

the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 98.

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

There was no objection.

CONCERNING THE CRISIS IN CAMBODIA

Mr. KIM. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 195) concerning the crisis in Cambodia, as amended.

The Clerk read as follows:

H. RES. 195

Whereas during the 1970s and 1980s Cambodia was wracked by political conflict, civil war, foreign invasion, protracted violence, and a genocide perpetrated by the Khmer Rouge from 1975 to 1979;

Whereas the Paris Agreement on a Comprehensive Political Settlement of the Cambodia Conflict led to the end of 2 decades of civil war and genocide in Cambodia, demonstrated the commitment of the Cambodian people to democracy and stability, and established a national constitution guaranteeing fundamental human rights;

Whereas the 1991 Paris Peace Accords set the stage for a process of political accommodation, national reconciliation, and the founding of a state based on democratic principles;

Whereas the international donor community contributed more than \$3,000,000,000 in an effort to secure peace, democracy, and stability in Cambodia following the Paris Peace Accords and currently provides over 40 percent of the budget of the Cambodian Government;

Whereas the Cambodian people clearly demonstrated their support of democracy when over 93 percent of eligible Cambodian voters participated in United Nations sponsored elections in 1993;

Whereas since the 1993 elections, Cambodia has made significant progress, as evidenced by the decision last month of the Association of Southeast Asian Nations to extend membership to Cambodia;

Whereas notwithstanding the notable societal and economic progress since the elections of 1993, concern has increasingly been raised regarding the fragile state of democracy in Cambodia, in particular the quality of the judicial system, which has been described in a United Nations report as thoroughly corrupt; unsolved attacks in 1995 on officials of the Buddhist Liberal Democratic Party; and the unsolved murders of journalists and political activists;

Whereas tensions within the Cambodian Government have erupted into violence in recent months;

Whereas on March 30, 1997, 19 Cambodians were killed and more than 100 were wounded in a grenade attack on a peaceful political demonstration in Phnom Penh;

Whereas preliminary reports by eyewitnesses and reports in Phnom Penh to the FBI of witness intimidation indicate that

forces loyal to Hun Sen were involved in the March 30, 1997, grenade attack;

Whereas in June 1997 fighting erupted in Phnom Penh between military and paramilitary forces loyal to First Prime Minister Prince Norodom Ranariddh and Second Prime Minister Hun Sen;

Whereas on July 5, 1997, Second Prime Minister Hun Sen deposed the First Prime Minister in a violent military coup d'etat;

Whereas at least several dozen opposition politicians have died in the custody of Hun Sen's forces, some after being tortured, and hundreds of others have been detained due to their political affiliation;

Whereas democracy and stability in Cambodia are threatened by the continued use of violence to resolve political differences;

Whereas internal Cambodian Government reports and investigations by United States drug enforcement agencies have reported that Hun Sen and his forces have received millions of dollars in financial and material support from major international drug dealers; that Hun Sen has publicly threatened violence against any Cambodian official who attempts to arrest alleged drug barons Teng Bunma and Mong Rethy; and in a July 23, 1997, press conference in Cambodia Teng Bunma admitted to providing \$1,000,000 to Hun Sen to fund the ongoing coup and is providing his personal fleet of helicopters flown by Russian pilots to ferry Hun Sen's troops to suppress democratic forces in western Cambodia;

Whereas representatives of the United Nations and the Government of Thailand estimate at least 30,000 Cambodian refugees (including wounded civilians and malnourished children) displaced by the ongoing fighting are massed, without assistance, in northwest Cambodia near the border of Thailand;

Whereas the administration has suspended assistance to Cambodia for 1 month in response to the deteriorating situation in Cambodia; and

Whereas the Association of Southeast Asian Nations (ASEAN) has decided to delay indefinitely Cambodian membership: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the forcible assault upon the democratically elected Government of Cambodia is illegal and unacceptable;

(2) the recent events in Cambodia constitute a military coup against the duly elected democratic Government of Cambodia;

(3) the authorities in Cambodia should take immediate steps to halt all extralegal violence and to restore fully civil, political, and personal liberties to the Cambodian people, including freedom of the press, speech, and assembly, as well as the right to a democratically elected government;

(4) the United States should release the report by the Federal Bureau of Investigation concerning the March 30, 1997, grenade attack in Phnom Penh;

(5) the United States should declassify and release all reports by the United States Drug Enforcement Agency related to Cambodia that were compiled between 1994 and the present;

(6) the United States should press the authorities in Cambodia to investigate fully and impartially all abuses and extralegal actions that have occurred in Cambodia since July 4, 1997, and to bring to justice all those responsible for such abuses and extralegal actions;

(7) the administration should immediately invoke section 508 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104-208), as it is required to do;

(8) the United States should urgently request an emergency meeting of the United

Nations Security Council to consider all options to restore peace in Cambodia;

(9) the United States should encourage the Secretary General of the United Nations to expand the monitoring operations of the United Nations Special Representative on Human Rights in Cambodia;

(10) the United States and the Association of Southeast Asian Nations (ASEAN) should coordinate efforts to restore democracy, stability, and the rule of law in Cambodia;

(11) direct United States assistance to the Government of Cambodia should continue to be suspended until violence ends, a democratically elected government is reconstituted, necessary steps have been taken to ensure that the election scheduled for 1998 takes place in a free and fair manner, the military is depoliticized, and the judiciary is made independent;

(12) at least a substantial share of previously appropriated United States assistance to the Government of Cambodia should be redirected to provide humanitarian assistance to refugees and displaced persons in western Cambodia through nongovernmental agencies or through Cambodian civilian, political, or military forces that are opposing the coup; and

(13) the United States should call for an emergency meeting of the Donors' Consultative Group for Cambodia to encourage the suspension of assistance as part of a multilateral effort to encourage respect for democratic processes, constitutionalism, and the rule of law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

[Mr. KIM asked and was given permission to revise and extend his remarks.]

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this resolution, House Resolution 195.

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

There was no objection.

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

Mr. Speaker, earlier this month the world watched in disbelief as violence erupted once again in Cambodia. On July 5, Second Prime Minister Hun Sen and his forces loyal to him ousted the democratically elected First Prime Minister in a classic coup d'etat.

The chairman of our committee, the gentleman from New York [Mr. GILMAN], together with the ranking minority member, the gentleman from Indiana [Mr. HAMILTON], along with several of their colleagues, introduced House Resolution 195 to express our deep concern about the tragic events that have unfolded in Cambodia. On behalf of the gentleman from New York [Mr. GILMAN], the chairman of the committee, and I express my appreciation to the gentleman from Indiana [Mr. HAMILTON] as well as to the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from California [Mr. BERMAN],

the chairman and ranking Democrat respectively on the Subcommittee on Asia and the Pacific, in seeing that this resolution was able to move to the floor.

The resolution expresses the sense of the House that the forcible change of the democratically elected government in Phnom Penh is illegal and unacceptable. The resolution also urges the administration to take specific decisive actions to return peace, stability and democracy to the Cambodian people.

We also call upon the Cambodian authorities from all political factions to halt the violence and extralegal actions, bring to justice those people responsible for the reported abuses and restore all personal and civic freedoms to the Cambodian people.

As the leader of the free world, the United States must take resolute action whenever and wherever tyranny threatens to destroy democracy. Cambodia has taken a regrettable, but hopefully temporary turn off the path to democracy, peace and prosperity. It must not stand idly by while liberty is threatened in Southeast Asia.

I urge my colleagues to support this timely and most important resolution.

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

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

Mr. Speaker, I want to commend the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations, and the gentleman from Indiana [Mr. HAMILTON], the Democratic ranking member, for introducing this timely measure concerning the deplorable crisis in Cambodia. I also would like to state that I am also an original cosponsor of this resolution.

Mr. Speaker, I wanted to join my colleagues of the Subcommittee on Asia and the Pacific, the chairman, the gentleman from Nebraska [Mr. BEREUTER], the gentleman from California [Mr. BERMAN], the gentleman from Iowa [Mr. LEACH], and the gentleman from Illinois [Mr. PORTER] as original cosponsors of this House Resolution 195. Like many of our colleagues in Congress and those watching around the world, I was shocked, appalled and saddened by the return to violence in Cambodia, a small nation still wracked by the scars of the Khmer Rouge genocidal killings of a million Cambodians and a civil war that raged for 2 decades.

As everyone knows, Mr. Speaker, the co-Prime Minister Mr. Hun Sen has ousted Prince Ranariddh from Cambodia's government, destroying the fragile democracy brokered by the 1991 Paris Peace Accords. The Paris peace plan, backed by the United States, China, the Soviet Union, Japan, Vietnam, the Asean countries, France, the United Kingdom, India, Australia and other members of the United Nations was designed to bring to an end the decades of conflict in Cambodia. Since

the Paris agreement and the U.N. supervised elections in 1993, Cambodia has enjoyed relative peace and prosperity, with an economy expanding at a 7-percent rate.

During the last 6 years, the international community has invested more than \$3 billion to bring about this peace and stability in Cambodia. The United States alone has contributed over \$300 million, increasing foreign assistance to Cambodia to \$38.4 million in 1997, with an administration request for \$38.6 million for fiscal year 1998.

With the outbreak of violence again in Cambodia where scores of Cambodians have been killed, hundreds wounded and executions and torture widely used by Hun Sen's forces, it begs the question, Mr. Speaker, whether anything has changed in that country and whether the international community has achieved anything by the massive investment of time and resources in Cambodia.

Given the serious setbacks to Cambodia's democracy, I support the administration's freeze of United States assistance to Cambodia and applaud the cutoff and reduction in aid from Germany and Australia.

As to Japan, Cambodia's top donor of aid, I hope they eventually will heed our call for the international community to suspend assistance until the return of law and democratic government in Cambodia. With foreign aid paying for half of Cambodia's budget, cutting off assistance sends the strongest and most effective statement of objection to Hun Sen's military rule in Phnom Penh.

Likewise, the decision of the Asean nations to stop Cambodia's entry into Asean this month is an appropriate condemnation of Hun Sen's resort to violence.

I applaud Secretary of State Albright's appointment of Stephen Solarz as her special envoy to Cambodia and am confident that our former colleague, a greatly respected Asia-Pacific policy expert, shall work with Secretary of State Albright and the Asean ministers delegation to mediate a political solution to Cambodia's crisis.

Mr. Speaker, while I am hopeful that these efforts of the international community will help in bringing peace and stability back to Cambodia, ultimately the matter will have to be decided by the Cambodian people themselves. I would hope that we learned that from our tragic experience in Vietnam, which resulted from shortsighted United States foreign policy. In the end it is the will of the people in the country that will determine whether democracy is to prevail.

Mr. Speaker, I would ask my colleagues to adopt this worthy legislation before us, which calls for our Nation and the international community to support efforts leading to the resolution of peace, the rule of law and the democratic government in Cambodia.

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

Mr. KIM. I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I rise in strong support of this resolution and thank the gentleman from New York [Mr. GILMAN] and the original cosponsors for introducing this important legislation.

Several months ago a number of Cambodian emigres, now my constituents, approached me with their concerns about Second Prime Minister Hun Sen and the fragility of democracy in Cambodia. When I asked the State Department about this, I was informed that in their view the allegations that had been brought to my attention against Mr. Sen were, quote, merely part of the partisan bickering between the parties. History, I am sad to say, has now proven my constituents correct, certainly more knowledgeable than those in the State Department who downplayed the concern.

This resolution makes it clear that the United States will not tolerate the violence that has hit Cambodia or the anti-democratic actions of Hun Sen. Mr. Sen's killing spree, directed against those who would oppose him or who would seek to bring to light his relations with the narcotic trade, has resulted in the murder of hundreds of Cambodians.

Last fall I had the privilege of meeting in San José, at home, a number of prominent Cambodian ministers, including the Minister of the Interior Hou Sok. The Minister of the Interior has now been murdered by Hun Sen forces because of the reporting that he did link Sen to drug lords who are, it is reported, bankrolling the new regime and trying to turn Cambodia, to quote the Washington Post, into a narco state.

Mr. Speaker, the rampages in the killing fields of Cambodia have gone on for far too long. We must stand firm to prevent history from repeating itself yet again. I support the suspension of the assistance to Mr. Sen's regime, I support the call for the U.N. Security Action to take some action. I strongly support the calls for justice and democracy in Cambodia.

For the sake of the Minister of the Interior who has now been murdered and the others who have already died and for the victims of torture, I urge my colleagues to support this resolution. I hope this marks merely the first of many actions this Congress will take on this vital issue. We do know that the Cambodian people love peace and democracy. We must support their efforts, and we must not tolerate or entertain the notion that Hun Sen, who is the perpetrator of a coup, could play a part in democratic Cambodia any more than his predecessor Pol Pot could do so.

Mr. LEACH. Mr. Speaker. I rise in strong support of this important and timely resolution. I would just offer a few thoughts on the very disturbing recent events in Cambodia.

First, there should be no doubt the United States and the international community have important interests at stake in Cambodia. The United States helped lead the negotiations among the Permanent Five members of the U.N. Security Council leading up to the Cambodian peace agreement. We did so in order to create a legitimate and internationally recognized government, to reduce foreign interference, advance regional peace and stability, and avert the return to power of the genocidal Khmer Rouge. It remains in the U.S. interest to see that those objectives are met.

Second Prime Minister Hun Sen's coup d'etat in Cambodia—and there can be no doubt this was a coup, a sudden and decisive exercise of force in politics—and subsequent resort to murder, torture, and political intimidation has betrayed the hopes for peace and prosperity by the Cambodian people. It has undermined the interests of the United States and the broader international community in a politically and economically stable Cambodia in which fundamental human rights are respected. It has set back Cambodia's efforts to join ASEAN and hindered its re-integration into the world community. Vietnam's role, if any, in this affair may be troubling for regional stability. The coup also raises the specter of civil war. Tragically, it may also very well help resuscitate the Khmer Rouge at a moment of maximum peril for the movement, when it appeared that its collapse was imminent, and that Pol Pot and other senior leaders—evidently now under house arrest—might be turned over to an international tribunal for crimes against humanity.

Hence it is paramount that the United States, ASEAN, Japan, and other parties to the Paris accords promptly engage in a full court press to make Hun Sen—and other leaders within the CPP—understand that no Cambodian Government will not receive significant international support if it uses political intimidation and violence against its opponents. Until very recently, I have been less than impressed by the vigor and determination that the administration has brought to bear on this issue.

Hun Sen and his colleagues in the CPP, as well as Prince Ranariddh and his supporters, need to understand that their mutual miscalculations and zero-sum struggle for political supremacy has driven a stake in the heart of a Cambodia's economic recovery and reconstruction.

Prior to the recent deterioration in the political and security environment, Cambodia's prospects were brighter than at any time in the last 25 years. But unless the political process created by the Paris accords is sustained, macroeconomic instability, inflation, heightened levels of already widespread corruption, and a substantial decrease in aid from bilateral donors as well as the international financial institutions are likely to result. Without foreign external assistance, foreign investment, or significant revenues from tourism, Cambodia's already difficult external debt situation will be exacerbated. In short, the Cambodian economy will be seriously set back. These consequences need to be very carefully considered by the Hun Sen and his colleagues in Phnom Penh.

The deteriorating situation in Cambodia has occasioned much criticism of the U.N. peace-keeping effort in Cambodia. Some of this criticism is well-founded, but much of it is not.

Perhaps the biggest flaw in the U.N. effort was the failure to assert control over the security apparatus of Hun Sen in the run up to the election. As to the failure to disarm the parties, I would remind Members that disarmament and demobilization did not occur because the Khmer Rouge did not live up to their obligations. There was no support from any of the countries providing peacekeeping troops for a U.N. mandate that encompassed forcible disarmament. There was and is no NATO-like coalition that could accomplish this task. And while this Member has long favored a modest U.N. standing force to fulfill some of these objectives, such a force did not then and does not now exist.

But there is also much to be proud of in what was then an unprecedented peacekeeping effort. Over 350,000 refugees were repatriated. Over five million Cambodians were registered to vote. Despite Khmer Rouge attempts to derail the election, a secret ballot was held in which the overwhelming majority of Cambodians exercised their right to vote. In the wake of the election an active opposition press sprung up, over 100 foreign and indigenous NGO's operated freely throughout the country, and the once-feared Khmer Rouge gradually diminished as a military force and began to turn in on itself. Despite tremendous poverty, and serious human rights and democracy concerns, there can be no doubt the people of Cambodia were moving forward toward better days and a better life.

The egregious failure of Cambodia's leaders to pursue the national interest instead of self-interest, most particularly on the part of Hun Sen, severely jeopardizes the hopes and dreams of the Cambodian people. The international community needs to act now to prevent a fait accompli, to use its very substantial diplomatic and economic leverage to stave off the total collapse of prospects for a peaceful and prosperous Cambodia. After 25 years of civil war, genocide, and national destruction, the people of Cambodia deserve better.

Mr. PORTER. Mr. Speaker, I rise today to express my strong support for the resolution offered by the gentleman from New York, [Mr. GILMAN] and to urge all Members to give this matter their attention. As an original cosponsor of House Resolution 195, I am pleased that the House has moved quickly to consider this resolution and to take a firm and principled position regarding the violent, anti-democratic coup which recently took place in Cambodia.

In April of this year, I sent a letter to Secretary of State Madeleine Albright expressing grave concerns about events that were going on in Cambodia at that time. A copy of this letter follows these remarks. Second Prime Minister Hun Sen, who gained his position in the Cambodian Government not through elections but by threatening violence, appeared to be orchestrating a parliamentary coup by attempting to split the governing coalition which had won the U.N.-sponsored 1993 elections. This letter followed an earlier one which seven of my colleagues and I sent to the co-prime ministers after the tragic March 30th grenade attack on Sam Rainsy and the Khmer National Party during a peaceful demonstration calling for judicial reform. It was my hope that Secretary Albright would visit Cambodia during her trip to the region and, in her trademark manner, "tell it like it is" when she met with Hun Sen and First Prime Minister Ranariddh, urging them to renounce political violence and

work together to prepare for democratic elections in 1998.

Unfortunately, Secretary Albright's trip to Cambodia never happened and, just days after she had been scheduled to visit, Cambodia again plunged into armed conflict. This country, which has suffered so much, went from euphoria over reports that Pol Pot had been captured and might soon be brought to trial, to the despair of another strongman taking power through illegitimate means. Cambodia's fragile democracy was being dismantled by armed thugs and political assassination. While this is an old story for the people of Cambodia, we had hoped it would be one that remained in their past.

The United States and the international community have been implicit in allowing this latest tragedy. In 1993, the royalist-led democratic coalition decisively won the first elections held in Cambodia, soundly defeating Hun Sen's formerly communist Cambodian People's Party. These elections were marked by high voter turnout, despite the deadly political violence which preceded them. The people of Cambodia spoke out strongly in favor of democratic self-government, but the international community denied their aspirations by allowing the loser of these elections—Hun Sen and the CPP—to threaten and bully its way into maintaining a large share of power in the new government. I believe this decision was the root cause of this latest assault on Cambodian democracy because it sent the message to Hun Sen that we are not willing to back up democracy in the face of force, and it was just a matter of time before he could discard with impunity the democratic structures we were building.

Now, our Government is preparing to make the same mistake again. Since 1993, we have allowed Hun Sen to build a legacy of intimidation and corruption, and to strengthen his hold on power, by ignoring belligerent and anti-democratic tendencies on his part. Our administration has refused to call Hun Sen's power grab by its proper name—a coup. They have suspended assistance to Cambodia for 30 days to sort things out, but have not yet tied resumption of assistance to the restoration of the legitimate government, as the law would if this had been declared a coup.

I welcomed Secretary Albright's strong words to ASEAN over the weekend and I hope that this signals a firm resolve to stand with and for the people and the democratic forces in Cambodia. That is certainly the intention of the Congress by passing this resolution today. This resolution lays out a fair and flexible approach to this difficult situation by calling for actions which send the right message not only to Hun Sen, but also to those others who would choose violence and thuggery over democracy and the rule of law. I want to especially commend my friend, the chairman of the International Relations Committee, for including in this resolution a statement concerning the redirection of assistance away from the Cambodian Government to those who are in need as a result of this conflict. This is certainly the least our Government can do after failing the Cambodian people so miserably up to this point.

I believe that we have a duty to the Cambodian people, perhaps like no others, as a result of our involvement in so much that has gone wrong in the recent history of the Cambodian state. We owe the people of Cambodia

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. 4113 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.