

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115-254, § 1112(e), substituted “subpoena” for “subpena”.

Subsec. (b)(1)(J). Pub. L. 115-254, § 1112(c), added subpar. (J).

Subsec. (h). Pub. L. 115-254, § 1112(d), struck out subsec. (h). Text read as follows: “The Board shall maintain at least 1 full-time employee in each State located more than 1,000 miles from the nearest Board regional office to provide initial investigative response to accidents the Board is empowered to investigate under this chapter that occur in that State.”

2011—Subsec. (b)(1)(B). Pub. L. 111-350 substituted “section 6101(b) to (d) of title 41” for “section 3709 of the Revised Statutes (41 U.S.C. 5)”.

2006—Subsec. (a)(3). Pub. L. 109-443, § 9(e), substituted “subpoena” for “subpena”.

Subsec. (a)(4). Pub. L. 109-443, § 9(e), which directed substitution of “subpoena” for “subpena”, was executed by making the substitution wherever appearing, to reflect the probable intent of Congress.

Subsec. (c). Pub. L. 109-443, § 9(f), inserted at end “The Board shall develop and approve a process for the Board’s review and comment or approval of documents submitted to the President, Director of the Office of Management and Budget, or Congress under this subsection.”

Subsec. (h). Pub. L. 109-443, § 9(g), added subsec. (h).

2000—Subsec. (b)(1)(I). Pub. L. 106-424, § 3(a), amended subpar. (I) generally. Prior to amendment, subpar. (I) read as follows: “require that the departments, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries provide appropriate consideration for the reasonable costs of goods and services supplied by the Board.”

Subsec. (b)(2). Pub. L. 106-424, § 3(b)(1), inserted “as offsetting collections” after “to be credited” and “The Board shall maintain an annual record of collections received under paragraph (1)(I) of this subsection.” at end.

Subsec. (g). Pub. L. 106-424, § 4, added subsec. (g).

Statutory Notes and Related Subsidiaries**RELIEF FROM CONTRACTING REQUIREMENTS FOR INVESTIGATIONS SERVICES**

Pub. L. 108-168, § 4, Dec. 6, 2003, 117 Stat. 2033, as amended by Pub. L. 109-443, § 3, Dec. 21, 2006, 120 Stat. 3298, provided that:

“(a) IN GENERAL.—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 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 [now Committee on Oversight and Reform], the Senate Committee on Commerce, Science, and Transportation, and the Senate Committee on Governmental Affairs that—

“(1) describes each contract executed by the Board to which the authority provided by subsection (a) was applied; and

“(2) sets forth the rationale for dispensing with competition requirements with respect to such contract.”

TRAVEL BUDGETS

Pub. L. 106-424, § 9, Nov. 1, 2000, 114 Stat. 1886, provided that: “The Chairman of the National Transportation Safety Board shall establish annual fiscal year budgets for non-accident-related travel expenditures

for Board members which shall be approved by the Board and submitted to the Senate Committee on Commerce, Science, and Transportation and to the House of Representatives Committee on Transportation and Infrastructure together with an annual report detailing the non-accident-related travel of each Board member. The report shall include separate accounting for foreign and domestic travel, including any personnel or other expenses associated with that travel.”

§ 1114. Disclosure, availability, and use of information

(a) GENERAL.—(1) Except as provided in subsections (b), (c), (d), and (f) of this section, a copy of a record, information, or investigation submitted or received by the National Transportation Safety Board, or a member or employee of the Board, shall be made available to the public on identifiable request and at reasonable cost. This subsection does not require the release of information described by section 552(b) of title 5 or protected from disclosure by another law of the United States.

(2) The Board shall deposit in the Treasury amounts received under paragraph (1) to be credited to the appropriation of the Board as offsetting collections.

(b) TRADE SECRETS.—(1) The Board may disclose information related to a trade secret referred to in section 1905 of title 18 only—

(A) to another department, agency, or instrumentality of the United States Government when requested for official use;

(B) to a committee of Congress having jurisdiction over the subject matter to which the information is related, when requested by that committee;

(C) in a judicial proceeding under a court order that preserves the confidentiality of the information without impairing the proceeding; and

(D) to the public to protect health and safety after giving notice to any interested person to whom the information is related and an opportunity for that person to comment in writing, or orally in closed session, on the proposed disclosure, if the delay resulting from notice and opportunity for comment would not be detrimental to health and safety.

(2) Information disclosed under paragraph (1) of this subsection may be disclosed only in a way designed to preserve its confidentiality.

(3) PROTECTION OF VOLUNTARY SUBMISSION OF INFORMATION.—Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, shall disclose voluntarily provided safety-related information if that information is not related to the exercise of the Board’s accident or incident investigation authority under this chapter and if the Board finds that the disclosure of the information would inhibit the voluntary provision of that type of information.

(c) COCKPIT RECORDINGS AND TRANSCRIPTS.—

(1) CONFIDENTIALITY OF RECORDINGS.—Except as provided in paragraph (2), the Board may not disclose publicly any part of a cockpit voice or video recorder recording or transcript of oral communications by and between flight crew members and ground stations related to an accident or incident investigated by the Board.

(2) EXCEPTION.—Subject to subsections (b) and (g), the Board shall make public any part of a transcript, any written depiction of visual information obtained from a video recorder, or any still image obtained from a video recorder the Board decides is relevant to the accident or incident—

(A) if the Board holds a public hearing on the accident or incident, at the time of the hearing; or

(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident or incident are placed in the public docket.

(3) REFERENCES TO INFORMATION IN MAKING SAFETY RECOMMENDATIONS.—This subsection does not prevent the Board from referring at any time to cockpit voice or video recorder information in making safety recommendations.

(d) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

(1) CONFIDENTIALITY OF RECORDINGS.—Except as provided in paragraph (2), the Board may not disclose publicly any part of a surface vehicle voice or video recorder recording or transcript of oral communications by or among drivers, train employees, or other operating employees responsible for the movement and direction of the vehicle or vessel, or between such operating employees and company communication centers, related to an accident investigated by the Board.

(2) EXCEPTION.—Subject to subsections (b) and (g), the Board shall make public any part of a transcript, any written depiction of visual information obtained from a video recorder, or any still image obtained from a video recorder the Board decides is relevant to the accident—

(A) if the Board holds a public hearing on the accident, at the time of the hearing; or

(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident are placed in the public docket.

(3) REFERENCES TO INFORMATION IN MAKING SAFETY RECOMMENDATIONS.—This subsection does not prevent the Board from referring at any time to voice or video recorder information in making safety recommendations.

(e) DRUG TESTS.—(1) Notwithstanding section 503(e) of the Supplemental Appropriations Act, 1987 (Public Law 100-71, 101 Stat. 471), the Secretary of Transportation shall provide the following information to the Board when requested in writing by the Board:

(A) any report of a confirmed positive toxicological test, verified as positive by a medical review officer, conducted on an officer or employee of the Department of Transportation under post-accident, unsafe practice, or reasonable suspicion toxicological testing requirements of the Department, when the officer or employee is reasonably associated with the circumstances of an accident or incident under the investigative jurisdiction of the Board.

(B) any laboratory record documenting that the test is confirmed positive.

(2) Except as provided by paragraph (3) of this subsection, the Board shall maintain the con-

fidentiality of, and exempt from disclosure under section 552(b)(3) of title 5—

(A) a laboratory record provided the Board under paragraph (1) of this subsection that reveals medical use of a drug allowed under applicable regulations; and

(B) medical information provided by the tested officer or employee related to the test or a review of the test.

(3) The Board may use a laboratory record made available under paragraph (1) of this subsection to develop an evidentiary record in an investigation of an accident or incident if—

(A) the fitness of the tested officer or employee is at issue in the investigation; and

(B) the use of that record is necessary to develop the evidentiary record.

(f) FOREIGN INVESTIGATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, shall disclose records or information relating to its participation in foreign aircraft accident investigations; except that—

(A) the Board shall release records pertaining to such an investigation when the country conducting the investigation issues its final report or 2 years following the date of the accident, whichever occurs first; and

(B) the Board may disclose records and information when authorized to do so by the country conducting the investigation.

(2) SAFETY RECOMMENDATIONS.—Nothing in this subsection shall restrict the Board at any time from referring to foreign accident investigation information in making safety recommendations.

(g) PRIVACY PROTECTIONS.—Before making public any still image obtained from a video recorder under subsection (c)(2) or subsection (d)(2), the Board shall take such action as appropriate to protect from public disclosure any information that readily identifies an individual, including a decedent.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 749; Pub. L. 104-291, title I, §§102, 103, Oct. 11, 1996, 110 Stat. 3452; Pub. L. 106-424, §§3(b)(2), 5(a), (b), Nov. 1, 2000, 114 Stat. 1884, 1885; Pub. L. 115-254, div. C, §1104(a), Oct. 5, 2018, 132 Stat. 3429.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1114(a)	49 App.:1905(a).	Jan. 3, 1975, Pub. L. 93-633, §306(a), (b), 88 Stat. 2172; Oct. 14, 1982, Pub. L. 97-309, §2, 96 Stat. 1453.
1114(b)	49 App.:1905(b).	Jan. 3, 1975, Pub. L. 93-633, 88 Stat. 2156, §306(c); added Oct. 14, 1982, Pub. L. 97-309, §2, 96 Stat. 1453; restated Nov. 28, 1990, Pub. L. 101-641, §4, 104 Stat. 4654.
1114(c)	49 App.:1905(c).	
1114(d)(1)	49 App.:1903(b) (1D)(A).	Jan. 3, 1975, Pub. L. 93-633, 88 Stat. 2156, §304(b)(11); added Nov. 28, 1990, Pub. L. 101-641, §6, 104 Stat. 4656.
1114(d)(2)	49 App.:1903(b) (1D)(B).	
1114(d)(3)	49 App.:1903(b) (1D)(C).	

In subsection (a), the words “record, information, or investigation” are substituted for “communication,

document, investigation, or other report, or information” to eliminate unnecessary words. The words “of the United States” are added for clarity.

In subsection (c)(1), before clause (A), the words “Notwithstanding any other provision of law” are omitted as surplus. The word “relevant” is substituted for “relevant and pertinent” to eliminate unnecessary words.

In subsection (d), the words “officer or employee” are substituted for “employee” for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (d)(2), before clause (A), the words “maintain the confidentiality of” are substituted for “maintain in confidence” for consistency in the revised title and with other titles of the Code. In clause (A), the words “of a confirmed and verified toxicological test” are omitted as unnecessary because of the re-statement of the source provisions in paragraph (1) of this subsection.

In subsection (d)(3), the words “laboratory record made available under paragraph (1) of this subsection” are substituted for “such a laboratory record” for clarity.

Editorial Notes

REFERENCES IN TEXT

Section 503(e) of the Supplemental Appropriations Act, 1987, referred to in subsec. (e)(1), is section 503(e) of Pub. L. 100-71, which is set out as a note under section 7301 of Title 5, Government Organization and Employees.

AMENDMENTS

2018—Subsec. (c)(1). Pub. L. 115-254, §1104(a)(1)(C)(i), inserted heading and substituted “Except as provided in paragraph (2), the Board” for “The Board”.

Subsec. (c)(2). Pub. L. 115-254, §1104(a)(1)(C)(ii), designated second sentence of par. (1) as par. (2) and amended it generally. Prior to amendment, second sentence of par. (1) read as follows: “However, the Board shall make public any part of a transcript or any written depiction of visual information the Board decides is relevant to the accident or incident—

“(A) if the Board holds a public hearing on the accident or incident, at the time of the hearing; or

“(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident or incident are placed in the public docket.”

Former par. (2) redesignated (3).

Subsec. (c)(3). Pub. L. 115-254, §1104(a)(1)(A), (B), designated par. (2) as (3) and inserted heading.

Subsec. (d)(1). Pub. L. 115-254, §1104(a)(2)(B)(i), substituted “Except as provided in paragraph (2), the Board” for “The Board”.

Subsec. (d)(2). Pub. L. 115-254, §1104(a)(2)(B)(ii), designated second sentence of par. (1) as par. (2) and amended it generally. Prior to amendment, second sentence of par. (1) read as follows: “However, the Board shall make public any part of a transcript or any written depiction of visual information that the Board decides is relevant to the accident—

“(A) if the Board holds a public hearing on the accident, at the time of the hearing; or

“(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident are placed in the public docket.”

Former par. (2) redesignated (3).

Subsec. (d)(3). Pub. L. 115-254, §1104(a)(2)(A), redesignated par. (2) as (3).

Subsec. (g). Pub. L. 115-254, §1104(a)(3), added subsec. (g).

2000—Subsec. (a). Pub. L. 106-424, §§3(b)(2), 5(b)(2), designated existing provisions as par. (1), substituted “(d), and (f)” for “and (e)” in first sentence, and added par. (2).

Subsec. (c). Pub. L. 106-424, §5(a)(1), struck out “Voice” after “Cockpit” in heading.

Subsec. (c)(1). Pub. L. 106-424, §5(a)(2), (3), substituted “cockpit voice or video recorder” for “cockpit voice recorder” in first sentence and inserted “or any written depiction of visual information” after “transcript” in second sentence.

Subsec. (c)(2). Pub. L. 106-424, §5(a)(2), substituted “cockpit voice or video recorder” for “cockpit voice recorder”.

Subsec. (d). Pub. L. 106-424, §5(b)(1)(B), which directed the addition of subsec. (d) after subsec. (e), was executed by adding subsec. (d) before subsec. (e) to reflect the probable intent of Congress. Former subsec. (d) redesignated (e).

Subsecs. (e), (f). Pub. L. 106-424, §5(b)(1)(A), redesignated subsecs. (d) and (e) as (e) and (f), respectively.

1996—Subsec. (a). Pub. L. 104-291, §102(1), substituted “(b), (c), and (e)” for “(b) and (c)”.

Subsec. (b)(3). Pub. L. 104-291, §103, added par. (3).

Subsec. (e). Pub. L. 104-291, §102(2), added subsec. (e).

§ 1115. Training

(a) DEFINITION.—In this section, “Institute” means the Transportation Safety Institute of the Department of Transportation and any successor organization of the Institute.

(b) USE OF INSTITUTE SERVICES.—The National Transportation Safety Board may use, on a reimbursable basis, the services of the Institute. The Secretary of Transportation shall make the Institute available to—

(1) the Board for safety training of employees of the Board in carrying out their duties and powers; and

(2) other safety personnel of the United States Government, State and local governments, governments of foreign countries, interstate authorities, and private organizations the Board designates in consultation with the Secretary.

(c) FEES.—(1) Training at the Institute for safety personnel (except employees of the Government) shall be provided at a reasonable fee established periodically by the Board in consultation with the Secretary. The fee shall be paid directly to the Secretary, and the Secretary shall deposit the fee in the Treasury. The amount of the fee—

(A) shall be credited to the appropriate appropriation (subject to the requirements of any annual appropriation); and

(B) is an offset against any annual reimbursement agreement between the Board and the Secretary to cover all reasonable costs of providing training under this subsection that the Secretary incurs in operating the Institute.

(2) The Board shall maintain an annual record of offsets under paragraph (1)(B) of this subsection.

(d) TRAINING OF BOARD EMPLOYEES AND OTHERS.—The Board may conduct training of its employees in those subjects necessary for the proper performance of accident investigation. The Board may also authorize attendance at courses given under this subsection by other government personnel, personnel of foreign governments, and personnel from industry or otherwise who have a requirement for accident investigation training. The Board may require non-Board personnel to reimburse some or all of the training costs, and amounts so reimbursed shall be credited to the appropriation of the Board as offsetting collections.