

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE NATIONAL TRANSPORTATION SAFETY BOARD  
AND  
THE U.S. DEPARTMENT OF DEFENSE

**1. PURPOSE**

The April 1997 Memorandum of Understanding (MOU) between the National Transportation Safety Board (NTSB) and the Department of Defense (DoD) provided that MOU will be updated every five years. This MOU continues the cooperative arrangement between the NTSB and the DoD concerning U.S. Government assistance to aviation and other non-DoD transportation disasters.

**2. BACKGROUND**

Since the late 1930's, it has been a U.S. government priority to investigate domestic commercial aviation accidents to determine the probable cause of the accidents and to take actions to prevent similar accidents. In the 1940's, the U.S. government be-came a signatory to the Treaty on International Convention on Civil Aviation. The NTSB is the responsible agency to respond to overseas aviation accidents by assigning a U.S. Accredited Representative to lead the U.S. response as the State of the Operator, State of Registration, State of Manufacturer, or State of Design as provided by Annex 13 to the Treaty.

Additionally, the U.S. government ensures the proper treatment of family members of victims of major transportation accidents. In accordance with a Presidential Memorandum of 9 September 1996, and legislation signed by the President on 9 October 1996, the NTSB will coordinate the provision of federal services to the families of victims of transportation accidents.

The NTSB will request assistance from DoD through an interagency order pursuant to the Economy Act, 31 U.S.C. 1535. All such requests will be coordinated through the Director of Military Support (DOMS), (703) 697-0218, (24 hours/day). If, after receiving this informal request for support, DOMS determines that under DoD Directive 3025.15, dated February 18, 1997, the request support must be approved by the Secretary of Defense, DOMS will advise the NTSB to submit its written request through the Office of Secretary of Defense, Executive Secretary.

**3. CANCELLATION**

The following MOU is hereby canceled: MOU between the U.S. Department of Defense and the NTSB of April 1997

#### **4. RESPONSIBILITIES**

A. The NTSB will:

(1) (a.) Have primary Federal responsibility of the investigation aviation accidents involving: civilian aircraft; Federal, State, and certain nonmilitary public use aircraft; and accidents of military aircraft colliding with or operations resulting in accident involving civilian or public use aircraft.

(b.) Provide a U.S. Accredited Representative to lead the U.S response to overseas aviation accident investigations as provided by Annex 13 to the International Convention on Civil Aviation.

(c.) Investigate other modes of transportation (railroad, highway, marine, and pipeline)

(2) (a.) Have primary Federal responsibility for facilitating the recovery and identification of fatally injured passengers, and the coordination of assistance to victims and their families.

(b.) Work with state and local authorities and with private relief organization to ensure appropriate coordination of federal services along with those services provided by non-federal organizations and/or authorities.

(c.) Work with state and local authorities, as required, to clear any legal obstacles to the provision of federal assistance, including jurisdictional issues concerning onshore search and recovery, custody and control of remains, and determinations of cause or manner of death.

B. The DoD will provide assistance to the NTSB as requested to include:

(1) Provision of onshore search and recovery assistance

(2) Provision of assets from U.S Navy's SUPSALV for the purpose of offshore search and salvage, recovery on non-military aircraft or maritime wreckage, and associated technical assistance when these services cannot be provided by locally available sources. Assistance may be requested in U.S domestic, international, or foreign territorial waters.

(a.) Capabilities for SUPSALV, the Navy, and their contract resources include provision of divers, manned and remotely operated submersibles, and other sophisticated underwater systems. Upon notification of an aircraft crash into water or maritime accident under the NTSB preview, the NTSB and SUPSALV will jointly

determine if SUPSALV assets should be dispatched to the scene to aid the investigation team.

- (b.) SUPSALV will also provide advice to NTSB and will coordinate resources to support NTSB underwater search, salvage, and recovery efforts. When requested, SUPSALV will provide information on alternative search and recovery techniques, which may be employed, and preliminary cost estimates for each.
- (3) Provide radar data from various airborne and long-range surveillance radars, and support from units such as the 84<sup>th</sup> Radar Evaluation Squadron
  - (4) Provision of personnel from the AFIP Office of the Armed Forces Medical Examiner (OAFME) to perform examinations of human remains.
    - a. Including identification of human remains; determination of cause of death and manner of death; and consultation to the NTSB in support of their investigation.
    - b. When assisting with identification efforts, provision of appropriate DNA comparison testing on any specimens submitted to the AFIP.
  - (5) Provision of mortuary support at agreed upon military installations (e.g. Dover Air Force Base, DE).
  - (6) Provision of requested medical and dental records for military personnel fatalities, as requested. These should include dental x-rays of those victims identified as military active duty, retired, veteran, or reserve.
  - (7) Provision of additional pouches and transfer cases for human remains.
  - (8) Provide consultative assistance from the U.S. Army Aeromedical Research Laboratory (USAARL)
  - (9) Provide consultative assistance from of the U.S. Air Force School of Aerospace Medicine (USAFSAM), to include limited Aeromedical evaluation of civilian pilots through the Aeromedical Consult Service.
  - (10) Provide assistance of the U.S. Air Force Space Command

## **5. DOD ASSET AVAILABILITY**

Subject to the approval of the appropriate DoD official:

- a. Operational requirements will have priority in use of DoD assets.

- b. AFIP asset availability will be determined by the Assistant Secretary of Defense of Health Affairs (ASD(HA)).

**6. COMMAND AND CONTROL**

DoD shall at all times retain command and control of DoD resources. The senior on-site DoD official will coordinate issues with the NTSB and federal, state, and local departments and agencies, and to the greatest extent possible provide requested services consistent with pertinent DoD guidelines and directives.

**7. ADMINISTRATIVE**

A copy of this MOU will be maintained by the Office of the Secretary of Defense Executive Secretary and will be updated very five years.

**8. REIMBURSEMENT**

The NTSB agrees to reimburse DoD for any assistance provided. The NTSB will issue an Economy Act Order authorizing DoD's services. (See draft Economy Act Order (TAB A) and D&F (TAB B). ) This will usually be accomplished in advance of any services provided by DoD. However, in urgent circumstances, DoD will, at its own discretion, act upon oral Economy Act Orders, which include funding citations. The oral orders shall be followed up with written orders within two days for DoD's services to continue.

The NTSB's Economy Action Order may contain a clause, which limits the liability of the NTSB to reimburse DoD for claims and other contingencies arising from DoD's provision of services. If NTSB elects to include the clause, it shall specify a maximum ceiling on its liability. If DoD does not accept the limitation, it shall notify the NTSB within two days and propose an alternate ceiling.

The specific DoD component providing assistance (e.g. SUPSALV, AFIP, etc.) will be the DoD reimbursement-receiving agent.

---

Chairman  
Defense  
National Transportation Safety Board  
Department of Defense

---

Secretary of

---

---

Date

---

---

Date