

order and may order the Board to conduct further proceedings. After reasonable notice to the Board, the court may grant interim relief by staying the order or taking other appropriate action when cause for its action exists. Findings of fact by the Board, if supported by substantial evidence, are conclusive.

(4) In reviewing an order under this subsection, the court may consider an objection to an order of the Board only if the objection was made in the proceeding conducted by the Board or if there was a reasonable ground for not making the objection in the proceeding.

(5) A decision by a court under this subsection may be reviewed only by the Supreme Court under section 1254 of title 28.

(c) ADMINISTRATOR SEEKING JUDICIAL REVIEW OF AVIATION MATTERS.—When the Administrator of the Federal Aviation Administration decides that an order of the Board under section 44703(d), 44709, or 46301(d)(5) of this title will have a significant adverse impact on carrying out this chapter related to an aviation matter, the Administrator may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. Findings of fact of the Board are conclusive if supported by substantial evidence.

(d) COMMANDANT SEEKING JUDICIAL REVIEW OF MARITIME MATTERS.—If the Commandant of the Coast Guard decides that an order of the Board issued pursuant to a review of a Coast Guard action under section 1133 of this title will have an adverse impact on maritime safety or security, the Commandant may obtain judicial review of the order under subsection (a). The Commandant, in the official capacity of the Commandant, shall be a party to the judicial review proceedings.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 756; Pub. L. 108–293, title VI, §622, Aug. 9, 2004, 118 Stat. 1063; Pub. L. 112–95, title III, §301(b), Feb. 14, 2012, 126 Stat. 56.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1153(a) .....	49 App.:1655(d) (last sentence). 49 App.:1903(d).	Oct. 15, 1966, Pub. L. 89–670, §6(d), 80 Stat. 938. Jan. 3, 1975, Pub. L. 93–633, §304(d), 88 Stat. 2171.
1153(b)(1) ....	49 App.:1486(a), (b) (as 1486(a), (b) relates to CAB).  49 App.:1655(d) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, §1006(a), (b), (e), (f) (as §1006(a), (b), (e), (f) relates to CAB), 72 Stat. 795.
1153(b)(2) ....	49 App.:1486(c) (related to CAB).  49 App.:1655(d) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, §1006(c) (related to CAB), 72 Stat. 795; restated June 29, 1960, Pub. L. 86–546, §1, 74 Stat. 255.
1153(b)(3) ....	49 App.:1486(d), (e) (1st sentence) (as 1486(d), (e) (1st sentence) relates to CAB). 49 App.:1655(d) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, §1006(d) (related to CAB), 72 Stat. 795; restated Sept. 13, 1961, Pub. L. 87–225, §2, 75 Stat. 497.
1153(b)(4) ....	49 App.:1486(e) (last sentence related to CAB). 49 App.:1655(d) (1st sentence).	
1153(b)(5) ....	49 App.:1486(f) (related to CAB). 49 App.:1655(d) (1st sentence).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1153(c) .....	49 App.:1429(a) (8th–last sentences related to Administrator under subch. VII).  49 App.:1471(a) (3)(D)(v) (related to Administrator under subch. VII).  49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, §609(a) (8th–last sentences related to Administrator under title VII), 72 Stat. 779; Nov. 18, 1971, Pub. L. 92–159, §2(a), 85 Stat. 481; Aug. 26, 1992, Pub. L. 102–345, §3(a)(2), 106 Stat. 925.  Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §901(a) (3)(D)(v) (related to Administrator under title VII); added Nov. 18, 1988, Pub. L. 100–690, §7208(b), 102 Stat. 4429; restated Aug. 26, 1992, Pub. L. 102–345, §2(a), 106 Stat. 923.  Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.

In subsection (a), the text of 49 App.:1903(d) (last sentence) is omitted as unnecessary because 5 ch. 7 applies by its own terms. The words “final order” are substituted for “order, affirmative or negative” in 49 App.:1903(d) and “Decisions of the National Transportation Safety Board made pursuant to the exercise of the functions, powers, and duties enumerated in this subsection shall be administratively final” in 49 App.:1655(d) to eliminate unnecessary words. The words “is issued” are substituted for “after the entry” for consistency in the revised title and with other titles of the United States Code. The text of 49 App.:1655(d) (last sentence words after last comma) is omitted as unnecessary because of 49 App.:1903(d).

In subsection (b)(1), the words “affirmative or negative” are omitted as surplus. The words “related to an aviation matter” are added because the source provisions being restated only apply to aviation matters. The words “is issued” are substituted for “the entry of” for consistency in the revised title and with other titles of the Code.

In subsection (b)(2), the words “if any” are omitted as surplus. The words “of the proceeding” are added for clarity. The words “complained of” and “as provided in section 2112 of title 28” are omitted as surplus.

In subsection (b)(3), the word “amend” is added for consistency in the revised title. The word “interim” is substituted for “interlocutory” for clarity. The words “taking other appropriate action” are substituted for “by such mandatory or other relief as may be appropriate” for clarity and to eliminate unnecessary words.

In subsection (b)(4), the words “made in the proceeding conducted by” are substituted for “urged before” for clarity.

In subsection (c), the source provisions are combined to eliminate unnecessary words and are restated in this chapter to alert the reader to the authority of the Administrator of the Federal Aviation Administration to seek judicial review of an order of the National Transportation Safety Board under section 44709 or 46301(d) of the revised title that the Administrator decides will have a significant adverse impact on carrying out source provisions restated in this chapter that are derived from title VII of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 781).

AMENDMENTS

2012—Subsec. (c). Pub. L. 112–95 substituted “section 44703(d), 44709, or” for “section 44709 or”.

2004—Subsec. (d). Pub. L. 108–293 added subsec. (d).

§ 1154. Discovery and use of cockpit and surface vehicle recordings and transcripts

(a) TRANSCRIPTS AND RECORDINGS.—(1) Except as provided by this subsection, a party in a judicial proceeding may not use discovery to obtain—

(A) any part of a cockpit or surface vehicle recorder transcript that the National Transportation Safety Board has not made available to the public under section 1114(c) or 1114(d) of this title; and

(B) a cockpit or surface vehicle recorder recording.

(2)(A) Except as provided in paragraph (4)(A) of this subsection, a court may allow discovery by a party of a cockpit or surface vehicle recorder transcript if, after an in camera review of the transcript, the court decides that—

(i) the part of the transcript made available to the public under section 1114(c) or 1114(d) of this title does not provide the party with sufficient information for the party to receive a fair trial; and

(ii) discovery of additional parts of the transcript is necessary to provide the party with sufficient information for the party to receive a fair trial.

(B) A court may allow discovery, or require production for an in camera review, of a cockpit or surface vehicle recorder transcript that the Board has not made available under section 1114(c) or 1114(d) of this title only if the cockpit or surface vehicle recorder recording is not available.

(3) Except as provided in paragraph (4)(A) of this subsection, a court may allow discovery by a party of a cockpit or surface vehicle recorder recording if, after an in camera review of the recording, the court decides that—

(A) the parts of the transcript made available to the public under section 1114(c) or 1114(d) of this title and to the party through discovery under paragraph (2) of this subsection do not provide the party with sufficient information for the party to receive a fair trial; and

(B) discovery of the cockpit or surface vehicle recorder recording is necessary to provide the party with sufficient information for the party to receive a fair trial.

(4)(A) When a court allows discovery in a judicial proceeding of a part of a cockpit or surface vehicle recorder transcript not made available to the public under section 1114(c) or 1114(d) of this title or a cockpit or surface vehicle recorder recording, the court shall issue a protective order—

(i) to limit the use of the part of the transcript or the recording to the judicial proceeding; and

(ii) to prohibit dissemination of the part of the transcript or the recording to any person that does not need access to the part of the transcript or the recording for the proceeding.

(B) A court may allow a part of a cockpit or surface vehicle recorder transcript not made available to the public under section 1114(c) or 1114(d) of this title or a cockpit or surface vehicle recorder recording to be admitted into evidence in a judicial proceeding, only if the court places the part of the transcript or the recording under seal to prevent the use of the part of the transcript or the recording for purposes other than for the proceeding.

(5) This subsection does not prevent the Board from referring at any time to cockpit or surface

vehicle recorder information in making safety recommendations.

(6) In this subsection:

(A) RECORDER.—The term “recorder” means a voice or video recorder.

(B) TRANSCRIPT.—The term “transcript” includes any written depiction of visual information obtained from a video recorder.

(b) REPORTS.—No part of a report of the Board, related to an accident or an investigation of an accident, may be admitted into evidence or used in a civil action for damages resulting from a matter mentioned in the report.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 757; Pub. L. 106-424, §5(c)(1), Nov. 1, 2000, 114 Stat. 1885.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1154(a) .....	49 App.:1905(c)(3), (d).	Jan. 3, 1975, Pub. L. 93-633, 88 Stat. 2156, §306(c)(3), (d); added Oct. 14, 1982, Pub. L. 97-309, §2, 96 Stat. 1453; restated Nov. 28, 1990, Pub. L. 101-641, §4, 104 Stat. 4655.
1154(b) .....	49 App.:1441(e). 49 App.:1655(d) (1st sentence). 49 App.:1903(a)(1)(A), (c).	Aug. 23, 1958, Pub. L. 85-726, §701(e), 72 Stat. 781. Oct. 15, 1966, Pub. L. 89-670, §6(d) (1st sentence), 80 Stat. 938. Jan. 3, 1975, Pub. L. 93-633, §304(a)(1)(A), (c), 88 Stat. 2168, 2171.

In subsection (a), the word “transcript” is substituted for “transcriptions” for clarity.

In subsection (a)(1)(A), the words “that the National Transportation Safety Board has not made available to the public” are substituted for “other than such portions made available to the public by the Board” for clarity.

In subsection (a)(2)(B), the words “prepared by or under the direction of the Board” are omitted as unnecessary and for consistency with the source provisions restated in this subsection.

In subsection (b), the words “civil action” are substituted for “suit or action” in 49 App.:1441(e) and 1903(c) for consistency with the Federal Rules of Civil Procedure (28 App. U.S.C.).

AMENDMENTS

2000—Pub. L. 106-424, §5(c)(1)(A), substituted “and surface vehicle recordings and transcripts” for “voice and other material” in section catchline.

Subsec. (a). Pub. L. 106-424, §5(c)(1)(B), substituted “cockpit or surface vehicle recorder” for “cockpit voice recorder” wherever appearing.

Pub. L. 106-424, §5(c)(1)(C), substituted “section 1114(c) or 1114(d)” for “section 1114(c)” wherever appearing.

Subsec. (a)(6). Pub. L. 106-424, §5(c)(1)(D), which directed the amendment of this section by adding par. (6) at the end, was executed by adding par. (6) at the end of subsec. (a) to reflect the probable intent of Congress.

§ 1155. Aviation penalties

(a) CIVIL PENALTY.—(1) A person violating section 1132, section 1134(b), section 1134(f)(1), or section 1136(g) (related to an aircraft accident) of this title or a regulation prescribed or order issued under any of those sections is liable to the United States Government for a civil penalty of not more than \$1,000. A separate violation occurs for each day a violation continues.

(2) This subsection does not apply to a member of the armed forces of the United States or an