

7 FAM 1700 Appendix A (Old 7 FAM 650 - Civil Aviation and 660 - Foreign Aircraft Accidents Involving United States Persons or Property)

(TL:CON-41; 3-23-87)

This appendix contains the text of old subchapters 7 FAM 650 - Civil Aviation and 7 FAM 660 - Foreign Aircraft Accidents Involving United States Persons or Property. Because Chapter 1700 has not been issued, we are publishing the old (and still valid) material in this format to alleviate some of the confusion caused by having old and new 7 FAM chapters still in existence. When Chapter 7 FAM 1700 is issued, this appendix will be deleted. **NOTE:** The appendix internally retains the old 7 FAM numbering. Section references in italic have been updated from the original text.

7 FAM 650 CIVIL AVIATION

(TL:CON-31; 1-10-68)

7 FAM 651 AIRCRAFT OF UNITED STATES REGISTRY MISSING OR OVERDUE ABROAD

(See section 7 FAM 123 and subchapter 7 FAM 150 for procedures.)

7 FAM 652 AIRCRAFT OF UNITED STATES REGISTRY INVOLVED IN ACCIDENT ABROAD

An "aircraft accident" is defined in the Civil Aeronautics Board Safety Investigations (part 320, paragraph 320.2) as an "occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all persons have disembarked, in which any person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft or anything attached thereto, or the aircraft receives substantial damage."

7 FAM 653 ROLE OF INTERESTED GOVERNMENTS

7 FAM 653.1 Governing Convention

In respect to accident investigation, the Convention on International Civil Aviation, to which the United States is a party, deals generally with the obligations and privileges of contracting states in the event of an accident occurring in international civil aviation.

7 FAM 653.2 Nations Party to Convention

The following countries are parties to the Convention on International Civil Aviation:

Afghanistan	Kuwait
Algeria	Laos
Argentina	Lebanon
Australia	Liberia
Austria	Libya
Barbados	Luxembourg
Belgium	Malagasy Republic
Bolivia	Malawi
Brazil	Malaysia
Bulgaria	Mali
Burma	Malta
Cambodia	Mauritania
Cameroon	Mexico
Canada	Morocco
Central African Republic	Nepal
Ceylon	Netherlands
Chad	New Zealand
Chile	Nicaragua
China	Niger
Colombia	Nigeria
Congo (Brazzaville)	Norway
Congo (Kinshasa)	Pakistan
Costa Rica	Panama
Cuba	Paraguay
Cyprus	Peru
Czechoslovakia	Philippines
Dahomey	Poland
Denmark	Portugal
Dominican Republic	Romania
Ecuador	Rwanda

El Salvador	Saudi Arabia
Ethiopia	Senegal
Finland	Sierra Leone
France	Singapore
Gabon	Somali Republic
Federal Republic of Germany	Republic of South Africa
Ghana	Spain
Greece	Sudan
Guatemala	Sweden
Guinea	Switzerland
Guyana	Syria
Haiti	Tanzania
Honduras	Thailand
Iceland	Trinidad and Tobago
India	Tunisia
Indonesia	Turkey
Iran	Uganda
Iraq	United Arab Republic
Ireland	United Kingdom
Israel	United States
Italy	Upper Volta
Ivory Coast	Uruguay
Jamaica	Venezuela
Japan	Viet-Nam
Jordan	Yemen
Kenya	Yugoslavia
Korea	Zambia

7 FAM 653.3 Pertinent Provisions of Convention

a. Article 25 of the Convention on International Civil Aviation states that “each contracting State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable, and to permit, subject to control by its own authorities, the owners of the aircraft or authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances. Each contracting State, when undertaking search for missing aircraft, will collaborate in coordinated measures which may be recommended from time to time pursuant to this Convention.” To this end, the International Civil Aviation Organization (ICAO) has adopted Annex 12, International Standards and Recommended Practices for Search and Rescue, which ICAO member states are obligated to incorporate in their national laws or regulations or file differences with ICAO. Paragraph 2.1.2. of Annex 12 provides that-

“Subject to the control of its own authorities, a contracting State shall permit immediate entry of aircraft, equipment, and personnel necessary to search for aircraft in distress, or rescue survivors of aircraft accidents, into any areas other than prohibited areas in which it is believed that such aircraft or survivors are located. Each contracting State shall publish all necessary information concerning authorities and the measure of control exercised by them.”

b. Article 26 of the Convention on International Civil Aviation states that “in the event of an accident to an aircraft of a contracting State occurring in the territory of another contracting State, and involving death or serious injury, or indicating serious technical defects in the aircraft or air navigation facilities, the State in which the accident occurs will institute an inquiry into the circumstances of the accident in accordance, so far as its laws permit, with the procedure which may be recommended by the International Civil Aviation Organization (ICAO). The State in which aircraft is registered shall be given the opportunity to appoint observers to be present at the inquiry and the State holding the inquiry shall communicate the report and findings in the matter to that State.”

c. Article 37 of the Convention states that “each contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation.” This article further states that the International Civil Aviation Organization shall adopt and amend from time to time, as may be necessary, international standards and recommend procedures dealing with, among other things, aircraft in distress and investigations of accidents.

d. Annex 13 to the Convention, Standards and Recommended Practices, Aircraft Accident Inquiry, which was adopted by the International Civil Aviation Organization Council on April 11, 1951, sets forth international standards and recommended practices to promote uniformity in the notification, investigation, and reporting on aircraft accidents with a view to contributing to the prevention of further accidents. The specifications in this annex include the method of notification of accidents, the protection of evidence, custody, and removal of aircraft after an accident, the institution of the accident inquiry, and the report. Other specifications have subsequently been added by the International Civil Aviation Organization.

7 FAM 654 INVESTIGATIVE RESPONSIBILITY IN THE U.S. GOVERNMENT

7 FAM 654.1 Statutory Responsibility of National Transportation Safety Board

Under the Department of Transportation Act of October 15, 1966, the National Transportation Safety Board, within the Department of Transportation, is charged with investigating accidents involving civil aircraft and reporting the facts, conditions, and circumstances relating to each accident and the probable cause thereof. In addition to the investigation of accidents occurring in United States territory, the Board also investigates accidents to United States aircraft which occur in other countries. The Board has delegated to the Federal Aviation Administration responsibility for the investigation of all accidents to fixed wing aircraft of 12,500 pounds or less certificated maximum gross takeoff weight, except accidents involving fatalities. In carrying out its investigative functions, the Board may make use of the services of technical personnel of the Federal Aviation Administration, the airline involved, or the manufacturer of the aircraft involved. All such personnel carry out their activities, however, under the direction of the Board.

7 FAM 654.2 Board Policy on Investigating Accidents Abroad

The National Transportation Safety Board is interested in all accidents occurring abroad to aircraft of United States registry and/or manufacture. In accidents where one or more fatalities are involved and in accidents to aircraft of more than 12,500 pounds maximum certificated takeoff weight where no fatalities are involved, the Board may wish to appoint a representative, and perhaps advisers to assist him, and to be present during the investigation. However, whether or not the Board participates in the investigation of such accidents, it is desirous of receiving reports of the results of the investigation when issued.

7 FAM 654.3 Policy of the Federal Aviation Administration in Investigating Accidents Abroad

Although the Federal Aviation Administration has been delegated authority to investigate in the United States only accidents to fixed wing aircraft of less than 12,500 pounds, it is nevertheless interested in having knowledge of accidents occurring to all United States registered aircraft regardless of size. The Federal Aviation Administration maintains offices in various foreign countries, and it may wish to have a member of its staff from the appropriate overseas office observe the scene of the accident of United States registered aircraft and the investigation thereof. The National Transportation Safety Board has no investigative personnel stationed outside the United States. Consequently, even though the Board may choose to send a member of its staff to participate in the investigation of an accident, some time may elapse before he arrives at the scene. On the other hand, the Federal Aviation Administration, through its offices abroad, may be able to get a representative to the scene of the accident more quickly. The Federal Aviation Administration maintains offices abroad in the following cities:

FAA Office Abroad

Beirut
Brussels
Buenos Aires
Frankfurt

Telegraphic Address

ACIVAIR, Beirut, Lebanon
ACIVAIR, Brussels, Belgium
ACIVAIR, Buenos Aires, Argentina
ACIVAIR, Frankfurt, Germany

Lagos	ACIVAIR, Lagos, Nigeria
Lima	ACIVAIR, Lima, Peru
London	ACIVAIR, London, England
Manila	ACIVAIR, Manila, Philippines
Paris	ACIVAIR, Paris, France
Rome	ACIVAIR, Rome, Italy
Rio de Janeiro	ACIVAIR, Rio de Janeiro, Brazil
Tokyo	ACIVAIR, Tokyo, Japan

7 FAM 655 ACTIVITIES OF INTERESTED UNITED STATES AIRLINES

7 FAM 655.1 Customary Activities

A United States airline will normally make every effort to get its nearest representative to the scene of the accident as quickly as possible to protect the aircraft and its contents and to make proper disposition of the passengers, mail, and cargo. The airline representative will usually reach the spot ahead of the Federal Aviation Administration or the National Transportation Safety Board representatives. In situations where crewmembers survive the disaster and are uninjured, the senior member of such crew is responsible for taking immediate charge and for supervising the carrying out of the airline's responsibilities.

7 FAM 655.2 Obligations

A United States airline is obliged by the United States Civil Aeronautics Board Safety Investigation Regulations (part 320, para. 320.15) to preserve the wreckage, and is relieved from that obligation only (1) if it cannot be discharged legally in the foreign country, or (2) if an authorized representative of the National Transportation Safety Board specifically relieves the airline of its obligation.

7 FAM 655.3 Limitations on Activities

Airline representative are expected to limit their activities to salvage operations necessary to make proper disposition of passengers, crew, mail, cargo, and luggage and to assist the officials of the country in which the accident occurs to preserve the wreckage. The airline representatives, therefore, are not expected to undertake an examination of the wreckage or an investigation of the accident to determine its cause prior to assumption of the case by the properly constituted official investigative authority which will presumably include a representative of the National Transportation Safety Board or the Federal Aviation Administration.

7 FAM 656 POST FUNCTIONS

7 FAM 656.1 Notification and Reporting of Accidents

a. Arrangements are to be made whereby the local authorities, who will usually be the first to learn of an aircraft accident, will notify the nearest American embassy or consulate when accidents occur to aircraft of United States registry or manufacture. The embassy or consulate receiving such information transmits it by telegram to the Department for forwarding to the National Transportation Safety Board and the Federal Aviation Administration for such action as they may wish to take. In addition, the post transmits such information by telegram to the appropriate overseas office of the Federal Aviation Administration (see section 7 FAM 654.3). When the local governmental authorities have completed their investigation of an accident to an aircraft of United States registry or manufacture and have issued an official report thereon, copies of the report are obtained and forwarded to the Department for use of the National Transportation Safety Board and the Federal Aviation Administration. In forwarding such report, the post indicates whether release of report to the public by the National Transportation Safety Board would be acceptable to the government concerned.

b. By the terms of chapter 26 of the Convention on International Civil Aviation and annex 13 thereto, when an accident occurs in one state to an aircraft of registry of some other state, the state in which the accident occurs is required to notify the state of registry and the state of manufacture of the aircraft "with the minimum of delay and by the quickest means" of the fact of the accident, with such pertinent information as is available.

7 FAM 656.2 Arranging for Entry and Travel of Investigative and Airline Representatives

Representatives of the National Transportation Safety Board, the Federal Aviation Administration, and the United States airline involved may not have the documents necessary for entry into the country where the accident occurred. Posts are to lend all assistance possible to obtain the entry of such representatives into the country where the accident occurred and to expedite their travel to the scene of the accident.

7 FAM 656.3 Rendering Assistance at the Scene of the Accident

a. Scheduled United States Air Carrier

(1) The post will send a member of its consular staff to the scene of the accident to ensure that appropriate protection is afforded United States nationals and property involved in the accident and that any evidence bearing on the cause of the accident is preserved until the arrival of United States Government investigative personnel. (See section 7 FAM 656.7 b if the aircraft had a courier or diplomatic pouches aboard.)

(2) In the absence of an airline representative, the consular officer assists local authorities in every possible way compatible with the provisions of section 7 FAM 656.4 to care for the survivors, identify and dispose of the remains of the victims, salvage and protect property, and preserve the wreckage pending an investigation. If an airline representative is already at the scene of the accident, or if one arrives shortly thereafter, the consular officer assists him in discharging his recognized responsibilities in connection with passengers and cargo. (See section 7 FAM 655 .) However, the consular officer is also obligated to assist investigative personnel of the United States Government to preserve evidence bearing on the cause of the accident. Any attempt on the part of the airline representative to exceed his recognized sphere of activity (see section 7 FAM 655.3) is to be called to the attention of the airline involved and the competent local authorities.

b. Non-scheduled United States Carrier or Private Plane

The procedure outlined in section 7 FAM 656.3 a is to be followed in any case wherein it is deemed necessary in the event of an accident involving a non-scheduled carrier or private plane.

7 FAM 656.4 Expenses Attendant Upon an Accident

a. Expenditure of Official Funds

The Department of State has no funds from which expenses attendant upon an accident to United States aircraft can be paid. Foreign Service posts are not authorized to expend funds for any such expenses, including funds for guarding the wreckage to preserve evidence of the cause of the accident, unless the National Transportation Safety Board or the Federal Aviation Administration authorizes, in advance, the expenditure of funds for such purposes on a reimbursable basis. In the absence of such advance authorization, posts can arrange only for such protection as local authorities are willing to furnish gratuitously.

b. Payment by Airline

The Air Transport Association of America informed the Department (in a letter dated September 21, 1950) that "generally speaking, it can be assumed that the airline will assume responsibility for expenses incurred as a direct result of the accident." In an emergency involving a scheduled carrier and in the absence of airline representatives or other authority, the post is to request a deposit from the airline (through the Department, if desired) with specific authorization to incur whatever financial obligations the airline is willing to assume to hire guards (in case local police protection is considered inadequate), provide accommodations, medical care, and onward transportation for survivors, and for other expenses resulting from the accident. In an accident involving a scheduled carrier, private plane, or non-scheduled carrier for which no deposit of funds has been made to defray costs in relation to the accident, or pending receipt of funds for that purpose, airline and investigative personnel may be delayed in reaching the scene. The consular officer, as the representative of all segments of the United States Government in the area, will endeavor to protect and promote the interests of the Government, the airline, and the individual citizen by any means available to him that are consistent with these regulations and should request funds and instructions as required from the Department.

c. Voluntary and Personal Services

Voluntary services and personal services in excess of those authorized by law may be accepted and utilized in the case of an aircraft accident, since the law which normally prohibits such acceptance (31 U.S.C. 665) does not apply "in case of sudden emergency involving the safety of human life or the protection of property."

7 FAM 656.6 Protective Services for Survivors

Primary responsibility to provide medical care, accommodations, and onward transportation for passengers and crew rests with the airline or operator of the non-scheduled or private plane. However, the consular officer is to assist in every way feasible to resolve such problems as arise following an accident.

a. Medical Care and Hospitalization

The consular officer is to lend every assistance possible to arrange for injured survivors of the accident the best medical and hospital attention available. (See sections 7 FAM 656.3 and 7 FAM 656.4 .)

b. Accommodation and Onward Transportation

The consular officer is to assist passengers and members of the crew who do not require hospitalization to obtain appropriate accommodations accessible from the scene of the accident. If practicable, surviving passengers are to remain in the vicinity of the accident until the United States investigative personnel can obtain from them all information pertaining to the accident. Surviving passengers leaving the vicinity are to furnish addresses at which they can be reached later. The consular officer assists the passengers, as appropriate, to obtain necessary clearances from local authorities and to obtain onward transportation by the most expeditious means of common carrier transportation available. Surviving members of the aircraft crew will be expected to remain in the vicinity of the accident until otherwise instructed by the investigative personnel. (See sections 7 FAM 656.3 and 7 FAM 656.4 .)

7 FAM 656.6 Protective Services With Respect to Deceased Victims of Accident

a. Interim Disposition of Remains

Generally, local authorities will assume custody of the remains of deceased victims of the accident and consign them to a mortuary until final disposition can be made.

b. Identification of Remains

When necessary, officers are to assist in identifying the remains of United States citizens who are victims of the accident by requesting the Department to procure dental charts, passport application data, and photographs, fingerprints, or other United States records.

c. Reports on Deaths of United States Citizens

Posts are to report the deaths of United States citizens occurring in an aircraft accident, in accordance with the procedure prescribed in subchapter 7 FAM 220 .

d. Disposition of Remains

When a scheduled United States air carrier meets with an accident, the United States airline concerned usually will transport the identifiable remains of victims of the accident to the place of final interment designated by the next of kin. If the post is requested, or finds it necessary to dispose of identifiable remains, the procedures prescribed in *subchapter 7 FAM 250* are to be followed. When remains are unidentifiable, the local authorities may be expected to make final disposition of these remains locally in accordance with the health requirements of the country concerned, usually by common burial or by cremation, and without regard to the disposition desired by possible next of kin.

7 FAM 656.7 Salvage of Mail and Other Property

a. Mail

The Regulations of Execution of the Universal Postal Convention, signed at Vienna July 10, 1964, provide in article 197 that when, as a result of an accident which occurred during transportation, a plane cannot continue on its trip and deliver the mail at the scheduled stops-

(1) Personnel of the plane must deliver the dispatches to the post office nearest the place of the accident or to the one most qualified for the onward transmission of the mail; or

(2) In the event personnel of the plane are not able to take the foregoing action, the nearest or most qualified post office, having been informed of the accident, intervenes without delay to obtain possession of the mail and to reforward it to destination by the most rapid means after the condition of the mail has been verified and the damaged correspondence, if any, repaired. Most post offices are familiar with these provisions, but, if in any case the mail is not being properly cared for, the post is to bring the proper procedure to the attention of the nearest post office.

b. Diplomatic Pouches

Immediately upon arriving at the scene of the accident, the consular officer ascertains whether the aircraft was carrying a courier or diplomatic pouches. If a courier is found to be aboard, the same personal arrangements are made for him as are made for other passengers. (See sections 7 FAM 656.3 through 7 FAM 656.6 .) An immediate search is also made for whatever diplomatic pouches the courier may have been carrying and for any pouches that may have been carried as regular cargo. Usually, the cargo manifest will list diplomatic pouches carried as air freight or cargo. Since a courier usually carries his pouches with him into the cabin of the plane, the pouch receipts, OF-120 (see the Correspondence Handbook, Chapter 7 - Envelopes and Mailing, Exhibit C), on his person or in his briefcase will offer positive proof of the number of pouches he has in his custody. If any are found, they are to be cleared through appropriate government officials of the country and taken to the nearest United States Foreign Service post to await disposition instructions. If it is learned that the postal authorities have already recovered United States diplomatic pouches, such pouches are to be obtained from the postal authorities and taken to the nearest post to await disposition instructions. A telegram is sent to the Department and to the regional courier office having jurisdiction over that area, describing the pouches recovered. This description will include the offices of the addressers and addressees and the classification indicator (C, A, or S). The Department and the regional courier office will coordinate instructions to the office for the disposition of these pouches.

c. Baggage, Personal Effects, and Cargo

The consular office requests the local authorities to arrange for the security storage and protection of such baggage, personal effects, and cargo as are recoverable from the aircraft until the property can be released to its owners by local customs and accident investigating authorities or by the courts. When released, the personal effects of United States citizens who died in the accident are then taken into possession and disposed of by the post in accordance with the procedure prescribed in *subchapter 7* FAM 640 .

7 FAM 656.8 Protection and Preservation of Wreckage

So far as local law permits, the consular officer sees that arrangements are made (by the airline representative with the local authorities, if a scheduled carrier is involved) for the protection of the wrecked aircraft and its property contents against further damage, pilferage, and access by unauthorized persons, until the arrival of the accident investigative personnel. The prior removal of any of the wreckage or the contents of the aircraft should be prevented, unless such action is necessitated by very compelling reasons, such as the need for treating the injured or for removing bodies, or when the wreckage constitutes a public hazard. When, under the latter conditions, the wreckage and contents of the aircraft must be removed or disturbed in any way, a record is to be made or photographs are to be taken showing the position and condition of the wreckage prior to disturbance, if possible. In the case of a private aircraft or nonscheduled carrier, protection is arranged for the wrecked aircraft and its contents pending the receipt of information from the Department

whether the National Transportation Safety Board will investigate the case, and until final disposition is made of the property. If the owner killed in the wreck of a private aircraft is a United States citizen, the aircraft constitutes part of his personal estate and is disposed of in accordance with the provisions of subchapter 7 FAM 640 . (For rules governing the payment of expenses in connection with the protection and preservation of wrecked United States aircraft, see section 7 FAM 656.4 .)

7 FAM 656.9 Records and Reports in Connection With Investigation

a. Records

The consular officer maintains a record of the various transactions taking place prior to the arrival of airline, National Transportation Safety Board, and Federal Aviation Administration representatives. This record is to include all pertinent details with respect to the disposition of persons and property, obligations assumed, arrangements made, etc., and also any statements made by witnesses.

b. Reports

Reports are to be submitted to the Department for its information and the information of aviation authorities and other interested parties in the United States regarding the progress of any investigation which is held and its final outcome when known.

7 FAM 657 REPORTS REGARDING REACTION OF LOCAL GOVERNMENT TO PRESCRIBED PROCEDURES

Each United States mission (or supervising consular office in territories where there is no mission) in a country party to the Convention (see section 7 FAM 653) is to report to the Department whether procedures of this subchapter are under the Convention, generally acceptable to the local government. Posts are to report to the Department and to their supervisory mission (or supervisory consular office where there is no mission) any known obstacle to carrying out the procedures prescribed in this subchapter.

7 FAM 660 FOREIGN AIRCRAFT ACCIDENTS INVOLVING UNITED STATES PERSONS OR PROPERTY

7 FAM 661 REPORTS ON ACCIDENT

When an accident occurs to a foreign aircraft in the district of a Foreign Service post and United States citizens or property are involved, the post is to report the disaster fully to the Department and to the supervisory mission (or the supervisory consular office where there is no mission). (See subchapter 7 FAM 220 .)

7 FAM 662 PROTECTION OF UNITED STATES CITIZENS INVOLVED

Posts are to follow substantially the procedures prescribed in section 7 FAM 656.4 through 7 FAM 656.6 to protect United States citizens (whether alive or dead) involved in a foreign aircraft accident.

7 FAM 663 PROTECTION OF UNITED STATES PROPERTY

Posts are to follow substantially the procedures set forth in sections 7 FAM 656.4 and 7 FAM 656.7 to protect United States mail, baggage, and diplomatic pouches, and the personal effects and cargo belonging to United States citizens.