

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 661, COMMERCIAL OPERATION OF SUPERSONIC TRANSPORT CATEGORY AIRCRAFT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 86 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 86

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 661) to direct the Secretary of Transportation to prohibit the commercial operation of supersonic transport category aircraft that do not comply with stage 3 noise levels if the European Union adopts certain aircraft noise regulations. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1045

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may con-

sume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, H. Res. 86 is an open rule waiving clause 4(a) of rule XIII, that requires a 3-day layover of the committee report, against consideration of the bill. I would advise my colleagues that the committee's report was, however, filed yesterday on March 2.

The rule provides 1 hour of general debate to be equally divided and controlled between the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule provides that the bill shall be open for amendment at any point.

Furthermore, the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The rule also allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 661 will prohibit the operation of supersonic aircraft, such as the Concorde, in the United States if the European Union adopts a rule prohibiting the operation of U.S. aircraft that have been modified to reduce noise emissions or fitted with new engines.

The Europeans claim the EU rule is an environmental issue, but in fact it is a trade issue, because the rule would effectively prevent U.S. airlines from selling their aircraft to European airlines if those aircraft have been modified.

Ironically, however, the proposed EU regulation would not prevent European airlines from selling their own modified aircraft to other European airlines. This legislation, then, is intended to send a signal that the U.S. will not sit for such blatant discrimination and that U.S.-modified aircraft should be treated no differently than similarly modified European airplanes.

Mr. Speaker, CBO estimates that H.R. 661 would have no immediate impact on the Federal budget and that the bill contains no intergovernmental mandates as defined by the Unfunded Mandates Reform Act. The bill would, however, provide a new private-sector mandate on British Airways and Air France, the operators of the Concorde, although such mandates are not expected to exceed the \$100 million threshold.

Mr. Speaker, none of us relishes retaliatory measures of this type. Indeed, we wish they were, in fact, unnecessary. But fair is fair and, accordingly, I urge my colleagues to support H. Res. 86 and the underlying bill, H.R. 661.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary 30 minutes.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I rise in support of this open rule providing for the consideration of H.R. 661, Conditionally Prohibiting the Operation of Supersonic Aircraft.

This bipartisan bill is brought to the House by the Democratic leader on the Committee on Transportation and Infrastructure, the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Pennsylvania (Mr. SHUSTER), our Committee on Transportation and Infrastructure chairman. They are joined by the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Tennessee (Mr. DUNCAN).

Since this has been described as the "year of aviation" in Congress, this may then be the first in a series of appearances by these thoughtful and capable leaders on aviation issues. I thank them for their efforts on this legislation and look forward to their good work as the session proceeds.

The rule will allow our highly skilled aviation leaders on both sides of the aisle to make the case for the bill, which I will address just briefly in discussing the rule.

In short, the bill would respond to action being considered by the European Union which would severely restrict the use of some 1,600 U.S.-registered aircraft used by cargo, package services and passenger airlines.

The straw man in this case is airline noise, as the EU proposes to take action against these U.S.-registered aircraft which have been engineered to meet or exceed all applicable noise standards. And I repeat, the United States aircraft are in compliance.

If taken, this action will make it more difficult to sell the United States-owned aircraft because they would be barred from operating internationally.

H.R. 661 says that if the EU persists in taking such action, our Secretary of Transportation must respond by prohibiting the arrival of the supersonic transport, the Concorde, an aircraft which by comparison to our ever-more-quiet United States aircraft is a regular roof-rattler.

H.R. 661 sends a simple message to our friends "across the pond" in the European Union that we will respond in kind should they choose to take action that prohibits the use of U.S. aircraft which are completely in compliance with international standards.

That being said, I commend my friends from the committee of jurisdiction, the Committee on Transportation and Infrastructure, and urge support of the rule and the bill.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CLAIRFYING THE APPLICATION OF THE 'DEATH ON THE HIGH SEAS ACT' TO AVIATION INCIDENTS

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 85 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 603.

□ 1052

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 603) 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, with Mr. FOLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER), and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes. The gentleman from Illinois (Mr. LIPINSKI) will control the time of the gentleman from Minnesota (Mr. OBERSTAR).

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

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

Mr. Chairman, in 1996, the Supreme Court decided that the Death on the High Seas Act applied to aviation accidents. This took everybody by surprise because the Death on the High Seas Act is a shipping law and the Federal Aviation Act states that shipping laws do not apply to aviation.

Nevertheless, the Supreme Court said it did apply when the plane crashed into the ocean outside of U.S. territorial waters. The effect of this decision is to treat families differently depending on whether their relative dies in an aircraft that crashes into the ocean or one that crashes into the land.

If the plane crashes into the ocean, the Death on the High Seas Act applies. This act prevents a family from collecting damages for their relatives' pain and suffering or from the loss of the companionship of their loved one. However, if the plane crashes into land, there is no legal bar to collecting these damages.

So, there really is no reason why the monetary recovery from a lawsuit should depend upon where the plane happens to come down, whether it is into the water or into the land.

Mr. McDade, who was the predecessor of the gentleman from Pennsylvania (Mr. SHERWOOD), introduced this bill last year, and it was passed overwhelmingly in this House, but it died in the Senate. The gentleman from Pennsylvania (Mr. SHERWOOD) is to be congratulated for moving this legislation so expeditiously through our committee so that we can be here on the floor today to correct this obvious, nearly bizarre inequity. It is something that we certainly should do.

Now, this bill, sponsored by the gentleman from Pennsylvania and supported by many of us on both sides of the aisle, will be very helpful to the families of the victims of TWA 800, some of whom reside in the gentleman's district, and the families of aircraft crash victims throughout the United States. It will ensure that all families are treated equally, regardless of whether a loved one died, be it in the water or on land.

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

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

Mr. Chairman, I strongly support H.R. 603, a bill to clarify the application of the Death on the High Seas Act. An identical bill overwhelmingly passed the House of Representatives last Congress. Unfortunately, the full Senate did not consider the bill before the end of Congress.

H.R. 603 addresses a gross inequity which was brought to our attention by the family members of the victims of TWA flight 800, which is created when the Death on the High Seas Act is applied to aviation accidents.

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

The effect of applying the Death on the High Seas Act to aviation accidents is to treat families differently depending on whether the loved ones die in an aircraft that crashed into the ocean or one that crashed on land. This is obviously unfair. The value of an individual's life does not change depending on where the plane happens to come down.

H.R. 603 would correct this critical flaw of the Death on the High Seas Act. First, the bill simply adds the bill to the list of shipping laws that do not apply to aviation. Secondly, the bill makes this change applicable to all cases still pending in the lower courts, which includes the family members of the victims of TWA flight 800.

Mr. Chairman, I strongly urge my colleagues to support this bill. It is a simple piece of legislation that will fix the harmful inequity that results when the Death on the High Seas Act is applied to aviation disasters.

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

Mr. SHUSTER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Tennessee (Mr. DUNCAN), chairman of the Subcommittee on Aviation.

Mr. DUNCAN. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for yielding me this time.

Mr. Chairman, I rise in strong support of this legislation which was introduced by the very distinguished gentleman from Pennsylvania (Mr. SHERWOOD). Let me just say that this legislation, I think, shows that the gentleman from Pennsylvania really cares about his constituents and is willing to try to help them in any way he can. This legislation is an example of that, because many young people from the gentleman's district in Montoursville, Pennsylvania, died tragically in the TWA 800 crash. But this legislation will help people all over the Nation and it could help families years from now if, God forbid, we have another similar crash in the ocean.

Mr. Chairman, this legislation is designed simply to clarify the application of the Death on the High Seas Act to aviation accidents. This issue arises because, in 1996, the Supreme Court really surprised everyone in deciding the case of Zickerman versus Korean Airlines in holding that the Death on the High Seas Act applies to lawsuits that arise out of an aircraft crash in the ocean that occurs more than 3 miles from land.

□ 1100

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 that almost no one in the aviation or legal communities believe that this Death on the High Seas Act would apply to the TWA crash until the recent decision in the Zickerman case.

Moreover, 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. SHERWOOD), 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, these people are limited to recovering only lost wages.

Because of the Zickerman decision and this law, it means that parents will