) aviation.
- (2) highway and motor vehicle.
- (3) rail and tracked vehicle.
- (4) pipeline.
- (5) marine.

(h) CHIEF FINANCIAL OFFICER.—The Chairman shall designate an officer or employee of the Board as the Chief Financial Officer. The Chief Financial Officer shall—

- (1) report directly to the Chairman on financial management and budget execution;
- (2) direct, manage, and provide policy guidance and oversight on financial management and property and inventory control; and
- (3) review the fees, rents, and other charges imposed by the Board for services and things