

The U.S. government already has worked to help strengthen some aspects of the judiciary systems in Latin America and in other places in the world such as Bosnia, but we have a great deal farther to go. If we fail to focus on this matter, we will miss a great opportunity to build on the foundation we worked so hard to establish. Even worse, we put the very foundation, itself, at risk of collapse. One of the great wonders of a free society is that all of its core values—democracy, free markets, rule of law, and human rights—really reinforce the others. To strengthen one strengthens them all.

CONCLUSION

As we enter the 21st Century and contemplate our nation's role in the world, we must think about past mistakes, learn from them, and move forward toward a more balanced, principled, bi-partisan foreign policy. In doing so, we should consider these principles, which I have outlined tonight:

1. The United States must lead in foreign affairs;
2. The peace and stability of our own hemisphere must be one of our top priorities; and
3. Our foreign policy must reinforce and promote our own core values of democracy, free markets, human rights, and rule of law.

In the global struggle for peace and stability, there is no substitute for strong, effective U.S. leadership. Leadership means foresight. It means thinking ahead. It also means credibility.

This week, ten years ago, the Berlin Wall fell, marking the beginning of the end of the Cold War. During this time of remembrance for this anniversary and as we pause, as Dr. Shriver so appropriately pointed out, to pay honor to our veterans, the following words. I think, have significance:

“Ladies and gentleman, the United States stands at this time at the pinnacle of world power. It is a solemn moment for the American democracy. For with this primacy in power is also joined an awe-inspiring accountability to the future. As you look around you, you must feel not only the sense of duty done, but also you must feel anxiety lest you fall below the level of achievement.”

Now these words, while they would be a fitting tribute to the resilience of our nation during the Cold War, actually were spoken by Winston Churchill more than fifty years ago at Westminster College in Fulton, Missouri. Although known for its reference to “the iron curtain,” Mr. Churchill’s now famous speech was actually titled, “The Sinews of Peace.” In his typically less than subtle manner, Mr. Churchill was suggesting that times of peace require the same strength of purpose as times of war. He certainly was right.

Winston Churchill saw, before many did, what lay ahead for the world. He saw a difficult, uncertain, and volatile peace. He did advise his American allies to pursue an overall strategic concept and outline the methods and resources needed to enforce this strategy. He was calling on America to define its role in a post-World War II world. President Harry Truman, fortunately for us, had the vision and the resolve to accept this challenge and to redefine America’s role in foreign affairs.

No doubt, Mr. Churchill would offer similar advice today. All of us here do have an “awe-inspiring accountability to the future.” The challenges are many, but I believe they can be met. Doing so requires one significant first step: We must develop, as a country, a doctrine that will guide and define our role in the world. If our next President does that—if our next President follows the example of John Kennedy, Dwight Eisenhower, or Harry Truman, we will have a doctrine that

will take us into the next century. And, we will have a doctrine that will be consistent with our principles, with our values, and with our vision of the types of world in which we want our children, our grandchildren, and our great-grandchildren to grow up.

FLORIDA’S ANTI-TOBACCO YOUTH MOVEMENT: THE SWAT TEAM

Mr. GRAHAM. Mr. President, I have been to the floor many times in the past to speak about the expense smoking has cost this great country—both in terms of dollars that the federal and state governments have paid for the care of those afflicted with tobacco-related illnesses and in terms of lives lost from this dreadful addiction.

I have supported state and federal efforts to recoup a portion of these lost dollars from the tobacco industry, as well as their efforts to begin education campaigns that would teach all Americans about tobacco’s harmful effects.

And, most importantly, I have worked with my colleagues to ensure that tobacco companies are no longer targeting our youth.

Tobacco companies must stop marketing their wares to our most vulnerable population, be it through magazine ads that depict smoking as the “cool” thing to do or through the strategic placement of billboard advertisements near their schools and play areas.

Mr. President, I am here today to let this distinguished body know that in Florida our message is being heard.

Florida’s children are learning about the health hazards that tobacco poses, and they are deciding not to smoke.

This great news is due, in large part, to the successes of our innovative anti-tobacco pilot program—the “Truth” campaign.

Funded with the monies awarded in Florida’s 1997 tobacco settlement, the “Truth” campaign has a very simple mission—to counter the misinformation that our youth hear about smoking.

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Much of this truth-telling is done by students working in what are known as SWAT teams.

The Students Working Against Tobacco concept was created in February 1998.

Today, SWAT teams are operating in all 67 counties of Florida, with more than 10,000 members throughout the state.

With a goal of reducing teen smoking through youth empowerment, the SWAT teams have formed partnerships with their communities and developed both marketing and education campaigns to impart the truth about tobacco.

Although SWAT teams have been operational for less than two years,

they are already making progress in the war against tobacco.

Statewide studies are showing that over 95 percent of Florida’s youth recognize the “Truth” Campaign and know its message to be anti-tobacco.

Additionally, surveys are showing that teenage smoking has decreased since SWAT’s 1998 inception.

Tobacco use among high school students has dropped by 8.5 percent, and middle schools have seen a dramatic 21 percent decline in student tobacco use.

This reduction is particularly significant when compared to national statistics showing that states without an anti-tobacco campaign have seen an approximately eleven percent rise in tobacco use.

Florida’s success may be due to SWAT’s willingness to employ both education and mass media as means of spreading their message.

Ads that are designed by students are played on local television stations, informing teens of the perils of tobacco use.

Similarly, billboards that the SWAT teams have designed are displayed within the communities.

These are complemented by an education component that is adaptable for all school grades.

Health classes provide an opportunity to discuss the impact smoking has upon the body, from halitosis to lung cancer.

In reading classes, young children learn to read using books that are about how to stay healthy and smoke-free.

Science courses have moved the anti-tobacco campaign into the technology age, employing CD-Rom programs such as “Science, Tobacco and You,” an innovative computer program that demonstrates tobacco’s effects on the body—from first puff to final drag.

Students scan their photo into the computer, becoming a virtual reality smoker.

As the program progresses, students watch their teeth, skin, bones and lungs begin to deteriorate.

Currently, SWAT teams are strengthening their community outreach and grassroots work.

In their current effort, students are working to get tobacco ads removed from magazines that have either one million youth readers or over ten percent of total readership under age 18.

They are collecting these ads and returning them in bulk to the tobacco companies, with a cover letter stating that Big Tobacco needs to strengthen their commitment to reducing teen smoking.

SWAT teams have offered to meet with industry representatives to share ideas about how this mutual goal might be met.

Once again, the SWAT program has achieved success.

At their next board meeting, they will be joined by representatives from Brown & Williamson Tobacco Company to discuss how to better target tobacco ad campaigns to adults, not youth.

Mr. President, I am very proud of these young people.

I am here today to commend them publicly, and to share their accomplishments with all of you because they are truly making a difference in the battle against teenage smoking.

Florida has encouraged its youth to creatively combat one of the foremost problems facing today's teenagers, entrusting them with the tools and means to successfully meet their goals.

As other areas work towards the development of a youth-based anti-tobacco initiative, SWAT will be the model upon which their programs will be based.

To the over 10,000 members of SWAT, thank you for your efforts to educate Floridians about the dangers of tobacco.

DEATH ON THE HIGH SEAS ACT

Mr. SPECTER. Mr. President, as it appears unlikely the House and Senate conferees will come to agreement this year on a bill to reauthorize the Federal Aviation Administration, I have sought recognition today to introduce legislation which will provide equitable treatment for families of passengers involved in international aviation disasters. This measure is identical to legislation I introduced in the 105th Congress, and similar to provisions contained in both the House and Senate FAA bills.

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.

Last Congress it was 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 jumbojet passengers embarking on international air travel.

Under the Warsaw Convention of 1929, airlines are limited in the amount they must pay 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 such as the Swissair Flight 111 crash and the recent EgyptAir 990 tragedy 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.

The need for this legislation is suggested by the Supreme Court decision *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 underlying statute predates international air travel. I would note that the Gore Commission on Aviation Safety and Security noted in its final report 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 clar-

ify that nothing in the Death on the High Seas Act restricts the availability of remedies in suits arising out of aviation disasters.

In September, 1998, during consideration of the Federal Aviation Administration authorization bill, I offered a compromise amendment with a limit on damages in order to move ahead to obtain some possible compensation for victims' families beyond pecuniary damages. I did so because had an amendment to the Death on the High Seas Act been enacted which would have had unlimited damages, there was the announced intent to filibuster the bill. While my amendment was accepted by a voice vote in the Senate, the underlying FAA bill was not enacted into law.

This year the Senate passed a new FAA reauthorization bill which included the compromise provision agreed to last year. As the bill conferees appear unlikely to reach agreement with the House this year, I am reintroducing the original version of my bill because I fundamentally oppose any cap on damages and am hopeful that this legislation can be enacted independently of the FAA bill to provide the fullest amount of relief to the families of aviation disaster victims.

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 second session of the 106th Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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

S.—

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).

“(3) COVERED AVIATION INCIDENT DEFINED.—In this subsection, the term 'covered aviation incident' means an aviation disaster occurring on or after January 1, 1995.”