

Calendar No. 503

104TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 104-324

NATIONAL TRANSPORTATION SAFETY
BOARD AMENDMENTS OF 1996

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 1831



JULY 19, 1996.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

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JULY 19, 1996.—Ordered to be printed

Mr. PRESSLER, from the Committee on Commerce, Science, and
Transportation, submitted the following

REPORT

[To accompany S. 1831]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1831) "A Bill to amend title 49, United States Code, to authorize appropriations for fiscal year 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes", having considered the same, reports favorably thereon and recommends that the bill do pass.

PURPOSE OF THE BILL

As reported, the bill would authorize appropriations for the National Transportation Safety Board (NTSB or Safety Board) in the amounts of \$42,400,000 for fiscal year (FY) 1997, \$44,400,000 for FY 1998 and \$46,600,000 for FY 1999. The bill also amends the National Transportation Safety Board Act in several ways as requested by the Safety Board. These statutory changes include: (1) temporary deferral of Freedom of Information Act (FOIA) requests regarding foreign investigations; (2) statutory exemption of voluntarily supplied aviation data from FOIA; and (3) recovery of certain accident investigation training expenses.

BACKGROUND AND NEEDS

The NTSB is an independent agency charged with determining the probable cause of transportation accidents and promoting transportation safety. The Safety Board investigates accidents, conducts safety studies, evaluates the effectiveness of other government agencies' programs for preventing transportation accidents,

and reviews appeals of adverse certificate and civil penalty actions by the Administrators of agencies of the Department of Transportation involving airman and seaman licenses. Since its creation in 1967, the NTSB has investigated more than 100,000 aviation accidents and thousands of accidents in the surface transportation modes, and has issued almost 10,000 safety recommendations.

The Safety Board makes safety recommendations, based on its investigations and studies, to Federal, state, and local government agencies and to the transportation industry regarding actions to prevent future accidents. Because the Safety Board has no authority to regulate the transportation industry, its effectiveness depends on its reputation for timely and accurate determinations of accident causation and for issuing realistic and feasible safety recommendations.

The Safety Board's reputation for impartiality and thoroughness has enabled it to achieve such success in shaping transportation safety improvements that more than 80 percent of its recommendations have been implemented. Over the years, these recommendations include fire resistant materials and floor-level escape lighting in aircraft cabins, child safety seats in automobiles, improved school bus construction standards, Amtrak passenger car safety improvements, new recreational boating safety and commercial fishing vessel regulations, the development of one-call notification systems in all 50 states and improved regulations for underground pipelines.

LEGISLATIVE HISTORY

The NTSB's authorization of appropriations expires at the end of FY 1996. On April 4, 1996, the NTSB submitted a 3-year reauthorization request to the Senate that proposes additional funding, additional staff, and statutory changes.

Originally, the NTSB was willing to support the Administration's FY 1997 appropriations request for 350 Full Time Equivalents (FTEs), but it was not willing to support that level of funding in the out years. NTSB already has cut its staff by 15 in 1994, and by 4 in 1995 to comply with the President's Executive Order to reduce the number of federal employees.

On May 30, 1996, the Safety Board submitted to Congress the following reprogramming request for FY 1996 along with an amendment to its FY 1997 reauthorization request, seeking additional funding to raise its FTEs to 370.

NATIONAL TRANSPORTATION SAFETY BOARD,
Washington, DC, May 30, 1996.

Hon. LARRY PRESSLER,
*Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.*

DEAR CHAIRMAN PRESSLER: Enclosed for your information is correspondence forwarded to the House and Senate Committees on Appropriations requesting resource adjustments.

As you will note from the enclosure, the Safety Board is requesting that our appropriation and authorization request for FY 1997 reflect a 370 FTE level. Our request for an increase in our FTE level for FY 1997 is a direct result of an increase in major accident

investigations in all modes of transportation, including the ValuJet accident near Miami, Florida, the USAir accident near Pittsburgh, Pennsylvania, the Fox River Grove, Illinois, school bus/train collision, and the MARC commuter train/Amtrak collision at Silver Spring, Maryland.

Your consideration of our request is appreciated.

Sincerely,

JIM HALL, *Chairman.*

Enclosure.

JUSTIFICATION FOR PROPOSED FY 1996 REPROGRAMMING
REQUEST AND AMENDMENT TO FY 1997 REAUTHORIZATION
REQUEST

OVERVIEW

The National Transportation Safety Board received an appropriation level sufficient to maintain its staffing strength at the 350 full-time equivalent (FTE) position level in fiscal year 1996. The Board also requested that same FTE level for fiscal year 1997, in both its authorization and appropriation requests. An authorized staffing level consistent with our current (FY 1996) authorization (384 FTEs) was requested for fiscal years 1998 and 1999.

In its reauthorization request for FYs 1998 and 1999, the Board indicated that the additional 34 positions requested would provide the Board with the necessary staffing depth to launch complete multidisciplinary go-teams without having to halt work on current investigations or the recommendation process. Additional staff also would allow the necessary flexibility to adequately train personnel to ensure their currency with state-of-the-art and rapidly changing techniques and technologies, while at the same time allow us to maintain our readiness to respond immediately to transportation accidents.

The Safety Board also expressed its concern regarding the physical, emotional, and psychological demands that are faced by our investigators and which are particularly inherent to a small, sharply focused organization such as ours.

The Safety Board has been extremely busy in recent months as teams were launched to the scenes of several major accidents and significant incidents. In addition to three domestic aviation accidents, the Board's aircraft accident specialists have been launched to Cali, Colombia; and the Dominican Republic, to assist with accidents involving U.S. airlines and/or U.S.-manufactured aircraft. In addition, at the request of the U.S. Air Force, the Board sent a team of investigators to Dubrovnik, Croatia, to provide its expertise in the investigation of the Air Force T-43 (Boeing-737) crash that killed Commerce Secretary Ron Brown. During the same period, teams of Safety Board railroad investigators were sent to the scenes of accidents at Bogalusa, Louisiana; Fox River Grove, Illinois; Gaithersburg, Maryland; Cajon Pass, California; Secaucus,

New Jersey; and Silver Spring, Maryland. The Board's highway, marine, pipeline, and hazardous materials investigators also have been extremely busy.

Since October, thirty-three teams of Safety Board investigators have been launched on significant accidents and incidents in all modes of transportation, adding to an already long list of ongoing investigations, and creating a potentially unworkable investigative backlog for next fiscal year. As a result, it has become necessary for the Safety Board to take the actions noted below in order to manage this situation for the rest of this fiscal year and into FY 1997:

- (1) cut back on purchases of replacement equipment expenses to allow funding of additional staff;
- (2) complete implementation of a Board-wide COOP program to provide immediate, low-cost relief to investigative and technical staff for accomplishing less technical tasks and to provide a source of high quality candidates for filling future vacancies at lower grade levels;
- (3) actively recruit to fill the most critical of the positions that previously had been requested for reauthorization in fiscal years 1998 and 1999; and
- (4) make the best use possible of automation and computer reconstruction, simulation, and modeling techniques to supplement and enhance investigative analyses.

These actions will reposition the Board to make the best use possible of its resources for this fiscal year, and with additional authorization and appropriation support, to be prepared to respond to expected continued increases in workload for future years.

In aviation alone, the tremendous growth in commercial operations increases the potential for more incidents and accidents. By the year 2006, scheduled airline revenue passenger miles are projected to increase 61 percent for domestic operations, 97 percent for international operations, and 154 percent for regional/commuter operations. In addition, participation in the investigation of aviation accidents in foreign countries that involve U.S.-manufactured aircraft or U.S. operators has increased substantially in recent years. Because of the international nature of aviation, any safety issue overlooked in a foreign investigation can adversely affect U.S. airline safety. The considerable growth in international airline operations, including the growth of U.S. aircraft operating overseas, and the operation of foreign airlines and aircraft in the U.S., means that significant safety issues might be overlooked as a result of an insufficient number of qualified staff to respond to these accidents.

Similar growth is expected in surface transportation. Class I railroad traffic totaled a record 1.2 trillion ton-miles in 1994, 8.2 percent more than 1993. Transit passenger trips between 1980 and 1993 increased by 41 per-

cent on “light rail,” 5 percent on “heavy rail,” and 15 percent on “commuter rail.”

In highway, the number of miles traveled has increased 32 percent between 1985 and 1995. Another 7 percent increase is expected over the next five years. Marine transportation also is seeing substantial growth as 27 new cruise ships are planned to be added to serve North American ports by 1998. The number of cruise ship passengers increase by 6.5 percent between 1994 and 1995. In addition to the cruise industry, marine traffic carries more than 98 percent of our nation’s foreign trade. This accounts for 20 percent of our current gross domestic product, and is expected to climb to 30 percent by the year 2000.

The exposure to accidents and incidents continues to increase in hazardous materials and pipeline transportation as well. Hazardous materials incidents in all modes of transportation increased by 180 percent between 1986 and 1994, while the number of gas pipeline distribution mains increased by 23 percent between 1984 and 1994.

To meet the immediate demands of our accident investigative workload; to fulfill our vital transportation safety investigative and oversight role and to keep abreast with the introduction of advanced technologies in the transportation environment and the annual growth in the transportation industry, we must begin immediately to enhance our staffing depth for each of our critical technical, and investigative functions.

The following chart shows the NTSB’s authorization levels and final appropriations for FYs 1994, 1995, and 1996, and the NTSB’s May 30th request for funding and personnel for FYs 1997, 1998, and 1999.

[By fiscal year, in millions of dollars]

Fiscal year	1994	1995	1996	1997	1998	1999
Authorized funding	37.5	44.0	45.1	42.4	46.0	48.2
Authorized FTE level	381.0	384.0	384.0	370.0	384.0	384.0
Appropriation ¹	37.1	37.1	38.8
Actual FTE level	384.0	354.0	350.0

¹ NTSB request, including revision for FY 97 submitted May 30, 1996.

The Commerce Committee held a hearing on the NTSB’s original reauthorization request on April 16, 1996. During that hearing, NTSB Chairman Jim Hall brought the Committee up to date on accident investigations in all transportation modes (civil aviation, highway, railroad, pipeline, marine), its most wanted safety improvements list, and technological changes it has utilized in investigations, such as advances in computer-generated accident simulations. Chairman Hall also highlighted the Safety Board’s reauthorization request.

On June 4, 1996, Chairman Pressler and Senators Hollings, Lott, and Ford introduced S. 1831, a bill authorizing funding for fiscal years 1997, 1998, and 1999. In open executive session on Thursday, June 6, 1996, the Committee without objection ordered S. 1831 reported without amendment.

SUMMARY OF MAJOR PROVISIONS

S. 1831 authorizes funding to support 370 FTEs for three years as follows:

[By fiscal year, in millions of dollars]

Fiscal year	1997	1998	1999
Authorized funding	\$42.4	\$44.4	\$46.6
Authorized FTE level	370.0	370.0	370.0

The Committee recognizes the Safety Board currently is experiencing the highest level of major accident investigations in its history. The Committee is committed to ensuring a sufficient level of funding and personnel for the Safety Board to carry out successfully its statutory mission. Therefore, the Committee agreed to support the Safety Board's revised request to fund 370 FTEs for FY 1997.

The Committee recognizes the bill's authorization levels are lower than those requested for FYs 1998 and 1999. However, the Committee notes the levels in S. 1831 would allow for 20 more FTEs than proposed in the House Transportation and Infrastructure Committee-passed bill, H.R. 3159, which freezes the Safety Board at its currently appropriated FTE level for the next three years. The Committee believes a staffing freeze would impair the Safety Board's ability to fulfill its statutory mission.

The Committee expects the additional 20 FTEs requested by the Safety Board, and approved by the Committee, to be targeted for major accident investigation activities. The Committee concurs in the Safety Board's submission that the additional FTEs should be technically qualified so that they can provide the NTSB with the necessary staffing depth to launch back-to-back complete multi-disciplinary go-teams without having to halt or delay work on current investigations or the safety recommendation process.

In addition to setting authorization levels for three years, the bill also adopts a number of statutory changes as requested by the Safety Board:

1. Temporary Deferral of Freedom of Information (FOIA) Requests for Information Regarding Foreign Investigations.—The bill provides for the temporary deferral of FOIA requests regarding the release of foreign aviation accident or incident information for 2 years or until the foreign government leading the investigation approves release of information. This would apply to NTSB participation in foreign accident investigations only. However, the NTSB would not be restricted from utilizing foreign accident investigation information in making safety recommendations.

The December 1995 American Airlines accident in Colombia is a case in point. The Colombian government is leading the investigation and the NTSB is a participant. As a participant, NTSB has complete access to accident information, but the Government of Colombia, as the lead investigator, determines when any information is released. Since NTSB is covered under FOIA, any information in NTSB's possession could be released under a FOIA request. To avoid releasing information prior to the Colombian government's approval, the NTSB avoids bringing any accident information into

the NTSB buildings. This hampers NTSB's ability to effectively investigate the accident.

2. **Statutory Exemption of Voluntarily Supplied Aviation Data From FOIA.**—The bill would exempt aviation data voluntarily supplied to the NTSB from FOIA requests. The aviation industry currently generates and collects various kinds of information, but industry does not share it with the NTSB because of concerns the material would be released to the public. Some data, if voluntarily supplied to the government, is exempted from FOIA requests. This exemption, however, is at the discretion of the agency. The NTSB has requested the exemption be made permanent by statute instead of discretionary. The Committee hopes this provision will encourage the aviation industry to share more freely significant safety-related data with the Safety Board.

3. **Recovery of Certain Accident Training Expenses.**—Currently the NTSB trains its employees and others in subjects necessary for the proper performance of transportation accident investigations. The bill clarifies that costs incurred for training non-NTSB personnel in accident investigation matters may be reimbursed to the NTSB as off-setting collections.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and Section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 14, 1996.

Hon. LARRY PRESSLER,
*Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1831, the National Transportation Safety Board Amendments of 1996.

Enactment of S. 1831 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL, *Director.*

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: 1831.
2. Bill title: National Transportation Safety Board Amendments of 1996.
3. Bill status: As ordered reported by the Senate Committee on Commerce Science, and Transportation on June 6, 1996.
4. Bill purpose: This bill would amend Title 49 of the U.S. Code by;

authorizing appropriations for the National Transportation Safety Board (NTSB) of \$42.4 million for fiscal year 1997, \$44.4 million for fiscal year 1998, and \$46.6 million for fiscal year 1999;

revising the term of office for the Chairman and Vice Chairman of the NTSB;

regulating the disclosure, availability, and use of information on trade secrets and foreign investigations; and

authorizing certain training activities for employees of the NTSB and other personnel investigating accidents.

5. Estimated cost to the Federal Government: The NTSB received an appropriation of \$39 million for fiscal 1996. Assuming appropriation of the entire amounts authorized, enacting S. 1831 would provide for increases in NTSB spending over the next three years, as shown in the following table.

[By fiscal years, in millions of dollars]

	1996	1997	1998	1999	2000	2001	2002
Spending Under Current Law:							
Budget authority	39						
Outlays	38	4					
Proposed Changes:							
Authorization level		42	44	47			
Estimated outlays		38	44	46	5		
Spending Under S. 1831:							
Authorization level ¹	39	42	44	47			
Estimated outlay	38	42	44	46	5		

¹The 1996 level is the amount appropriated for that year.

The costs of this bill fall within budget function 400.

6. Basis of estimate: For purposes of this estimate, CBO assumes that appropriations will be provided before the start of each fiscal year. Outlay estimates are based on historical spending rates for the NTSB.

In addition, enacting S. 1831 would give the NTSB the authority to require personnel from other agencies to reimburse some or all of the costs incurred when they participate in training conducted by the NTSB. Any reimbursed amounts would be credited as offsetting collections to the appropriation of the NTSB. This provision would shift some training costs from the NTSB to other agencies, but would have no net impact on the budget.

7. Pay-as-you-go considerations: None.

8. Estimated impact on State, local, and tribal governments: The bill contains no intergovernmental mandates as defined in Public Law 104-4 and would have no impact on the budgets of state, local, or tribal governments.

9. Estimated impact on the private sector: This bill would impose no new private-sector mandates as defined in Public Law 104-4.

10. Previous CBO estimate: On May 31, 1996, CBO transmitted a cost estimate for H.R. 3159, the National Transportation Safety Board Amendments of 1996, as ordered reported by the House Committee on Transportation and Infrastructure. S. 1831 is very similar to the House bill, but it authorizes funding levels that are slightly higher than those in H.R. 3159.

11. Estimate prepared by: Federal Cost Estimate: Clare Doherty. State and Local Government Impact: Karen McVey. Private Sector Impact: Jean Wooster.

12. Estimated approved by: Robert P. Sunshine for Paul N. Van de Water, Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

NUMBER OF PERSONS COVERED

The number of persons covered should be consistent with current levels.

ECONOMIC IMPACT

No negative impact on the taxpayer is expected from this bill. The bill authorizes appropriations similar to currently authorized levels, resulting in a reduction in authorized FTEs. The Safety Board also is authorized to collect reimbursements for certain costs associated with training courses it conducts. These reimbursements would be credited to the NTSB as offsetting collections.

PRIVACY

The bill as reported would have no adverse impact on the personal privacy of individuals.

PAPERWORK

There should be no change in paperwork requirements.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section states the short title of the bill, the National Transportation Safety Board Amendments of 1996.

Section 2. Foreign investigations

This section provides for temporary deferral of Freedom of Information Act (FOIA) requests regarding the release of foreign aviation accident or incident information for 2 years or until the foreign government leading the investigation approves release of information.

Section 3. Protection of voluntary submission of information

The section provides statutory exemption from FOIA aviation data voluntarily supplied to the NTSB.

Section 4. Training

This section clarifies the Safety Board authority to request reimbursement from non-NTSB personnel attending Safety Board training courses for the costs associated with their attendance. These reimbursements would be credited to the NTSB as offsetting collections.

Section 5. Authorization of appropriations

This section authorizes funding levels of \$42.4 million for FY 1997, \$44.4 million for FY 1998, and \$46.6 million for FY 1999.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 49. TRANSPORTATION**Subtitle II. Other Government Agencies****CHAPTER 11. NATIONAL TRANSPORTATION SAFETY BOARD****Subchapter II. Organization and Administrative****§ 1114. Disclosure, availability, and use of information**

(a) GENERAL.—Except as provided in subsections [(b) and (c)] (b), (c), and (e) 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.

(b) TRADE SECRETS.—

(1) The Board may disclose information related to a trade secret referred to in section 1950 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 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 VOICE RECORDINGS AND TRANSCRIPTS.—

(1) The Board may not disclose publicly and part of a cockpit voice 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 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.

(2) This subsection does not prevent the Board from referring at any time to cockpit voice recorder information in making safety recommendations.

(d) 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 confidentiality 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.

(e) *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.

§ 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 "National Transportation Safety Board, Salaries and Expenses" as offsetting collections.

§ 1118. Authorization of appropriations

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this chapter [49 U.S.C. 1101 et seq.] \$37,580,000 for fiscal year 1994, \$44,000,000 for fiscal year 1995, [and] \$45,100,000 for fiscal year [1996.] 1996, \$42,400,000 for fiscal year 1997, \$44,400,000 for fiscal year 1998, and \$46,600,000 for fiscal year 1999. Such sums shall remain available until expended.

(b) EMERGENCY FUND.—The Board has an emergency fund of \$1,000,000 available for necessary expenses of the Board, not otherwise provided for, for accident investigations. The following amounts may be appropriated to the fund:

(1) \$1,000,000 to establish the fund.

(2) amounts equal to amounts expended annually out of the fund.

(c) AVAILABILITY OF AMOUNTS.—Amounts appropriated under this section remain available until expended.

