

106TH CONGRESS
1ST SESSION

S. 1957

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 SENATE OF THE UNITED STATES

NOVEMBER 18, 1999

Mr. SCHUMER (for himself, Mr. ROBB, and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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

11 (2) The Department of Defense provided Sec-
12 retary Brown and his party a United States Air
13 Force CT-43A aircraft and crew for transport pur-
14 poses.

15 (3) On April 3, 1996, the aircraft carrying Sec-
16 retary Brown and his party crashed into a moun-
17 tainside near Dubrovnik, Croatia, while attempting
18 an instrument approach into the Cilipi Airport (serv-
19 ing Dubrovnik).

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

23 (5) The Air Force investigation into the crash
24 concluded that the accident was caused by a failure

1 of command, aircrew error, and an improperly de-
2 signed instrument approach procedure.

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

5 (a) REQUIREMENT TO MAKE PAYMENTS.—The Sec-
6 retary of the Air Force shall pay, from amounts available
7 to the Air Force for the payment of claims, the amount
8 of \$2,000,000 to the specified beneficiary of each of the
9 14 Federal civilian officers and employees killed in the
10 crash of a United States Air Force CT-43A aircraft on
11 April 3, 1996, near Dubrovnik, Croatia.

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

15 (c) SPECIFIED BENEFICIARIES.—For the purposes of
16 this section, the specified beneficiary of a Federal civilian
17 officer or employee described in subsection (a) is deter-
18 mined in the manner specified in section 5582(b) of title
19 5, United States Code. If in the case of any such officer
20 or employee there is more than one such beneficiary, the
21 payment required by subsection (a) shall be paid in equal
22 shares to those beneficiaries.

23 (d) RELATIONSHIP TO OTHER PAYMENTS.—The
24 amount payable under this section with respect to the
25 death of a Federal civilian officer or employee shall be re-

1 duced by any amount (other than a statutory death gra-
2 tuity for burial benefits) previously determined to be pay-
3 able by the United States (under section 127 or chapter
4 163 of title 10, United States Code, or any other provision
5 of law for administrative settlement of claims) by reason
6 of the death of that officer or employee.

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

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

19 (g) LIMITATION ON ATTORNEY FEES.—Notwith-
20 standing any contract, no representative of a beneficiary
21 may receive more than 10 percent of a payment made
22 under this section for services rendered in connection with
23 the beneficiary's claim for that payment. Any person who
24 violates this subsection shall be guilty of an infraction and

- 1 shall be subject to a fine in the amount provided in title
- 2 18, United States Code.

