

# Union Calendar No. 160

106<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 456

[Report No. 106-270]

For the relief of the survivors of the 14 members of the Armed Forces and the one United States civilian Federal employee who were killed on April 14, 1994, when United States fighter aircraft mistakenly shot down 2 United States helicopters over Iraq.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 1999

Mr. COLLINS introduced the following bill; which was referred to the Committee on the Judiciary

JULY 29, 1999

Additional sponsors: Mr. BONILLA, Mr. DIXON, Mr. FOLEY, Mr. UDALL of Colorado, Mr. GONZALEZ, Mr. MCCOLLUM, Mr. BARTLETT of Maryland, Mr. MCINTOSH, and Mr. RODRIGUEZ

JULY 29, 1999

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

For the relief of the survivors of the 14 members of the Armed Forces and the one United States civilian Federal employee who were killed on April 14, 1994, when United States fighter aircraft mistakenly shot down 2 United States helicopters over Iraq.

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

3       **SECTION 1. PAYMENT.**

4       (a) **PAYMENT AUTHORIZATION.**—The Secretary of  
5       the Treasury shall pay, out of funds not otherwise appro-  
6       priated, \$100,000 to the survivor, or collectively the sur-  
7       vivors, of each of the 14 members of the Armed Forces  
8       and the one United States civilian Federal employee who  
9       were killed on April 14, 1994, when United States F-15  
10      fighter aircraft mistakenly shot down two UH-60 Black  
11      Hawk helicopters over Iraq.

12      (b) **SURVIVOR STATUS.**—

13               (1) **MEMBERS OF THE ARMED FORCES INSURED**  
14      **BY SGLI.**—In the case of a member of the Armed  
15      Forces described in subsection (a) who was insured  
16      by a Servicemembers' Group Life Insurance policy  
17      (issued under chapter 19 of title 38, United States  
18      Code), a survivor of such member for the purposes  
19      of subsection (a) shall be any person designated as  
20      a beneficiary on the individual's policy.

21               (2) **INDIVIDUALS NOT INSURED BY SGLI.**—In  
22      the case of a member of the Armed Forces described  
23      in subsection (a) who was not insured by a  
24      Servicemembers' Group Life Insurance policy (issued  
25      under chapter 19 of title 38, United States Code) or

1 the civilian Federal employee described in subsection  
 2 (a), a survivor of such member or employee for the  
 3 purposes of subsection (a) shall be any person deter-  
 4 mined to be a survivor by the Secretary of the  
 5 Treasury using the provisions of section 5582(b) of  
 6 title 5, United States Code.

7 **SEC. 2. LIMITATION ON TOTAL AMOUNT OF PAYMENT.**

8 Not more than a total of \$1,500,000 may be paid  
 9 to survivors under section 1.

10 **SEC. 3. LIMITATION ON ATTORNEY FEES.**

11 Notwithstanding any contract, no representative of a  
 12 survivor may receive more than 10 percent of a payment  
 13 made under section 1 for services rendered in connection  
 14 with the survivor's claim for such payment. Any person  
 15 who violates this section shall be guilty of an infraction  
 16 and shall be subject to a fine in the amount provided in  
 17 title 18, United States Code.

18 **SEC. 4. REPORT.**

19 Not later than 6 months after the date of the enact-  
 20 ment of this Act, the Secretary of the Treasury shall  
 21 transmit to the Congress a report describing the payments  
 22 made under section 1.

23 **SECTION 1. PAYMENT.**

24 (a) *PAYMENT AUTHORIZATION.*—*The Secretary of the*  
 25 *Treasury shall pay, out of funds not otherwise appro-*

1 priated, \$100,000 to the survivor, or collectively the sur-  
 2 vivors, of each of the 14 members of the Armed Forces and  
 3 the one United States civilian Federal employee who were  
 4 killed on April 14, 1994, when United States F-15 fighter  
 5 aircraft mistakenly shot down two UH-60 Black Hawk hel-  
 6 icopters over Iraq.

7 (b) SURVIVOR STATUS.—

8 (1) MEMBERS OF THE ARMED FORCES INSURED  
 9 BY SGLI.—In the case of a member of the Armed  
 10 Forces described in subsection (a) who was insured by  
 11 a Servicemembers' Group Life Insurance policy  
 12 (issued under chapter 19 of title 38, United States  
 13 Code), a survivor of such member for the purposes of  
 14 subsection (a) shall be any person designated as a  
 15 beneficiary on the individual's policy.

16 (2) INDIVIDUALS NOT INSURED BY SGLI.—In the  
 17 case of a member of the Armed Forces described in  
 18 subsection (a) who was not insured by a  
 19 Servicemembers' Group Life Insurance policy (issued  
 20 under chapter 19 of title 38, United States Code) or  
 21 the civilian Federal employee described in subsection  
 22 (a), a survivor of such member or employee for the  
 23 purposes of subsection (a) shall be any person deter-  
 24 mined to be a survivor by the Secretary of the Treas-

1        *ury using the provisions of section 5582(b) of title 5,*  
 2        *United States Code.*

3        **SEC. 2. LIMITATION ON TOTAL AMOUNT OF PAYMENT.**

4        *Not more than a total of \$1,500,000 may be paid to*  
 5        *survivors under section 1.*

6        **SEC. 3. LIMITATION ON ATTORNEY FEES.**

7        *Notwithstanding any contract, no representative of a*  
 8        *survivor may receive more than 10 percent of a payment*  
 9        *made under section 1 for services rendered in connection*  
 10       *with the survivor's claim for such payment. Any person who*  
 11       *violates this section shall be guilty of an infraction and*  
 12       *shall be subject to a fine in the amount provided in title*  
 13       *18, United States Code.*

14       **SEC. 4. REPORT.**

15       *Not later than 6 months after the date of the enactment*  
 16       *of this Act, the Secretary of the Treasury shall transmit*  
 17       *to the Congress a report describing the payments made*  
 18       *under section 1.*

Amend the title so as to read: “A bill for the relief of the survivors of the 14 members of the United States Armed Forces and the one United States civilian Federal employee who were killed on April 14, 1994, when two United States helicopters were shot down over Iraq, so as to provide those survivors with payments similar to the payments already made by the Department of Defense to the survivors of foreign nationals killed in the same incident.”.



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1ST Session

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**A BILL**

For the relief of the survivors of the 14 members of the Armed Forces and the one United States civilian Federal employee who were killed on April 14, 1994, when United States fighter aircraft mistakenly shot down 2 United States helicopters over Iraq.

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