§ 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) 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. 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.
(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;

(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 aircraft investigation information in making safety recommendations.


HISTORICAL AND REVISION NOTES

<table>
<thead>
<tr>
<th>Revised Section</th>
<th>Source (U.S. Code)</th>
<th>Source (Statutes at Large)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1114(d)(1) ......</td>
<td>49 App.:1903(b)  (11)(A).</td>
<td></td>
</tr>
<tr>
<td>1114(d)(2) ......</td>
<td>49 App.:1903(b)  (11)(B).</td>
<td></td>
</tr>
<tr>
<td>1114(d)(3) ......</td>
<td>49 App.:1903(b)  (11)(C).</td>
<td></td>
</tr>
</tbody>
</table>

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 surplus.

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.

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

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


Subsec. (c)(1), Pub. L. 106–424, §5(a)(2), substituted “cockpit voice or video recorder” for “cockpit voice re-
corder” 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 re-
corder”.

Subsec. (d). Pub. L. 106–424, §5(b)(1)(B), which directed the addition of subsec. (d) after subsec. (e), was exe-
cuted by adding subsec. (d) before subsec. (e) to reflect the probable intent of Congress. Former subsec. (d) re-
designated (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, §102(2), added par. (3).


§ 1115. Training

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

(b) USE OR 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 employ-

ees 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 organiza-
tions the Board designates in consultation with the Secretary.

(c) FEES.—(1) Training at the Institute for safety personnel (except employees of the Gov-

ernment) shall be provided at a reasonable fee established periodically by the Board in con-
sultation with the Secretary. The fee shall be paid directly to the Secretary, and the Sec-

retary shall deposit the fee in the Treasury. The amount of the fee—

(A) shall be credited to the appropriate ap-

propriation (subject to the requirements of any annual appropriation); and

(B) is an offset against any annual reim-

bursement 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 Insti-
tute.

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

section.

(d) TRAINING OF BOARD EMPLOYEES AND OTH-

ERS.—The Board may conduct training of its em-

ployees in those subjects necessary for the prop-
er 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 investiga-
tion 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 off-
setting collections.


<table>
<thead>
<tr>
<th>Revised Section</th>
<th>Source (U.S. Code)</th>
<th>Source (Statutes at Large)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1115(b) ..........</td>
<td>49 App.:1903(b)(10) (last sentence);</td>
<td></td>
</tr>
<tr>
<td>1115(c) ..........</td>
<td>49 App.:1903(b)(10) (3d last sentence);</td>
<td></td>
</tr>
</tbody>
</table>

In subsections (b) and (c), the words “or successor or-
gerization” are omitted as unnecessary because of sub-
section (a) of this section.

In subsection (b), before clause (1), the words “(established for the purpose of developing courses and con-
ducting training in safety and security for all modes of transportation)” are omitted as surplus. In clause (1),
the words “carrying out their duties and powers” are sub-
stituted for “in the performance of all of their au-
thorized functions” for consistency in the revised title and with other titles of the United States Code. In clause (2), the words “of the United States Govern-
ment, State and local governments, governments of foreign countries, interstate authorities, and private organiza-
tions” are substituted for “of Federal, inter-
state, State, local, and foreign governments and non-
governmental organizations” for clarity and consis-
tency in the revised title and with other titles of the Code.

In subsection (c)(1), before clause (A), the words “the Secretary shall deposit the fee in the Treasury” are added for clarity. In clause (B), the words “direct and indirect” are omitted as surplus. The word “admin-
istration” is omitted as being included in “operating”. The text of 49 App.:1903(b)(10) (last sentence) is omitted because 5:ch. 41 applies to the National Transportation Safety Board by its own terms.

AMENDMENTS

2000—Subsec. (d). Pub. L. 106–424 substituted “of the Board” for “of the National Transportation Safety Board, Salaries and Expenses”.


§ 1116. Reports and studies

(a) PERIODIC REPORTS.—The National Transportation Safety Board shall report periodically to Congress, departments, agencies, and instru-
ментalities of the United States Government and State and local governmental authorities concerned with transportation safety, and other interested persons. The report shall—

(1) advocate meaningful responses to reduce the likelihood of transportation accidents similar to those investigated by the Board; and

(2) propose corrective action to make the transportation of individuals as safe and free