

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

of value it provides, and suggest appropriate revisions to those charges to reflect costs incurred by the Board in providing those services and things of value.

(i) **BOARD MEMBER STAFF.**—Each member of the Board shall select and supervise regular and full-time employees in his or her immediate office as long as any such employee has been approved for employment by the designated agency ethics official under the same guidelines that apply to all employees of the Board. Except for the Chairman, the appointment authority provided by this subsection is limited to the number of full-time equivalent positions, in addition to 1 senior professional staff at a level not to exceed the GS 15 level and 1 administrative staff, allocated to each member through the Board’s annual budget and allocation process.

(j) **SEAL.**—The Board shall have a seal that shall be judicially recognized.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 746; Pub. L. 106–424, §10, Nov. 1, 2000, 114 Stat. 1886; Pub. L. 109–443, §9(a), (d), Dec. 21, 2006, 120 Stat. 3301.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1111(a) .....	49 App.:1902(a).	Jan. 3, 1975, Pub. L. 93–633, §303(a), (b)(2)– (c), 88 Stat. 2167, 2168.
1111(b) .....	49 App.:1902(b)(1) (1st sentence words before comma, 2d–last sentences).	Jan. 3, 1975, Pub. L. 93–633, §303(b)(1), 88 Stat. 2167; Oct. 14, 1982, Pub. L. 97–309, §1 (1st sentence), 96 Stat. 1453.
1111(c) .....	49 App.:1902(b)(2).	
1111(d) .....	49 App.:1902(b)(1) (1st sentence words after comma), (3) (1st, 2d, 4th sentences).	
1111(e) .....	49 App.:1902(b)(3) (3d, last sentences), (c)(3).	
1111(f) .....	49 App.:1902(b)(4).	
1111(g) .....	49 App.:1902(b)(5), (c)(1).	
1111(h) .....	49 App.:1902(c)(2).	

In subsection (a), the words “previously established within the Department of Transportation” are omitted as unnecessary. The words “in accordance with this section, on and after April 1, 1975” are omitted as executed.

In subsection (c), the words “except as otherwise provided in this paragraph” are omitted as surplus. The text of 49 App.:1902(b)(2) (4th sentence) is omitted as executed.

In subsection (d), the words “On or before January 1, 1976” are omitted as executed. The words “(and thereafter as required)” and “(hereafter in this chapter referred to as the ‘Chairman’)” are omitted as unnecessary.

In subsection (e), before clause (1), the words “is the chief executive and administrative officer of the Board” are substituted for “shall be the chief executive officer of the Board and shall exercise the executive and administrative functions of the Board” for clarity. The words “Subject to the general policies and decisions of the Board, the Chairman shall” are substituted for 49 App.:1902(b)(3) (last sentence) to eliminate unnecessary words. In clause (1), the words “Subject to the civil service and classification laws” are omitted as unnecessary because of title 5, United States Code, especially sections 3301, 5101, and 5331. The words “the Board is authorized” are omitted for consistency because the authority to appoint officers and employees is vested in the Chairman subject to the “general policies and decisions of the Board” as provided in the

source provisions. The words “including investigators, attorneys, and administrative law judges” are omitted as covered by “officers and employees”. The words “carry out this chapter” are substituted for “carry out its powers and duties under this chapter” to eliminate unnecessary words. In clause (3), the words “expenditures of the Board” are substituted for “the use and expenditure of funds” for clarity.

In subsection (f), the words “duties and powers” are substituted for “function” for consistency in the revised title and with other titles of the Code.

In subsection (g), the text of 49 App.:1902(c)(1) is omitted as unnecessary because of 40:ch. 10.

REFERENCES IN TEXT

GS–15, referred to in subsec. (i), is contained in the General Schedule, which is set out under section 5332 of Title 5, Government Organization and Employees.

AMENDMENTS

2006—Subsec. (e)(1). Pub. L. 109–443, §9(d)(1), added par. (1) and struck out former par. (1) which read as follows: “appoint, supervise, and fix the pay of officers and employees necessary to carry out this chapter;”.

Subsec. (e)(2) to (4). Pub. L. 109–443, §9(d)(2), (3), added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

Subsec. (g)(5). Pub. L. 109–443, §9(a), added par. (5).

Subsecs. (i), (j). Pub. L. 109–443, §9(d)(4), (5), added subsec. (i) and redesignated former subsec. (i) as (j).

2000—Subsecs. (h), (i). Pub. L. 106–424 added subsec. (h) and redesignated former subsec. (h) as (i).

UTILIZATION PLAN

Pub. L. 109–443, §2(a)(2), Dec. 21, 2006, 120 Stat. 3297, provided that:

“(A) **PLAN.**—Within 90 days after the date of enactment of this Act [Dec. 21, 2006], the National Transportation Safety Board shall—

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

“(ii) submit a draft of the plan to the Comptroller General for review and comment; and

“(iii) submit a draft of the plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

“(B) **PLAN DEVELOPMENT CONSIDERATIONS.**—The Board shall—

“(i) give consideration in developing the plan under subparagraph (A)(i) to other revenue-generating measures, including subleasing the facility to another entity; and

“(ii) include in the plan a detailed financial statement that covers current Academy expenses and revenues and an analysis of the projected impact of the plan on the Academy’s expenses and revenues.

“(C) **REPORT.**—Within 180 days after the date of enactment of this Act [Dec. 21, 2006], the National Transportation Safety Board shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

“(i) an updated copy of the plan developed pursuant to subparagraph (A)(i);

“(ii) any comments and recommendations made by the Comptroller General pursuant to the Government Accountability Office’s review of the draft plan; and

“(iii) a response to the Comptroller General’s comments and recommendations, including a description of any modifications made to the plan in response to those comments and recommendations.

“(D) **IMPLEMENTATION.**—The plan developed pursuant to subparagraph (A)(i) shall be implemented within 2 years after the date of enactment of this Act [Dec. 21, 2006].”

## AUDIT PROCEDURES

Pub. L. 109-443, § 6, Dec. 21, 2006, 120 Stat. 3300, provided that: "The National Transportation Safety Board, in consultation with the Inspector General of the Department of Transportation, shall continue to develop and implement comprehensive internal audit controls for its operations. The audit controls shall address, at a minimum, Board asset management systems, including systems for accounting management, debt collection, travel, and property and inventory management and control."

## IMPROVED AUDIT PROCEDURES

Pub. L. 106-424, § 11, Nov. 1, 2000, 114 Stat. 1887, provided that: "The National Transportation Safety Board, in consultation with the Inspector General of the Department of Transportation, shall develop and implement comprehensive internal audit controls for its financial programs based on the findings and recommendations of the private sector audit firm contract entered into by the Board in March, 2000. The improved internal audit controls shall, at a minimum, address Board asset management systems, including systems for accounting management, debt collection, travel, and property and inventory management and control."

### § 1112. Special boards of inquiry on air transportation safety

(a) ESTABLISHMENT.—If an accident involves a substantial question about public safety in air transportation, the National Transportation Safety Board may establish a special board of inquiry composed of—

(1) one member of the Board acting as chairman; and

(2) 2 members representing the public, appointed by the President on notification of the establishment of the special board of inquiry.

(b) QUALIFICATIONS AND CONFLICTS OF INTEREST.—The public members of a special board of inquiry must be qualified by training and experience to participate in the inquiry and may not have a pecuniary interest in an aviation enterprise involved in the accident to be investigated.

(c) AUTHORITY.—A special board of inquiry has the same authority that the Board has under this chapter.

(Pub. L. 103-272, § 1(d), July 5, 1994, 108 Stat. 747.)

## HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1112 .....	49 App.:1443.	Aug. 23, 1958, Pub. L. 85-726, § 703, 72 Stat. 782.
	49 App.:1655(d) (1st sentence).	Oct. 15, 1966, Pub. L. 89-670, § 6(d) (1st sentence), 80 Stat. 938.
	49 App.:1903(a)(1)(A).	Jan. 3, 1975, Pub. L. 93-633, § 304(a)(1)(A), 88 Stat. 2168.

In subsection (c), the words "when convened to investigate an accident certified to it by the National Transportation Safety Board" are omitted as surplus.

### § 1113. Administrative

(a) GENERAL AUTHORITY.—(1) The National Transportation Safety Board, and when authorized by it, a member of the Board, an administrative law judge employed by or assigned to the Board, or an officer or employee designated by the Chairman of the Board, may conduct hearings to carry out this chapter, administer oaths, and require, by subpoena or otherwise, necessary witnesses and evidence.

(2) A witness or evidence in a hearing under paragraph (1) of this subsection may be summoned or required to be produced from any place in the United States to the designated place of the hearing. A witness summoned under this subsection is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(3) A subpoena shall be issued under the signature of the Chairman or the Chairman's delegate but may be served by any person designated by the Chairman.

(4) If a person disobeys a subpoena, order, or inspection notice of the Board, the Board may bring a civil action in a district court of the United States to enforce the subpoena, order, or notice. An action under this paragraph may be brought in the judicial district in which the person against whom the action is brought resides, is found, or does business. The court may punish a failure to obey an order of the court to comply with the subpoena, order, or notice as a contempt of court.

(b) ADDITIONAL POWERS.—(1) The Board may—

(A) procure the temporary or intermittent services of experts or consultants under section 3109 of title 5;

(B) make agreements and other transactions necessary to carry out this chapter without regard to section 6101(b) to (d) of title 41;

(C) use, when appropriate, available services, equipment, personnel, and facilities of a department, agency, or instrumentality of the United States Government on a reimbursable or other basis;

(D) confer with employees and use services, records, and facilities of State and local governmental authorities;

(E) appoint advisory committees composed of qualified private citizens and officials of the Government and State and local governments as appropriate;

(F) accept voluntary and uncompensated services notwithstanding another law;

(G) accept gifts of money and other property;

(H) make contracts with nonprofit entities to carry out studies related to duties and powers of the Board; and

(I) negotiate and enter into agreements with individuals and private entities and departments, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries for the provision of facilities, accident-related and technical services or training in accident investigation theory and techniques, and require that such entities provide appropriate consideration for the reasonable costs of any facilities, goods, services, or training provided by the Board.

(2) The Board shall deposit in the Treasury amounts received under paragraph (1)(I) of this subsection to be credited as offsetting collections to the appropriation of the Board. The Board shall maintain an annual record of collections received under paragraph (1)(I) of this subsection.

(c) SUBMISSION OF CERTAIN COPIES TO CONGRESS.—When the Board submits to the President or the Director of the Office of Manage-