

Excerpt from the Federal Aviation Reauthorization Act of 1996 (P.L. 101-264),
October 9, 1996 - From the House Reports Online via GPO Access
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104th Congress

AVIATION DISASTER FAMILY ASSISTANCE ACT OF 1996
TITLE VII—FAMILY ASSISTANCE

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 3923) to amend title 49, United States Code, to require the National Transportation Safety Board and individual air carriers to take actions to address the needs of families of passengers involved in aircraft accidents, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

SECTION 701. SHORT TITLE.

This Act may be cited as the ``Aviation Disaster Family Assistance Act of 1996''.

SEC. 702. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.

(a) **AUTHORITY TO PROVIDE ASSISTANCE.--**

(1) **IN GENERAL.--**Subchapter III of chapter 11 (of title 49), United States Code, is amended by adding at the end the following:

``Sec. 1136. Assistance to families of passengers involved in aircraft accidents

``(a) **IN GENERAL.--**As soon as practicable after being notified of an aircraft accident within the United States involving an air carrier or foreign air carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

``(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the air carrier or foreign air carrier and the families; and

``(2) designate an independent nonprofit organization, with experience in disasters and post trauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

``(b) **RESPONSIBILITIES OF THE BOARD.--**The Board shall have primary Federal responsibility for facilitating the recovery and identification of fatally-injured passengers involved in an accident described in subsection (a).

``(c) **RESPONSIBILITIES OF DESIGNATED ORGANIZATION.--**The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

``(1) To provide mental health and counseling services, in coordination with the disaster response team of the air carrier or foreign air carrier involved.

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

``(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to

travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

``(4) To communicate with the families as to the roles of the organization, government agencies, and the air carrier or foreign air carrier involved with respect to the accident and the post-accident activities.

``(5) To arrange a suitable memorial service, in consultation with the families.

``(d) **PASSENGER LISTS.--**

``(1) **REQUESTS FOR PASSENGER LISTS.--**

``(A) **REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.--**It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the air carrier or foreign air carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the aircraft involved in the accident.

``(B) **REQUESTS BY DESIGNATED ORGANIZATION.--**The organization designated for an accident under subsection (a)(2) may request from the air carrier or foreign air carrier involved in the accident a list described in subparagraph (A).

``(2) **USE OF INFORMATION.--**The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

``(e) **CONTINUING RESPONSIBILITIES OF THE BOARD.--**In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident--

``(1) are briefed, prior to any public briefing, about the accident, its causes, and any other findings from the investigation; and

``(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

``(f) **USE OF AIR CARRIER RESOURCES.--**To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the air carrier or foreign air carrier involved in the accident so that the resources of the carrier can be used to the greatest extent possible to carry out the organization's responsibilities under this section.

``(g) **PROHIBITED ACTIONS.--**

``(1) **ACTIONS TO IMPEDE THE BOARD.--**No person (including a State or political subdivision) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

``(2) **UNSOLICITED COMMUNICATIONS.--**In the event of an accident involving an air carrier providing interstate or foreign air transportation, no unsolicited communication

concerning a potential action for personal injury or wrongful death may be made by an attorney, representative of an attorney, insurance company, or air carrier litigation representative to an individual injured in the accident, or to a relative of an individual involved in the accident, before the 30th day following the date of the accident.

``(h) **DEFINITIONS**.--In this section, the following definitions apply:

- ``(1) **AIRCRAFT ACCIDENT**.--The term 'aircraft accident' means any aviation disaster regardless of its cause or suspected cause.
- ``(2) **PASSENGER**.--The term 'passenger' includes an employee of an air carrier aboard an aircraft.''.

(2) **CONFORMING AMENDMENT**.--The table of sections for chapter 11 of such title is amended by inserting after the item relating to section 1135 the following:

``1136. Assistance to families of passengers involved in aircraft accidents.''.

(b) **PENALTIES**.--Section 1155(a)(1) of such title is amended--

- (1) by striking ``or 1134(b) or (f)(1)'' and inserting ``, section 1134(b), section 1134(f)(1), or section 1136(g)''; and
- (2) by striking ``either of'' and inserting ``any of''.

SEC. 703. AIR CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.

(a) **IN GENERAL**.--Chapter 411 of title 49, United States Code, is amended by adding at the end the following:

``Sec. 41113. Plans to address needs of families of passengers involved in aircraft accidents

``(a) **SUBMISSION OF PLANS**.--Not later than 6 months after the date of the enactment of this section, each air carrier holding a certificate of public convenience and necessity under section 41102 of this title shall submit to the Secretary and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any aircraft accident involving an aircraft of the air carrier and resulting in a major loss of life.

``(b) **CONTENTS OF PLANS**.--A plan to be submitted by an air carrier under subsection (a) shall include, at a minimum, the following:

``(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

``(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1136(a)(2) of this title or the services of other suitably trained individuals.

``(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the air carrier has verified that the passenger was aboard the aircraft (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

``(4) An assurance that the air carrier will provide to the director of family support services designated for the accident under section 1136(a)(1) of this title, and to the organization designated for the accident under section 1136(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the

time of the request) of the names of the passengers aboard the aircraft (whether or not such names have been verified), and will periodically update the list.

``(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger.

``(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the air carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

``(7) An assurance that any unclaimed possession of a passenger within the control of the air carrier will be retained by the air carrier for at least 18 months.

``(8) An assurance that the family of each passenger will be consulted about construction by the air carrier of any monument to the passengers, including any inscription on the monument.

``(9) An assurance that the treatment of the families of nonrevenue passengers (and any other victim of the accident) will be the same as the treatment of the families of revenue passengers.

``(10) An assurance that the air carrier will work with any organization designated under section 1136(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

``(11) An assurance that the air carrier will provide reasonable compensation to any organization designated under section 1136(a)(2) of this title for services provided by the organization.

``(12) An assurance that the air carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

``(13) An assurance that the air carrier will commit sufficient resources to carry out the plan.

``(c) **CERTIFICATE REQUIREMENT.**--After the date that is 6 months after the date of the enactment of this section, the Secretary may not approve an application for a certificate of public convenience and necessity under section 41102 of this title unless the applicant has included as part of such application a plan that meets the requirements of subsection (b).

``(d) **LIMITATION ON LIABILITY.**--An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the air carrier in preparing or providing a passenger list pursuant to a plan submitted by the air carrier under subsection (b), unless such liability was caused by conduct of the air carrier which was grossly negligent or which constituted intentional misconduct.

``(e) **AIRCRAFT ACCIDENT AND PASSENGER DEFINED.**--In this section, the terms `aircraft accident' and `passenger' have the meanings such terms have in section 1136 of this title.''.

(b) **CONFORMING AMENDMENT.**--The table of sections for such chapter is amended by adding at the end the following:

``41113. Plans to address needs of families of passengers involved in aircraft accidents.''.

SEC. 704. ESTABLISHMENT OF TASK FORCE.

(a) **ESTABLISHMENT.**--The Secretary of Transportation, in cooperation with the National Transportation Safety Board, the Federal Emergency Management Agency, the American Red Cross, air carriers, and families which have been involved in aircraft accidents shall establish a task force consisting of representatives of such entities and families, representatives of air carrier employees, and representatives of such other entities as the Secretary considers appropriate.

(b) **GUIDELINES AND RECOMMENDATIONS.**--The task force established pursuant to subsection (a) shall develop--

- (1) guidelines to assist air carriers in responding to aircraft accidents;
- (2) recommendations on methods to ensure that attorneys and representatives of media organizations do not intrude on the privacy of families of passengers involved in an aircraft accident;
- (3) recommendations on methods to ensure that the families of passengers involved in an aircraft accident who are not citizens of the United States receive appropriate assistance;
- (4) recommendations on methods to ensure that State mental health licensing laws do not act to prevent out-of-state mental health workers from working at the site of an aircraft accident or other related sites;
- (5) recommendations on the extent to which military experts and facilities can be used to aid in the identification of the remains of passengers involved in an aircraft accident; and
- (6) recommendations on methods to improve the timeliness of the notification provided by air carriers to the families of passengers involved in an aircraft accident, including--
 - (A) an analysis of the steps that air carriers would have to take to ensure that an accurate list of passengers on board the aircraft would be available within 1 hour of the accident and an analysis of such steps to ensure that such list would be available within 3 hours of the accident;
 - (B) an analysis of the added costs to air carriers and travel agents that would result if air carriers were required to take the steps described in subparagraph (A); and
 - (C) an analysis of any inconvenience to passengers, including flight delays, that would result if air carriers were required to take the steps described in subparagraph (A).
 - (D) an analysis of the implications for personal privacy that would result if air carriers were required to take the steps described in subparagraph (A).

(c) **REPORT.**--Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the model plan and recommendations developed by the task force under subsection (b).

SEC. 705. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this Act or any amendment made by this Act may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.