

1 Title: To amend title 49, United States Code, to authorize appropriations for the National  
2 Transportation Safety Board for fiscal years 2023 through 2027, and for other purposes.  
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5 Be it enacted by the Senate and House of Representatives of the United States of America in  
6 Congress assembled,

7 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS;**  
8 **REFERENCES.**

9 (a) SHORT TITLE.—This Act may be cited as the “National Transportation Safety Board  
10 Authorization Act of 2022”.

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

12 Sec. 1. Short title; table of contents; references.

13 TITLE I – ENSURING READINESS FOR OUR MISSION

14 Sec. 101. Authorization of appropriations.

15 Sec. 102. Acquiring mission-essential knowledge and skills.

16 Sec. 103. Strategic human capital plan.

17 Sec. 104. Workforce development.

18 Sec. 105. Senior Executive succession planning.

19 Sec. 106. Investigative authorities.

20 Sec. 107. Ensuring access to data.

21 Sec. 108. Technical corrections.

22 TITLE II – ENHANCING ACCOUNTABILITY AND IMPROVING PROCESSES  
23 AND PRODUCTS

24 Sec. 201. Drug-Free workplace.

25 Sec. 202. Improving the delivery of family assistance.

26 Sec. 203. Updating civil penalty authority.

27 Sec. 204. Ensuring accountability for timeliness of reports.

28 Sec. 205. Implementing safety recommendations.

29 Sec. 206. Closed unacceptable recommendations.

30 TITLE III – STRENGTHENING DIVERSITY, EQUITY, INCLUSION, AND  
31 ACCESSIBILITY

32 Sec. 301. Creating a diverse and inclusive workforce.

33 Sec. 302. Promoting diversity, equity, inclusion, and accessibility in the workforce.

34 Sec. 303. Enhancing transparency of equal employment opportunity programs.

1           Sec. 304. Accessibility in the workplace.

2           Sec. 305. Availability of products in languages other than English.

3           Sec. 306. References to Chairman and Vice Chairman.

4           (c) REFERENCES TO TITLE 49, UNITED STATES CODE.—Except as otherwise expressly  
5 provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment  
6 to, or repeal of, a section or other provision, the reference shall be considered to be made to a  
7 section or other provision of title 49, United States Code.

## 8                           **TITLE I – ENSURING MISSION READINESS**

### 9           **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

10           IN GENERAL.—Section 1118(a) is amended to read as follows:

11                           “(a) IN GENERAL.—There are authorized to be appropriated for the purposes of  
12 this chapter \$129,300,000 for fiscal year 2023, \$145,000,000 for fiscal year 2024,  
13 \$155,000,000 for fiscal year 2025, \$165,000,000 for fiscal year 2026, and \$175,000,000  
14 for fiscal year 2027. Such sums shall remain available until expended.”.

### 15           **SEC. 102. ACQUIRING MISSION-ESSENTIAL** 16 **KNOWLEDGE AND SKILLS.**

17           IN GENERAL.—Section 1113(b) is amended by adding at the end the following new  
18 paragraph:

19                           “(3) DIRECT HIRE AUTHORITY.—

20   “(A) IN GENERAL.—Notwithstanding section 3304 and sections 3309 through  
21 3318 of title 5, United States Code, the Chair may, on a determination that there is a  
22 severe shortage of candidates or a critical hiring need for particular positions, recruit and  
23 directly appoint into the competitive service highly qualified personnel with specialized  
24 knowledge important to the function of the Board.

25   “(B) LIMITATION.—The authority granted under subparagraph (A) shall  
26 terminate on the date that is 3 years after the date of the enactment of this paragraph.

27   “(C) EXCEPTION.—The authority granted under subparagraph (A) shall not apply  
28 to positions in the excepted service or the Senior Executive Service.

29   “(D) REQUIREMENTS.—In exercising the authority granted under subparagraph  
30 (A), the Board shall ensure that any action taken by the Board—

31   “(i) is consistent with the merit principles of section 2301 of title 5, United  
32 States Code; and

33   “(ii) complies with the public notice requirements of section 3327 of title  
34 5, United States Code.”.

### 35           **SEC. 103. STRATEGIC HUMAN CAPITAL PLAN.**

36           IN GENERAL.—Section 1113 is amended by adding at the end the following new subsection:

1 “(h) Strategic Human Capital Plan.—

2 “(a) IN GENERAL.—The Board shall develop a ‘strategic human capital plan’ that  
3 addresses the immediate and long-term personnel and workforce needs of the Board with  
4 respect to carrying out the authorities and duties under this chapter.

5 “(b) ALIGNING THE WORKFORCE TO STRATEGIC GOALS.—

6 “(1) IN GENERAL.—The strategic human capital plan developed under  
7 subsection (a) shall take into consideration—

8 “(A) the current state and capabilities of the Board, including a  
9 high-level review of its mission requirements, structure, workforce, and  
10 performance;

11 “(B) significant workforce trends, needs, issues, and challenges  
12 with respect to the Board and the transportation industry;

13 “(C) the human capital policies, strategies, performance measures,  
14 and interventions to mitigate succession risks that will guide the workforce  
15 investment decisions of the Board;

16 “(D) a workforce planning strategy that identifies current and  
17 future human capital needs, including the knowledge, skills, and abilities  
18 needed to recruit and retain skilled workers at the Board;

19 “(E) a human capital management strategy that is aligned with the  
20 mission, goals, and organizational objectives of the Board;

21 “(F) an implementation system for workforce goals focused on  
22 addressing continuity of leadership and knowledge sharing across the  
23 Board;

24 “(G) an implementation system that addresses workforce  
25 competency gaps, particularly in mission-critical occupations; and,

26 “(H) a system for analyzing and evaluating the performance of the  
27 Board’s human capital management policies, programs, and activities.

28 “(2) PLANNING PERIOD.—The strategic human capital plan developed  
29 under subsection (a) shall address a 5-year forecast period, but shall include  
30 planning for immediate, short-term, and longer term needs of the agency based on  
31 information about trends in the transportation sector.

32 “(c) PLAN UPDATES.—The Board shall update the strategic human capital plan  
33 developed under subsection (a) not less frequently than once every 5 years.

34 “(d) RELATIONSHIP TO STRATEGIC PLAN.—

35 “(1) IN GENERAL.—Subject to paragraph (2), the strategic human capital  
36 plan developed under subsection (a) may be developed separately from, or  
37 incorporated into, the strategic plan required under section 306 of title 5.

38 “(2) EFFECT OF SECTION.—Nothing in this section requires the Board to  
39 incorporate the strategic human capital plan developed under subsection (a) into  
40 the strategic plan required under section 306 of title 5.

1           “(e) PUBLIC AVAILABILITY.—The strategic human capital plan under subsection  
2           (a) and the strategic plan required under section 306 of title 5 shall be made available to  
3           the public on the Board’s website and shall include a summary in English and other non-  
4           English languages, as determined by the Board, to facilitate accessibility for Limited  
5           English Proficient individuals.

## 6   **SEC. 104. WORKFORCE DEVELOPMENT.**

7           IN GENERAL.—Section 1115 is amended in subsection (d), in the first sentence, by striking  
8           the period after “accident investigation” and inserting “, and in those subjects furthering the  
9           personnel and workforce development needs set forth in the Board’s most current human capital  
10          plan as required by section 1113(h) of this title.”

## 11   **SEC. 105. SENIOR EXECUTIVE SUCCESSION PLANNING.**

12          IN GENERAL.—Section 3(a)(v) of Executive Order 13714 (December 15, 2015; related to the  
13          rotational assignments of members of the Senior Executive Service) shall have no force or effect  
14          upon the National Transportation Safety Board unless the number of Senior Executive Service  
15          members employed by the Board exceeds 35.

## 16   **SEC. 106. INVESTIGATIVE AUTHORITIES.**

17          (a) HIGHWAY INVESTIGATIONS.—Section 1131(a)(1)(B) is amended by striking “selects  
18          in cooperation with a State” and inserting “selects, concurrent with any State investigation”.

19          (b) RAIL INVESTIGATIONS.—Section 1131(a)(1)(C) is amended by striking “accident” and  
20          all that follows through “train;”, and inserting the following: “accident, including a railroad  
21          grade crossing or trespasser accident that the Board selects, or in which there is otherwise a  
22          fatality or substantial property damage, or that involves a passenger train;”.

23          (c) RULEMAKINGS.—Within 12 months of the date of enactment of this Act, the Board  
24          shall issue a final rule to define “substantial property damage” as the term is used in sections  
25          1131(a)(1)(C) and (D).

## 26   **SEC. 107. ENSURING ACCESS TO DATA.**

27          IN GENERAL.—Section 1134 is amended by adding at the end the following new subsection:

28                 “(g) RECORDERS AND DATA—In investigating an accident under this chapter,  
29                 the Board may—

30                         “(1) obtain any recorder or recorded information pertinent to the accident;

31                         “(2) require a manufacturer or its vendors, suppliers, or affiliates, to  
32                         provide to the Board, without delay, information the Board determines necessary  
33                         to enable it to read and interpret any recording device or recorded information  
34                         pertinent to the accident; and

35                         “(3) require a manufacturer or its vendors, suppliers, or affiliates, to  
36                         provide to the Board, without delay, data and other intellectual property the Board  
37                         determines necessary to enable it to perform independent physics-based  
38                         simulations and analyses of the accident situation.”

1 **SEC. 108. TECHNICAL CORRECTIONS.**

2 **IN GENERAL.**—Section 1114 is amended—

3 (1) in subsection (b)—

4 (A) in the heading, by striking “TRADE SECRETS” and inserting  
5 “CERTAIN CONFIDENTIAL INFORMATION”;

6 (B) in paragraph (1)—

7 (i) by inserting “IN GENERAL.—” before “The Board”;

8 (ii) by striking “information related to a trade secret referred to in  
9 section 1905 of title 18” and inserting “confidential information, including  
10 trade secrets, as described in section 1905 of title 18”.

11 **TITLE II – ENHANCING ACCOUNTABILITY AND**  
12 **IMPROVING PROCESSES AND PRODUCTS**

13 **SEC. 201. DRUG-FREE WORKPLACE.**

14 **IN GENERAL.**—Not later than 12 months after the date of enactment of this Act, the Board  
15 shall implement a drug testing program applicable to Board employees, including safety- or  
16 security-sensitive positions, in accordance with Executive Order 12564 (September 15, 1986;  
17 Drug-Free Workplace).

18 **SEC. 202. IMPROVING THE DELIVERY OF FAMILY**  
19 **ASSISTANCE.**

20 (a) **AIRCRAFT ACCIDENTS.**—Section 1136 is amended—

21 (1) by striking “mental health and counseling services” each place it appears and  
22 inserting “emotional, psychological and spiritual care and support services”;

23 (2) in subsection (a) —

24 (A) by inserting “within the United States, its territories, or over international waters”  
25 after “aircraft accident”;

26 (B) in paragraph (2)—

27 (i) by striking “emotional care and support” and inserting “emotional,  
28 psychological and spiritual care and support services”; and

29 (ii) by inserting “survivors and” before the second instance of “families”; and

30 (3) in subsection (c)—

31 (A) by inserting “and survivors” after “passengers”;

32 (B) in paragraph (3)—

33 (i) by inserting “survivors, and” before the first instance of “families”; and

34 (ii) by inserting “and survivors” after the third instance of “families”; and

1 (C) in paragraph (4) by inserting “and survivors” after “families”.

2 (4) in subsection (d) to read as follows:

3 “(d) PASSENGER LISTS.—

4 “(1) REQUESTS FOR PASSENGER LISTS BY THE DIRECTOR OF FAMILY  
5 SERVICES.—

6 “(A) Requests by director of family support services.—It shall be the  
7 responsibility of the director of family support services designated for an accident  
8 under subsection (a)(1) to request, as soon as practicable, from the air carrier or  
9 foreign air carrier involved in the accident a passenger list, which is based on the  
10 best available information at the time of the request.

11 “(B) Use of information.—The director of family support services may not  
12 release to any person information on a list obtained under subparagraph (A),  
13 except that the director may, to the extent the director considers appropriate,  
14 provide information on the list about a passenger to-

15 “(i) the family of the passenger; or

16 “(ii) a local, state, or Federal agency responsible for determining  
17 the whereabouts or welfare of a passenger.

18 “(2) REQUESTS FOR PASSENGER LISTS BY DESIGNATED  
19 ORGANIZATION.—

20 “(A) Requests by designated organization.—The organization designated  
21 for an accident under subsection (a)(2) may request from the air carrier or foreign  
22 air carrier involved in the accident a passenger list.

23 “(B) Use of information.—The designated organization may not release to  
24 any person information on a passenger list but may provide information on the list  
25 about a passenger to the family of the passenger to the extent the organization  
26 considers appropriate.

27 (5) in subsection (h) by inserting a new paragraph (3):

28 “(3) PASSENGER LIST.— “The term “passenger list” means a list based on the best  
29 available information at the time of a request, of the name of each passenger aboard the  
30 aircraft involved in the accident.”.

31 (b) RAIL ACCIDENTS.—Section 1139 is amended—

32 (1) by striking “mental health and counseling services” each place it appears and  
33 inserting “emotional, psychological and spiritual care and support services”;

34 (2) in subsection (a)(2)—

35 (A) by striking “emotional care and support” and inserting “emotional,  
36 psychological and spiritual care and support services”; and

37 (B) by inserting “survivors and” before the second instance of “families”; and

38 (3) in subsection (c)—

1 (A) by inserting “and survivors” after “passengers”;

2 (B) in paragraph (3)—

3 (i) by inserting “survivors, and” before the first instance of “families”; and

4 (ii) by inserting “and survivors” after the third instance of “families”; and

5 (4) in subsection (d) to read as follows:

6 “(d) PASSENGER LISTS.—

7 “(1) REQUESTS FOR PASSENGER LISTS BY THE DIRECTOR OF FAMILY  
8 SERVICES.—

9 “(A) Requests by director of family support services.—It shall be the  
10 responsibility of the director of family support services designated for an accident  
11 under subsection (a)(1) to request, as soon as practicable, from the rail passenger  
12 carrier involved in the accident a passenger list, which is based on the best  
13 available information at the time of the request.

14 “(B) Use of information.—The director of family support services shall  
15 not release to any person information on a list obtained under subparagraph (A),  
16 except that the director may, to the extent the director considers appropriate,  
17 provide information on the list about a passenger to-

18 “(i) the family of the passenger; or

19 “(ii) a local, state, or federal agency responsible for determining  
20 the whereabouts or welfare of a passenger.

21 “(2) REQUESTS FOR PASSENGER LISTS BY DESIGNATED  
22 ORGANIZATION.—

23 “(A) Requests by designated organization.—The organization designated  
24 for an accident under subsection (a)(2) may request from the rail passenger carrier  
25 involved in the accident a passenger list.

26 “(B) Use of information.—The designated organization may not release to  
27 any person information on a passenger list but may provide information on the list  
28 about a passenger to the family of the passenger to the extent the organization  
29 considers appropriate.

30 (5) in subsection (h), by inserting a new paragraph (4):

31 “(4) PASSENGER LIST.—“The term “passenger list” means a list based on the  
32 best available information at the time of the request, of the name of each passenger  
33 aboard the rail passenger carrier’s train involved in the accident. A rail passenger carrier  
34 shall use reasonable efforts, with respect to its unreserved trains, and passengers not  
35 holding reservations on its other trains, to ascertain the names of passengers aboard a  
36 train involved in an accident.”.

37 (c) PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER  
38 ACCIDENTS.—Section 24316(a) is amended by striking “a major” and inserting “any”.

39 **SEC. 203. UPDATING CIVIL PENALTY AUTHORITY.**

1 IN GENERAL.—Section 1155 of title 49, United States Code, is amended—

2 (1) in the heading, by striking “Aviation penalties” and inserting “Penalties”;

3 (2) in subsection (a), by striking “or section 1136(g) (related to an aircraft accident)”  
4 and inserting “section 1136(g), or 1139(g)”.

## 5 SEC. 204. ENSURING ACCOUNTABILITY FOR 6 TIMELINESS OF REPORTS.

7 IN GENERAL.—Section 1131 is amended by inserting at the end the following new  
8 subsection:

9 “(f) TIMELINESS OF REPORTS.—If any accident report under paragraph (e) is not  
10 completed within 2 years from the date of the accident, the Board shall submit to the Senate  
11 Committee on Commerce, Science, and Transportation and the House Committee on  
12 Transportation and Infrastructure a report identifying such accident report and the reasons for its  
13 incompleteness. The Board shall report progress toward completion of the accident report to the  
14 committees every 90 days thereafter, until such time as the accident report is completed.”

## 15 SEC. 205. IMPLEMENTING SAFETY 16 RECOMMENDATIONS.

17 IN GENERAL.—Section 1135 is amended—

18 (1) in the heading, by striking “Secretary of Transportation’s responses” and  
19 inserting “Responses”;

20 (2) in subsection (a)—

21 (A) by inserting “or the Commandant of the Coast Guard” after “Secretary  
22 of Transportation”; and

23 (B) by inserting “or the Commandant” after the second and the third  
24 instances of “Secretary”.

25 (3) in subsection (e)—

26 (A) by redesignating paragraph (1) as (1)(A);

27 (B) by redesignating paragraphs (2) and (3) as subparagraphs (B) and (C),  
28 respectively, of paragraph (1); and,

29 (C) by adding at the end the following new paragraph:

30 “(2)(A) ANNUAL COMMANDANT REGULATORY STATUS  
31 REPORTS.—On February 1 of each year, the Commandant shall submit a  
32 report to Congress and the Board containing the regulatory status of each  
33 recommendation made by the Board to the Commandant that is on the  
34 Board’s “most wanted list”. The Commandant shall continue to report on  
35 the regulatory status of each such recommendation in the report due on  
36 February 1 of subsequent years until final regulatory action is taken on  
37 that recommendation or the Commandant determines and states in such a  
38 report that no action should be taken.



1 “(B) FAILURE TO REPORT.—If on March 1 of each year the  
2 Board has not received the Commandant’s report required by this  
3 subsection, the Board shall notify the Committee on Transportation and  
4 Infrastructure of the House of Representatives and the Committee on  
5 Commerce, Science, and Transportation of the Senate of the  
6 Commandant’s failure to submit the required report.

7 “(C) COMPLIANCE REPORT WITH  
8 RECOMMENDATIONS.—Not later than 90 days after the date on which  
9 the Commandant submits a report under this subsection, the Board shall  
10 review the Commandant’s report and transmit comments on the report to  
11 the Commandant, the Committee on Commerce, Science, and  
12 Transportation of the Senate, and the Committee on Transportation and  
13 Infrastructure of the House of Representatives.”.

14 **SEC. 206. CLOSED UNACCEPTABLE**  
15 **RECOMMENDATIONS.**

16 **IN GENERAL.**—Section 1116(c) is amended—

17 (1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7),  
18 respectively; and,

19 (2) by inserting after paragraph (2) the following new paragraph (3):

20 “(3) a list of each recommendation made by the Board to the Secretary of  
21 Transportation or the Commandant of the Coast Guard that was closed in an  
22 unacceptable status in the preceding 12 months;”.

23 **TITLE III -- STRENGTHENING DIVERSITY, EQUITY,**  
24 **INCLUSION, AND ACCESSIBILITY**

25 **SEC. 301. CREATING A DIVERSE AND INCLUSIVE**  
26 **WORKFORCE.**

27 **IN GENERAL.**— In preparing the strategic human capital plan called for in Section 103 of this  
28 Act, the Board shall provide guidance, implement policies and programs, and develop  
29 benchmarking measures to recruit, hire, develop, promote, and retain a workforce that realize  
30 and reaffirm the Federal commitment to greater diversity, equity, inclusion, and accessibility,  
31 and that seek to create employment opportunity for individuals belonging to underserved  
32 communities that have historically been denied such opportunity. In this section, the term  
33 “underserved communities” has the meaning given the term in Section 2(a) of Executive Order  
34 14035 (June 25, 2021; related to Diversity, Equity, Inclusion, and Accessibility in the Federal  
35 Workforce).

36 **SEC. 302. PROMOTING DIVERSITY, EQUITY,**  
37 **INCLUSION, AND ACCESSIBILITY IN THE WORKFORCE.**

1 IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Board shall  
2 make publicly available on the website of the National Transportation Safety Board the action  
3 plans prepared in response to Executive Order 13985 (January 20, 2021; related to Promoting  
4 Equitable Delivery of Government Benefits and Equitable Opportunities) and Executive Order  
5 14035 (June 25, 2021; related to Diversity, Equity, Inclusion, and Accessibility in the Federal  
6 Workforce), and shall further make publicly available progress in implementing the action plans  
7 and any subsequent updates to such action plans.

## 8 SEC. 303. ENHANCING TRANSPARENCY OF EQUAL 9 EMPLOYMENT OPPORTUNITY PROGRAMS.

10 IN GENERAL.—Not later than 90 days after the date of enactment of this Act and annually  
11 thereafter, the Board shall make publicly available on the website of the National Transportation  
12 Safety Board its most recent report to the Equal Employment Opportunity Commission pursuant  
13 to the Commission’s Management Directive (MD) 715. The report shall detail the Board’s  
14 efforts to maintain an effective affirmative program of equal employment opportunity under  
15 Section 717 of the Civil Rights Act of 1964 and Section 501 of the Rehabilitation Act of 1973.

## 16 SEC. 304. ACCESSIBILITY IN THE WORKPLACE.

17 IN GENERAL.—

18 (a) Within 12 months of the date of enactment of this Act, the Board shall conduct an  
19 assessment of the headquarters and regional offices of the National Transportation Safety Board  
20 to determine barriers to accessibility. Such assessment shall consider compliance with the  
21 Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.), the corresponding Accessibility  
22 Guidelines (36 C.F.R. Part 1191), and the Americans with Disabilities Act of 1990 (42 U.S.C.  
23 12101 et seq.), and shall further consider best accessibility practices that exceed those  
24 recommended under the Acts and Guidelines.

25 (b) Such sums as necessary are authorized to implement corrective actions to remove the  
26 barriers to accessibility identified by the assessment. Such sums shall remain available until  
27 expended.

## 28 SEC. 305. AVAILABILITY OF PRODUCTS IN 29 LANGUAGES OTHER THAN ENGLISH.

30 IN GENERAL.—Section 1118 is amended by adding at the end the following new subsection:

31 “(d) PUBLIC ACCESS TO NTSB RESOURCES.—The Board shall use funds  
32 authorized to be appropriated under subsection (a), to ensure written products,  
33 determined appropriate by the Board, are available to the public in languages other than  
34 English, to facilitate accessibility for Limited English Proficient individuals.”.

## 35 SEC. 306. REFERENCES TO CHAIRMAN AND VICE 36 CHAIRMAN.

37 (a) REFERENCES IN CHAPTER 11.— Chapter 11 is amended—

38 (1) by striking “Chairman” each place it appears and inserting “Chair” (except

1           when referring to the Vice Chairman); and  
2                   (2) by striking “Vice Chairman” each place it appears and inserting “Vice Chair”.  
3           (b) DEEMING OF NAME.—Any reference in a law, regulation, document, paper, or other  
4 record of the United States to the Chairman or to the Vice Chairman of the National  
5 Transportation Safety Board shall be deemed to be a reference to the Chair or to the Vice Chair  
6 of the National Transportation Safety Board.