

# 03/00 WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

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This act denies families the ability to recover non-economic damages in a lawsuit. This

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means that a family member could not be compensated for the loss of their sons and daughters; sons and daughters could not be compensated for the loss of their elderly parents.

Section 404 of this legislation addresses this gross unfairness by amending the Death on the High Seas Act to allow for the recovery of non-economic damages. Although this legislation is not flawless, it is a step forward in bridging an existing gap in our system of compensation for those who have lost loved ones in aviation disasters.

While the existing statute recognizes the rights of those persons who are economically dependent upon family members lost in aviation accident, this new legislation recognizes the rights of parents, children, siblings and other family members who are dependent upon those lost in aviation disasters for care, comfort and companionship.

Specifically, this legislation allows these individuals to recover just compensation in aviation accidents for the loss of a loved one's care, comfort and companionship.

Although this legislation cannot fully restore the lives of those affected by the loss of a loved one in an aviation disaster, it is an improvement upon their lives by compensating them for the void resulting from the unbearable loss of a family member.

I strongly urge my colleagues to support this important piece of legislation.

Mr. KUCINICH. Mr. Sp eaker, I voted today for H.R. 1000, the Aviation and Investment Reform Act for the 21st Century, because airport expansion is important to our national economy and the local economies surrounding each airport. In my district, Cleveland Hopkins International Airport is a tremendous asset to the people of Cleveland and Northeast Ohio. However, the value of Hopkins to business and recreational travelers, as well as the resource economy of the Greater Cleveland area, must be balanced to protect residents living near the airport, or who are otherwise affected by Hopkins operation and expansion.

Many issues have arisen at Hopkins, including the failure to look at other alternatives, the significant noise impacts from increased air traffic, and finally environmental concerns that include water quality, air quality, hazardous waste, and wetlands.

The current approach to Hopkins expansion assumes that Cleveland Hopkins International Airport will continue to be the sole airport serving all the needs of passengers and air cargo traffic for the next twenty years. Any expansion plans must include regional planning that considers use of already existing resources, including greater use of Burke Lakefront Airport, the Akron/Canton Regional Airport, and other local airports, as contributors to Northeast Ohio's air transportation mix. The Greater Cleveland business community criticized the Hopkins expansion proposal for its failure to include simultaneous operations under poor weather conditions. Greater use of other airports will allow for simultaneous runway operations under conditions of poor visibility.

Communities near Hopkins are already over-burdened with airport and train noise. The current Hopkins expansion proposal fails to consider the cumulative effects of the noise burden to neighboring communities. The Hopkins expansion proposal needs to consider greater use of other area airports to alleviate additional noise in the direct flight path, affecting Olmsted Falls, Olmsted Township, and Cleveland Wards 21, 20, and 19.

If the FAA approves the expansion as proposed, a displaced threshold must go into effect to protect communities in the flight path as a superior alternative than the fan-out procedure recommended in the DEIS. The displaced threshold would protect surrounding communities such as Bay Village, Berea, Brook Park, Fairview Park, Lakewood, North Olmsted, Parma, Parma Heights, Rocky River, Strongsville, and Westlake, by preventing the need for the fan-out. The FAA must also focus on beefing up its noise prevention procedures, such as noise monitoring and Noise Abatement Departure Procedures.

Greater attention must be focused on clean-up of hazardous materials buried at Hopkins and the NASA Glenn Research Center, the proposed site of a new 5L/23R runway. Costs must also be considered: the public needs to know how much such a cleanup is going to cost.

Wetlands have important features that help protect the environment by filtering out runoff and contributing to biological diversity. The federal policy on wetland protection is to first avoid impacting wetlands, then minimize the effects, and finally, if no alternative is available, to mitigate by restoring other wetland areas. Current expansion plans make no attempt to avoid or minimize the loss of 87.75 acres of wetland and 7900 linear feet of Abram Creek. Alternatives that avoid wetland loss, such as greater use of other airports, must be considered. If mitigation is the only alternative, a full accounting of how, and at what cost, these resources will be mitigated. Expansion proposals must account for how culverting Abram Creek will affect the water quality of the Rocky River and Lake Erie, explain how it will remediate these effects, and how much it will cost the taxpayers.

Alternatives must be considered that will minimize the contributions to the poor air quality that already exists and that will increase with an expanded Hopkins.

Once these issues are resolved, further expansion at Hopkins will be achievable, and the landmark legislation passed today will ensure funding can be made available.

Mr. NADLER. Mr. Speaker, have you noticed that you tend to get sick every time you fly? Many of us who are frequent flyers, know that the air on commercial flights is stale and poorly ventilated, and in some cases, it really does seem to make you ill. Though hundreds of flight crewmembers have reported hundreds of separate incidents of unexplained headaches, blurred vision and other health problems, no one has closely looked into this problem.

Health risks associated with poor air quality in airplanes include exposure to toxins, airborne viruses, and ozone. These risks are worsened by the fact that passengers do not breathe fresh air on flights, but instead inhale re-circulated "bleed air" that passes through the engine.

Passengers should be able to feel confident that they are not endangering their health when they fly to visit friends and relatives or as they arrive and depart from business trips. Airline industry workers should not feel their health is threatened as they earn a living. We must learn the nature and extent of the health risks that are associated with poor cabin air quality so that the problem can be corrected.

After learning of the potentially dangerous health risks for frequent flyers and flight crewmembers, I urged the AIR-21 conferees during negotiations to include a study of the air quality on commercial flights in this bill. I am pleased that the conference report calls for a comprehensive, 12-month study into the air quality of commercial airplane flight cabins. The independent study, to be undertaken by the National Academy of Sciences, will look into the contaminants to which flight crew and passengers are exposed, as well as the consequences of using engine and auxiliary "bleed air" as air sources. This study is long overdue.

The AIR-21 conference report also provides for a one-year study into the effects of helicopter noise on individuals in densely populated areas. As a representative of Manhattan and parts of Brooklyn, I have heard the pleas from many of my constituents who have been plagued by the daily disruption of helicopter noise. It is time for the FAA to investigate the harm this noise inflicts upon residents and develop procedures to reduce helicopter noise as much as possible.

The conference report addresses important safety concerns, as well as the growing capacity and infrastructure demands

of the aviation industry. That is why I urge my fellow colleagues to support it.

Mr. SHAYS. Mr. Speaker, I rise in support of a number of provisions included in the Conference Report to H.R. 1000, the Wendell H. Ford Aviation Investment & Reform Act for the 21st Century (AIR-21), including Emergency Locator Transmitters (ELTs) and a study on helicopter noise. Unfortunately, I am voting against the legislation because it provides federal aviation programs budgetary protection not afforded to other equally vital federal programs.

I strongly support the ELT section included in this conference report and thank the House and Senate conference committees for including this life-saving provision.

On December 24, 1996 a Learjet with Pilot Johan Schwartz, 31, of Westport, Connecticut and Patrick Hayes, 30, of Clinton, Connecticut lost contact with the control tower at the Lebanon, New Hampshire Airport. Despite efforts by the federal government, New Hampshire state and local authorities, and Connecticut authorities, a number of extremely well organized ground searches failed to locate the two gentlemen or the airplane until November 1999--almost three years later.

The disappearance of the Learjet on Christmas Eve was a true tragedy. In my judgment, what is particularly frustrating about this situation is that had the plane been equipped with a moderately-priced location device, the plane may have been found quickly. While current law requires most planes to be equipped with an ELT, there are several exceptions.

For this reason, together with the rest of the Connecticut Congressional delegation and Congressman NEAL of Massachusetts, I introduced H.R. 267, to require ELTs on fixed wing aircraft, with a few exemptions, including planes used by manufacturers in development exercises, agricultural crop planes, acrobatic show planes and large commercial planes which already have on-board technology to be quickly located.

In a tragedy--where time can play the difference between life and death--it is critical aircraft are equipped with locating devices