

## Union Calendar No. 353

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4058

[Report No. 105-632]

To amend title 49, United States Code, to extend the aviation insurance program, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 1998

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

JULY 17, 1998

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## A BILL

To amend title 49, United States Code, to extend the aviation insurance program, and for other purposes.

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

1 **SECTION 1. AVIATION INSURANCE PROGRAM AMEND-**  
2 **MENTS.**

3 (a) REIMBURSEMENT OF INSURED PARTY'S  
4 SUBROGEE.—Section 44309(a) of title 49, United States  
5 Code, is amended to read as follows:

6 “(a) LOSSES.—

7 “(1) ACTIONS AGAINST UNITED STATES.—A  
8 person may bring a civil action in a district court of  
9 the United States or in the United States Court of  
10 Federal Claims against the United States Govern-  
11 ment when—

12 “(A) a loss insured under this chapter is in  
13 dispute; or

14 “(B)(i) the person is subrogated under a  
15 contract between the person and a party in-  
16 sured under this chapter (other than section  
17 44305(b)) to the rights of the insured party  
18 against the United States Government; and

19 “(ii) the person has paid to the insured  
20 party, with the approval of the Secretary of  
21 Transportation, an amount for a physical dam-  
22 age loss that the Secretary has determined is a  
23 loss covered by insurance issued under this  
24 chapter (other than section 44305(b)).

25 “(2) LIMITATION.—A civil action involving the  
26 same matter (except the action authorized by this

1 subsection) may not be brought against an agent, of-  
2 ficer, or employee of the Government carrying out  
3 this chapter.

4 “(3) PROCEDURE.—To the extent applicable,  
5 the procedure in an action brought under section  
6 1346(a)(2) of title 28 applies to an action under this  
7 subsection.”.

8 (b) EXTENSION OF AVIATION INSURANCE PRO-  
9 GRAM.—Section 44310 of such title is amended by strik-  
10 ing “1998” and inserting “2003”.



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