our moral support and strength. I am hopeful that 1998 will bring free and fair elections where the Cambodian people can again express their longing for democracy, freedom, and a brighter future. I am also hopeful that the international community, led by the United States, will give them this opportunity and respect their choices by defending them from the threat of violence, rather than giving in to it.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 23, 1997.

Secretary MADELEINE ALBRIGHT,
U.S. Department of State, Washington, DC.

DEAR MADELEINE: I am writing to express my grave concerns about recent and emerging events in Cambodia, and to urge that the United States take all appropriate actions to ensure that the situation there does not deteriorate further.

It is my understanding that the situation in Phnom Penh is extremely tense at this time, and that Hun Sen seems to be attempting to orchestrate some sort of parliamentary coup in an effort to wrest control of the Cambodian government from the present coalition. It is also my understanding that parliamentarians from the FUNCINPEC coalition are currently in hiding at the home of First Prime Minister H.R.H. Prince Ranariddh, and that there are credible reports that FUNCINPEC members have been kidnapped by military units loyal to Hun Sen.

If accurate, such developments are extremely disturbing, particularly in light of the recent violent attack on Sam Rainsy during a Khmer National Party rally. It would appear that certain parties are refusing to maintain their commitments to the democratic political process, and thereby seriously jeopardizing the very future of the Cambodian nation. I urge the administration in the strongest possible terms to call on the parties to renounce political violence and manipulation, and to use peaceful, democratic means to settle any disputes.

The United States has invested a great deal in the retrieval of the Cambodian state. Should events continue to unfold as they are presently doing, our efforts would most likely be completely lost. We cannot afford, from a financial or moral perspective, to allow this to happen. I thank you for your attention to this extremely urgent matter, and I would appreciate your keeping me apprised of events and U.S. actions in the wake of this volatile situation.

Sincerely,

JOHN EDWARD PORTER,
Member of Congress.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no additional speakers, so I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and agree to the resolution, House Resolution 195, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

DEATH ON THE HIGH SEAS ACT

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2005) to amend title 49, United States Code, to clarify the application of the act popularly known as the Death on the High Seas Act to aviation incidents, as amended.

The Clerk read as follows:

H.R. 2005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION AMENDMENT

(a) IN GENERAL.—Section 40120(a) of title 49, United States Code, is amended by inserting ''(including the Act entitled 'An Act relating to the maintenance of actions for death on the high seas and other navigable waters', approved March 30, 1920, commonly known as the Death on the High Seas Act (46 U.S.C. App. 761–767; 41 Stat. 537–538))'' after ''United States''.

(b) APPLICABILITY.—The amendment made by subsection (a) applies to civil actions commenced after the date of the enactment of this Act and to civil actions that are not adjudicated by a court of original jurisdiction or settled on or before such date of enactment.

SEC. 2. FAMILY ASSISTANCE TASK FORCE REPORT.

Section 704(c) of the Federal Aviation Reauthorization Act of 1996 (49 U.S.C. 41113 note; 110 Stat. 3269) is amended by striking ''model plan'' and inserting ''guidelines''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, this legislation was introduced on June 20 by our very distinguished colleague from Pennsylvania [Mr. MCDADE], along with 40 bipartisan colleagues. The gentleman from Pennsylvania [Mr. MCDADE] introduced this legislation in response to the TWA 800 tragedy last year.

Let me just add that the gentleman from Pennsylvania [Mr. MCDADE] has been reelected time and time again because he really cares about his constituents and tries to help them in every way that he can. This legislation is another example of that because many young people from his district died tragically in the TWA 800 crash. But this legislation will help people all over this Nation, and it could help families years from now if, God forbid, we have another similar crash in the ocean.

Mr. Speaker, this legislation is designed simply to clarify that application of the Death on the High Seas Act to aviation accidents. This issue arises because the Supreme Court last year decided in the case of Zuckerman versus Korean Airlines that the Death on the High Seas Act applies to lawsuits that arise out of an aircraft crash in the ocean more than 3 miles from land. The effect of this decision is to treat families differently depending on whether their relative died in an aircraft that crashed into the ocean or one that crashed on land. I think it is fair to say almost no one in the aviation or legal communities believed this Death on the High Seas Act would apply to the TWA crash until the recent decision in the Zuckerman case.

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However, as a matter of simple fairness and equity, a 1920 maritime shipping law should not apply to the victims of the TWA crash, and this is the injustice that this legislation will correct if we pass this bill.

As of now, if we do not enact the bill of the gentleman from Pennsylvania [Mr. MCDADE], if a plane crashes into the ocean, the Death on the High Seas Act applies. This act denies families the ability to seek compensation in a court of law for the loss of companionship of a loved one, their relatives' pain and suffering, or punitive damages. Basically, they are limited to recovering only lost wages.

Thanks to the Zuckerman decision and this law, it means that parents will receive almost no compensation in the death of a child. On the other hand, if a plane crashes on land, State tort laws apply. These would permit the award of nonpecuniary damages such as loss of companionship and pain and suffering.

Simply put, Mr. Speaker, H.R. 2005 amends the Federal Aviation Act so the Death on the High Seas Act does not apply to airline crashes. It would accomplish this by specifically stating that the Death on the High Seas Act is one of the navigation and shipping laws that do not apply to aircraft.

With this legislation, we will ensure that all families will be treated the same, regardless of whether a plane crashes into the ocean or onto land.

Again, Mr. Speaker, let me thank the gentleman from Pennsylvania [Mr. MCDADE] for his very swift response in introducing this legislation, which will help a number of constituents in his district, and others across the Nation who were devastated by the loss of their loved ones in the TWA Flight 800 tragedy.

Let me also thank the distinguished chairman of the full committee, the gentleman from Pennsylvania [Mr. SHUSTER], for his outstanding leadership on this legislation, as well as the ranking member, the gentleman from Minnesota [Mr. OBERSTAR], and especially my good friend, the gentleman from Illinois [Mr. LIPINSKI], the ranking member of the Subcommittee on Aviation.

This is a good bill, and I urge all Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. LIPINSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on July 10, 1997, the Subcommittee on Aviation held a very emotional hearing regarding TWA Flight 800. Family members of the victims were there to tell the stories of their loved ones and how, 1 year later, they are still struggling with their loss. The family members' main objective that day was to bring to our attention the gross inadequacy that is created when the Death on the High Seas Act is applied to aviation accidents.

As Chairman DUNCAN said, if a plane crashes into the ocean more than 3 miles from land, as did TWA Flight 800, the Death on the High Seas Act applies. This act denies families the ability to win noneconomic damages in a lawsuit. This means that a family member could not be compensated, for example, for the loss of companionship of a loved one; parents could not be compensated for the loss of their teenaged sons and daughters; sons and daughters could not be compensated for the loss of their elderly parents. However, if a plane crashed on land, State tort law or the Warsaw Convention would apply. Both permit the award of noneconomic damages.

The effect of applying the Death on the High Seas Act to aviation accidents is a threat to families, definitely depending on whether their loved ones died in an air crash into the sea or one that crashed on land. This is obviously absurd and unfair. The value of an individual's life does not change depending on where the plane happens to come down. H.R. 2005, as amended, intends to correct this critical flaw of the Death on the High Seas Act.

First, the bill simply adds the act to the list of shipping laws that do not apply to aviation.

Second, the bill makes this change applicable to all cases still pending in the lower courts, which includes the family members of the victims of TWA Flight 800.

I strongly urge all Members to support this bill. It is a simple piece of legislation that will fix the harmful inadequacies that result when the Death on the High Seas Act is applied to aviation disasters.

I want to congratulate the gentleman from Tennessee [Mr. DUNCAN] for spearheading this bill through the subcommittee and the full committee, and I want to state once again, it is an honor and privilege to work with him. His cooperation is always outstanding.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Illinois [Mr. LIPINSKI] again for his very kind remarks. I do not know of any other subcommittee in the entire Congress where the chairman and the ranking member have a better relationship than do the gentleman from Illinois [Mr. LIPINSKI] and I, and I know that I treasure that relationship personally.

Mr. Speaker, I yield 5 minutes to the very distinguished gentleman from Pennsylvania [Mr. MCDADE], author of this important legislation.

(Mr. MCDADE asked and was given permission to revise and extend his remarks.)

Mr. MCDADE. Mr. Speaker, I rise in strong support of H.R. 2005, the Airline Disaster Relief Act. I want to thank my friends, Chairman SHUSTER, subcommittee Chairman DUNCAN, the ranking members, the gentleman from Minnesota, Mr. OBERSTAR, and the gentleman from Illinois, Mr. LIPINSKI, for their hard work and leadership in bringing this bill to the floor.

The measure was introduced by myself and a 40-member bipartisan coalition only 26 working days ago. The Subcommittee on Transportation and Infrastructure's swift consideration of the measure is greatly appreciated by my cosponsors, by me, and, most of all, by the families who had lost loved ones in TWA Flight 800.

Today, in my opinion, we are doing what the people sent us here to do; that is, to craft laws of pressing and immediate importance which justly empower the people from which this body's power is derived. This bill, Mr. Speaker, fulfills this mission.

On July 17, 1996, 230 people lost their lives in the tragic crash of TWA Flight 800. Included among them were 21 people from Montoursville, PA, a small community in my district. The people of Montoursville were brutally impacted by this air disaster, facing the sudden loss of 16 high school students, members of the French Club, and five chaperones, who were on their way to France to enrich their educational experience.

For the families of the victims aboard TWA Flight 800, the tragedy was made even worse by the application of an antiquated 1920 maritime law, which my colleagues have referred to, known as the Death on the High Seas Act. The act would prevent the families of TWA victims from receiving just compensation, which they would be entitled to under State law.

Ironically, the Death on the High Seas Act was passed in 1920 to help widows and orphans of sailors who were lost at sea but limits the compensation to income. The effect of that arcane statute is that claimants must appear before a district judge without the benefit of a jury and can receive compensation only for loss of income, not companionship, not pain and suffering, none of the other tort applications that exist in the State courts.

Today, when State tort laws have progressed to a point where value is placed on human life, the application of this skewed statute is inequity, unfair and inhumane. This is particularly true in the death of children, for they are generally not economic providers for their families, and thus, family members would receive virtually no compensation for the loss of a loved one who is not a wage earner.

The Death on the High Seas Act is invoked when a disaster occurs 3 miles out to sea, the old 1 league measurement from antiquity. No parent ought to be told by our Nation's legal system that longitude and latitude will determine the value of their children or determine their rights in a court of law.

For this reason, I introduced this bill, which will negate the application of the Death on the High Seas Act. It will amend the Federal Aviation Act so airline disasters at sea, as my friend, the gentleman from Illinois [Mr. LIPINSKI], just said, are treated the same as incidents on land.

The gross injustice of the Death on the High Seas Act must be changed. No law should make a loved one valueless because an aviation disaster occurs at sea and not on land. Where a plane crashed ought not to dictate a person's rights in a court of law.

Both the Supreme Court and the White House Commission on Aviation Safety and Security recommended that the Congress correct these inequities. Additionally, the CBO, in examining this legislation, points out it does not have any budgetary impact.

Mr. Speaker, it is time to bring justice to the application of Federal laws which regulate airline disaster claims. Passage of this act will be an important step in achieving this objective.

I want to thank again the distinguished chairman of the subcommittee, the gentleman from Tennessee [Mr. DUNCAN], one of the ablest Members of this body, and my friend, the gentleman from Illinois [Mr. LIPINSKI], for their cooperation.

I urge Members to overwhelmingly approve this bill.

Mr. LIPINSKI. Mr. Speaker, I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me conclude by just saying that not only will this bill make changes that most people thought were in effect already, but it will correct potentially a great injustice that would have been done to the families of these victims of the TWA Flight 800 crash and change a law that should have been changed many years ago. This will potentially help families for many years to come.

This is good legislation. As the gentleman from Pennsylvania [Mr. MCDADE] said, I likewise would like to urge our colleagues to pass this legislation overwhelmingly.

Mr. ROTHMAN. Mr. Speaker, last July 17, 230 people died when TWA flight 800 exploded 9 miles off the coast of Long Island. This was and continues to be a national tragedy. For almost 1 year, the families of those who perished have had to deal with more than the pain of losing a loved one. They endured sitting for hours after the crash, waiting for the final passenger list that would confirm their worst fears. They waited anxiously for any indication that someone might have survived the fiery crash. To this day they continue to wait for an explanation for the disaster. Until questions begin to be answered, it is impossible to complete the healing process.

This tragedy is made all the worse by an outdated law that prevents survivors from suing in State court, in front of a jury, for damages like pain and suffering and loss of companionship that are traditionally available under the tort law system. Had the plane crashed seconds earlier—when the plane was only 2 miles off of New York's coast—this would not be an issue. However, at 9 miles out, the 1920 ''Death on the High Seas Act'' governs. This outdated law dictates that lawsuits arising from aviation accidents that occur

more than 3 miles off of the United States shoreline be brought in Admiralty Court and limits recovery of damages for * * * survivors to lost income only. While this may have been an appropriate law 77 years ago, in 1997 it is nothing short of outrageous today.

A constituent of mine, Carol Ziemkiewicz, lost her daughter, Jill, on that flight. Jill's lifelong dream of becoming a flight attendant became a reality when she completed her training at TWA and began her work on TWA domestic flights. After only 1½ months Jill was assigned to her first international flight. She would be going to Paris, where she was eager to visit the Garden of Versailles. An hour before TWA flight 800 left to take Jill to Paris, she called her mother and summed up her anticipation—her last words to her were ''I'm psyched.''

Jill was only 23 years old. Her life, along with everyone else on the plane, was ended too early. But the 230 people who died in that crash were not the only victims on that fateful night. Those victims left behind families, friends, and loved ones; people who continue to live but whose lives will never be the same because of this tragedy.

I am a proud cosponsor of H.R. 2005. H.R. 2005 will help to ensure that Carol Ziemkiewicz and the hundreds of other surviving family members like her know that the lives of their loved ones had value—that what happened to them was a tragedy and we all must do what we can to ease their pain and suffering. They have been through enough. I urge my colleagues to support H.R. 2005.

Mrs. ROUKEMA. Mr. Speaker, as an original cosponsor of H.R. 2005, the Airline Disaster Relief Act, I want to commend my colleague, Congressman MCDADE, for introducing this important bill. This is must-pass legislation that will ensure equitable treatment for those families who suffer the agonizing loss of a loved one resulting from international aviation disasters.

Currently, various laws exist which impact the ability of family members to seek retribution for the death of a loved one. Specifically, in 1920, the Disaster on the High Seas Act was enacted for the immediate family of sailors lost at sea to obtain compensation for lost income. This act is applicable when the aviation accidents occurs more than 3 miles from the shoreline. Because TWA 800 crashed 9 miles off the Long Island coast, the Supreme Court has ruled, in similar cases, that the High Seas Act would apply.

What that means for family members of the TWA 800 air disaster is that they will only be allowed to receive minimal compensation from TWA because this antiquated law restricts compensation to loss of income. Under the 1920 act, plaintiffs are not entitled to damages for pain and suffering, loss of companionship, or loss to society. In fact, those families that lost children, like the 16 students from Montoursville High School in Montoursville, PA, who were participating in a long-awaited French Club trip to France, would receive almost no compensation because children do not contribute any income to the family. Senior citizens fall into the same category as children. Moreover, victims' family members would be restricted from having a jury trial and would have to present their claim to a judge under maritime law.

Justice Scalia stated that the Supreme Court feels the law is antiquated but it's up to Congress to change it. Furthermore, the White House Commission on Aviation Safety and Security has stated:

> Certain statutes and international treaties, established 50 years ago, historically have not provided equitable treatment for families of passengers involved in international aviation disasters. Specifically, the Death on the High Seas Act of 1920, although designed to aid families of victims of maritime disasters, have inhibited the ability of family members of aviation disasters to obtain fair compensation.

At a time when so many Americans are traveling abroad, either taking part in the global economy or seeing the sights of other country's cultures, it is important that Americans know that their court system is accessible to them should the unthinkable happen.

Over 200 families lost loved ones on TWA flight 800. It is unconscionable that those families will not be provided the same access and compensation available to the families involved in the Value-Jet tragedy. This despite the fact that both disasters happened roughly the same time after take off and the same distance from the respective airports. The only difference being that TWA 800 was past the 3-mile limit allowed by the 1920 act. Finally, it is interesting to note that this 1920 act was designed to address maritime disasters and was enacted at a time when there were no transoceanic flights. However, it is being applied to circumstances relating to airline disasters.

I would like to take this opportunity to pay tribute to two of my constituents, Robert Miller and his wife of 30 years Betty were two of the 230 people aboard flight TWA 800. Robert Miller had been Tenafly's popular and affable borough administrator for almost 5 years, and his wife was a school teacher in Dumont. While this legislation will not ease the pain of their loss, it will provide their daughter the same access and compensation available to other families involved in similar tragedies.

In addition, I would like to commend one of my constituents who has worked hard to see that this legislation received the attention it so deserves. Mr. Hans Ephraimson-Abt. lost a 23-year-old daughter when a Soviet fighter plane disabled Korean Airline Flight 007. Since that personal tragedy, Mr. Ephraimson has devoted himself to assisting other families involved in similar tragedies. He has served as the chairman of the American Association for Families of KAL 007 Victims, a support group that has extended its activities to assist families involved in other air accidents to cope better with their tragedies' aftermath.

He has been an active participant in the efforts to improve after-crisis management, as well as to update and modernize laws and treaties. In that regard, yesterday, Mr. Ephraimson testified before the U.S. Department of Transportation's Task Force on Assistance to Families of Aviation Disasters. Year after year he has continued to fight for the rights and needs of families who have suffered as a result of airline disasters. He has pushed for comprehensive regulations, and to improve domestic and international civil aviation.

It is through the hard work and diligence of people like Mr. Ephraimson that we have learned of the need to change the provisions of the 1920 act to make it more applicable to today's modern disasters. He and others like him are to be commended for their unselfish dedication to making all of our lives better and safer, and he is to be commended for his tireless dedication to helping ease the pain of those that have suffered a family tragedy due to an airline disaster.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Tennessee [Mr. DUNCAN] that the House suspend the rules and pass the bill, H.R. 2005, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the 'Death on the High Seas Act' to aviation incidents, and for other purposes.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 2005, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CONCERNING THE SITUATION BETWEEN THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA AND THE REPUBLIC OF KOREA

Mr. KIM. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 74) concerning the situation between the Democratic People's Republic of Korea and the Republic of Korea, as amended.

The Clerk read as follows:

H. CON. RES. 74

Whereas the Korean demilitarized zone remains extremely tense 44 years after the ending of the Korean War, as evidenced most recently by a mortar attack and exchange of gunfire on July 17, 1997;

Whereas with more than 1,000,000 soldiers in the Democratic People's Republic of Korea and 600,000 soldiers in the Republic of Korea, both militaries are on a constant high alert;

Whereas the threat of North-South military confrontation between the Democratic People's Republic of Korea and the Republic of Korea is of grave concern to the United States;

Whereas 37,000 United States troops are stationed on the Korean Peninsula;

Whereas the United States and the Republic of Korea have long had a close relationship based on mutual respect, shared security goals, and shared interests;

Whereas as a result of an invitation extended last year by President Clinton and Republic of Korea President Kim Young Sam, four-party preparatory talks involving the United States, the Republic of Korea, the Democratic People's Republic of Korea, and the People's Republic of China are likely to begin in August 1997 to determine timing, venue, level of representation, and broad agenda categories for forthcoming talks;