

American Defense Service Medal and the Good Conduct Ribbon.

When he left the Army his commitment to service continued, not only as the Hancock County Sheriff, but also in his dedication to seeing the community grow, while preserving its solid rural values. It was that unyielding devotion that earned him the Citizen of the Year award in 1992 by the Hancock County Chamber of Commerce.

Perhaps his commitment to country should come as no surprise. His father served in the Army during World War One, and both of his brothers served in World War II, where one narrowly escaped death at Pearl Harbor. Both of his sons served in Viet Nam, as did his daughter's husband. His grandson continues the tradition as an Air Force Academy graduate.

Mr. President, Billy Stephen's contributions will be felt for generations, both as soldier and community leader. He was a good father, husband, friend, and fighter for America, and his presence will be sorely missed.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, June 19, 1997, the Federal debt stood at \$5,330,018,602,378.07. (Five trillion, three hundred thirty billion, eighteen million, six hundred two thousand, three hundred seventy-eight dollars and seven cents)

One year ago, June 19, 1996, the Federal debt stood at \$5,120,985,000,000. (Five trillion, one hundred twenty billion, nine hundred eighty-five million)

Five years ago, June 19, 1992, the Federal debt stood at \$3,933,120,000,000. (Three trillion, nine hundred thirty-three billion, one hundred twenty million)

Ten years ago, June 19, 1987, the Federal debt stood at \$2,293,351,000,000. (Two trillion, two hundred ninety-three billion, three hundred fifty-one million)

Twenty-five years ago, June 19, 1972, the Federal debt stood at \$426,191,000,000 (Four hundred twenty-six billion, one hundred ninety-one million) which reflects a debt increase of nearly \$5 trillion—\$4,903,827,602,378.07 (Four trillion, nine hundred three billion, eight hundred twenty-seven million, six hundred two thousand, three hundred seventy-eight dollars and seven cents) during the past 25 years.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MESSAGES FROM THE HOUSE

##### ENROLLED BILL SIGNED

At 1:18 p.m., a message from the House of Representatives, delivered by

Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following bill:

H.R. 956. An act to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2253. A communication from the Chairman of the Tennessee Valley Authority, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC-2254. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to the Federal Republic of Yugoslavia; to the Committee on Foreign Relations.

EC-2255. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of two rules including a rule entitled "Visas" received on June 10, 1997; to the Committee on Foreign Relations.

EC-2256. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-2257. A Communication from the Assistant Secretary of Defense, transmitting, pursuant to law, a response to a report relative to tax deductibility of nonreimbursable expenses; to the Committee on Finance.

EC-2258. A communication from the Attorney-Advisor, Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Offset of Tax Refund Payments to Collect Past-due, Legally Enforceable Nontax Debt", received on June 18, 1997; to the Committee on Finance.

EC-2259. A communication from the Chair, Federal Energy Regulatory Commission, transmitting, pursuant to law, a rule relative to nuclear plant decommissioning trust fund, received on June 16, 1997; to the Committee on Energy and Natural Resources.

EC-2260. A communication from the Acting Deputy, Office of the Secretary, Department of the Interior, transmitting, pursuant to law, a rule entitled "National Capital Region Parks-Kennedy Center and Distribution of Literature" (RIN1024-AC61), received on June 18, 1997; to the Committee on Energy and Natural Resources.

EC-2261. A communication from the Director of Defense Procurement, Acquisition and Technology, Secretary of Defense, transmitting, pursuant to law, a report of 43 rules relative to the Defense Acquisition Circular 91-12, received on June 16, 1997; to the Committee on Armed Services.

EC-2262. A communication from the Director, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, a rule entitled "Scope of Rules: National Security; Prevention of Acts of Violence and Terrorism" (RIN1120-AA54), received on June 19, 1997; to the Committee on the Judiciary.

EC-2263. A communication from the Congressional Review Coordinator, Marketing and Regulatory Programs, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, a report of a rule entitled "Mediterranean Fruit Fly; Addition to Quarantined Areas; Regulated Articles", received on June 19, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2264. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the Commission's Accountability for fiscal year 1996, received on June 19, 1997; to the Committee on Governmental Affairs.

EC-2265. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule relative to Fisheries of the Exclusive Economic Zone Off Alaska, received on June 19, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2266. A communication from the Chief of the Forest Service, Department of Agriculture, transmitting, pursuant to law, a report relative to the Tongass National Forest; to the Committee on Environment and Public Works.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 949. An original bill to provide revenue reconciliation pursuant to section 104(b) of the concurrent resolution on the budget for fiscal year 1998 (Rept. No. 105-33).

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. 947. An original bill to provide for reconciliation pursuant to section 104(a) of the concurrent resolution on the budget for fiscal year 1998.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HARKIN:

S. 942. A bill to repeal the requirement that the Secretary of the Navy maintain a dairy farm for the Naval Academy; to the Committee on Armed Services.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 943. A bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation accidents; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO:

S. 944. A bill to require the Secretary of Housing and Urban Development to establish procedures for requesting waivers on behalf of qualified international medical graduates of the 2-year foreign residency requirement; to the Committee on the Judiciary.

By Mr. BREAU (for himself and Mr. GRAHAM):

S. 945. A bill to eliminate waste, fraud, and abuse in the medicare program; to the Committee on Finance.

By Mr. CRAIG:

S. 946. A bill for the relief of Pyonghui Gonion Arrington; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 947. An original bill to provide for reconciliation pursuant to section 104(a) of the concurrent resolution on the budget for fiscal year 1998; from the Committee on the Budget; placed on the calendar.

By Mr. GRASSLEY (for himself and Mr. BREAUX):

S. 948. A bill to amend the Older Americans Act of 1965 to improve the provisions relating to pension rights demonstration projects; to the Committee on Labor and Human Resources.

By Mr. ROTH:

S. 949. An original bill to provide revenue reconciliation pursuant to section 104(b) of the concurrent resolution on the budget for fiscal year 1998; from the Committee on Finance; placed on the calendar.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. SANTORUM, and Ms. MOSELEY-BRAUN):

S. Con. Res. 34. A concurrent resolution recognizing the importance of African-American music to global culture and calling on the people of the United States to study, reflect on, and celebrate African-American music; to the Committee on the Judiciary.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 943. A bill to amend title 49, United States Code, to clarify the application of the act popularly known as the "Death on the High Seas Act" to aviation accidents; to the Committee on Commerce, Science, and Transportation.

##### DEATH ON THE HIGH SEAS REFORM ACT

Mr. SPECTER. Mr. President, I have sought recognition today to introduce legislation which will provide equitable treatment for families of passengers involved in international aviation disasters. I am very pleased that my colleague, Senator SANTORUM, is joining me as an original cosponsor of this bill. Companion legislation is being introduced in the House of Representatives by Congressman JOE MCDADE and 10 other members of the Pennsylvania congressional delegation.

As my colleagues know, the devastating crash of Trans World Airlines flight 800 on July 17, 1996 took the lives of 230 individuals. Perhaps the community hardest hit by this tragedy was Montoursville, PA, which lost 16 students and 5 adult chaperones from Montoursville High School who were participating in a long-awaited French Club trip to France.

It has been brought to my attention by constituents who include parents of the Montoursville children lost on TWA 800 that their ability to seek redress in court is hampered by a 1920 shipping law known as the Death on the High Seas Act, which was originally intended to cover the widows of

seafarers, not the relatives of jumbo-jet passengers embarking on international air travel.

Under the Warsaw Convention of 1929, airlines do not have to pay more than \$75,000 to families of passengers who died on an international flight. However, domestic air crashes are covered by U.S. law, which allow for greater damages if negligent conduct is proven in court.

The Warsaw Convention limit on liability can be waived if the passengers' families show that there was intentional misconduct which led to the crash. This is where the Death on the High Seas Act comes into play. This law states that where the death of a person is caused by wrongful act, neglect, or default occurring on the high seas more than 1 marine league which is 3 miles from U.S. shores, a personal representative of a decedent can sue for pecuniary loss sustained by the decedent's wife, child, husband, parent, or dependent relative. The act, however, does not allow families of the victims of TWA 800 or other aviation incidents to obtain other types of damages, such as recovery for loss of society or punitive damages, no matter how great the wrongful act or neglect by an airline or airplane manufacturer.

My legislation would amend Federal law to provide that the Death on the High Seas Act shall not affect any remedy existing at common law or under State law with respect to any injury or death arising out of an aviation incident occurring after January 1, 1995. In effect, it would clarify that Federal aviation law does not limit remedies in the same manner as maritime law, and permits international flights to be governed by the same laws as domestic flights.

My legislation is not about blaming an airline or airplane manufacturer. It is not about multimillion dollar damage awards. It is about ensuring access to justice and clarifying the rights of families of victims of plane crashes such as TWA 800. I am open to exploring with my colleagues the possibility of expanding the retroactive relief provided in this legislation, bearing in mind that many of the plaintiffs in cases arising out of previous airplane disasters, such as the Korean Air Lines 007 incident in 1983, have agreed to out-of-court settlements.

The need for this legislation is suggested by the most recent Supreme Court decision on this issue, *Zicherman v. Korean Airlines*, 116 S. Ct. 629 (1996), in which a unanimous Court held that the Death on the High Seas Act of 1920 applies to determine damages in airline accidents that occur more than 3 miles from shore. By contrast, the Court has ruled that State tort law applies to determine damages in accidents that occur in waters 3 miles or less from our shores. *Yamaha v. Calhoun*, (1996 WL 5518)

I believe it is inequitable to make such a distinction at the 3 mile limit in civil aviation cases where the underly-

ing statute predates international air travel. I would note that the Gore Commission on Aviation Safety and Security noted in its final report this February that "certain statutes and international treaties, established over 50 years ago, historically have not provided equitable treatment for families of passengers involved in international aviation disasters. Specifically, the Death on the High Seas Act of 1920 and the Warsaw Convention of 1929, although designed to aid families of victims of maritime and aviation disasters, have inhibited the ability of family members of international aviation disasters from obtaining fair compensation."

I would further note that in an October 1996 brief filed at the Department of Transportation by the Air Transport Association, the trade association of U.S. airlines, there is an acknowledgment that the Supreme Court in *Zicherman* did not apparently consider 49 U.S.C. 40120 (a) and (c), which preserve the application of State and common law remedies in tort cases and also prohibit the application of Federal shipping laws to aviation. My legislation amends 49 U.S.C. 40120(c) to clarify that nothing in the Death on the High Seas Act restricts the availability of remedies in suits arising out of aviation disasters.

At a time when so many Americans live, work, and travel abroad, taking part in the global economy or seeing the cultural riches of foreign lands, they and their families should know that the American civil justice system will be accessible to the fullest extent if the unthinkable occurs.

I urge my colleagues to support this legislation and look forward to working with them to ensure its ultimate enactment during the 105th Congress.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 943

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

#### SECTION 1. DEATH ON THE HIGH SEAS ACT.

Section 40120(c) of title 49, United States Code, is amended to read as follows:

"(c) ADDITIONAL REMEDIES.—

"(1) IN GENERAL.—Nothing in this part or 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 (46 U.S.C. App. 761 et seq.), popularly known as the 'Death on the High Seas Act', shall, with respect to any injury or death arising out of any covered aviation incident, affect any remedy—

"(A) under common law; or

"(B) under State law.

"(2) ADDITIONAL REMEDIES.—Any remedy provided for under this part or the Act referred to in paragraph (1) for an injury or death arising out of any covered aviation incident shall be in addition to any of the remedies described in subparagraphs (A) and (B) of paragraph (1).