

106TH CONGRESS
1ST SESSION

S. RES. 83

Expressing the sense of the Senate regarding the settlement of claims of citizens of Germany regarding deaths resulting from the accident near Cavalese, Italy, on February 3, 1998, before the settlement of claims with respect to the deaths of members of the United States Air Force resulting from the accident off Namibia on September 13, 1997.

IN THE SENATE OF THE UNITED STATES

APRIL 22, 1999

Mr. THURMOND submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Expressing the sense of the Senate regarding the settlement of claims of citizens of Germany regarding deaths resulting from the accident near Cavalese, Italy, on February 3, 1998, before the settlement of claims with respect to the deaths of members of the United States Air Force resulting from the accident off Namibia on September 13, 1997.

Whereas on September 13, 1997, a German Luftwaffe Tupelov TU-154M aircraft collided with a United States Air Force C-141 Starlifter aircraft off the coast of Namibia;

Whereas as a result of that collision nine members of the United States Air Force were killed, namely Staff Ser-

geant Stacey D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrans Road, Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania;

Whereas the Final Report of the Ministry of Defense of the Defense Committee of the German Bundestag states unequivocally that, following an investigation, the Directorate of Flight Safety of the German Federal Armed Forces assigned responsibility for the collision to the Aircraft Commander/Commandant of the Luftwaffe Tupelov TU-154M aircraft for flying at a flight level that did not conform to international flight rules;

Whereas the United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupelov TU-154M aircraft flying at an incorrect cruise altitude;

Whereas procedures for filing claims under the Status of Forces Agreement are unavailable to the families of the members of the United States Air Force killed in the collision;

Whereas the families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany; and

Whereas the United States Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy: Now, therefore, be it

1 *Resolved*, That it is the sense of the Senate that—

2 (1) the Government of Germany should promptly
3 settle with the families of the members of the
4 United States Air Force killed in a collision between
5 a United States Air Force C-141 Starlifter aircraft
6 and a German Luftwaffe Tupelov TU-154M aircraft
7 off the coast of Namibia on September 13, 1997;
8 and

9 (2) the United States should not make any pay-
10 ment to citizens of Germany as settlement of such
11 citizens' claims for deaths arising from the accident
12 involving a United States Marine Corps EA-6B air-
13 craft on February 3, 1998, near Cavalese, Italy,
14 until a comparable settlement is reached between the
15 Government of Germany and the families described
16 in paragraph (1) with respect to the collision de-
17 scribed in that paragraph.

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