

Public Law 106–181
106th Congress

An Act

To amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

Apr. 5, 2000
[H.R. 1000]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Wendell H. Ford Aviation Investment and Reform Act for the 21st Century”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendments to title 49, United States Code.
- Sec. 3. Applicability.
- Sec. 4. Definitions.

Wendell H. Ford
Aviation
Investment and
Reform Act for
the 21st Century.
49 USC 40101
note.

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TITLE X—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

- Sec. 1001. Extension of expenditure authority.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

49 USC 106 note. **SEC. 3. APPLICABILITY.**

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 1999.

49 USC 40102 note. **SEC. 4. DEFINITIONS.**

Except as otherwise provided in this Act, the following definitions apply:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(2) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

TITLE IV—FAMILY ASSISTANCE**SEC. 401. RESPONSIBILITIES OF NATIONAL TRANSPORTATION SAFETY BOARD.****(a) PROHIBITION ON UNSOLICITED COMMUNICATIONS.—**

(1) **IN GENERAL.**—Section 1136(g)(2) is amended—

(A) by striking “transportation,” and inserting “transportation and in the event of an accident involving a foreign air carrier that occurs within the United States,”;

(B) by inserting after “attorney” the following: “(including any associate, agent, employee, or other representative of an attorney)”; and

(C) by striking “30th day” and inserting “45th day”.

(2) **ENFORCEMENT.**—Section 1151 is amended by inserting “1136(g)(2),” before “or 1155(a)” each place it appears.

(b) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—Section 1136(g) is amended by adding at the end the following:

“(3) **PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.**—No State or political subdivision thereof may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.”.

(c) INCLUSION OF NONREVENUE PASSENGERS IN FAMILY ASSISTANCE COVERAGE.—Section 1136(h)(2) is amended to read as follows:

“(2) **PASSENGER.**—The term ‘passenger’ includes—

“(A) an employee of an air carrier or foreign air carrier aboard an aircraft; and

“(B) any other person aboard the aircraft without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the flight.”.

(d) STATUTORY CONSTRUCTION.—Section 1136 is amended by adding at the end the following:

“(i) **STATUTORY CONSTRUCTION.**—Nothing in this section 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.”.

SEC. 402. AIR CARRIER PLANS.**(a) CONTENTS OF PLANS.—**

(1) **FLIGHT RESERVATION INFORMATION.**—Section 41113(b) is amended by adding at the end the following:

“(14) An assurance that, upon request of the family of a passenger, the air carrier will inform the family of whether the passenger’s name appeared on a preliminary passenger manifest for the flight involved in the accident.”.

(2) **TRAINING OF EMPLOYEES AND AGENTS.**—Section 41113(b) is further amended by adding at the end the following:

“(15) An assurance that the air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.”.

(3) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—Section 41113(b) is further amended by adding at the end the following:

“(16) An assurance that the air carrier, in the event that the air carrier volunteers assistance to United States citizens within the United States with respect to an aircraft accident outside the United States involving major loss of life, the air carrier will consult with the Board and the Department of State on the provision of the assistance.”.

49 USC 41113
note.

(4) SUBMISSION OF UPDATED PLANS.—The amendments made by paragraphs (1), (2), and (3) shall take effect on the 180th day following the date of the enactment of this Act. On or before such 180th day, each air carrier holding a certificate of public convenience and necessity under section 41102 of title 49, United States Code, shall submit to the Secretary and the Chairman of the National Transportation Safety Board an updated plan under section 41113 of such title that meets the requirements of the amendments made by paragraphs (1), (2), and (3).

(5) CONFORMING AMENDMENTS.—Section 41113 is amended—

(A) in subsection (a) by striking “Not later than 6 months after the date of the enactment of this section, each air carrier” and inserting “Each air carrier”; and

(B) in subsection (c) by striking “After the date that is 6 months after the date of the enactment of this section, the Secretary” and inserting “The Secretary”.

(b) LIMITATION ON LIABILITY.—Section 41113(d) is amended by inserting “, or in providing information concerning a preliminary passenger manifest,” before “pursuant to a plan”.

(c) STATUTORY CONSTRUCTION.—Section 41113 is amended by adding at the end the following:

“(f) STATUTORY CONSTRUCTION.—Nothing in this section 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.”.

SEC. 403. FOREIGN AIR CARRIER PLANS.

(a) INCLUSION OF NONREVENUE PASSENGERS IN FAMILY ASSISTANCE COVERAGE.—Section 41313(a)(2) is amended to read as follows:

“(2) PASSENGER.—The term ‘passenger’ has the meaning given such term by section 1136.”.

(b) ACCIDENTS FOR WHICH PLAN IS REQUIRED.—Section 41313(b) is amended by striking “significant” and inserting “major”.

(c) CONTENTS OF PLANS.—

(1) IN GENERAL.—Section 41313(c) is amended by adding at the end the following:

“(15) TRAINING OF EMPLOYEES AND AGENTS.—An assurance that the foreign air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

“(16) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—An assurance that the foreign air carrier, in the

event that the foreign air carrier volunteers assistance to United States citizens within the United States with respect to an aircraft accident outside the United States involving major loss of life, the foreign air carrier will consult with the Board and the Department of State on the provision of the assistance.”

(2) **SUBMISSION OF UPDATED PLANS.**—The amendment made by paragraph (1) shall take effect on the 180th day following the date of the enactment of this Act. On or before such 180th day, each foreign air carrier providing foreign air transportation under chapter 413 of title 49, United States Code, shall submit to the Secretary and the Chairman of the National Transportation Safety Board an updated plan under section 41313 of such title that meets the requirements of the amendment made by paragraph (1).

49 USC 41313
note.

SEC. 404. DEATH ON THE HIGH SEAS.

(a) **RIGHT OF ACTION IN COMMERCIAL AVIATION ACCIDENTS.**—The first section of the Act of March 30, 1920 (46 U.S.C. App. 761; popularly known as the “Death on the High Seas Act”) is amended—

(1) by inserting “(a) subject to subsection (b),” before “when-ever”; and

(2) by adding at the end the following:

“(b) In the case of a commercial aviation accident, whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas 12 nautical miles or closer to the shore of any State, or the District of Columbia, or the Territories or dependencies of the United States, this Act shall not apply and the rules applicable under Federal, State, and other appropriate law shall apply.”

(b) **COMPENSATION IN COMMERCIAL AVIATION ACCIDENTS.**—Section 2 of such Act (46 U.S.C. App. 762) is amended—

(1) by inserting “(a)” before “the recovery”; and

(2) by adding at the end the following:

“(b)(1) If the death resulted from a commercial aviation accident occurring on the high seas beyond 12 nautical miles from the shore of any State, or the District of Columbia, or the Territories or dependencies of the United States, additional compensation for nonpecuniary damages for wrongful death of a decedent is recoverable. Punitive damages are not recoverable.

“(2) In this subsection, the term ‘nonpecuniary damages’ means damages for loss of care, comfort, and companionship.”

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall apply to any death occurring after July 16, 1996.

46 USC app. 761
note.

TITLE V—SAFETY

SEC. 501. AIRPLANE EMERGENCY LOCATORS.

(a) **REQUIREMENT.**—Section 44712 is amended—

(1) in subsection (b) by striking “Subsection (a) of this section” and inserting “Prior to January 1, 2002, subsection (a)”;

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following:

“(c) **NONAPPLICATION BEGINNING ON JANUARY 1, 2002.**—