

Union Calendar No. 215

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2476**

[Report No. 105-371]

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**A BILL**

To amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers.

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OCTOBER 30, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 1997

Mr. UNDERWOOD (for himself, Mr. DUNCAN, and Mr. LIPINSKI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

OCTOBER 31, 1997

Additional sponsors: Mr. DELLUMS, Mr. DEFazio, Mr. OBERSTAR, Mr. FILNER, Mr. EVANS, Mr. THOMPSON, Mr. McNULTY, Mr. KENNEDY of Massachusetts, Mr. GUTIERREZ, Ms. KILPATRICK, Mr. HOLDEN, Mr. TRAFICANT, Mr. FROST, Ms. WOOLSEY, Mr. CLEMENT, Mr. FALCOMAVAEGA, Mr. MCGOVERN, Mr. STARK, Mr. SHAYS, Mr. DINGELL, Mr. FOX of Pennsylvania, Ms. BROWN of Florida, Mr. KENNEDY of Rhode Island, and Mr. COSTELLO

OCTOBER 31, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on September 15, 1997]

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## A BILL

To amend title 49, United States Code, to require the

National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PLANS TO ADDRESS NEEDS OF FAMILIES OF**  
 4 **PASSENGERS INVOLVED IN FOREIGN AIR**  
 5 **CARRIER ACCIDENTS.**

6 *(a) IN GENERAL.—Chapter 413 of title 49, United*  
 7 *States Code, is amended by adding at the end the following:*

8 **“§41313. Plans to address needs of families of pas-**  
 9 **sengers involved in foreign air carrier ac-**  
 10 **cidents**

11 *“(a) DEFINITIONS.—In this section, the following defi-*  
 12 *initions apply:*

13 *“(1) AIRCRAFT ACCIDENT.—The term ‘aircraft*  
 14 *accident’ means any aviation disaster, regardless of*  
 15 *its cause or suspected cause, that occurs within the*  
 16 *United States; and*

17 *“(2) PASSENGER.—The term ‘passenger’ includes*  
 18 *an employee of a foreign air carrier or air carrier*  
 19 *aboard an aircraft.*

20 *“(b) SUBMISSION OF PLANS.—A foreign air carrier*  
 21 *providing foreign air transportation under this chapter*  
 22 *shall transmit to the Secretary of Transportation and the*

1 *Chairman of the National Transportation Safety Board a*  
2 *plan for addressing the needs of the families of passengers*  
3 *involved in an aircraft accident that involves an aircraft*  
4 *under the control of the foreign air carrier and results in*  
5 *a significant loss of life.*

6       “(c) *CONTENTS OF PLANS.*—*To the extent permitted*  
7 *by foreign law which was in effect on the date of the enact-*  
8 *ment of this section, a plan submitted by a foreign air car-*  
9 *rier under subsection (b) shall include the following:*

10               “(1) *TELEPHONE NUMBER.*—*A plan for publiciz-*  
11 *ing a reliable, toll-free telephone number and staff to*  
12 *take calls to such number from families of passengers*  
13 *involved in an aircraft accident that involves an air-*  
14 *craft under the control of the foreign air carrier and*  
15 *results in a significant loss of life.*

16               “(2) *NOTIFICATION OF FAMILIES.*—*A process for*  
17 *notifying, in person to the extent practicable, the fam-*  
18 *ilies of passengers involved in an aircraft accident*  
19 *that involves an aircraft under the control of the for-*  
20 *oreign air carrier and results in a significant loss of*  
21 *life before providing any public notice of the names*  
22 *of such passengers. Such notice shall be provided by*  
23 *using the services of—*

24                       “(A) *the organization designated for the ac-*  
25 *cident under section 1136(a)(2); or*

1                   “(B) other suitably trained individuals.

2                   “(3) NOTICE PROVIDED AS SOON AS POSSIBLE.—

3                   *An assurance that the notice required by paragraph*  
4                   *(2) shall be provided as soon as practicable after the*  
5                   *foreign air carrier has verified the identity of a pas-*  
6                   *senger on the foreign aircraft, whether or not the*  
7                   *names of all of the passengers have been verified.*

8                   “(4) LIST OF PASSENGERS.—*An assurance that*  
9                   *the foreign air carrier shall provide, immediately*  
10                  *upon request, and update a list (based on the best*  
11                  *available information at the time of the request) of*  
12                  *the names of the passengers aboard the aircraft*  
13                  *(whether or not such names have been verified), to—*

14                  “(A) *the director of family support services*  
15                  *designated for the accident under section*  
16                  *1136(a)(1); and*

17                  “(B) *the organization designated for the ac-*  
18                  *cident under section 1136(a)(2).*

19                  “(5) CONSULTATION REGARDING DISPOSITION OF  
20                  *REMAINS AND EFFECTS.—An assurance that the fam-*  
21                  *ily of each passenger will be consulted about the dis-*  
22                  *position of any remains and personal effects of the*  
23                  *passenger that are within the control of the foreign*  
24                  *air carrier.*

1           “(6) *RETURN OF POSSESSIONS.*—An assurance  
2           that, if requested by the family of a passenger, any  
3           possession (regardless of its condition) of that pas-  
4           senger that is within the control of the foreign air  
5           carrier will be returned to the family unless the pos-  
6           session is needed for the accident investigation or a  
7           criminal investigation.

8           “(7) *UNCLAIMED POSSESSIONS RETAINED.*—An  
9           assurance that any unclaimed possession of a pas-  
10          senger within the control of the foreign air carrier  
11          will be retained by the foreign air carrier for not less  
12          than 18 months after the date of the accident.

13          “(8) *MONUMENTS.*—An assurance that the fam-  
14          ily of each passenger will be consulted about construc-  
15          tion by the foreign air carrier of any monument to  
16          the passengers built in the United States, including  
17          any inscription on the monument.

18          “(9) *EQUAL TREATMENT OF PASSENGERS.*—An  
19          assurance that the treatment of the families of non-  
20          revenue passengers will be the same as the treatment  
21          of the families of revenue passengers.

22          “(10) *SERVICE AND ASSISTANCE TO FAMILIES OF*  
23          *PASSENGERS.*—An assurance that the foreign air car-  
24          rier will work with any organization designated  
25          under section 1136(a)(2) on an ongoing basis to en-

1       *sure that families of passengers receive an appro-*  
2       *prate level of services and assistance following an ac-*  
3       *cident.*

4               “(11) *COMPENSATION TO SERVICE ORGANIZA-*  
5       *TIONS.—An assurance that the foreign air carrier*  
6       *will provide reasonable compensation to any organi-*  
7       *zation designated under section 1136(a)(2) for serv-*  
8       *ices and assistance provided by the organization.*

9               “(12) *TRAVEL AND CARE EXPENSES.—An assur-*  
10       *ance that the foreign air carrier will assist the family*  
11       *of any passenger in traveling to the location of the ac-*  
12       *cident and provide for the physical care of the family*  
13       *while the family is staying at such location.*

14               “(13) *RESOURCES FOR PLAN.—An assurance*  
15       *that the foreign air carrier will commit sufficient re-*  
16       *sources to carry out the plan.*

17               “(14) *SUBSTITUTE MEASURES.—If a foreign are*  
18       *carrier does not wish to comply with paragraphs*  
19       *(10), (11), or (12), a description of proposed adequate*  
20       *substitute measures for the requirements of each para-*  
21       *graph with which the foreign air carrier does not*  
22       *wish to comply.*

23               “(d) *PERMIT AND EXEMPTION REQUIREMENT.—The*  
24       *Secretary shall not approve an application for a permit*  
25       *under section 41302 unless the applicant has included as*

1 *part of the application or request for exemption a plan that*  
2 *meets the requirements of subsection (c).*

3       “(e) *LIMITATION ON LIABILITY.*—*A foreign air carrier*  
4 *shall not be liable for damages in any action brought in*  
5 *a Federal or State court arising out of the performance of*  
6 *the foreign air carrier in preparing or providing a pas-*  
7 *senger list pursuant to a plan submitted by the foreign air*  
8 *carrier under subsection (c), unless the liability was caused*  
9 *by conduct of the foreign air carrier which was grossly neg-*  
10 *ligent or which constituted intentional misconduct.”.*

11       “(b) *CONFORMING AMENDMENT.*—*The table of sections*  
12 *for such chapter is amended by adding at the end the follow-*  
13 *ing:*

*“41313. Plans to address needs of families of passengers involved in foreign air carrier accidents.”.*

14       “(c) *EFFECTIVE DATE.*—*The amendments made by this*  
15 *section shall take effect on the 180th day following the date*  
16 *of the enactment of this Act.*