

Ranking Member John Thune
Questions for the Record
Nomination of Bella Dinh-Zarr
to be a Member of the National Transportation Safety Board
Senate Committee on Commerce, Science and Transportation
Hearing on December 3, 2014

Senator Thune Question: One of the challenges we see in crash investigations is that witnesses are sometimes unwilling to provide complete information to investigators for fear of civil or criminal litigation. How can the NTSB protect the integrity of investigations and ensure it has the best information in light of the criminalization of accidents?

Answer: The foundation for any effective investigation is the ability to gather all factual material available to conduct thorough analysis, determine probable cause, and identify ways to prevent similar occurrences in the future. When involved parties fear civil or criminal litigation, it can hamper investigators' ability to gather essential information and can affect the integrity of a safety investigation.

The NTSB's status as an independent agency ensures the integrity of its investigations. Its statutory authority precludes it from investigating alleged criminal activity, and it does not have regulatory or enforcement authority in any transportation mode. A hallmark of NTSB investigations is the sharing of factual information in each accident investigation between NTSB investigators and designated parties with technical expertise. This standard practice helps ensure that critical information is provided to those who require it during the course of an investigation.

Also, the NTSB strives to ensure the highest level of transparency in all its investigations. By providing a single voice and sharing real time factual information, outside parties can be assured that the agency's focus is purely on safety.

While the threat of criminal penalty may always be present, the NTSB's safety focus, transparency, and investigative process are effective in countering most negative impacts associated with criminalization, and if confirmed, I will work to ensure that this continues.