

Calendar No. 506115TH CONGRESS
2^D SESSION**S. 2202****[Report No. 115–293]**

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 6, 2017

Mr. THUNE (for himself, Mr. NELSON, Mrs. FISCHER, Mr. BOOKER, Mr. BLUNT, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JULY 10, 2018

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-**
 2 **ERENCES.**

3 (a) **SHORT TITLE.**—This Act may be cited as the
 4 “National Transportation Safety Board Reauthorization
 5 Act”.

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

- See. 1. Short title; table of contents; references.
- See. 2. Definitions.
- See. 3. Authorization of appropriations.
- See. 4. Still images.
- See. 5. Information sharing.
- See. 6. Electronic records.
- See. 7. Report on Most Wanted List methodology.
- See. 8. Methodology sections.
- See. 9. Addressing the needs of families of individuals involved in accidents.
- See. 10. Government Accountability Office report on investigation launch decision-making processes.
- See. 11. Periodic review of safety recommendations.
- See. 12. General organization.
- See. 13. Technical and conforming amendments.

8 (c) **REFERENCES TO TITLE 49, UNITED STATES**
 9 **CODE.**—Except as otherwise expressly provided, wherever
 10 in this Act an amendment or repeal is expressed in terms
 11 of an amendment to, or repeal of, a section or other provi-
 12 sion, the reference shall be considered to be made to a
 13 section or other provision of title 49, United States Code.

14 **SEC. 2. DEFINITIONS.**

15 In this Act:

16 (1) **BOARD.**—The term “Board” means the Na-
 17 tional Transportation Safety Board.

1 ~~(2)~~ CHAIRMAN.—The term “Chairman” means
 2 the Chairman of the National Transportation Safety
 3 Board.

4 ~~(3)~~ MOST WANTED LIST.—The term “Most
 5 Wanted List” means the Board publication entitled
 6 “Most Wanted List”.

7 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 1118(a) is amended to read as follows:

9 ~~“(a) IN GENERAL.—~~There are authorized to be ap-
 10 propriated for the purposes of this chapter—

11 ~~“(1) \$111,400,000 for fiscal year 2019;~~

12 ~~“(2) \$112,400,000 for fiscal year 2020;~~

13 ~~“(3) \$113,400,000 for fiscal year 2021;~~

14 ~~“(4) \$114,400,000 for fiscal year 2022; and~~

15 ~~“(5) \$115,400,000 for fiscal year 2023.”.~~

16 **SEC. 4. STILL IMAGES.**

17 ~~(a) STILL IMAGES, VOICE RECORDERS, AND VIDEO~~
 18 ~~RECORDERS.—~~

19 ~~(1) COCKPIT RECORDINGS AND TRANSCRIPTS.—~~

20 Section 1114(e) is amended—

21 ~~(A) by redesignating paragraph (2) as~~
 22 ~~paragraph (3);~~

23 ~~(B) in paragraph (3), as redesignated, by~~
 24 ~~inserting “REFERENCES TO INFORMATION IN~~

1 MAKING SAFETY RECOMMENDATIONS.—” before
2 “~~This~~”; and

3 (C) in paragraph (1)—

4 (i) in the first sentence, by striking
5 “~~The Board~~” and inserting “~~CONFIDEN-~~
6 ~~TIALITY OF RECORDINGS.—Except as pro-~~
7 ~~vided in paragraph (2), the Board~~”; and

8 (ii) by amending the second sentence
9 to read as follows:

10 “(2) EXCEPTION.—Subject to subsections (b)
11 and (g), the Board shall make public any part of a
12 transcript, any written depiction of visual informa-
13 tion obtained from a video recorder, or any still
14 image obtained from a video recorder the Board de-
15 cides is relevant to the accident—

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

19 “(B) if the Board does not hold a public
20 hearing, at the time a majority of the other fac-
21 tual reports on the accident are placed in the
22 public docket.”.

23 (2) SURFACE VEHICLE RECORDINGS AND TRAN-
24 SCRIPTS.—Section 1114(d) is amended—

1 (A) by redesignating paragraph (2) as
2 paragraph (3); and

3 (B) in paragraph (1)—

4 (i) in the first sentence, by striking
5 “The Board” and inserting “Except as
6 provided in paragraph (2), the Board”;
7 and

8 (ii) by amending the second sentence
9 to read as follows:

10 “(2) EXCEPTION.—Subject to subsections (b)
11 and (g), the Board shall make public any part of a
12 transcript, any written depiction of visual informa-
13 tion obtained from a video recorder, or any still
14 image obtained from a video recorder the Board de-
15 cides is relevant to the accident—

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

18 “(B) if the Board does not hold a public
19 hearing, at the time a majority of the other fac-
20 tual reports on the accident are placed in the
21 public docket.”.

22 (3) PRIVACY PROTECTIONS.—Section 1114 is
23 amended by adding at the end the following:

24 “(g) PRIVACY PROTECTIONS.—Before making public
25 any still image obtained from a video recorder under sub-

1 section (c)(2) or subsection (d)(2), the Board shall take
 2 such action as appropriate to protect from public disclosure
 3 any information that readily identifies an individual,
 4 including a decedent.”.

5 (b) COCKPIT AND SURFACE VEHICLE RECORDINGS
 6 AND TRANSCRIPTS.—Section 1154(a) is amended—

7 (1) in the heading, by striking “TRANSCRIPTS
 8 AND RECORDINGS” and inserting “IN GENERAL”;

9 (2) in paragraph (1)—

10 (A) by redesignating subparagraphs (A)
 11 and (B) as subparagraphs (B) and (C), respectively; and
 12

13 (B) by inserting before subparagraph (B)
 14 the following:

15 “(A) any still image that the National
 16 Transportation Safety Board has not made
 17 available to the public under section 1114(e) or
 18 1114(d) of this title;”;

19 (3) in paragraph (3)—

20 (A) in the matter preceding subparagraph
 21 (A), by striking “recorder recording” and inserting
 22 “recorder recording, including with regard
 23 to a video recording any still image that
 24 the National Transportation Safety Board has

1 not made available to the public under section
2 1114(e) or 1114(d) of this title,”; and

3 ~~(B)~~ in subparagraph ~~(B)~~, by striking “re-
4 corder recording” and inserting “recorder re-
5 cording, including with regard to a video re-
6 cording any still image that the National
7 Transportation Safety Board has not made
8 available to the public under section 1114(e) or
9 1114(d) of this title,”; and

10 (4) in paragraph (4)—

11 (A) in subparagraph (A)—

12 (i) by inserting “a still image or” be-
13 fore “a part of a cockpit”; and

14 (ii) by striking “the part of the tran-
15 script or the recording” each place it ap-
16 pears and inserting “the still image, the
17 part of the transcript, or the recording”;

18 ~~(B)~~ in subparagraph ~~(B)~~—

19 (i) by inserting “a still image or” be-
20 fore “a part of a cockpit”; and

21 (ii) by striking “the part of the tran-
22 script or the recording” each place it ap-
23 pears and inserting “the still image, the
24 part of the transcript, or the recording”;

25 and

1 (C) in paragraph (6)—

2 (i) by redesignating subparagraph (B)
3 as subparagraph (C); and

4 (ii) by inserting after subparagraph
5 (A) the following:

6 “(B) STILL IMAGE.—The term ‘still image’
7 means any still image obtained from a video re-
8 corder.”.

9 **SEC. 5. INFORMATION SHARING.**

10 (a) CONFIDENTIAL INFORMATION.—Section 1114(b)
11 is amended—

12 (1) in the heading, by striking “TRADE SE-
13 CRETS” and inserting “CERTAIN CONFIDENTIAL IN-
14 FORMATION”;

15 (2) in paragraph (1)—

16 (A) in the matter preceding subparagraph
17 (A)—

18 (i) by inserting “IN GENERAL.—” be-
19 fore “The Board”; and

20 (ii) by striking “information related to
21 a trade secret referred to in section 1905
22 of title 18” and inserting “information, in-
23 cluding trade secrets, as described in sec-
24 tion 1905 of title 18”; and

1 (B) in subparagraph (D), by striking “to
2 the public to protect health and safety” and in-
3 serting “subject to paragraph (4), to the public
4 when the Board considers it necessary to pro-
5 tect health and safety”;

6 (3) in paragraph (2), by striking “Information”
7 and inserting “PRESERVATION OF CONFIDEN-
8 TIALITY.—Information”; and

9 (4) by adding at the end the following:

10 “(4) LIMITATION.—A disclosure under para-
11 graph (1)(D) may only be considered necessary to
12 protect health and safety if the Board is required
13 under this chapter to explain a finding, a cause or
14 probable cause, or a safety recommendation related
15 to an accident or incident investigated by the Board
16 and cannot reasonably fulfill its duties without such
17 disclosure.”.

18 (b) SHARING INFORMATION WITH OTHER FEDERAL
19 AGENCIES.—Section 1114, as amended, is further amend-
20 ed by adding at the end the following:

21 “(h) LIMITATION.—A department, agency, or instru-
22 mentality of the United States Government that receives
23 information from the Board under this section may not
24 publicly disclose any part of that information if the infor-

1 mation is exempted or prohibited from disclosure under
 2 this chapter or any other law of the United States.”.

3 **SEC. 6. ELECTRONIC RECORDS.**

4 Section 1134(a)(2) is amended by inserting “includ-
 5 ing an electronic record,” after “record,”.

6 **SEC. 7. REPORT ON MOST WANTED LIST METHODOLOGY.**

7 (a) IN GENERAL.—Not later than the date that the
 8 first Most Wanted List to be published after the date of
 9 enactment of this Act is published, the Chairman shall
 10 publish on a publicly available Web site of the Board and
 11 submit to the Committee on Commerce, Science, and
 12 Transportation of the Senate and the Committee on
 13 Transportation and Infrastructure of the House of Rep-
 14 resentatives a report on the methodology used to prioritize
 15 and select recommendations to be included by the Board
 16 in the Most Wanted List.

17 (b) ELEMENTS.—The report under subsection (a)
 18 shall include—

19 (1) a detailed description of how the Board ac-
 20 counts for the risk to safety addressed in each of its
 21 recommendations, including the extent to which the
 22 Board considers—

23 (A) the types of data and other informa-
 24 tion, including studies and reports, used to

1 identify the amount and probability of risk to
2 safety;

3 (B) the reduction of the risk to safety, es-
4 timated over a period of time, by implementing
5 each recommendation;

6 (C) the practicality and feasibility of
7 achieving the reduction described in subpara-
8 graph (B); and

9 (D) any alternate means of reducing the
10 risk;

11 (2) a detailed description of the extent to which
12 the Board considers any prior, related investigation,
13 safety recommendation, or other safety action when
14 prioritizing and selecting recommendations; and

15 (3) a description of the extent of coordination
16 and consultation when prioritizing and selecting the
17 recommendations.

18 (c) CONSULTATION.—The Board shall consult with
19 the head of each relevant Federal department and agency
20 in developing the methodology described in subsection (a).

21 (d) GAO REPORT.—Not later than 15 months after
22 the date that the methodology report is published under
23 subsection (a), the Comptroller General of the United
24 States shall submit to the Committee on Commerce,
25 Science, and Transportation of the Senate and the Com-

1 mittee on Transportation and Infrastructure of the House
2 of Representatives a report examining the methodology
3 used by the Board to prioritize and select safety rec-
4 ommendations for inclusion in the Most Wanted List, in-
5 cluding the extent to which the Board—

6 (1) utilized best practices and rigorous analysis
7 to account for and prioritize the reduction of risk to
8 safety;

9 (2) accounted for and factored in practicality,
10 feasibility, and alternative means of reducing risk;
11 and

12 (3) coordinated and consulted when prioritizing
13 and selecting the recommendations.

14 **SEC. 8. METHODOLOGY SECTIONS.**

15 (a) **IN GENERAL.**—Not later than 2 years after the
16 date of enactment of this Act, the Chairman shall include
17 with each investigative report in which a recommendation
18 is issued by the Board, a methodology section detailing
19 the process and information underlying the selection of
20 each recommendation.

21 (b) **ELEMENTS.**—Except as provided in subsection
22 (c), the methodology section under subsection (a) shall in-
23 clude, for each recommendation—

1 (1) a brief summary of the Board's collection
2 and analysis of the specific accident investigation in-
3 formation most relevant to the recommendation;

4 (2) a description of the Board's use of external
5 information, including studies, reports, and experts,
6 other than the findings of a specific accident inves-
7 tigation, to inform or support the recommendation;
8 including a brief summary of the specific safety ben-
9 efits and other effects identified by each study, re-
10 port, or expert;

11 (3) a brief summary of any alternative actions
12 considered, including the alternative of not issuing a
13 recommendation; and

14 (4) a brief summary of any examples of actions
15 taken by regulated entities prior to the publication
16 of the safety recommendation; to the extent such ac-
17 tions are known to the Board, that were consistent
18 with the recommendation.

19 (e) EXCEPTION.—Subsection (a) shall not apply if
20 the recommendation is only for a person to disseminate
21 information on—

22 (1) an existing agency best practices document;

23 or

24 (2) an existing regulatory requirement.

1 (d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
 2 tion may be construed to require any change to a rec-
 3 ommendation made by the Board prior to the date of en-
 4 actment of this Act, unless the recommendation is a repeat
 5 recommendation issued on or after the date of enactment
 6 of this Act.

7 (e) **SAVINGS CLAUSE.**—Nothing in this section may
 8 be construed to delay publication of the findings, cause,
 9 or probable cause of a Board investigation.

10 **SEC. 9. ADDRESSING THE NEEDS OF FAMILIES OF INDIVID-**
 11 **UALS INVOLVED IN ACCIDENTS.**

12 (a) **AIR CARRIERS HOLDING CERTIFICATES OF PUB-**
 13 **LIC CONVENIENCE AND NECESSITY.**—Section 4111~~3~~ is
 14 amended—

15 (1) in subsection (a), by striking “a major” and
 16 inserting “any”; and

17 (2) in subsection (b)—

18 (A) in paragraph (9), by striking “(and
 19 any other victim of the accident)” and inserting
 20 “(and any other victim of the accident, includ-
 21 ing any victim on the ground)”;

22 (B) in paragraph (16), by striking “major”
 23 and inserting “any”; and

24 (C) in paragraph (17)(A), by striking “sig-
 25 nificant” and inserting “any”.

1 (b) FOREIGN AIR CARRIERS PROVIDING FOREIGN
2 AIR TRANSPORTATION.—Section 41313 is amended—

3 (1) in subsection (b), by striking “a major” and
4 inserting “any”; and

5 (2) in subsection (c)—

6 (A) in paragraph (1), by striking “a sig-
7 nificant” and inserting “any”;

8 (B) in paragraph (2), by striking “a sig-
9 nificant” and inserting “any”;

10 (C) by amending paragraph (9) to read as
11 follows:

12 “(9) EQUAL TREATMENT OF PASSENGERS.—An
13 assurance that the treatment of the families of non-
14 revenue passengers (and any other victim of the ac-
15 cident, including any victim on the ground) will be
16 the same as the treatment of the families of revenue
17 passengers.”;

18 (D) in paragraph (16), by striking
19 “major” and inserting “any”; and

20 (E) in paragraph (17)(A), by striking “sig-
21 nificant” and inserting “any”.

22 (c) ASSISTANCE TO FAMILIES OF PASSENGERS IN-
23 VOLVED IN AIRCRAFT ACCIDENTS.—Section 1136 is
24 amended—

1 (1) in subsection (a), by striking “aircraft acci-
2 dent within the United States involving an air ear-
3 rier or foreign air carrier and resulting in a major
4 loss of life” and inserting “aircraft accident involv-
5 ing an air carrier or foreign air carrier, resulting in
6 any loss of life, and for which the National Trans-
7 portation Safety Board will serve as the lead inves-
8 tigative agency”; and

9 (2) by amending subsection (h)(1) to read as
10 follows:

11 “(1) AIRCRAFT ACCIDENT.—The term ‘aircraft
12 accident’ means any aviation disaster, regardless of
13 its cause or suspected cause, for which the National
14 Transportation Safety Board is the lead investiga-
15 tive agency.”.

16 (d) INFORMATION FOR FAMILIES OF INDIVIDUALS
17 INVOLVED IN ACCIDENTS.—

18 (1) IN GENERAL.—Chapter 11 is amended by
19 inserting after section 1139 the following:

20 “§ 1140. **Information for families of individuals in-**
21 **volved in accidents**

22 “‘In the course of an investigation of an accident de-
23 scribed in section 1131(a)(1), except an aircraft accident
24 described in section 1136 or a rail passenger accident de-
25 scribed in section 1139, the Board may, to the maximum

1 extent practicable, ensure that the families of individuals
 2 involved in the accident, and other individuals the Board
 3 deems appropriate—

4 “(1) are informed as to the roles, with respect
 5 to the accident and the post-accident activities, of
 6 the Board;

7 “(2) are briefed, prior to any public briefing,
 8 about the accident, its causes, and any other find-
 9 ings from the investigation; and

10 “(3) are individually informed of and allowed to
 11 attend any public hearings and meetings of the
 12 Board about the accident.”.

13 (2) TABLE OF CONTENTS.—The table of con-
 14 tents of chapter 11 is amended by inserting after the
 15 item relating to section 1139 the following:

“1140. Information for families of individuals involved in accidents.”.

16 **SEC. 10. GOVERNMENT ACCOUNTABILITY OFFICE REPORT**
 17 **ON INVESTIGATION LAUNCH DECISION-MAK-**
 18 **ING PROCESSES.**

19 Section 1138 is amended—

20 (1) in subsection (b)—

21 (A) by redesignating paragraphs (5) and
 22 (6) as paragraphs (6) and (7), respectively; and

23 (B) by inserting after paragraph (4) the
 24 following:

1 ~~“(5) the process and procedures to select an ac-~~
2 ~~cident to investigate;”~~; and

3 ~~(2) in subsection (c), by inserting a comma~~
4 ~~after “Science”.~~

5 **SEC. 11. PERIODIC REVIEW OF SAFETY RECOMMENDA-**
6 **TIONS.**

7 ~~(a) REPORTS.—Section 1117 is amended—~~

8 ~~(1) in the heading, by striking “Annual re-~~
9 ~~port” and inserting “Reports”;~~

10 ~~(2) by inserting “(a) IN GENERAL.—” before~~
11 ~~“The National Transportation Safety Board shall”;~~
12 ~~and~~

13 ~~(3) by adding at the end the following:~~

14 ~~“(b) RETROSPECTIVE REVIEW TO ENSURE UP-~~
15 ~~DATED AND EFFECTIVE SAFETY RECOMMENDATIONS.—~~

16 ~~“(1) IN GENERAL.—Not later than June 1,~~
17 ~~2019, the Chairman shall complete, based on the~~
18 ~~public comments under paragraph (2), a comprehen-~~
19 ~~sive review of recommendations issued by the Board~~
20 ~~that are classified as ‘open’ by the Board.~~

21 ~~“(2) PUBLIC COMMENTS.—~~

22 ~~“(A) IN GENERAL.—Before conducting a~~
23 ~~review under paragraph (1), and at least every~~
24 ~~5 years thereafter, the Chairman shall publish~~
25 ~~in the Federal Register a request for public~~

1 comment on recommendations to be updated or
2 closed.

3 “(B) RECOMMENDATIONS.—A request for
4 public comment under subparagraph (A) shall
5 solicit—

6 “(i) recommendations to be updated
7 or closed, including a reference to the ap-
8 plicable recommendation number;

9 “(ii) justifications, including any sup-
10 porting information, for updating or clos-
11 ing a recommendation; and

12 “(iii) if applicable, specific suggestions
13 for updating a recommendation.

14 “(C) PUBLIC COMMENT PERIOD.—The
15 Chairman shall provide 90 days for public com-
16 ment under this subsection.

17 “(3) CONTENTS.—A review under paragraph
18 (1) shall include for each recommendation under
19 paragraph (2)—

20 “(A) consideration of each justification
21 under paragraph (2)(B)(ii) and, if applicable,
22 each suggestion under clause (iii) of that para-
23 graph;

24 “(B) an assessment of whether the rec-
25 ommendation is—

1 “(i) outmoded or outdated in light of
2 changed circumstances, including the avail-
3 ability of new technologies;

4 “(ii) ineffective, insufficient, impracti-
5 cable, or infeasible for achieving its objec-
6 tive;

7 “(iii) unclear; or

8 “(iv) inconsistent with or duplicative
9 of other recommendations;

10 “(C) a determination, based on the assess-
11 ment under subparagraph (B), whether it is ap-
12 propriate to update or close the recommenda-
13 tion; and

14 “(D) a justification for each determination
15 under subparagraph (C).

16 “(4) REPORT.—Not later than 180 days after
17 the date the review under paragraph (1) is complete,
18 the Chairman shall submit to the Committee on
19 Commerce, Science, and Transportation of the Sen-
20 ate and the Committee on Transportation and Infra-
21 structure of the House of Representatives a report
22 that includes—

23 “(A) the findings of the review under para-
24 graph (1);

1 ~~“(B) each determination under paragraph~~
 2 ~~(3)(C) and justification under paragraph~~
 3 ~~(3)(D); and~~

4 ~~“(C) if applicable, a schedule for updating~~
 5 ~~or closing a recommendation.”.~~

6 ~~(b) SAVINGS CLAUSE.—Nothing in this section or the~~
 7 ~~amendments made by this section may be construed to~~
 8 ~~limit the authority of the Board to update or close a rec-~~
 9 ~~ommendation.~~

10 **SEC. 12. GENERAL ORGANIZATION.**

11 ~~(a) TERMS OF THE CHAIRMAN AND VICE CHAIR-~~
 12 ~~MAN.—Section 1111(d) is amended by striking “2 years”~~
 13 ~~and inserting “3 years”.~~

14 ~~(b) NONPUBLIC COLLABORATIVE DISCUSSIONS.—~~
 15 ~~Section 1111 is amended by adding at the end the fol-~~
 16 ~~lowing:~~

17 ~~“(k) OPEN MEETINGS.—~~

18 ~~“(1) IN GENERAL.—The Board shall be deemed~~
 19 ~~to be an agency for purposes of section 552b of title~~
 20 ~~5.~~

21 ~~“(2) NONPUBLIC COLLABORATIVE DISCUS-~~
 22 ~~SIONS.—~~

23 ~~“(A) IN GENERAL.—Notwithstanding sec-~~
 24 ~~tion 552b of title 5, a majority of the members~~
 25 ~~may hold a meeting that is not open to public~~

1 observation to discuss official agency business
2 if—

3 “(i) no formal or informal vote or
4 other official agency action is taken at the
5 meeting;

6 “(ii) each individual present at the
7 meeting is a member or an employee of the
8 Board; and

9 “(iii) the General Counsel of the
10 Board is present at the meeting.

11 “(B) DISCLOSURE OF NONPUBLIC COL-
12 LABORATIVE DISCUSSIONS.—Except as provided
13 under subparagraph (C), not later than 2 busi-
14 ness days after the conclusion of a meeting
15 under subparagraph (A), the Board shall make
16 available to the public, in a place easily acces-
17 sible to the public—

18 “(i) a list of the individuals present at
19 the meeting; and

20 “(ii) a summary of the matters dis-
21 cussed at the meeting; except for any mat-
22 ter the Board properly determines may be
23 withheld from the public under section
24 552b(e) of title 5.

1 “(C) SUMMARY.—If the Board properly
2 determines a matter may be withheld from the
3 public under section 552b(c) of title 5, the
4 Board shall provide a summary with as much
5 general information as possible on each matter
6 withheld from the public.

7 “(D) PRESERVATION OF OPEN MEETINGS
8 REQUIREMENTS FOR AGENCY ACTION.—Noth-
9 ing in this paragraph may be construed to limit
10 the applicability of section 552b of title 5 with
11 respect to a meeting of the members other than
12 that described in this paragraph.

13 “(E) STATUTORY CONSTRUCTION.—Noth-
14 ing in this paragraph may be construed—

15 “(i) to limit the applicability of sec-
16 tion 552b of title 5 with respect to any in-
17 formation which is proposed to be withheld
18 from the public under subparagraph
19 (B)(ii); or

20 “(ii) to authorize the Board to with-
21 hold from any individual any record that is
22 accessible to that individual under section
23 552a of title 5.”.

24 (c) INVESTIGATIVE OFFICERS.—Section 1113 is
25 amended by striking subsection (h).

1 **SEC. 13. TECHNICAL AND CONFORMING AMENDMENTS.**

2 (a) **TABLE OF CONTENTS.**—The table of contents of
3 chapter 11 is amended in the item relating to section 1138
4 by striking “Board” and inserting “Board.”.

5 (b) **GENERAL AUTHORITY.**—Section 1131(a)(1)(A) is
6 amended by striking “a public aircraft as defined by sec-
7 tion 40102(a)(37) of this title” and inserting “a public
8 aircraft as defined by section 40102(a) of this title”.

9 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-**
10 **ERENCES.**

11 (a) **SHORT TITLE.**—*This Act may be cited as the “Na-*
12 *tional Transportation Safety Board Reauthorization Act”.*

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14 *Act is as follows:*

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

Sec. 2. Definitions.

Sec. 3. Authorization of appropriations.

Sec. 4. Still images.

Sec. 5. Information sharing.

Sec. 6. Electronic records.

Sec. 7. Report on Most Wanted List methodology.

Sec. 8. Methodology sections.

Sec. 9. Multi-modal accident database management system.

Sec. 10. Addressing the needs of families of individuals involved in accidents.

Sec. 11. Government Accountability Office report on investigation launch deci-
sion-making processes.

Sec. 12. Periodic review of safety recommendations.

Sec. 13. General organization.

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10 (3) *MOST WANTED LIST.*—The term “Most Want-
11 ed List” means the Board publication entitled “Most
12 Wanted List”.

13 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

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15 “(a) *IN GENERAL.*—There are authorized to be appro-
16 priated for the purposes of this chapter \$111,400,000 for
17 fiscal year 2019, \$112,400,000 for fiscal year 2020,
18 \$113,400,000 for fiscal year 2021, \$114,400,000 for fiscal
19 year 2022, and \$115,400,000 for fiscal year 2023. Such
20 sums shall remain available until expended.”.

21 **SEC. 4. STILL IMAGES.**

22 (a) *STILL IMAGES, VOICE RECORDERS, AND VIDEO*
23 *RECORDERS.*—

24 (1) *COCKPIT RECORDINGS AND TRANSCRIPTS.*—

25 *Section 1114(c) is amended—*

1 (A) by redesignating paragraph (2) as
2 paragraph (3);

3 (B) in paragraph (3), as redesignated, by
4 inserting “REFERENCES TO INFORMATION IN
5 MAKING SAFETY RECOMMENDATIONS.—” before
6 “This”; and

7 (C) in paragraph (1)—

8 (i) in the first sentence, by striking
9 “The Board” and inserting “CONFIDEN-
10 TIALITY OF RECORDINGS.—Except as pro-
11 vided in paragraph (2), the Board”; and

12 (ii) by amending the second sentence to
13 read as follows:

14 “(2) EXCEPTION.—Subject to subsections (b) and
15 (g), the Board shall make public any part of a tran-
16 script, any written depiction of visual information
17 obtained from a video recorder, or any still image ob-
18 tained from a video recorder the Board decides is rel-
19 evant to the accident or incident—

20 “(A) if the Board holds a public hearing on
21 the accident or incident, at the time of the hear-
22 ing; or

23 “(B) if the Board does not hold a public
24 hearing, at the time a majority of the other fac-

1 *tual reports on the accident or incident are*
2 *placed in the public docket.”.*

3 (2) *SURFACE VEHICLE RECORDINGS AND TRAN-*
4 *SCRIPTS.—Section 1114(d) is amended—*

5 (A) *by redesignating paragraph (2) as*
6 *paragraph (3); and*

7 (B) *in paragraph (1)—*

8 (i) *in the first sentence, by striking*
9 *“The Board” and inserting “Except as pro-*
10 *vided in paragraph (2), the Board”;* and

11 (ii) *by amending the second sentence to*
12 *read as follows:*

13 “(2) *EXCEPTION.—Subject to subsections (b) and*
14 *(g), the Board shall make public any part of a tran-*
15 *script, any written depiction of visual information*
16 *obtained from a video recorder, or any still image ob-*
17 *tained from a video recorder the Board decides is rel-*
18 *evant to the accident—*

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

21 (B) *if the Board does not hold a public*
22 *hearing, at the time a majority of the other fac-*
23 *tual reports on the accident are placed in the*
24 *public docket.”.*

1 (3) *PRIVACY PROTECTIONS*.—Section 1114 is
2 amended by adding at the end the following:

3 “(g) *PRIVACY PROTECTIONS*.—Before making public
4 any still image obtained from a video recorder under sub-
5 section (c)(2) or subsection (d)(2), the Board shall take such
6 action as appropriate to protect from public disclosure any
7 information that readily identifies an individual, including
8 a decedent.”.

9 (b) *COCKPIT AND SURFACE VEHICLE RECORDINGS*
10 *AND TRANSCRIPTS* .—Section 1154(a) is amended—

11 (1) in the heading, by striking “*TRANSCRIPTS*
12 *AND RECORDINGS*” and inserting “*IN GENERAL*”;

13 (2) in paragraph (1)—

14 (A) by redesignating subparagraphs (A)
15 and (B) as subparagraphs (B) and (C), respec-
16 tively; and

17 (B) by inserting before subparagraph (B)
18 the following:

19 “(A) any still image that the National
20 Transportation Safety Board has not made
21 available to the public under section 1114(c) or
22 1114(d) of this title;”;

23 (3) in paragraph (3)—

24 (A) in the matter preceding subparagraph
25 (A), by striking “recorder recording” and insert-

1 ing “recorder recording, including with regard to
2 a video recording any still image that the Na-
3 tional Transportation Safety Board has not
4 made available to the public under section
5 1114(c) or 1114(d) of this title,”; and

6 (B) in subparagraph (B), by striking “re-
7 corder recording” and inserting “recorder record-
8 ing, including with regard to a video recording
9 any still image that the National Transportation
10 Safety Board has not made available to the pub-
11 lic under section 1114(c) or 1114(d) of this
12 title,”;

13 (4) in paragraph (4)—

14 (A) in subparagraph (A)—

15 (i) by inserting “a still image or” be-
16 fore “a part of a cockpit”; and

17 (ii) by striking “the part of the tran-
18 script or the recording” each place it ap-
19 pears and inserting “the still image, the
20 part of the transcript, or the recording”;

21 (B) in subparagraph (B)—

22 (i) by inserting “a still image or” be-
23 fore “a part of a cockpit”; and

24 (ii) by striking “the part of the tran-
25 script or the recording” each place it ap-

1 *pears and inserting “the still image, the*
 2 *part of the transcript, or the recording”;*
 3 *and*

4 *(C) in paragraph (6)—*

5 *(i) by redesignating subparagraph (B)*
 6 *as subparagraph (C); and*

7 *(ii) by inserting after subparagraph*
 8 *(A) the following:*

9 *“(B) STILL IMAGE.—The term ‘still image’*
 10 *means any still image obtained from a video re-*
 11 *corder.”.*

12 **SEC. 5. INFORMATION SHARING.**

13 *(a) CONFIDENTIAL INFORMATION.—Section 1114(b) is*
 14 *amended—*

15 *(1) in the heading, by striking “TRADE SE-*
 16 *CRETS” and inserting “CERTAIN CONFIDENTIAL IN-*
 17 *FORMATION”;*

18 *(2) in paragraph (1)—*

19 *(A) in the matter preceding subparagraph*

20 *(A)—*

21 *(i) by inserting “IN GENERAL.—” be-*
 22 *fore “The Board”; and*

23 *(ii) by striking “information related to*
 24 *a trade secret referred to in section 1905 of*
 25 *title 18” and inserting “information, in-*

1 cluding trade secrets, as described in section
2 1905 of title 18”; and

3 (B) in subparagraph (D), by striking “to
4 the public to protect health and safety” and in-
5 serting “subject to paragraph (4), to the public
6 when the Board considers it necessary to protect
7 health and safety”;

8 (3) in paragraph (2), by striking “Information”
9 and inserting “PRESERVATION OF CONFIDEN-
10 TIALITY.—Information”; and

11 (4) by adding at the end the following:

12 “(4) LIMITATION.—A disclosure under para-
13 graph (1)(D) may only be considered necessary to
14 protect health and safety if the Board is required
15 under this chapter to explain a finding, a cause or
16 probable cause, or a safety recommendation related to
17 an accident or incident investigated by the Board and
18 cannot reasonably fulfill its duties without such dis-
19 closure.”.

20 (b) SHARING INFORMATION WITH OTHER FEDERAL
21 AGENCIES.—Section 1114, as amended, is further amended
22 by adding at the end the following:

23 “(h) LIMITATION.—A department, agency, or instru-
24 mentality of the United States Government that receives in-
25 formation from the Board under this section may not pub-

1 *licly disclose any part of that information if the informa-*
 2 *tion is exempted or prohibited from disclosure under this*
 3 *chapter or any other law of the United States.”.*

4 **SEC. 6. ELECTRONIC RECORDS.**

5 *Section 1134(a)(2) is amended by inserting “including*
 6 *an electronic record,” after “record,”.*

7 **SEC. 7. REPORT ON MOST WANTED LIST METHODOLOGY.**

8 *(a) IN GENERAL.—Not later than the date that the*
 9 *first Most Wanted List to be published after the date of en-*
 10 *actment of this Act is published, the Chairman shall publish*
 11 *on a publicly available Web site of the Board and submit*
 12 *to the Committee on Commerce, Science, and Transpor-*
 13 *tation of the Senate and the Committee on Transportation*
 14 *and Infrastructure of the House of Representatives a report*
 15 *on the methodology used to prioritize and select rec-*
 16 *ommendations to be included by the Board in the Most*
 17 *Wanted List.*

18 *(b) ELEMENTS.—The report under subsection (a) shall*
 19 *include—*

20 *(1) a detailed description of how the Board ac-*
 21 *counts for the risk to safety addressed in each of its*
 22 *recommendations, including the extent to which the*
 23 *Board considers—*

1 (A) the types of data and other information,
2 including studies and reports, used to identify
3 the amount and probability of risk to safety;

4 (B) the reduction of the risk to safety, esti-
5 mated over a period of time, by implementing
6 each recommendation;

7 (C) the practicality and feasibility of
8 achieving the reduction described in subpara-
9 graph (B); and

10 (D) any alternate means of reducing the
11 risk;

12 (2) a detailed description of the extent to which
13 the Board considers any prior, related investigation,
14 safety recommendation, or other safety action when
15 prioritizing and selecting recommendations; and

16 (3) a description of the extent of coordination
17 and consultation when prioritizing and selecting the
18 recommendations.

19 (c) *CONSULTATION.*—The Board shall consult with the
20 head of each relevant Federal department and agency in
21 developing the methodology described in subsection (a).

22 (d) *GAO REPORT.*—Not later than 15 months after the
23 date that the methodology report is published under sub-
24 section (a), the Comptroller General of the United States
25 shall submit to the Committee on Commerce, Science, and

1 *Transportation of the Senate and the Committee on Trans-*
2 *portation and Infrastructure of the House of Representa-*
3 *tives a report examining the methodology used by the Board*
4 *to prioritize and select safety recommendations for inclu-*
5 *sion in the Most Wanted List, including the extent to which*
6 *the Board—*

7 (1) *utilized best practices and rigorous analysis*
8 *to account for and prioritize the reduction of risk to*
9 *safety;*

10 (2) *accounted for and factored in practicality,*
11 *feasibility, and alternative means of reducing risk;*
12 *and*

13 (3) *coordinated and consulted when prioritizing*
14 *and selecting the recommendations.*

15 **SEC. 8. METHODOLOGY SECTIONS.**

16 (a) *IN GENERAL.—Not later than 2 years after the*
17 *date of enactment of this Act, the Chairman shall include*
18 *with each investigative report in which a recommendation*
19 *is issued by the Board, a methodology section detailing the*
20 *process and information underlying the selection of each*
21 *recommendation.*

22 (b) *ELEMENTS.—Except as provided in subsection (c),*
23 *the methodology section under subsection (a) shall include,*
24 *for each recommendation—*

1 (1) a brief summary of the Board's collection
2 and analysis of the specific accident investigation in-
3 formation most relevant to the recommendation;

4 (2) a description of the Board's use of external
5 information, including studies, reports, and experts,
6 other than the findings of a specific accident inves-
7 tigation, to inform or support the recommendation,
8 including a brief summary of the specific safety bene-
9 fits and other effects identified by each study, report,
10 or expert;

11 (3) a brief summary of any alternative actions
12 considered, including the alternative of not issuing a
13 recommendation; and

14 (4) a brief summary of any examples of actions
15 taken by regulated entities prior to the publication of
16 the safety recommendation, to the extent such actions
17 are known to the Board, that were consistent with the
18 recommendation.

19 (c) *EXCEPTION.*—Subsection (a) shall not apply if the
20 recommendation is only for a person to disseminate infor-
21 mation on—

22 (1) an existing agency best practices document;

23 or

24 (2) an existing regulatory requirement.

1 (d) *RULE OF CONSTRUCTION.*—*Nothing in this section*
 2 *may be construed to require any change to a recommenda-*
 3 *tion made by the Board prior to the date of enactment of*
 4 *this Act, unless the recommendation is a repeat rec-*
 5 *ommendation issued on or after the date of enactment of*
 6 *this Act.*

7 (e) *SAVINGS CLAUSE.*—*Nothing in this section may be*
 8 *construed to delay—*

9 (1) *publication of the findings, cause, or probable*
 10 *cause of a Board investigation; or*

11 (2) *the issuance of an urgent recommendation*
 12 *that the Board has determined must be issued to*
 13 *avoid immediate loss, death, or injury.*

14 **SEC. 9. MULTI-MODAL ACCIDENT DATABASE MANAGEMENT**
 15 **SYSTEM.**

16 (a) *ESTABLISHMENT.*—*Not later than 1 year after the*
 17 *date of enactment of this Act, the Board shall establish and*
 18 *maintain a multi-modal accident database management*
 19 *system for Board investigators.*

20 (b) *PURPOSES.*—*The purposes of the system shall be*
 21 *to support the Board in improving—*

22 (1) *the quality of accident data the Board makes*
 23 *available to the public; and*

24 (2) *the selection of accidents for investigation*
 25 *and allocation of limited resources.*

1 (c) *REQUIREMENTS.*—*The system shall—*

2 (1) *maintain a historical record of accidents that*
3 *are investigated by the Board; and*

4 (2) *be capable of the secure storage, retrieval,*
5 *and management of information associated with such*
6 *investigations.*

7 **SEC. 10. ADDRESSING THE NEEDS OF FAMILIES OF INDIVID-**
8 **UALS INVOLVED IN ACCIDENTS.**

9 (a) *AIR CARRIERS HOLDING CERTIFICATES OF PUB-*
10 *LIC CONVENIENCE AND NECESSITY.*—*Section 41113 is*
11 *amended—*

12 (1) *in subsection (a), by striking “a major” and*
13 *inserting “any”; and*

14 (2) *in subsection (b)—*

15 (A) *in paragraph (9), by striking “(and*
16 *any other victim of the accident)” and inserting*
17 *“(and any other victim of the accident, including*
18 *any victim on the ground)”;*

19 (B) *in paragraph (16), by striking “major”*
20 *and inserting “any”; and*

21 (C) *in paragraph (17)(A), by striking “sig-*
22 *nificant” and inserting “any”.*

23 (b) *FOREIGN AIR CARRIERS PROVIDING FOREIGN AIR*
24 *TRANSPORTATION.*—*Section 41313 is amended—*

1 (1) in subsection (b), by striking “a major” and
2 inserting “any”; and

3 (2) in subsection (c)—

4 (A) in paragraph (1), by striking “a sig-
5 nificant” and inserting “any”;

6 (B) in paragraph (2), by striking “a sig-
7 nificant” and inserting “any”;

8 (C) by amending paragraph (9) to read as
9 follows:

10 “(9) *EQUAL TREATMENT OF PASSENGERS.—An*
11 *assurance that the treatment of the families of nonrev-*
12 *enue passengers (and any other victim of the accident,*
13 *including any victim on the ground) will be the same*
14 *as the treatment of the families of revenue pas-*
15 *sengers.”;*

16 (D) in paragraph (16), by striking “major”
17 and inserting “any”; and

18 (E) in paragraph (17)(A), by striking “sig-
19 nificant” and inserting “any”.

20 (c) *ASSISTANCE TO FAMILIES OF PASSENGERS IN-*
21 *VOLVED IN AIRCRAFT ACCIDENTS.—Section 1136 is amend-*
22 *ed—*

23 (1) in subsection (a), by striking “aircraft acci-
24 dent within the United States involving an air car-
25 rier or foreign air carrier and resulting in a major

1 *loss of life” and inserting “aircraft accident involving*
2 *an air carrier or foreign air carrier, resulting in any*
3 *loss of life, and for which the National Transpor-*
4 *tation Safety Board will serve as the lead investiga-*
5 *tive agency”;* and

6 (2) *in subsection (h)—*

7 (A) *by amending paragraph (1) to read as*
8 *follows:*

9 “(1) *AIRCRAFT ACCIDENT.—The term ‘aircraft*
10 *accident’ means any aviation disaster, regardless of*
11 *its cause or suspected cause, for which the National*
12 *Transportation Safety Board is the lead investigative*
13 *agency.’;* and

14 (B) *in paragraph (2)—*

15 (i) *in subparagraph (A), by striking “;*
16 *and” and inserting a semicolon;*

17 (ii) *in subparagraph (B), by striking*
18 *the period at the end and inserting “; and”;*
19 *and*

20 (iii) *by adding at the end the fol-*
21 *lowing:*

22 “(C) *any other person injured or killed in*
23 *the aircraft accident, as determined appropriate*
24 *by the Board.”.*

1 (d) *INFORMATION FOR FAMILIES OF INDIVIDUALS INVOLVED IN ACCIDENTS.*—

3 (1) *IN GENERAL.*—Chapter 11 is amended by inserting after section 1139 the following:

5 **“§ 1140. Information for families of individuals involved in accidents**

7 *“In the course of an investigation of an accident described in section 1131(a)(1), except an aircraft accident described in section 1136 or a rail passenger accident described in section 1139, the Board may, to the maximum extent practicable, ensure that the families of individuals involved in the accident, and other individuals the Board deems appropriate—*

14 *“(1) are informed as to the roles, with respect to the accident and the post-accident activities, of the Board;*

17 *“(2) are briefed, prior to any public briefing, about the accident, its causes, and any other findings from the investigation; and*

20 *“(3) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.”.*

23 (2) *TABLE OF CONTENTS.*—The table of contents of chapter 11 is amended by inserting after the item relating to section 1139 the following:

“1140. Information for families of individuals involved in accidents.”.

1 **SEC. 11. GOVERNMENT ACCOUNTABILITY OFFICE REPORT**
 2 **ON INVESTIGATION LAUNCH DECISION-MAK-**
 3 **ING PROCESSES.**

4 *Section 1138 is amended—*

5 *(1) in subsection (b)—*

6 *(A) by redesignating paragraphs (5) and*

7 *(6) as paragraphs (6) and (7), respectively; and*

8 *(B) by inserting after paragraph (4) the fol-*

9 *lowing:*

10 *“(5) the process and procedures to select an acci-*
 11 *dent to investigate;”*; and

12 *(2) in subsection (c), by inserting a comma after*
 13 *“Science”.*

14 **SEC. 12. PERIODIC REVIEW OF SAFETY RECOMMENDA-**
 15 **TIONS.**

16 *(a) REPORTS.—Section 1117 is amended—*

17 *(1) in the heading, by striking “Annual re-*
 18 *port” and inserting “Reports”;*

19 *(2) by inserting “(a) IN GENERAL.—” before*
 20 *“The National Transportation Safety Board shall”;*
 21 *and*

22 *(3) by adding at the end the following:*

23 *“(b) RETROSPECTIVE REVIEW TO ENSURE UPDATED*
 24 *AND EFFECTIVE SAFETY RECOMMENDATIONS.—*

25 *“(1) IN GENERAL.—Not later than June 1, 2019,*
 26 *and in response to public comments received under*

1 *paragraph (2), the Chairman shall complete a com-*
2 *prehensive review of recommendations issued by the*
3 *Board that are classified as ‘open’ by the Board.*

4 *“(2) PUBLIC COMMENTS.—*

5 *“(A) IN GENERAL.—Before conducting a re-*
6 *view under paragraph (1), and at least every 5*
7 *years thereafter, the Chairman shall publish in*
8 *the Federal Register a request for public com-*
9 *ment on recommendations to be updated, closed,*
10 *or reissued.*

11 *“(B) RECOMMENDATIONS.—A request for*
12 *public comment under subparagraph (A) shall*
13 *solicit—*

14 *“(i) recommendations to be updated,*
15 *closed, or reissued, including a reference to*
16 *the applicable recommendation number;*

17 *“(ii) justifications, including any sup-*
18 *porting information, for updating, closing,*
19 *or reissuing a recommendation; and*

20 *“(iii) if applicable, specific suggestions*
21 *for updating a recommendation.*

22 *“(C) PUBLIC COMMENT PERIOD.—The*
23 *Chairman shall provide 90 days for public com-*
24 *ment under this subsection.*

1 “(3) *CONTENTS.*—A review under paragraph (1)
2 shall include for each recommendation under para-
3 graph (2)—

4 “(A) consideration of each justification
5 under paragraph (2)(B)(ii) and, if applicable,
6 each suggestion under clause (iii) of that para-
7 graph;

8 “(B) an assessment of whether the rec-
9 ommendation—

10 “(i) is outmoded, unclear, or unneces-
11 sary in light of—

12 “(I) changed circumstances;

13 “(II) more recently issued rec-
14 ommendations; or

15 “(III) the availability of new
16 technologies;

17 “(ii) is ineffective or insufficient for
18 achieving its objective; or

19 “(iii) should be reissued;

20 “(C) a determination, based on the assess-
21 ment under subparagraph (B), whether it is ap-
22 propriate to update, close, or reissue the rec-
23 ommendation; and

24 “(D) a justification for each determination
25 under subparagraph (C).

1 “(4) *REPORT*.—Not later than 180 days after the
2 date a review under paragraph (1) is complete, the
3 Chairman shall submit to the Committee on Com-
4 merce, Science, and Transportation of the Senate and
5 the Committee on Transportation and Infrastructure
6 of the House of Representatives a report that in-
7 cludes—

8 “(A) the findings of the review under para-
9 graph (1);

10 “(B) each determination under paragraph
11 (3)(C) and justification under paragraph (3)(D);
12 and

13 “(C) if applicable, a schedule for updating,
14 closing, or reissuing a recommendation.”.

15 (b) *SAVINGS CLAUSE*.—Nothing in this section or the
16 amendments made by this section may be construed to limit
17 the authority of the Board to update, close, or reissue a rec-
18 ommendation.

19 **SEC. 13. GENERAL ORGANIZATION.**

20 (a) *TERMS OF THE CHAIRMAN AND VICE CHAIRMAN*.—
21 Section 1111(d) is amended by striking “2 years” and in-
22 serting “3 years”.

23 (b) *NONPUBLIC COLLABORATIVE DISCUSSIONS*.—Sec-
24 tion 1111 is amended by adding at the end the following:

25 “(k) *OPEN MEETINGS*.—

1 “(1) *IN GENERAL.*—*The Board shall be deemed*
2 *to be an agency for purposes of section 552b of title*
3 *5.*

4 “(2) *NONPUBLIC COLLABORATIVE DISCUS-*
5 *SIONS.*—

6 “(A) *IN GENERAL.*—*Notwithstanding sec-*
7 *tion 552b of title 5, a majority of the members*
8 *may hold a meeting that is not open to public*
9 *observation to discuss official agency business*
10 *if—*

11 “(i) *no formal or informal vote or*
12 *other official agency action is taken at the*
13 *meeting;*

14 “(ii) *each individual present at the*
15 *meeting is a member or an employee of the*
16 *Board; and*

17 “(iii) *the General Counsel of the Board*
18 *is present at the meeting.*

19 “(B) *DISCLOSURE OF NONPUBLIC COLLABO-*
20 *RATIVE DISCUSSIONS.*—*Except as provided*
21 *under subparagraph (C), not later than 2 busi-*
22 *ness days after the conclusion of a meeting under*
23 *subparagraph (A), the Board shall make avail-*
24 *able to the public, in a place easily accessible to*
25 *the public—*

1 “(i) a list of the individuals present at
2 the meeting; and

3 “(ii) a summary of the matters dis-
4 cussed at the meeting, except for any matter
5 the Board properly determines may be with-
6 held from the public under section 552b(c)
7 of title 5.

8 “(C) SUMMARY.—If the Board properly de-
9 termines a matter may be withheld from the
10 public under section 552b(c) of title 5, the Board
11 shall provide a summary with as much general
12 information as possible on each matter withheld
13 from the public.

14 “(D) PRESERVATION OF OPEN MEETINGS
15 REQUIREMENTS FOR AGENCY ACTION.—Nothing
16 in this paragraph may be construed to limit the
17 applicability of section 552b of title 5 with re-
18 spect to a meeting of the members other than
19 that described in this paragraph.

20 “(E) STATUTORY CONSTRUCTION.—Nothing
21 in this paragraph may be construed—

22 “(i) to limit the applicability of section
23 552b of title 5 with respect to any informa-
24 tion which is proposed to be withheld from
25 the public under subparagraph (B)(ii); or

1 “(i) to authorize the Board to with-
2 hold from any individual any record that is
3 accessible to that individual under section
4 552a of title 5.”.

5 (c) *INVESTIGATIVE OFFICERS.*—Section 1113 is
6 amended by striking subsection (h).

7 (d) *AUTHORITY TO ACQUIRE SMALL UNMANNED AIR-*
8 *CRAFT SYSTEMS FOR INVESTIGATION PURPOSES.*—Section
9 1113(b)(1) is amended—

10 (1) in subparagraph (H) by striking “and” at
11 the end;

12 (2) in subparagraph (I) by striking the period at
13 the end and inserting “; and”; and

14 (3) by inserting at the end the following:

15 “(J) acquire, for investigation purposes
16 under this chapter, small unmanned aircraft sys-
17 tems that weigh less than 55 pounds, notwith-
18 standing any other law, including regulations
19 and policies.”.

20 **SEC. 14. TECHNICAL AND CONFORMING AMENDMENTS.**

21 (a) *TABLE OF CONTENTS.*—The table of contents of
22 chapter 11 is amended in the item relating to section 1138
23 by striking “Board” and inserting “Board.”.

24 (b) *GENERAL AUTHORITY.*—Section 1131(a)(1)(A) is
25 amended by striking “a public aircraft as defined by section

- 1 *40102(a)(37) of this title” and inserting “a public aircraft*
- 2 *as defined by section 40102(a) of this title”.*

Calendar No. 506

115TH CONGRESS
2^D SESSION

S. 2202

[Report No. 115-293]

A BILL

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board, and for other purposes.

JULY 10, 2018

Reported with an amendment