

106TH CONGRESS
1ST SESSION

H. R. 3295

To provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Air Force CT-43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 34 others.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 10, 1999

Mr. FARR of California (for himself, Mr. GEKAS, Mr. FORBES, Mr. FRANK of Massachusetts, Ms. NORTON, Mr. SHAYS, Ms. SLAUGHTER, Mr. PAYNE, Mr. GILCHREST, Mr. KENNEDY of Rhode Island, Mr. RAHALL, Mr. GILMAN, Mrs. MEEK of Florida, Mr. THOMPSON of California, Ms. PELOSI, Mr. KING, Mr. WYNN, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MILLENDER-McDONALD, Mrs. MALONEY of New York, Mr. RANGEL, Ms. JACKSON-LEE of Texas, Mr. WAXMAN, Mr. JACKSON of Illinois, Mr. FALEOMAVAEGA, Mr. STARK, Ms. WATERS, Mr. TIERNEY, Mr. LEWIS of Georgia, Mr. ALLEN, Mr. SISISKY, and Mr. McDERMOTT) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Air Force CT-43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 34 others.

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. SHORT TITLE.**

2 This Act may be cited as the “CT-43A Federal Em-
3 ployee Settlement Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) On April 3, 1996, Secretary of Commerce
7 Ronald H. Brown embarked on a mission to Croatia
8 to build trade ties and provide economic assistance
9 to the former Yugoslavia as part of the United
10 States commitment to bring lasting peace to Bosnia-
11 Herzegovina and Croatia. Accompanying Secretary
12 Brown were numerous United States Government
13 officials and high-ranking representatives of United
14 States infrastructure and economic development in-
15 terests.

16 (2) The Department of Defense provided Sec-
17 retary Brown and his party a United States Air
18 Force CT-43A aircraft and crew for transport pur-
19 poses.

20 (3) On April 3, 1996, the aircraft carrying Sec-
21 retary Brown and his party crashed into a moun-
22 tainside near Dubrovnik, Croatia, while attempting
23 an instrument approach into the Cilipi Airport (serv-
24 ing Dubrovnik).

1 (4) The crash resulted in the death of all 35
2 persons aboard, as well as the loss of the aircraft
3 and personal effects of the crew and passengers.

4 (5) The Air Force investigation into the crash
5 concluded that the accident was caused by a failure
6 of command, aircrew error, and an improperly de-
7 signed instrument approach procedure.

8 **SEC. 3. COMPENSATION FOR FAMILIES OF FEDERAL CIVIL-**
9 **IAN EMPLOYEES.**

10 (a) **REQUIREMENT TO MAKE PAYMENTS.**—The Sec-
11 retary of the Air Force shall pay, from amounts available
12 to the Air Force for the payment of claims, the amount
13 of \$2,000,000 to the specified beneficiary of each of the
14 14 Federal civilian officers and employees killed in the
15 crash of a United States Air Force CT-43A aircraft on
16 April 3, 1996, near Dubrovnik, Croatia.

17 (b) **DEADLINE.**—The Secretary shall make each pay-
18 ment required by subsection (a) not later than 90 days
19 after the date of the enactment of this Act.

20 (c) **SPECIFIED BENEFICIARIES.**—For the purposes of
21 this section, the specified beneficiary of a Federal civilian
22 officer or employee described in subsection (a) is deter-
23 mined in the manner specified in section 5582(b) of title
24 5, United States Code. If in the case of any such officer
25 or employee there is more than one such beneficiary, the

1 payment required by subsection (a) shall be paid in equal
2 shares to those beneficiaries.

3 (d) RELATIONSHIP TO OTHER PAYMENTS.—The
4 amount payable under this section with respect to the
5 death of a Federal civilian officer or employee shall be re-
6 duced by any amount (other than a statutory death gra-
7 tuity for burial benefits) previously determined to be pay-
8 able by the United States (under section 127 or chapter
9 163 of title 10, United States Code, or any other provision
10 of law for administrative settlement of claims) by reason
11 of the death of that officer or employee .

12 (e) FULL SETTLEMENT OF CLAIMS.—Acceptance by
13 a specified beneficiary of a payment under this section
14 constitutes full settlement of all claims by that person
15 against the United States arising from the death of the
16 officer or employee with respect to whom the payment is
17 made.

18 (f) CONSTRUCTION.—The payment of an amount
19 under this section may not be considered to constitute a
20 statement of legal liability on the part of the United States
21 or otherwise as evidence of any material fact in any judi-
22 cial proceeding or investigation arising from the accident
23 described in subsection (a).

24 (g) LIMITATION ON ATTORNEY FEES.—Notwith-
25 standing any contract, no representative of a beneficiary

1 may receive more than 10 percent of a payment made
2 under this section for services rendered in connection with
3 the beneficiary's claim for that payment. Any person who
4 violates this subsection shall be guilty of an infraction and
5 shall be subject to a fine in the amount provided in title
6 18, United States Code.

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