

105TH CONGRESS
1ST SESSION

S. 1196

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.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 1997

Mr. McCAIN (for himself, Mr. GORTON, Mr. HOLLINGS, and Mr. FORD) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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. SHORT TITLE.**

4 This Act may be cited as the “Foreign Air Carrier
5 Family Support Act”.

1 **SEC. 2. PLANS TO ADDRESS NEEDS OF FAMILIES OF PAS-**
2 **SENGERS INVOLVED IN FOREIGN AIR CAR-**
3 **RIER ACCIDENTS.**

4 (a) IN GENERAL.—Chapter 413 of title 49, United
5 States Code, is amended by adding at the end the follow-
6 ing:

7 **“§ 41313. Plans to address needs of families of pas-**
8 **sengers involved in aircraft accidents**

9 “(a) DEFINITIONS.—For purposes of this section—

10 “(1) the term ‘aircraft accident’ means any
11 aviation disaster, regardless of its cause or suspected
12 cause, that occurs within the United States; and

13 “(2) the term ‘passenger’ includes an employee
14 of a foreign air carrier or air carrier aboard an air-
15 craft.

16 “(b) SUBMISSION OF PLANS.—A foreign air carrier
17 providing foreign air transportation under this chapter, or
18 under an exemption from the requirements of this chapter,
19 shall transmit to the Secretary and the Chairman of the
20 National Transportation Safety Board a plan for address-
21 ing the needs of the families of passengers involved in an
22 aircraft accident that involves an aircraft under the con-
23 trol of the foreign air carrier and results in a significant
24 loss of life.

25 “(c) CONTENTS OF PLANS.—To the extent permitted
26 by foreign law which was enacted on or before the date

1 of the enactment of this section, a plan submitted by a
2 foreign air carrier under subsection (b) shall include the
3 following:

4 “(1) TELEPHONE NUMBER.—A plan for pub-
5 licizing a reliable, toll-free telephone number and
6 staff to take calls to such number from families of
7 passengers involved in an aircraft accident that in-
8 volves an aircraft under the control of the foreign air
9 carrier and results in a significant loss of life.

10 “(2) NOTIFICATION OF FAMILIES.—A process
11 for notifying, in person to the extent practicable, the
12 families of passengers involved in an aircraft acci-
13 dent that involves an aircraft under the control of
14 the foreign air carrier and results in a significant
15 loss of life before providing any public notice of the
16 names of such passengers. Such notice shall be pro-
17 vided by using the services of—

18 “(A) the organization designated for the
19 accident under section 1136(a)(2); or

20 “(B) other suitably trained individuals.

21 “(3) NOTICE PROVIDED AS SOON AS POS-
22 SIBLE.—An assurance that the notice required by
23 paragraph (2) shall be provided as soon as prac-
24 ticable after the foreign air carrier has verified the
25 identity of a passenger on the foreign aircraft,

1 whether or not the names of all of the passengers
2 have been verified.

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

10 “(A) the director of family support services
11 designated for the accident under section
12 1136(a)(1); and

13 “(B) the organization designated for the
14 accident under section 1136(a)(2).

15 “(5) CONSULTATION REGARDING DISPOSITION
16 OF REMAINS AND EFFECTS.—An assurance that the
17 family of each passenger will be consulted about the
18 disposition of any remains and personal effects of
19 the passenger that are within the control of the for-
20 eign air carrier.

21 “(6) RETURN OF POSSESSIONS.—An assurance
22 that, if requested by the family of a passenger, any
23 possession (regardless of its condition) of that pas-
24 senger that is within the control of the foreign air
25 carrier will be returned to the family unless the pos-

1 session is needed for the accident investigation or a
2 criminal investigation.

3 “(7) UNCLAIMED POSSESSIONS RETAINED.—An
4 assurance that any unclaimed possession of a pas-
5 senger within the control of the foreign air carrier
6 will be retained by the foreign air carrier for not less
7 than 18 months after the date of the accident.

8 “(8) MONUMENTS.—An assurance that the
9 family of each passenger will be consulted about con-
10 struction by the foreign air carrier of any monument
11 to the passengers built in the United States, includ-
12 ing any inscription on the monument.

13 “(9) EQUAL TREATMENT OF PASSENGERS.—An
14 assurance that the treatment of the families of non-
15 revenue passengers will be the same as the treat-
16 ment of the families of revenue passengers.

17 “(10) SERVICE AND ASSISTANCE TO FAMILIES
18 OF PASSENGERS.—An assurance that the foreign air
19 carrier will work with any organization designated
20 under section 1136(a)(2) on an ongoing basis to en-
21 sure that families of passengers receive an appro-
22 priate level of services and assistance following an
23 accident.

24 “(11) COMPENSATION TO SERVICE ORGANIZA-
25 TIONS.—An assurance that the foreign air carrier

1 will provide reasonable compensation to any organi-
2 zation designated under section 1136(a)(2) for serv-
3 ices and assistance provided by the organization.

4 “(12) TRAVEL AND CARE EXPENSES.—An as-
5 surance that the foreign air carrier will assist the
6 family of any passenger in traveling to the location
7 of the accident and provide for the physical care of
8 the family while the family is staying at such loca-
9 tion.

10 “(13) RESOURCES FOR PLAN.—An assurance
11 that the foreign air carrier will commit sufficient
12 resources to carry out the plan.

13 “(14) SUBSTITUTE MEASURES.—If a foreign air
14 carrier does not wish to comply with paragraphs
15 (10), (11), or (12), a description of proposed ade-
16 quate substitute measures for the requirements of
17 each paragraph with which the foreign air carrier
18 does not wish to comply.

19 “(d) PERMIT AND EXEMPTION REQUIREMENT.—The
20 Secretary shall not approve an application for a permit
21 under section 41302, or provide an exemption from the
22 requirement for a permit, unless the applicant has in-
23 cluded as part of the application or request for exemption
24 a plan that meets the requirements of subsection (c).

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

10 (b) EFFECTIVE DATE.—Subsection (a) shall take ef-
11 fect 6 months after the date of the enactment of this Act.

12 (c) CONFORMING AMENDMENT.—The table of sec-
13 tions for chapter 413 is amended by adding at the end
14 the following:

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

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