

107TH CONGRESS
1ST SESSION

H. R. 2228

To establish a program of assistance to families of passengers and crew members involved in maritime disasters.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2001

Mr. GREEN of Wisconsin introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To establish a program of assistance to families of passengers and crew members involved in maritime disasters.

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. SHORT TITLE.**

4 This Act may be cited as the “Maritime Disaster
5 Family Assistance Act of 2001”.

6 **SEC. 2. ASSISTANCE TO FAMILIES OF PASSENGERS IN-**
7 **VOLVED IN MARITIME DISASTERS.**

8 (a) IN GENERAL.—Chapter 63 of title 46, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

1 **“§ 6309. Assistance to families of passengers involved**
2 **in maritime disasters**

3 “(a) IN GENERAL.—As soon as practicable after
4 being notified of a maritime disaster within the United
5 States involving a covered vessel operator that results in
6 the death or disappearance of 2 or more individuals, the
7 Secretary shall—

8 “(1) designate and publicize the name and
9 phone number of an employee of the Coast Guard as
10 a director of family support services, who shall be
11 responsible for acting as a point of contact within
12 the Federal Government for the families of pas-
13 sengers involved in the disaster and as a liaison be-
14 tween the covered vessel operator and the families;
15 and

16 “(2) designate an independent nonprofit organi-
17 zation, with experience in disasters and post-trauma
18 communication with families, that shall have pri-
19 mary responsibility for coordinating the emotional
20 care and support of the families of passengers in-
21 volved in the disaster.

22 “(b) RESPONSIBILITIES OF THE SECRETARY.—The
23 Secretary shall have primary Federal responsibility for—

24 “(1) investigating the circumstances sur-
25 rounding a maritime disaster and, in the case of a
26 disappearance of a covered vessel, searching for such

1 vessel until it is located or until the Secretary deter-
2 mines that the search is no longer appropriate;

3 “(2) facilitating the recovery and identification
4 of fatally injured passengers involved in a maritime
5 disaster described in subsection (a);

6 “(3) communicating with the families of pas-
7 sengers involved in the disaster regarding the roles
8 of—

9 “(A) the organization designated for the
10 disaster under subsection (a)(2);

11 “(B) Government agencies; and

12 “(C) the covered vessel operator involved,
13 with respect to the disaster and the post-disaster ac-
14 tivities; and

15 “(4) working with other governmental agencies
16 and other resources, where appropriate, to assist in
17 facilitating the search for and recovery of any miss-
18 ing vessel.

19 “(c) RESPONSIBILITIES OF DESIGNATED ORGANIZA-
20 TION.—The organization designated for a maritime dis-
21 aster under subsection (a)(2) shall have the following re-
22 sponsibilities with respect to the families of passengers in-
23 volved in the disaster:

1 “(1) To provide mental health and counseling
2 services, in coordination with the disaster response
3 team of the covered vessel operator involved.

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

7 “(3) To meet with the families who have trav-
8 eled to the location of the disaster, to contact the
9 families unable to travel to such location, and to
10 contact all affected families regularly thereafter until
11 such time as the organization, in consultation with
12 the director of family support services designated for
13 the accident under subsection (a)(1), determines
14 that further assistance is no longer needed.

15 “(4) To arrange a suitable memorial service, in
16 consultation with the families.

17 “(d) PASSENGER LISTS.—

18 “(1) REQUESTS FOR PASSENGER LISTS.—

19 “(A) REQUESTS BY DIRECTOR OF FAMILY
20 SUPPORT SERVICES.—The director of family
21 support services designated for a maritime dis-
22 aster under subsection (a)(1) shall request, as
23 soon as practicable, from the covered vessel op-
24 erator involved in the disaster a list, based on
25 the best available information at the time of the

1 request, of the names of the passengers that
2 were aboard the vessel involved in the disaster.

3 “(B) REQUESTS BY DESIGNATED ORGANI-
4 ZATION.—The organization designated under
5 subsection (a)(2) for a disaster may request
6 from the covered vessel operator involved in the
7 disaster a list described in subparagraph (A).

8 “(2) USE OF INFORMATION.—The director of
9 family support services and the organization may
10 not release to any person information on a list ob-
11 tained under paragraph (1), except that the director
12 may provide information on the list about a pas-
13 senger to the family of the passenger to the extent
14 that the director of family support services or the or-
15 ganization considers appropriate.

16 “(e) CONTINUING RESPONSIBILITIES OF THE SEC-
17 RETARY.—In the course of its investigation of a maritime
18 disaster described in subsection (a), the Secretary shall,
19 to the maximum extent practicable, ensure that the fami-
20 lies of passengers involved in the disaster—

21 “(1) are briefed, prior to any public briefing,
22 about the disaster and any other findings from the
23 investigation; and

1 “(2) are individually informed of and allowed to
2 attend any public hearings and meetings of the Sec-
3 retary about the disaster.

4 “(f) USE OF COVERED VESSEL OPERATOR RE-
5 SOURCES.—To the extent practicable, the organization
6 designated for a maritime disaster under subsection (a)(2)
7 shall coordinate its activities with the covered vessel oper-
8 ator involved in the disaster to facilitate the reasonable
9 use of the resources of the operator.

10 “(g) PROHIBITED ACTIONS.—

11 “(1) ACTIONS TO IMPEDE THE SECRETARY.—
12 No person (including a State or political subdivision)
13 may impede the ability of the Secretary (including
14 the director of family support services designated for
15 a maritime disaster under subsection (a)(1)), or an
16 organization designated for a maritime disaster
17 under subsection (a)(2), to carry out its responsibil-
18 ities under this section or the ability of the families
19 of passengers involved in the disaster to have con-
20 tact with one another.

21 “(2) UNSOLICITED COMMUNICATIONS.—No un-
22 solicited communication concerning a potential ac-
23 tion for personal injury or wrongful death may be
24 made by an attorney (including any associate, agent,
25 employee, or other representative of an attorney) or

1 any potential party to the litigation to an individual
2 (other than an employee of the covered vessel oper-
3 ator) injured in the maritime disaster, or to a rel-
4 ative of an individual involved in the disaster, before
5 the 45th day following the date of the disaster.

6 “(3) PROHIBITION ON ACTIONS TO PREVENT
7 MENTAL HEALTH AND COUNSELING SERVICES.—No
8 State or political subdivision may prevent the em-
9 ployees, agents, or volunteers of an organization des-
10 ignated for a maritime disaster under subsection
11 (a)(2) from providing mental health and counseling
12 services under subsection (c)(1) in the 30-day period
13 beginning on the date of the disaster. The director
14 of family support services designated for the disaster
15 under subsection (a)(1) may extend such period for
16 not to exceed an additional 30 days if the director
17 determines that the extension is necessary to meet
18 the needs of the families and if State and local au-
19 thorities are notified of the determination.

20 “(h) DEFINITIONS.—In this section:

21 “(1) MARITIME DISASTER.—The term ‘mari-
22 time disaster’ means any loss of, or collision
23 involving—

24 “(A) a passenger vessel or small passenger
25 vessel providing interstate transportation of 2

1 or more passengers, regardless of its cause or
2 suspected cause; or

3 “(B) a fishing vessel carrying 2 or more
4 individuals.

5 “(2) COVERED VESSEL OPERATOR.—The term
6 ‘covered vessel operator’ means the operator of—

7 “(A) a passenger vessel or small passenger
8 vessel providing interstate transportation of
9 passengers on such vessel; or

10 “(B) a fishing vessel.

11 “(3) PASSENGER.—Notwithstanding section
12 2101(21) of this title, the term ‘passenger’
13 includes—

14 “(A) an employee of a person who is a cov-
15 ered vessel operator aboard a vessel operated by
16 such person, including a crew member on a
17 fishing vessel;

18 “(B) any other person aboard the vessel,
19 without regard to whether the person paid for
20 the transportation, occupied a seat, or held a
21 reservation for transportation on the vessel; and

22 “(C) any other person injured or killed in
23 the maritime disaster.

24 “(4) SECRETARY.—Notwithstanding section
25 2101(34) of this title, the term ‘Secretary’ means—

1 “(A) except as provided in subparagraph
2 (B), the head of the department in which the
3 Coast Guard is operating, acting through the
4 Coast Guard; or

5 “(B) the National Transportation Safety
6 Board, in the case of a maritime disaster in
7 which primary responsibility for investigation of
8 the disaster is vested in such board.

9 “(i) **LIMITATION ON STATUTORY CONSTRUCTION.**—
10 Nothing in this section may be construed as limiting the
11 actions that a covered vessel operator may take, or the
12 obligations that a covered vessel operator may have, in
13 providing assistance to the families of passengers involved
14 in a maritime disaster.”.

15 (b) **CONFORMING AMENDMENTS.**—

16 (1) The heading for such chapter is amended by
17 inserting “**AND RESPONDING TO**” after “**INVESTIGATING**”.

18 (2) The table of sections for such chapter is
19 amended by adding at the end the following:
20

 “6309. Assistance to families of passengers involved in maritime disasters.”.

21 (3) The analysis for subtitle II of title 46,
22 United States Code, is amended in the item relating
23 to chapter 63 by inserting “**and responding to**”
24 after “**Investigating**”.