

(Public Law 99-272) amended the temporary unemployment insurance loan repayment tax beginning July 1, 1986, continued authority for borrowing by the Railroad Unemployment Insurance Account from the Railroad Retirement Account, and provided a contingency surtax on rail employers if further borrowing took place. The contingency surtax was replaced in 1991 by a surcharge added to employers' unemployment insurance taxes for a calendar year if the balance in the unemployment insurance account goes below \$100 million.

The 1988 Technical and Miscellaneous Revenue Act railroad unemployment insurance amendments improved financing by indexing the tax base to average national wages and experience-rating employer contributions. The 1988 amendments required the Board to make annual financial reports to Congress on the status of the unemployment insurance system. The unemployment insurance financial report that was submitted in June 1993, before the loan was repaid in full, stated that the experience-based contribution rates would keep the system solvent, even under the most pessimistic employment assumptions. The report also indicated that no new loans will be required during the 10-year projection period (fiscal years 1993-2002). The Board therefore recommended no changes to the system at that time. However, given the cash outlay subsequently applied to the repayment of the prior loans, subsequent estimates indicate that new loans in small amounts could, under pessimistic assumptions, possibly be required during part of the projection period.

With respect to H.R. 2594, the benefit increases contained in the bill are offset by increased tax revenues on rail employers by operation of current law, since employer contributions increase automatically as benefits increase. Therefore, no changes to the revenue laws are required to implement the provisions of H.R. 2594. However, because of the recent history of financial difficulties in the RRUC system, the committee will continue to closely monitor the overall financial solvency of the RRUC system, especially in light of this most recent benefit increase.

Mr. WISE. Mr. Speaker, I rise in strong support of H.R. 2594. This bipartisan bill is long overdue and will greatly improve the unemployment insurance system for the over 4,200 railroad workers in my home State of West Virginia.

This legislation was crafted by both management and labor of our Nation's railroad and will amend the existing unemployment insurance system. Last November the House Transportation and Infrastructure Committee marked up this bill and unanimously recommended passage by the full House.

This legislation will make several needed changes to the railroad unemployment insurance system. First, it will increase the maximum daily benefits from \$36 to \$42 for the current benefit year and establish a new formula for determining the benefits so that they will increase automatically in the future. Second, this legislation will shorten the waiting period before and employee is eligible to receive unemployment and sickness benefits from 14 days to 7 days. These changes are especially important to railroad workers who experience seasonal layoffs during the winter months.

This bill is a reasonable balance between labor and management concerns and I applaud both sides for their willingness to work

together on this legislation. I support this bill and hope that my colleagues in the other body would act on this legislation quickly.

Ms. MOLINARI. Mr. Speaker, I rise in strong support of H.R. 2594, the Railroad Unemployment Insurance Amendments Act of 1996. This important legislation will modernize railroad unemployment and sickness benefits so that they are more in keeping with the State systems that apply to all other industries.

Too often Republicans are accused of supporting the interests of big business over those of the working people. I am pleased today to stand in support of legislation that will directly benefit the interests of working people. H.R. 2594 will increase the daily benefits payable to unemployed rail workers from \$36 to \$42. It will also reduce the waiting time before benefits begin to accrue from 14 days to 7 days. This means an automatic increase of \$294 for any qualified employees. The cost to the industry of these increased benefits will be partially offset by a reduction in the maximum number of days of extended benefits, and a reduction in the permissible amount of outside income.

These increased rail unemployment benefits will not impose any additional costs on the American taxpayer. Because the railroad unemployment system is funded through payroll taxes, the industry will bear the full costs of the new benefits.

This bill has been awaiting enactment for a long time. The House passed virtually identical legislation in the 103d Congress, but it was never taken up by the Senate. Because of the complicated budgetary effects of the legislation, it has taken a long time to be able to bring the legislation to this point. I also want to thank my colleagues on the Budget Committee for assisting our efforts in bringing this legislation forward.

I urge my colleagues to vote "yes" on H.R. 2594.

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

The SPEAKER pro tempore (Mr. BE-REUTER). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the bill, H.R. 2594, 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.

A motion to reconsider was laid on the table.

#### AVIATION DISASTER FAMILY ASSISTANCE ACT OF 1996

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3923) to amend title 49, United States Code, to require the National Transportation Safety Board and individual air carriers to take actions to address the needs of families of passengers involved in aircraft accidents, as amended.

The Clerk read as follows:

H.R. 3923

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Aviation Disaster Family Assistance Act of 1996".

#### SEC. 2. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—

(1) IN GENERAL.—Subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

##### "§ 1136. Assistance to families of passengers involved in aircraft accidents

"(a) IN GENERAL.—As soon as practicable after being notified of an aircraft accident within the United States involving an air carrier or foreign air carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

"(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the air carrier or foreign air carrier and the families; and

"(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

"(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for facilitating the recovery and identification of fatally-injured passengers involved in an accident described in subsection (a).

"(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

"(1) To provide mental health and counseling services, in coordination with the disaster response team of the air carrier or foreign air carrier involved.

"(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

"(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

"(4) To communicate with the families as to the roles of the organization, government agencies, and the air carrier or foreign air carrier involved with respect to the accident and the post-accident activities.

"(5) To arrange a suitable memorial service, in consultation with the families.

"(d) PASSENGER LISTS.—

"(1) REQUESTS FOR PASSENGER LISTS.—

"(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the air carrier or foreign air carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the aircraft involved in the accident.

"(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the air carrier or foreign air carrier involved in the accident a list described in subparagraph (A).

“(2) USE OF INFORMATION.—The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

“(e) CONTINUING RESPONSIBILITIES OF THE BOARD.—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

“(1) are briefed, prior to any public briefing, about the accident, its causes, and any other findings from the investigation; and

“(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

“(f) USE OF AIR CARRIER RESOURCES.—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the air carrier or foreign air carrier involved in the accident so that the resources of the carrier can be used to the greatest extent possible to carry out the organization's responsibilities under this section.

“(g) PROHIBITED ACTIONS.—

“(1) ACTIONS TO IMPEDE THE BOARD.—No person (including a State or political subdivision) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

“(2) UNSOLICITED COMMUNICATIONS.—In the event of an accident involving an air carrier providing interstate or foreign air transportation, no unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney, representative of an attorney, insurance company, or air carrier litigation representative to an individual injured in the accident, or to a relative of an individual involved in the accident, before the 30th day following the date of the accident.

“(h) DEFINITIONS.—In this section, the following definitions apply:

“(1) AIRCRAFT ACCIDENT.—The term ‘aircraft accident’ means any aviation disaster regardless of its cause or suspected cause.

“(2) PASSENGER.—The term ‘passenger’ includes an employee of an air carrier aboard an aircraft.”

(2) CONFORMING AMENDMENT.—The table of sections for chapter 11 of such title is amended by inserting after the item relating to section 1135 the following:

“1136. Assistance to families of passengers involved in aircraft accidents.”

(b) PENALTIES.—Section 1155(a)(1) of such title is amended—

(1) by striking “or 1134(b) or (f)(1)” and inserting “, section 1134(b), section 1134(f)(1), or section 1136(g)”; and

(2) by striking “either of” and inserting “any of”.

### SEC. 3. AIR CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.

(a) IN GENERAL.—Chapter 411 of title 49, United States Code, is amended by adding at the end the following:

#### “§4113. Plans to address needs of families of passengers involved in aircraft accidents

“(a) SUBMISSION OF PLANS.—Not later than 6 months after the date of the enactment of this section, each air carrier holding a certificate of public convenience and necessity

under section 41102 of this title shall submit to the Secretary and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any aircraft accident involving an aircraft of the air carrier and resulting in a major loss of life.

“(b) CONTENTS OF PLANS.—A plan to be submitted by an air carrier under subsection (a) shall include, at a minimum, the following:

“(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

“(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1136(a)(2) of this title or the services of other suitably trained individuals.

“(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the air carrier has verified that the passenger was aboard the aircraft (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

“(4) An assurance that the air carrier will provide to the director of family support services designated for the accident under section 1136(a)(1) of this title, and to the organization designated for the accident under section 1136(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the aircraft (whether or not such names have been verified), and will periodically update the list.

“(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger.

“(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the air carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

“(7) An assurance that any unclaimed possession of a passenger within the control of the air carrier will be retained by the air carrier for at least 18 months.

“(8) An assurance that the family of each passenger will be consulted about construction by the air carrier of any monument to the passengers, including any inscription on the monument.

“(9) An assurance that the treatment of the families of nonrevenue passengers (and any other victim of the accident) will be the same as the treatment of the families of revenue passengers.

“(10) An assurance that the air carrier will work with any organization designated under section 1136(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

“(11) An assurance that the air carrier will provide reasonable compensation to any organization designated under section 1136(a)(2) of this title for services provided by the organization.

“(12) An assurance that the air carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

“(13) An assurance that the air carrier will commit sufficient resources to carry out the plan.

“(c) CERTIFICATE REQUIREMENT.—After the date that is 6 months after the date of the enactment of this section, the Secretary

may not approve an application for a certificate of public convenience and necessity under section 41102 of this title unless the applicant has included as part of such application a plan that meets the requirements of subsection (b).

“(d) LIMITATION ON LIABILITY.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the air carrier in preparing or providing a passenger list pursuant to a plan submitted by the air carrier under subsection (b), unless such liability was caused by conduct of the air carrier which was grossly negligent or which constituted intentional misconduct.

“(e) AIRCRAFT ACCIDENT AND PASSENGER DEFINED.—In this section, the terms ‘aircraft accident’ and ‘passenger’ have the meanings such terms have in section 1136 of this title.”

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following:

“41113. Plans to address needs of families of passengers involved in aircraft accidents.”

### SEC. 4. ESTABLISHMENT OF TASK FORCE.

(a) ESTABLISHMENT.—The Secretary of Transportation, in cooperation with the National Transportation Safety Board, the Federal Emergency Management Agency, the American Red Cross, air carriers, and families which have been involved in aircraft accidents shall establish a task force consisting of representatives of such entities and families, representatives of air carrier employees, and representatives of such other entities as the Secretary considers appropriate.

(b) MODEL PLAN AND RECOMMENDATIONS.—The task force established pursuant to subsection (a) shall develop—

(1) a model plan to assist air carriers in responding to aircraft accidents;

(2) recommendations on methods to ensure that attorneys and representatives of media organizations do not intrude on the privacy of families of passengers involved in an aircraft accident;

(3) recommendations on methods to ensure that the families of passengers involved in an aircraft accident who are not citizens of the United States receive appropriate assistance;

(4) recommendations on methods to ensure that State mental health licensing laws do not act to prevent out-of-state mental health workers from working at the site of an aircraft accident or other related sites;

(5) recommendations on the extent to which military experts and facilities can be used to aid in the identification of the remains of passengers involved in an aircraft accident; and

(6) recommendations on methods to improve the timeliness of the notification provided by air carriers to the families of passengers involved in an aircraft accident, including—

(A) an analysis of the steps that air carriers would have to take to ensure that an accurate list of passengers on board the aircraft would be available within 1 hour of the accident and an analysis of such steps to ensure that such list would be available within 3 hours of the accident;

(B) an analysis of the added costs to air carriers and travel agents that would result if air carriers were required to take the steps described in subparagraph (A); and

(C) an analysis of any inconvenience to passengers, including flight delays, that would result if air carriers were required to take the steps described in subparagraph (A).

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the

Secretary shall transmit to Congress a report containing the model plan and recommendations developed by the task force under subsection (b).

#### SEC. 5. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this Act or any amendment made by this Act may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.

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

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I strongly support this legislation. I made a promise to the families of the victims of aviation disasters when they were before our committee in June that I would bring forward such legislation, and today we are fulfilling that promise.

Airline travel is remarkably safe. Indeed, since commercial aviation began over 80 years ago, less than 13,000 people have been killed in airplane crashes. That many die every 4 months on our Nation's highways.

However, when accidents do occur, it is important that the families of the victims be treated with the utmost sensitivity and compassion. The airlines usually do the best they can.

However, when we held a hearing on June 19, we heard some real horror stories from the families, including such things as impersonal notification, such as leaving messages about the death of a loved one on an answering machine, mass burials of unidentified body parts without informing the families, discarding the belongings of the victims without notifying the families, harassment by lawyers looking for clients and journalists looking for stories, and painful delays in notification of the death of a loved one. Sometimes the airline would refuse to tell them anything for hours and hours.

As that June 19 hearing I promised the families that we would move legislation to deal with these problems, and today we bring this bill to the floor to keep that commitment. The purpose of this bill is to address many of the complaints we heard and clarify the role of the Government and the Red Cross in helping the families of future airline disasters.

Key features of this bill include: It establishes a position within the NTSB to act as a liaison between the Government and the families and between the airline and the families.

It directs the NTSB to designate an independent organization, such as the Red Cross, to take primary responsibility for the care and support of the families.

It imposes a \$1,000 fine on anyone impeding the work of the NTSB or the Red Cross.

It requires airlines to return passengers' possessions to the families, if they request it, and retain all unclaimed articles for 18 months.

It establishes a task force involving the Department of Transportation, NTSB, FEMA, the Red Cross, family representatives, and the airlines to develop a model family assistance plan, and to recommend ways to speed up the next-of-kin notification process and get the military resources more involved in the identification of passenger remains.

It requires a rule prohibiting lawyers from contacting families within 30 days of an accident, similar to the rule that now applies to the members of the Florida bar.

It makes clear that airlines can go beyond the minimum requirements in this act and do more than is required to help the families as many airlines say they do now.

It is important to emphasize that the responsibility for notifying families in the death of a loved one remains with the airline. They are the only ones in a position to verify the accuracy of the passenger manifest. However, the bill gives families another option if the airline is slow in providing notification. They could now go to the NTSB or the Red Cross for information. The airline will have to turn over its best available passenger list to the NTSB or the Red Cross immediately upon request. The NTSB or the Red Cross could then tell the family whether or not their loved one was on the list and explain the limitations on the accuracy of the list.

At our hearing 2 weeks ago the families enthusiastically supported this bill, and the airline witnesses testified that they could live with it.

This legislation will help to minimize the suffering of those who lose loved ones in airline tragedies, and I certainly want to thank the gentleman from Tennessee [Mr. DUNCAN], the gentleman from Minnesota [Mr. OBERSTAR], the gentleman from Illinois [Mr. LIPINSKI], and others: The gentleman from Illinois [Mr. LAHOOD] and the gentlewoman from Missouri [Ms. DANNER] for their help in crafting this legislation.

I also want to thank the following family representatives who played important and very constructive roles in the formulation of this legislation:

Doug Smith, president of the National Air Disaster Alliance, Victoria Cummock of the Pam Am 103 Families, Richard Kessler, who lost his wife in the ValuJet crash, and Cynthia Cox from Montoursville, PA, who lost her daughter in the TWA tragedy.

I would urge strong support for this legislation.

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

Mr. Speaker, I rise in support of H.R. 2923, the Aviation Disaster Family Assistance Act of 1996. I am pleased to be a cosponsor of this important legislation.

As a result of hearings the Subcommittee on Aviation held on the

treatment of families after aviation accidents, it was generally recognized that there are improvements that must be made to ensure that families' interests are better addressed. The legislation introduced by Chairman SHUSTER takes significant steps in that direction by requiring the National Transportation Safety Board to designate a director of family support services as well as designating an independent organization, such as the Red Cross, to provide critical support to the families.

As this bill has moved through the Transportation and Infrastructure Committee, I have consistently expressed my concern with the burden we are placing on the NTSB's already thin resources. This is something we must keep a close eye on as we consider NTSB funding in the future.

I have also expressed concern with the notification aspects of this bill. I have advocated notifying families in person, and am pleased that the legislation encourages in person notification to the extent practicable. But I also understand that in many cases, families are learning of accidents on television, and that in person notification can never be accomplished with the speed that the media reports a plane crash. While I am pleased with the steps that this measure takes toward improving the notification system, I will continue to explore ideas to enhance the system.

There is no perfect way to handle aviation disasters. Our task is to make the process both efficient and compassionate. This bill is a big step toward both those goals.

Mr. Speaker, I want to commend Chairman DUNCAN for his leadership on this legislation and for the manner in which he has handled the subcommittee the entire 104th Congress. Since I became ranking member of the Aviation Subcommittee last October, I have been impressed with your commitment to this position and the manner in which you have treated me and the other members of the subcommittee.

I also want to recognize Chairman SHUSTER, the sponsor of this legislation, and of course the distinguished gentleman from Minnesota, the ranking member of the full Committee on Transportation and Infrastructure, Mr. OBERSTAR.

Mr. Speaker, I urge support for this legislation.

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

Mr. SHUSTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. DUNCAN], the distinguished chairman of the subcommittee.

Mr. DUNCAN. Mr. Speaker, I thank the gentleman for yielding this time to me, and, Mr. Speaker, I rise in strong support of H.R. 3923, the Aviation Disaster Family Assistance Act.

Let me first congratulate the chairman of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania [Mr. SHUSTER], for his strong leadership on this

very important issue, and let me say not just on this issue, but I think that Chairman SHUSTER has led our committee through two of the most active years in the history of that committee and probably in the history of all of the committees in the Congress. He has been a really outstanding chairman, and I think the people need to know that.

The Subcommittee on Aviation, which I have the privilege of chairing, held a hearing on this matter on June 19 concerning the treatment of families of passengers killed in airline accidents. We held a second hearing 2 weeks ago, and from those hearings I think we have developed some outstanding legislation. Certainly interest in this issue has been heightened by the TWA 800 tragedy, the ValuJet crash, and certain other terrible accidents that have happened.

From our hearing in June we worked to develop H.R. 3923, and we did it, I am proud to say, on a bipartisan basis with strong support from our friends, the ranking members of the full committee and the subcommittee, the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Illinois [Mr. LIPINSKI]. And let me say that I really deeply appreciate those kind words from Mr. LIPINSKI, and I think that I certainly can echo those words back to him because I do not think any subcommittee in the Congress has a chairman and ranking member who have a closer relationship than he and I do, and we have worked so well together, along with the leadership provided by Mr. OBERSTAR, who has developed such an expertise in the field of aviation and who has done so much in this area.

In our hearings on this legislation we heard some very terrible and troubling stories, such as mass burials of unidentified body parts without informing family members, something that was very hurtful to these families; the throwing away of personal belongings of victims without notifying the families; constant harassment by lawyers and the media; and leaving messages about the death of a family member on an answering machine. Several recommendations to correct those problems were brought to our attention by witnesses at the subcommittee's hearing in June and also again a couple of weeks ago.

H.R. 3923 would establish a reliable 1-800 telephone number assigned exclusively to handle accident-related calls from family members.

It establishes a director of family support services position within the National Transportation Safety Board. It provides the NTSB with the authority to designate a third party, such as the American Red Cross, the Salvation Army, or some other outstanding organization, to be responsible for post-trauma communication and work with families.

The bill requires that personal items be returned to family members and to any survivors of an accident.

Under the bill, each airline is required to submit its family assistance plan to the Department of Transportation and to the National Transportation Safety Board for approval.

Finally, among many other provisions, H.R. 3923 would prohibit unsolicited contact of the families by lawyers, both plaintiff lawyers and insurance company lawyers, for 30 days. And I am proud to say that I think the bar has adopted a very responsible position in regard to this, and we have a very strong letter of endorsement for this provision from the Association of Trial Lawyers of America which I will include for the RECORD.

Finally, Mr. Speaker, H.R. 3923 will help improve the tremendous coordination that must take place at the accident site. It will help improve communication between the family members and those assisting family members.

I urge my colleagues to support H.R. 3923 so that we can get this legislation over to the Senate and to the President before the 104th Congress adjourns. I think this is outstanding legislation that can be proudly supported by all Members of this body.

The letter referred to follows:

ASSOCIATION OF TRIAL LAWYERS OF  
AMERICA,

Washington, DC, September 10, 1996.

Hon. BUD SHUSTER,  
Rayburn House Office Building,  
Washington, DC.

DEAR REPRESENTATIVE SHUSTER: As President of the Association of Trial Lawyers of America, I wish to commend you on your consideration of H.R. 3923, which the Aviation Subcommittee will mark-up on Wednesday, September 11, and the full Transportation Committee will mark-up on Thursday, September 12. This legislation will lend much-needed support to the families of victims of airline disasters.

In particular, the Association strongly supports sec. 5. This provision states the sense of Congress that state bar associations should adopt rules prohibiting unsolicited contact concerning a legal action with victims or aggrieved families within 30 days of an accident. ATLA's longstanding Code of Contact goes even further, and entirely prohibits unsolicited contact, regardless of when the accident occurred. We believe that the 30-day time period you provide in the bill is a reasonable minimum period during which victims and their families should not be bothered against their will with the sometimes painful question of compensation.

However, we urge the committee to go further, by strengthening this bill to also prohibiting unsolicited contact by anyone concerning potential claims they or their loved ones may have. Until a family decides to consider its options with regard to compensation, no party should take advantage of them during this delicate emotional time. This prohibition should not extend to preventing airlines of other parties from providing for the needs of the families, such as transportation to the accident site, lodging and meals—only to communications relating to the family's right to bring an action.

The shock and grief the families of aviation disasters are experiencing should be respected by all and this is not a time for outsiders to be soliciting serious discussions from the victims or their families. This rule will ensure that families, not businesses or lawyers, make the decision of when to seek compensation, and the proper mechanism for it.

Further, the Association would be pleased to participate in the task force established in sec. 4 to help assure that families' privacy is not intruded upon by any party. We believe that the families must be protected, and our position in the legal community and our strong Code of Conduct gives us a unique ability and standing to contribute to such a task force.

The Association of Trial Lawyers of America strongly supports efforts to help families of victims of transportation disasters. Without taking a position with regard to any of the other issues in the bill, we believe that this legislation is a valuable step toward sheltering families in the midst of a personal crisis. Again, we commend your action supporting these families.

Sincerely,

HOWARD TWIGGS,  
ATLA President.

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Mr. LIPINSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the Committee on Transportation and Infrastructure and former chairman of the Subcommittee on Aviation.

Mr. OBERSTAR. Mr. Speaker, I appreciate the gentleman yielding time to me, and I would like to say a few words on this measure.

To the very great credit of our chairman, the gentleman from Pennsylvania [Mr. SHUSTER], in the aftermath of the ValuJet crash, when we in the committee heard some of the tragedies that have already been related by the chairman of the committee, by the chairman of the subcommittee, the gentleman from Tennessee [Mr. DUNCAN], and the gentleman from Illinois [Mr. LIPINSKI], about treatment of the families, the chairman of the committee, the gentleman from Pennsylvania [Mr. SHUSTER], made a commitment to seize on this issue, to deal with it, to bring justice, and to build upon the legislation enacted in the aftermath of PanAm 103. We are here today because of that commitment. I salute our chairman for moving decisively, and bringing this issue to closure in the House and I hope closure in the other body rapidly.

Already the commission, headed by Vice President GORE, has taken a central element of this legislation and incorporated it into the Vice President's recommendations without waiting for legislation to be enacted. Of course, enactment of the legislation will only reinforce and strengthen what the Gore commission has initiated.

There is plenty of praise and commendation to go around, beginning with the chairman of the committee, the gentleman from Pennsylvania [Mr. SHUSTER], for the leadership he has demonstrated, for the genuine caring and sensitivity that he has shown on this issue; the gentleman from Tennessee [Mr. DUNCAN], also a man of great compassion and sensitivity, who has devoted a great amount of time and effort to the issue; to the gentleman from Illinois [Mr. LIPINSKI], our

ranking member, who again spent a great deal of time with family members hearing their concerns, addressing those issues, working together with Chairman DUNCAN to resolve some of the sticker questions, and to come up with a piece of legislation that will vastly enhance the treatment of families in the aftermath of an air tragedy.

Obviously, we all hope we will never have to exercise the provisions of this legislation, but we also know that tragedies happen in aviation, for one or another cause. We need to be prepared. The FAA needs to be prepared, the DOT, the airlines have to be prepared. This legislation will put a framework around preparedness, to deal with these tragedies in the future, so never again will a family member have to agonize, waiting for information, not know where to call, be given abrupt treatment or no information whatever, worst of all.

Outside the confines of the committee, Vicki Cummock, who lost her husband in PanAm 103, has proven to be a champion on behalf of family members. She has counseled in the case of many subsequent air tragedies and helped us formulate this legislation; George Williams, a leader of another group of families of the victims of PanAm 103, has provided great insight; Bill Kessler, with his tragic experience losing his wife in the ValuJet tragedy, provided great, compassionate insight.

I also would like to mention a woman from my district, Lorelei Valerie, who lost her father in a tragic crash 6 minutes from my home in Chisholm, MN, when a commuter aircraft crashed into a hillside for want to a ground proximity warning system, and who experienced many of these similar problems: notification, treatment of the families in the aftermath of a tragedy.

This legislation takes a big step forward. The bill specifies that its provisions do not prohibit airlines from providing families, victims' families, with additional support beyond what is provided in the framework of this legislation. It does require that all airlines, regardless of the size of their fleet, have disaster response plans on file with the Department of Transportation.

The bill does not require that the plan be approved as part of the carrier's operations specifications. That would be my preference. I believe, however, that if we included such a requirement, notwithstanding that it would improve the bill, it might also impede its chances for action.

There will be an effort to develop a model plan. When such a model plan is developed, I believe the DOT should give strong consideration to promulgating regulations to require that at least the contents of the model plan be included in each carrier's own individual airline response plan. That is an issue that I am going to be watching very closely. There may come a time when we need to take a tougher approach on these response plans than we

are taking in this bill. This bill is a good step in the right direction.

I just simply put the airlines on notice and the DOT on notice that we mean business in this committee on this issue. We will not tolerate inaction or lack of compliance with the spirit of this legislation. I urge strong support and a wholehearted unanimous vote in favor of this legislation.

In 1990, Congress passed legislation that required carriers to confirm a passenger manifest in a maximum of 3 hours on international flights. The airlines have been successful in forestalling the implementation of this requirement through a rider in the early appropriations legislation. Each time I learn of an aviation accident and hear and families waiting for hours without definite word of whether their loved ones have been involved, I cannot help but blame the airlines for working so hard to find a legislative fix to allow them to keep families in a state of uncertainty longer than necessary. The recently released recommendations of the Gore Commission include a proposal that the requirement in the 1990 legislation be implemented. In fact, many of the provisions included in H.R. 3923 are also Gore Commission recommendations.

The purpose of this legislation is to help create a process that, at a minimum, does not make an already very emotional situation even more traumatic for family members. It requires that all airlines, even the smallest, have, as a prerequisite for their operation, a disaster plan submitted to the Department of Transportation. The plan must address a number of key areas, including the notification of family members, and the ongoing obligations the carrier has with respect to the information and services to be provided to the family members throughout the duration of the disaster. The bill charges the National Transportation Safety Board with designating an individual to work with the family members and provide them with periodic briefings on the status of the recovery of victims' remains and the accident investigation, as well as coordinating and disseminating to family members other pertinent information from various government entities. We have learned that it is very important that family members not feel they have to contact several different Federal, State, and local entities to be fully informed about matters of importance to them.

Also in response to the testimony received at our June hearing, this bill requires that the NTSB designate an independent nonprofit organization with experience in disaster response to work with the families to provide information and counseling as required. In the hearing, the Red Cross was mentioned specifically as an organization that would be well suited to the role envisioned, and we have worked with that organization in developing this legislation.

This legislation does not improve the safety of commercial aviation or the adequacy of the Federal Aviation Administration's oversight of airlines, yet it address something that, in its own way, is just as important; the need for compassionate treatment of people who have suffered the unexpected loss of a loved one. The legislation is intended to help people who are desperate for information about their father, husband, son. It is intended to protect people who are hounded by the media as they seek news about the safety of their mother,

wife, daughter. It is intended to assist people who are subjected to lawyers eager to take advantage of their vulnerability and great personal loss to gain a percentage of a potential financial award.

This legislation is about providing compassion and respect for individuals experiencing deep grief. I think the fact that we need legislation to mandate compassion is a sad statement about our society, but I am gratified that, having seen a need, our committee has been able to respond in a timely manner.

The victims' families have known deep loss and shared similar experiences at the hands of Government agencies and the media. Some of these individuals have gone on to use their painful experiences to help others deal with their grief under similar circumstances, and we have worked with these individuals to develop this legislation, and will hear from some of them again today. Their shared experience has helped us in the legislative process. They understand the need to ensure that the dignity of the families will be preserved to the extent possible under extremely adverse conditions.

It is important to understand that there are services that an airline can provide that no government or independent agency can. As private companies, airlines can authorize immediate expenditures to provide transportation and lodging to family members, as well as accommodate other requirements they may have. Most large airlines have established disaster plans in place and trained individuals at the ready in the event of an accident. In fact, some airlines have worked with the family members groups who have testified before our committee to develop or modify their disaster response plans. Many airlines provide each family with the name and telephone number of an airplane employee who will work with them to provide them with the information and services needed. The airline representatives can help provide family members with assistance that is tailored to the needs of an individual family. For example, airlines have accommodated a family's need for money to make a mortgage payment or school tuition that comes due during the tragedy. This bill recognizes the need to preserve the airline's ability to provide financial support and other assistance to family members during emotionally stressful times. The role that many airlines have played in response to an accident cannot be duplicated by any Federal, State, or independent agency, and the services they provide must not be sacrificed in a naive attempt to eliminate contact between airlines and families.

However, while this bill specifies that its provisions do not prohibit airlines from providing the victims' families with additional support, it does require that all airlines, regardless of the size of their fleet, have disaster response plans on file with the Department of Transportation. The bill does not require that the plan be approved as part of the carrier's operations specifications. I believe that if we included such a requirement, it would improve the bill. But I recognize that there will be an effort to develop a model plan. After such a plan is developed, I believe the DOT should give very strong consideration to promulgating regulations to require that at least the contents of the model plan be in each carrier's own

plan. I will be watching this issue closely. There may come a time when we need to take a more firm approach on these plans than we are taking today in this bill.

I urge my colleagues to pass this important legislation.

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

Mr. Speaker, I anticipate the overwhelming passage of this legislation today, and with its passage, it will mark the eighth piece of aviation legislation which this body has overwhelmingly passed and sent to our colleagues in the other body.

Unfortunately, they have not acted yet on any of those pieces of legislation. Of the seven that we have sent over, the one that had the poorest vote showing was a vote of 389 to 22, so I think that demonstrates the extraordinary, overwhelming bipartisan support for the aviation measures which this body has passed and sent to the other side.

So it is my hope that in the waning days of this Congress, our colleagues on the other side of the Capitol will indeed move these very, very important pieces of aviation legislation, not the least of which is this very important family bill that is before us today.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois [Mr. WELLER], the distinguished vice chairman of the Subcommittee on Aviation.

Mr. WELLER. In a spirit of bipartisanship, I rise in strong support of this bipartisan bill, Mr. Speaker. This legislation responds to the pleas we all heard from families at the Subcommittee on Aviation hearings in June and then again on September 5. At our subcommittee markup the bill, as revised, reflects some of the concerns raised by the families, the airlines, and the Red Cross.

Specifically, the bill requires the NTSB to designate an employee to act as a point of contact with the families within the Federal Government and as a liaison between the airline and the families. The NTSB is also directed to designate an independent, nonprofit organization; for example, the Red Cross, to address some of the emotional needs called upon by the families.

H.R. 3923 sets out in some detail the responsibilities of the NTSB, the Red Cross, and the airlines. It is very important to note that the airlines will continue to be responsible for notifying the families of the death of a loved one. However, the bill also requires that the passenger list be turned over to the National Transportation Safety Board, the NTSB, and the Red Cross, if requested, so families will have someone else to turn to if the airline notification process is too slow.

As we all know, Mr. Speaker, there were too many complaints from families about the ValuJet and TWA crashes, but these complaints did not originate with these accidents. Similar problems have been brewing for many

years, going back to KAL 007 flight and PanAm 103. At our hearing in June, Chairman SHUSTER committed to the families that we would develop legislation in response to their concerns. This bill, a bipartisan bill, fulfills that commitment.

But we never could have done it without the bipartisan cooperation and input of the ranking members, the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Illinois [Mr. LIPINSKI], whose experience and viewpoint made them invaluable partners in this process. I also would like to thank the gentleman from Tennessee [Mr. DUNCAN], the chairman, the gentleman from Illinois [Mr. LAHOOD], the gentlewoman from Missouri [Ms. DANNER], who made significant contributions to this bill.

This bill has broad-based sponsor support. We have over 40 cosponsors. So in short, Mr. Speaker, I think we have a good, well-balanced, thoughtful piece of legislation. I urge bipartisan support.

Ms. JACKSON-LEE of Texas. Mr. Speaker, given the recent crashes of a ValuJet flight in Florida and a TWA flight off the coast of Long Island, the Aviation Disaster Family Assistance Act is both timely and necessary. This bill will provide the National Transportation Safety Board to designate an employee as a family advocate. The family advocate would serve as a point of contact within the Federal Government for the families of victims, act as liaison between the families and the airline, and obtain the passenger list and use it to provide information to the families.

The measure also prohibits making unsolicited contacts with any individual injured in an airline crash or with the family of any victim of an airline crash for 30 days after the crash.

This measure will provide some protection and comfort to families who experience the painful uncertainty of not knowing the fate of a family member or the horror of losing a loved one. Hopefully, no one will have to suffer the terrible uncertainty and apprehension that Pam Lynchner's family in my hometown of Houston, TX, had to go through after the crash of that fateful TWA flight, without some comfort and counseling.

Mr. MCDADE. Mr. Speaker, I rise in strong support of H.R. 3923, the Aviation Disaster Family Assistance Act, a measure which will reform the National Transportation Safety Board's procedures for assisting families of aviation accident victims. As a cosponsor of this vital bill, I want to thank Chairman BUD SHUSTER of the Transportation and Infrastructure Committee for his timely efforts in bringing this very necessary legislation to the floor.

This measure will address many of the problems confronting families of air disaster victims such as those who lost loved ones in the ValuJet and TWA flight 800 aviation disasters. The need for this bill became apparent after these air disasters, where family members of victims complained about the bureaucratic friction which they had to fight through to determine the status of their loved ones. After the TWA flight 800 disaster, I became personally involved in this process when families from Montoursville, PA, in my district, faced the loss of sons, daughters, parents, friends, and neighbors. Regrettably, the cur-

rent mission of the National Transportation Safety Board does not include any requirements for coordinating care and support for the victim's families. H.R. 3923 will empower the NTSB, the logical organization to fulfill this mission, to advocate, support, and care for these families in their moment of need.

During the recent TWA 800 disaster, many families complained of poor handling of the situation by airline personnel, lawyers, and the press. The families and I were constantly confronted with bureaucratic friction in obtaining a list of passengers, securing for the victim's families a dedicated liaison officer between TWA, the U.S. Coast Guard, the NTSB, and the Suffolk County coroner's office. Many had to wait days for airline confirmation of their loved ones' deaths. They also waited weeks for identification of recovered bodies because the local authorities refused to accept outside assistance. These experiences are the motivation behind this bill, designed to establish guidelines for informing the families of victims and to spare families of future victims needless frustration during such trying circumstances.

The day after the TWA 800 crash, my office directly contacted the chairman of the National Transportation Safety Board, the vice president of operations for TWA and the Suffolk County coroner. Through this effort, I was able to obtain a U.S. Coast Guard liaison officer detailed to the Montoursville families, the passenger manifest for the families, and private briefings from the Suffolk County coroner's office. This measure will establish the National Transportation Safety Board as the lead organization to fulfill similar liaison functions in the future.

H.R. 3923 will require the NTSB to designate an NTSB employee as a family advocate who will coordinate care and support for the families through the Red Cross, the airline, and pertinent disaster response agencies. Specifically, the NTSB will coordinate the recovery and identification of accident victims, obtain the passenger manifest, brief families before press conferences, and inform families of any scheduled public hearings on the accident. The bill additionally tasks agencies such as the Red Cross to provide counseling to the families, ensure the privacy of the families from the media and lawyers, arrange a suitable memorial service, and to use the airline's resources as suitable.

The airlines will be required to submit a plan within 6 months for addressing the needs of families, publicize a reliable, toll-free number for handling calls from family members, immediately provide the passenger list to the family advocate and the Red Cross, even if all names have not been verified. The airlines must additionally consult the families before disposing of all remains and return the passenger's possessions to the families and retain all unclaimed possessions for 2 years. The bill will establish a task force involving the Department of Transportation, NTSB, Federal Emergency Management Association, the Red Cross, family representatives, and the airlines to develop a model family assistance plan and recommend ways to prevent lawyers and the media from violating family privacy.

Mr. Speaker, it is clear, after our experiences with the recent ValuJet and TWA 800 disasters, that there is a need for a dedicated Federal agency to address the Nation's air disaster response problems. I therefore urge



passage of this vital legislation and thank Chairman SHUSTER for his excellent efforts in bringing this bill to the floor in a timely fashion.

Mr. LAZIO of New York. Mr. Speaker, as an original cosponsor of H.R. 3923, the Aviation Disaster Family Assistance Act, I rise to express my strong support for this important bill designed to ensure that families of aviation accident victims receive timely emotional care and support when they most need it.

Those whose loved ones perish or are injured in airline crashes are particularly vulnerable as illustrated by the recent experiences of families of the victims of the TWA flight 800 tragedy near my district on Long Island, and the ValuJet crash in the Everglades. The surviving families require immediate attention by personnel who are adequately trained and experienced in handling these disasters.

H.R. 3923 makes the National Transportation Safety Board the lead Federal agency in dealing with the needs of victims' families. An NTSB employee would serve as a family advocate to act as a point of contact between the Federal Government and family members, as well as a liaison between the families and the airline.

In addition, the NTSB would designate an organization experienced in dealing with families in times of crisis—such as the Red Cross—to coordinate the care and support of families; meet with families who come to the scene of the accident; provide counseling to the families; ensure the privacy of the families; inform the families of the role of government agencies and the airline; arrange a proper memorial service; obtain a passenger list to provide information to families; and, use the airline's personnel and resources as needed.

Other important features of H.R. 3923 require the airline to submit a plan within 6 months for addressing the needs of the families of passengers involved in an airline crash; publicize a reliable toll-free number for handling calls from family members; notify families as soon as possible of the fate of their loved ones using trained personnel; and, provide the passenger list to the family advocate and the Red Cross immediately, even if all names have not been verified.

Finally, the bill creates a task force to develop a model family assistance plan, which would be completed and sent to Congress within a year. The task force would involve the NTSB, the Department of Transportation, the Federal Emergency Management Agency, the Red Cross, family representatives, as well as the airlines.

Families and friends, and often whole communities, are affected by these tragedies. The role of the Federal Government must be to support victims' families in any way possible, to help ease their pain after losing a loved one. They deserve no less, and I urge my colleagues to support this bill before us today.

Mr. BLUTE. Mr. Speaker, I rise in strong support of the Aviation Disaster Family Assistance Act. I learned first hand of the horrible experience that families of victims of air disasters go through.

A woman from my district in Swansea, MA lost her parents in the tragic incident that brought down TWA Flight 800 on July 17, 1996. She learned by reading the plane's manifest in the newspaper that her parents did, in fact, perish in this horrific aviation incident. Days after the plane crash this woman continued to receive unacceptable treatment

from the airline. She found herself caught in a bureaucratic nightmare when trying to get her daughter home from overseas to attend a memorial service. She was forced through hoop after hoop to simply confirm her daughter's relationship to the deceased. This is not the kind of experience one should be expected to go through during this period of enormous grief.

Therefore, I cosponsored this legislation and I commend Chairman SHUSTER and Chairman DUNCAN for moving this bill on a fast track. The legislation before us today reforms procedures for dealing with families of aviation accident victims. This bill establishes a family advocate within the National Transportation Safety Board [NTSB] to act as a liaison between the Government and the families, and it directs the NTSB to designate an independent organization, such as the Red Cross, to take primary responsibility for the emotional care and support of families. The bill also directs the airline to release the passenger list to the family advocate and Red Cross immediately so that families will have another option in their quest for information about the fate of loved ones.

To lose a loved one in an aviation disaster is a sudden and emotionally devastating experience. I am pleased to be a part of legislation that will help to ease this burden on families in the future.

Mr. LIPINSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the bill, H.R. 3923, as amended.

The question was taken.

Mr. LIPINSKI. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore (Mr. BE-REUTER). Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### DEEPWATER PORT MODERNIZATION ACT

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2940) to amend the Deepwater Port Act of 1974, as amended.

The Clerk read as follows:

H.R. 2940

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Deepwater Port Modernization Act".

#### SEC. 2. DECLARATIONS OF PURPOSE AND POLICY.

(a) PURPOSES.—The purposes of this Act are to—

(1) update and improve the Deepwater Port Act of 1974;

(2) assure that the regulation of deepwater ports is not more burdensome or stringent than necessary in comparison to the regulation of other modes of importing or transporting oil;

(3) recognize that deepwater ports are generally subject to effective competition from alternative transportation modes and eliminate, for as long as a port remains subject to effective competition, unnecessary Federal regulatory oversight or involvement in the ports' business and economic decisions; and

(4) promote innovation, flexibility, and efficiency in the management and operation of deepwater ports by removing or reducing any duplicative, unnecessary, or overly burdensome Federal regulations or license provisions.

(b) POLICY.—Section 2(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1501(a)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting a semicolon; and

(3) by inserting at the end the following:

"(5) promote the construction and operation of deepwater ports as a safe and effective means of importing oil into the United States and transporting oil from the outer continental shelf while minimizing tanker traffic and the risks attendant thereto; and

"(6) promote oil production on the outer continental shelf by affording an economic and safe means of transportation of outer continental shelf oil to the United States mainland."

#### SEC. 3. DEFINITIONS.

(a) ANTITRUST LAWS.—Section 3 of the Deepwater Port Act of 1974 (33 U.S.C. 1502) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) through (19) as paragraphs (3) through (18), respectively.

(b) DEEPWATER PORT.—The first sentence of section 3(9) of such Act, as redesignated by subsection (a), is amended by striking "such structures," and all that follows through "section 23," and inserting the following: "structures, located beyond the territorial sea and off the coast of the United States and which are used or intended for use as a port or terminal for the transportation, storage, and further handling of oil for transportation to any State, except as otherwise provided in section 23, and for other uses not inconsistent with the purposes of this Act, including transportation of oil from the United States outer continental shelf."

#### SEC. 4. LICENSES.

(a) ELIMINATION OF UTILIZATION RESTRICTIONS.—Section 4(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1503(a)) is amended by striking all that follows the second sentence.

(b) ELIMINATION OF PRECONDITION TO LICENSING.—Section 4(c) of such Act is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraphs (8), (9), and (10) as paragraphs (7), (8), and (9), respectively.

(c) CONDITIONS PRESCRIBED BY SECRETARY.—Section 4(e)(1) of such Act is amended by striking the first sentence and inserting the following: "In issuing a license for the ownership, construction, and operation of a deepwater port, the Secretary shall prescribe those conditions which the Secretary deems necessary to carry out the provisions and requirements of this Act or which are otherwise required by any Federal department or agency pursuant to the terms of this Act. To the extent practicable, conditions required to carry out the provisions and requirements of this Act shall be addressed in license conditions rather than by regulation and, to the extent practicable, the license shall allow a deepwater port's operating procedures to be stated in an operations manual approved by the Coast Guard rather than in detailed and specific license conditions or regulations; except that basic standards and conditions shall be addressed in regulations."