

2 FAM 900 MISCELLANEOUS

2 FAM 910 ECONOMIC AFFAIRS

*(CT:GEN-356; 04-07-2009)
(Office of Origin: EEB)*

2 FAM 911 POLICY, RESPONSIBILITIES, AND AUTHORITY

2 FAM 911.1 Economic Activities Abroad

2 FAM 911.1-1 Policy

(CT:GEN-356; 04-07-2009)

- a. A principal mission of U.S. embassies and posts abroad is to promote the international economic security of the United States. U.S. ambassadors promote general U.S. international economic objectives and specific commercial objectives by directing the activities of Foreign Service Officers and the personnel of other agencies assigned to our embassies toward these goals. State Department/post economic sections and officers influence foreign governments' legal and policy environments as they affect U.S. economic and commercial interests.
- b. It is Department policy to work closely with the employees of other agencies stationed abroad (Foreign Agriculture Service, Foreign Commercial Service, Department of Transportation/Federal Aviation Administration, etc.).

2 FAM 911.1-2 Responsibilities

(CT:GEN-356; 04-07-2009)

- a. In close coordination with participants in the Washington D.C.-based interagency economic policy process, post economic sections:
 - (1) Negotiate specific agreements with foreign governments and international organizations (compare 11 FAM 700, Treaties and

Other International Agreements);

- (2) Advocate foreign government policies that improve market access for U.S. firms;
 - (3) Seek to ensure equitable treatment of private U.S. investors and investments abroad;
 - (4) Monitor a wide range of bilateral and multilateral economic accords covering areas such as intellectual property rights and commercial aviation; and
 - (5) Inform agencies' Washington, D.C. headquarters of foreign government positions in negotiations.
- b. In conjunction with the personnel of other agencies, particularly the Foreign Commercial Service (FCS), State economic officers actively support the commercial goals of U.S. firms abroad.
 - c. Post economic sections report on issues of direct policy interest to the United States when accurate, reliable, timely and cost-effective information is unavailable from non-U.S. Government sources.
 - d. Within the State Department in Washington, D.C., the Under Secretary of State for Economic, Energy and Agricultural Affairs and the Assistant Secretary for Economic, Energy and Business Affairs advise the Secretary of State on international economic issues, represent the Secretary of State in the inter-agency U.S. Government international economic policy process, provide guidance and support for our posts abroad on issues that fall within their authority and negotiate specific agreements with foreign governments and international organizations. See also 1 FAM 420, Bureau of Economic, Energy and Business Affairs.

2 FAM 911.1-3 Authorities

(CT:GEN-356; 04-07-2009)

- a. State-Agriculture Agreement on Foreign Agricultural Activities dated April 1, 1955 (1 FASR 2).
- b. State-Commerce Memorandum of Understanding of September 26, 1979.

2 FAM 912 AIRCRAFT ACCIDENTS

2 FAM 912.1 Scope, Authority, and Responsibilities

(CT:GEN-356; 04-07-2009)

- a. While the responsibility for civil aviation accident investigation rests primarily with the National Transportation Safety Board (NTSB), it is

Department policy that State Department personnel at posts abroad will provide certain reporting as outlined in this subchapter.

- b. The Office of Transportation Policy (EEB/TRA/OTP) coordinates these activities for the Department of State.

2 FAM 912.2 Definitions

(CT:GEN-356; 04-07-2009)

Accident: An aircraft related occurrence in which a person is fatally or seriously injured, the aircraft is substantially damaged or the aircraft is missing.

Annex 13 to the Chicago Convention: An Annex to the Convention on International Civil Aviation (the “Chicago Convention”), which provides the international requirements (known as “Standards and Recommended Practices”) for the investigation of aircraft accidents and incidents.

Chicago Convention: Term for the Convention on International Civil Aviation (Chicago, 1944), the founding document of the International Civil Aviation Organization (ICAO).

Incident: An occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.

State of Design: The State having jurisdiction over the organization responsible for the type certificate (design) of an aircraft.

State of Manufacture: The State having jurisdiction over the organization responsible for the final assembly of the aircraft.

State of Occurrence: The State in the territory of which an accident or incident occurs.

State of Registry: The State in which an aircraft is registered.

State of the Operator: The State in which the aircraft operator’s principal place of business is located, or, if there is no such place of business, the operator’s permanent residence.

2 FAM 912.3 U.S. Participation in Civil Aircraft Accident and Serious Incident Investigation

(CT:GEN-356; 04-07-2009)

- a. The National Transportation Safety Board (NTSB) is established by Congress as the independent accident investigation agency of the United States (Independent Safety Board Act of 1974). The Safety Board is responsible for the investigation and determination of probable cause of

every domestic civil aviation accident and significant accidents in other modes of transportation. It also participates, when entitled under Annex 13 to the Chicago Convention, in foreign governments' investigations of aviation accidents and serious incidents involving U.S. citizens, operators, or aircraft. The NTSB consists of five members appointed by the President and is supported by a technical investigation staff in Washington, D.C. and by investigators in regional offices throughout the United States.

- b. When a civil aviation accident or serious incident occurs in a foreign country that is a party to the Chicago Convention on International Civil Aviation, Annex 13 to the Convention requires that the host government designate an Investigator-in-Charge and to institute an investigation immediately into the circumstances of the accident or serious incident. Although the State of Occurrence of the accident is responsible for and in most cases conducts the investigation, the State of Occurrence, with mutual arrangement, may delegate the whole or any part of the conduct of the investigation to another State.
- c. In the case of accidents or serious incidents occurring outside the territory of any state (international waters), the State of Registry is responsible to conduct the investigation. However it, too, with mutual arrangement, may delegate the whole or any part of the conduct of the investigation to another State.
- d. The States of Registry, Operator, Design and Manufacture have the right to name an accredited representative to participate in investigations as specified in ICAO Annex 13. NTSB designates the accredited representatives from the technical investigator staff.
- e. The right of a State to send an accredited representative also includes the right to appoint technical advisers. Advisers may include representatives of the carrier, the Federal Aviation Administration (FAA), the manufacturer of the aircraft and/or its major components, the professional aviation associations, and others. Advisers will remain under the supervision and control of the accredited representative. Their participation in the investigation is limited to the extent necessary to enable the accredited representative to provide beneficial service.
- f. Consistent with available resources, embassy and consular personnel should provide requested assistance to the U.S.-accredited representative and his or her technical advisers. The Department, acting upon advice received from NTSB or the host country, will make every effort to define by appropriate communications the assistance required prior to the arrival of the accredited representative and advisers.

2 FAM 912.4 Notifying the Department of Aviation

Accidents and Serious Incidents

2 FAM 912.4-1 Types of Reports

(CT:GEN-356; 04-07-2009)

a. Posts filing reports on aviation accidents or serious incidents should send via cable, or electronic mail when appropriate, all available information immediately to the Office of Transportation Policy (EEB/TRA/OTP).

Reports are required if the accident involves:

- (1) U.S.-registered, -operated, -designed and/or -manufactured aircraft; and/or
- (2) Foreign-registered, -operated, -designed and/or -manufactured aircraft with U.S. citizens on board.

2 FAM 912.4-2 Notification Formats

(CT:GEN-356; 04-07-2009)

In transmitting notifications of aviation accidents and incidents to the Department for distribution to the NTSB, the FAA, and other U.S. agencies as appropriate, use the standard format shown in the numbered subparagraphs of this section below. The initial notification should include the following information (if the information pertinent to a particular entry is not available initially, that entry should read "Not Available"):

- (1) The identifying abbreviation "ACCID" (for accident):
- (2) Aircraft type, make and model;
- (3) State of manufacture and registration information (i.e., country of registration and registration marks);
- (4) Name and nationality of the pilot-in-command, owner, operator, and charterer, if any;
- (5) Date and time (GMT) of the accident;
- (6) Last point of departure and point of intended landing;
- (7) Position of the aircraft with reference to some easily defined geographical point and to latitude and longitude;
- (8) Numbers of crew and passengers; numbers of those killed or seriously injured;
- (9) Nature of the accident (observable facts, e.g., aircraft overran runway during take-off or landing, crash-landed following a bird strike, hard landing after landing gear collapsed, engine failure or fire during flight, collision while taxiing, etc.) and the extent of damage to the aircraft, so far as is known, e.g., cracked fuselage,

total loss, destroyed;

- (10) Whether the State of Occurrence intends to conduct an accident inquiry; and whether there are any concerns with NTSB participation in the accident inquiry in the case of a U.S.-Registered, -Operated, -Designed, or -Manufactured aircraft;
- (11) Physical characteristics of the accident location; and
- (12) Any additional information as required by Department interests to be included as "Remarks" in the notification message.

2 FAM 912.5 Foreign Government Accident Reports

(CT:GEN-356; 04-07-2009)

Preliminary, interim, or final reports prepared by a foreign government will not necessarily be accepted by the NTSB in whole or in part unless the U.S. Embassy has ascertained that the foreign government which prepared them has no objection to their public release. If public release is not authorized by the foreign government involved, the embassy or consulate should request guidance from the NTSB through the Office of Transportation Policy (EEB/TRA/OTP), which serves as the Department channel.

2 FAM 913 VIOLATION OF FOREIGN AVIATION REGULATIONS

(CT:GEN-356; 04-07-2009)

Alleged violations of foreign aviation laws or regulations reported by foreign authorities and which involve U.S.-registered aircraft and/or U.S. FAA-certified pilots and crew should be transmitted to the FAA field or regional office with information copies to the appropriate FAA region and Department of State, Attn: EEB/TRA/OTP. You must report alleged violations that involve non-U.S. aircraft/airmen to the Department and to FAA headquarters. To facilitate the investigation, it is important that the allegation include as much of the following information as possible:

- (1) Aircraft registration;
- (2) Aircraft type, make, and model;
- (3) Aircraft operator (name and nationality of pilot and air carrier);
- (4) Date, time, and location of incident;
- (5) Airport arrival/departure data;
- (6) Purpose of flight;
- (7) Narrative account; and

- (8) Quotation of the foreign law(s) or regulation(s) violated.

2 FAM 914 THROUGH 919 UNASSIGNED