

dent 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, including an electronic 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; Pub. L. 115–254, div. C, §1105, Oct. 5, 2018, 132 Stat. 3431.)

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). 49 App.:1655(d) (1st sentence). 49 App.:1903(a)(1)(A).	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. 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), (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 investigation” 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.

AMENDMENTS

2018—Subsec. (a)(2). Pub. L. 115–254 inserted “including an electronic record,” after “record,”.

§ 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.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1135(a), (b)	49 App.:1906(a) (less last sentence).	Jan. 3, 1975, Pub. L. 93-633, §307(a), 88 Stat. 2172; Nov. 3, 1981, Pub. L. 97-74, §6, 95 Stat. 1066; July 19, 1988, Pub. L. 100-372, §3(b), 102 Stat. 876.
1135(c)	49 App.:1906(a) (last sentence).	
1135(d)	49 App.:1906(b).	Jan. 3, 1975, Pub. L. 93-633, 88 Stat. 2156, §307(b); added Nov. 3, 1981, Pub. L. 97-74, §6, 95 Stat. 1066.

In subsections (a) and (b), the words "carry out" are substituted for "initiate and conduct" for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(1), the word "complete" is substituted for "in full" for consistency in the revised title.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-216, §202(a), as amended by Pub. L. 111-249, §6(1), inserted "to the Board" after "shall give" in introductory provisions.

Subsecs. (d), (e). Pub. L. 111-216, §202(b), as amended by Pub. L. 111-249, §6(2), added subsec. (d) and redesignated former subsec. (d) as (e).

2006—Subsec. (d)(3). Pub. L. 109-443 amended heading and text of par. (3) generally. Prior to amendment, text read as follows: "This subsection shall cease to be in effect after the report required to be filed on February 1, 2008, is filed."

2003—Subsec. (d). Pub. L. 108-168 amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: “The Secretary shall submit to Congress on January 1 of each year a report containing each recommendation on transportation safety made by the Board to the Secretary during the prior year and a copy of the Secretary’s response to each recommendation.”

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-249, §6, Sept. 30, 2010, 124 Stat. 2628, provided that the amendments made by section 6 of Pub. L. 111-249 are effective as of Aug. 1, 2010, and as if included in Pub. L. 111-216 as enacted.

REPORTS ON CERTAIN OPEN SAFETY RECOMMENDATIONS

Pub. L. 108-168, §9, Dec. 6, 2003, 117 Stat. 2035, provided that:

“(a) INITIAL REPORT.—Within 1 year after the date of enactment of this Act [Dec. 6, 2003], the Secretary of Transportation shall submit a report to Congress and the National Transportation Safety Board containing the regulatory status of each open safety recommendation made by the Board to the Secretary concerning—

“(1) 15-passenger van safety;

“(2) railroad grade crossing safety; and

“(3) medical certifications for a commercial driver’s license.

“(b) BIENNIAL UPDATES.—The Secretary shall continue to report on the regulatory status of each such recommendation (and any subsequent recommendation made by the Board to the Secretary concerning a matter described in paragraph (1), (2), or (3) of subsection (a)) at 2-year intervals until—

“(1) final regulatory action has been taken on the recommendation;

“(2) the Secretary determines, and states in the report, that no action should be taken on that recommendation; or

“(3) the report, if any, required to be submitted in 2008 is submitted.

“(c) FAILURE TO REPORT.—If the Board has not received a report required to be submitted under subsection (a) or (b) within 30 days after the date on which that report is required to be submitted, 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.”

NTSB SAFETY RECOMMENDATIONS

Pub. L. 107-355, §19, Dec. 17, 2002, 116 Stat. 3009, as amended by Pub. L. 108-426, §2(c)(3), Nov. 30, 2004, 118 Stat. 2424, provided that:

“(a) IN GENERAL.—The Secretary of Transportation, the Administrator of Pipeline and Hazardous Materials Safety Administration, and the Director of the Office of Pipeline Safety shall fully comply with section 1135 of title 49, United States Code, to ensure timely responsiveness to National Transportation Safety Board recommendations about pipeline safety.

“(b) PUBLIC AVAILABILITY.—The Secretary, Administrator, or Director, respectively, shall make a copy of each recommendation on pipeline safety and response, as described in subsections (a) and (b) of section 1135, title 49, United States Code.

“(c) REPORTS TO CONGRESS.—The Secretary, Administrator, or Director, respectively, shall submit to Congress by January 1 of each year a report containing each recommendation on pipeline safety made by the Board during the prior year and a copy of the response to each such recommendation.”

§ 1136. Assistance to families of passengers involved in aircraft accidents

(a) IN GENERAL.—As soon as practicable after being notified of an aircraft accident involving an air carrier or foreign air carrier, resulting in

any loss of life, and for which the National Transportation Safety Board will serve as the lead investigative agency, the Chairman of the National Transportation Safety Board shall—

(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the air carrier or foreign air carrier and the families; and

(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for facilitating the recovery and identification of fatally-injured passengers involved in an accident described in subsection (a).

(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

(1) To provide mental health and counseling services, in coordination with the disaster response team of the air carrier or foreign air carrier involved.

(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(4) To communicate with the families as to the roles of the organization, government agencies, and the air carrier or foreign air carrier involved with respect to the accident and the post-accident activities.

(5) To arrange a suitable memorial service, in consultation with the families.

(d) PASSENGER LISTS.—

(1) REQUESTS FOR PASSENGER LISTS.—

(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the air carrier or foreign air carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the aircraft involved in the accident.

(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the air carrier or foreign air carrier involved in the accident a list described in subparagraph (A).