

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1133(1)-(3) ...	49 App.:1903(a)(9).	Jan. 3, 1975, Pub. L. 93-633, §304(a)(9), 88 Stat. 2169; Oct. 19, 1984, Pub. L. 98-499, §4(b), 98 Stat. 2315.
1133(4) .....	(no source).	

In clause (1), the word “certificate” is substituted for “operating certificate” for consistency in the revised title. The words “or license” are omitted as unnecessary because only certificates are issued under the sections cited in this section.

In clause (3), the words “head of the department in which the Coast Guard is operating” are substituted for “Commandant of the Coast Guard” for consistency with 14:5 and 46:2101(34).

Clause (4) is added to reflect all the appellate responsibilities of the National Transportation Safety Board.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1134. Inspections and autopsies

(a) ENTRY AND INSPECTION.—An officer or employee of the National Transportation Safety Board—

(1) on display of appropriate credentials and written notice of inspection authority, may enter property where a transportation accident has occurred or wreckage from the accident is located and do anything necessary to conduct an investigation; and

(2) during reasonable hours, may inspect any record, process, control, or facility related to an accident investigation under this chapter.

(b) INSPECTION, TESTING, PRESERVATION, AND MOVING OF AIRCRAFT AND PARTS.—(1) In investigating an aircraft accident under this chapter, the Board may inspect and test, to the extent necessary, any civil aircraft, aircraft engine, propeller, appliance, or property on an aircraft involved in an accident in air commerce.

(2) Any civil aircraft, aircraft engine, propeller, appliance, or property on an aircraft involved in an accident in air commerce shall be preserved, and may be moved, only as provided by regulations of the Board.

(c) AVOIDING UNNECESSARY INTERFERENCE AND PRESERVING EVIDENCE.—In carrying out subsection (a)(1) of this section, an officer or employee may examine or test any vehicle, vessel, rolling stock, track, or pipeline component. The examination or test shall be conducted in a way that—

(1) does not interfere unnecessarily with transportation services provided by the owner or operator of the vehicle, vessel, rolling stock, track, or pipeline component; and

(2) to the maximum extent feasible, preserves evidence related to the accident, consistent with the needs of the investigation and with the cooperation of that owner or operator.

(d) EXCLUSIVE AUTHORITY OF BOARD.—Only the Board has the authority to decide on the way in which testing under this section will be conducted, including decisions on the person that will conduct the test, the type of test that will be conducted, and any individual who will witness the test. Those decisions are committed to the discretion of the Board. The Board shall make any of those decisions based on the needs of the investigation being conducted and, when applicable, subsections (a), (c), and (e) of this section.

(e) PROMPTNESS OF TESTS AND AVAILABILITY OF RESULTS.—An inspection, examination, or test under subsection (a) or (c) of this section shall be started and completed promptly, and the results shall be made available.

(f) AUTOPSIES.—(1) The Board may order an autopsy to be performed and have other tests made when necessary to investigate an accident under this chapter. However, local law protecting religious beliefs related to autopsies shall be observed to the extent consistent with the needs of the accident investigation.

(2) With or without reimbursement, the Board may obtain a copy of an autopsy report performed by a State or local official on an individual who died because of a transportation accident investigated by the Board under this chapter.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 754.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1134(a) .....	49 App.:1903(b)(2) (1st sentence words before 3d comma, 3d sentence).	Jan. 3, 1975, Pub. L. 93-633, §304(b)(2), 88 Stat. 2170; Nov. 3, 1981, Pub. L. 97-74, §5, 95 Stat. 1065; Nov. 28, 1990, Pub. L. 101-641, §3, 104 Stat. 4654.
1134(b) .....	49 App.:1441(c) (2d sentence), (d).	Aug. 23, 1958, Pub. L. 85-726, §701(c) (2d, last sentences), (d), 72 Stat. 781; Oct. 15, 1962, Pub. L. 87-810, §1.2, 76 Stat. 921.
	49 App.:1655(d) (1st sentence).	Oct. 15, 1966, Pub. L. 89-670, §6(d) (1st sentence), 80 Stat. 938.
	49 App.:1903(a)(1)(A).	Jan. 3, 1975, Pub. L. 93-633, §304(a)(1)(A), (b)(5), 88 Stat. 2168, 2170.
1134(c) .....	49 App.:1903(b)(2) (1st sentence words after 3d comma, 2d sentence).	
1134(d) .....	49 App.:1903(b)(2) (5th, last sentences).	
1134(e) .....	49 App.:1903(b)(2) (4th sentence).	
1134(f) .....	49 App.:1441(c) (last sentence).	
	49 App.:1655(d) (1st sentence).	
	49 App.:1903(a)(1)(A), (b)(5).	

In subsection (a), before clause (1), the word “officer” is added for consistency in the revised title.

In subsection (b)(1), the words “investigating an aircraft accident” are substituted for “carrying out its duties” in 49 App.:1441(c) for clarity. The words “inspect and test” are substituted for “examine and test” for consistency in the revised title and with other titles of the United States Code.

In subsection (c), before clause (1), the words “In carrying out subsection (a)(1) of this section, an officer or employee” are added because of the restatement. The words “or any part of any such item” are omitted as surplus. The words “when such examination or testing is determined to be required for purposes of such inves-

tigation” are omitted as unnecessary because of the words “do anything necessary to conduct an investigation” in subsection (a)(1) of this section. In clause (1), the word “obstruct” is omitted as being included in “interfere”.

In subsection (d), the word “individuals” is substituted for “persons” the 2d time that word is used for clarity. The words “The Board shall make any of those decisions” are substituted for “and shall be made” because of the restatement.

In subsection (e), the word “promptly” is substituted for “with reasonable promptness” to eliminate unnecessary words.

In subsection (f)(1), the words “In the case of any fatal accident” in 49 App.:1441(c) are omitted as surplus. The words “to examine the remains of any deceased person aboard the aircraft at the time of the accident, who dies as a result of the accident” are omitted as unnecessary because of the authority of the Board to conduct autopsies.

### § 1135. Secretary of Transportation’s responses to safety recommendations

(a) GENERAL.—When the National Transportation Safety Board submits a recommendation about transportation safety to the Secretary of Transportation, the Secretary shall give to the Board a formal written response to each recommendation not later than 90 days after receiving the recommendation. The response shall indicate whether the Secretary intends—

- (1) to carry out procedures to adopt the complete recommendation;
- (2) to carry out procedures to adopt a part of the recommendation; or
- (3) to refuse to carry out procedures to adopt the recommendation.

(b) TIMETABLE FOR COMPLETING PROCEDURES AND REASONS FOR REFUSALS.—A response under subsection (a)(1) or (2) of this section shall include a copy of a proposed timetable for completing the procedures. A response under subsection (a)(2) of this section shall detail the reasons for the refusal to carry out procedures on the remainder of the recommendation. A response under subsection (a)(3) of this section shall detail the reasons for the refusal to carry out procedures.

(c) PUBLIC AVAILABILITY.—The Board shall make a copy of each recommendation and response available to the public at reasonable cost.

(d) ANNUAL REPORT ON AIR CARRIER SAFETY RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary shall submit to Congress and the Board, on an annual basis, a report on the recommendations made by the Board to the Secretary regarding air carrier operations conducted under part 121 of title 14, Code of Federal Regulations.

(2) RECOMMENDATIONS TO BE COVERED.—The report shall cover—

(A) any recommendation for which the Secretary has developed, or intends to develop, procedures to adopt the recommendation or part of the recommendation, but has yet to complete the procedures; and

(B) any recommendation for which the Secretary, in the preceding year, has issued a response under subsection (a)(2) or (a)(3) refusing to carry out all or part of the procedures to adopt the recommendation.

(3) CONTENTS.—

(A) PLANS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(A), the report shall contain—

- (i) a description of the recommendation;
- (ii) a description of the procedures planned for adopting the recommendation or part of the recommendation;
- (iii) the proposed date for completing the procedures; and
- (iv) if the Secretary has not met a deadline contained in a proposed timeline developed in connection with the recommendation under subsection (b), an explanation for not meeting the deadline.

(B) REFUSALS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(B), the report shall contain—

- (i) a description of the recommendation; and
- (ii) a description of the reasons for the refusal to carry out all or part of the procedures to adopt the recommendation.

(e) REPORTING REQUIREMENTS.—

(1) ANNUAL SECRETARIAL REGULATORY STATUS REPORTS.—On February 1 of each year, the Secretary shall submit a report to Congress and the Board containing the regulatory status of each recommendation made by the Board to the Secretary (or to an Administration within the Department of Transportation) that is on the Board’s “most wanted list”. The Secretary shall continue to report on the regulatory status of each such recommendation in the report due on February 1 of subsequent years until final regulatory action is taken on that recommendation or the Secretary (or an Administration within the Department) determines and states in such a report that no action should be taken.

(2) FAILURE TO REPORT.—If on March 1 of each year the Board has not received the Secretary’s report required by this subsection, the Board shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the Secretary’s failure to submit the required report.

(3) COMPLIANCE REPORT WITH RECOMMENDATIONS.—Within 90 days after the date on which the Secretary submits a report under this subsection, the Board shall review the Secretary’s report and transmit comments on the report to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 755; Pub. L. 108–168, §6, Dec. 6, 2003, 117 Stat. 2034; Pub. L. 109–443, §2(b), Dec. 21, 2006, 120 Stat. 3298; Pub. L. 111–216, title II, §202, Aug. 1, 2010, 124 Stat. 2351; Pub. L. 111–249, §6(1), (2), Sept. 30, 2010, 124 Stat. 2628.)