is a fitting tribute to a respected colleague. I urge my colleagues to support this bill.

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

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

I am honored to join with the gentleman from New York [Mr. NADLER], sponsor of this legislation, in supporting this bill to designate the new courthouse on Pearl Street in lower Manhattan as the Ted Weiss U.S. Courthouse.

Ted was a friend of mine, a colleague. He was fair. He is well known for his work in advocating for the funding of AIDS research, well known for his efforts in promoting the human rights movement, and well known for his efforts in establishing dignity and equality for Vietnam veterans who came back and were scorned after having put their lives on the line. These were just a few of the causes for which our good friend, Ted Weiss, was a tireless advocate and worker.

As a young refugee from the Holocaust, Ted Weiss became a staunch supporter of civil liberties in this country second to none. His legislative record was built around his service on the Government Operations Committee, where he chaired the Subcommittee on Human Resources and Intergovernmental Relations, and everyone knows of his fairness and his willingness to include all thoughts and ideas. It is absolutely fitting and proper that we honor Ted Weiss by this designation.

I want to commend my colleague, the gentleman from New York [Mr. NADLER], for his tireless efforts to ensure that the Congress of the United States will not overlook the great contribution of Ted Weiss.

Mr. NADLER. Mr. Speaker, as the sponsor of this bill, I would like to thank Chairman KIM and Ranking Member TRAFICANT as well as Chairman SHUSTER and Ranking Member OBERSTAR for their support of this legislation.

As one of Ted Weiss's friends, I knew the compassionate, dedicated, hard working and loving man that many people never get to see in their elected officials. The unique personality that made Ted Weiss was crafted by a life that began in eastern Hungary on September 17, 1927. He later would arrive in the United States on March 12, 1938, on the last passenger ship out of Hamburg, Germany, before the end of World War II.

Ted went on to earn his undergraduate and law degree in 4½ years from Syracuse University. He then worked as an assistant district attorney in Manhattan for 4 years. At that time, Ted was elected to the New York City Council and so began a lifetime of public service that was marked by compassion and principle.

As one of Ted Weiss's constituents for the 16 years he served in Congress, I knew first hand how tirelessly he worked to bring issues important to the people whom he served to the forefront. Ted Weiss was one of the first elected officials in the Nation to focus attention on the need to increase funding for AIDS research, before the epidemic dominated discussions worldwide. He was a strong supporter of human rights throughout the world and right here at home. He received the Vietnam Veterans of America's highest award 2 years in a row for his work on behalf of America's veterans. Ted was not afraid to stand up for his convictions and make sure we understood why he held them so dear to his heart.

We will be honoring Ted by naming this court house after him. I believe this suits the man who fought so hard to create a more just world. Being the sponsor of this legislation I hope to, in some small way, say thank you to my friend and colleague for bringing prestige and honor to the congressional seat that was known as the 17th District, now the Eighth District, in New York City.

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

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

The SPEAKER pro tempore. The question is on the motion offered by gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 548.

The question was taken.

Mr. CRAPO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

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 H.R. 548, the bill just considered.

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

There was no objection.

□ 1415

AVIATION INSURANCE REAUTHORIZATION ACT OF 1997

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2036) to amend chapter 443 of title 49, United States Code, to extend the authorization of the aviation insurance program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2036

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Aviation Insurance Reauthorization Act of 1997''.

SEC. 2. VALUATION OF AIRCRAFT.

Sections 44302(a)(2) and 44306(c) of title 49, United States Code, are each amended by striking ''as determined by the Secretary'' and inserting ''as determined by the Secretary in accordance with reasonable business practices in the commercial aviation insurance industry''.

SEC. 3. EFFECT OF INDEMNITY AGREEMENTS.

Section 44305(b) of title 49, United States Code, is amended by adding at the end of the following: ''If such an agreement is countersigned by the President, the agreement shall constitute, for purposes of section 44302(b), a determination that continuation of the aircraft operations to which the agreement applies is necessary to carry out the foreign policy of the United States.''.

SEC. 4. ARBITRATION AUTHORITY.

(a) AUTHORIZATION OF BINDING ARBITRATION.—Section 44308(b)(1) of title 49, United States Code, is amended by inserting after the second sentence the following: ''Any such policy may authorize the binding arbitration of claims made thereunder in such manner as may be agreed to by the Secretary and any commercial insurer that may be responsible for any part of a loss to which such policy relates.''.

(b) AUTHORITY TO PAY ARBITRATION AWARD.—Section 44308(b)(2) of such title is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) pay the amount of a binding arbitration award made under paragraph (1); and''.

SEC. 5. EXTENSION OF PROGRAM.

Section 44310 of title 49, United States Code, is amended by striking ''September 30, 1997'' and inserting ''December 31, 1998''.

SEC. 6. PUBLIC AIRCRAFT DEFINED.

Section 40102(a)(37)(A) of title 49, United States Code, is amended—

(1) by striking ''or'' at the end of clause (i);

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following:

''(ii) owned by the Armed Forces of the United States and operated by any person for purposes related to crew training, equipment development, or demonstration; or''.

The SPEAKER pro tempore (Mr. UPTON). Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 20 minutes.

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

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

Mr. Speaker, this bill reauthorizes the War Risk Insurance Program for another year. The War Risk Insurance Program was first reauthorized in 1951 and has been reauthorized periodically since then. Its current authorization expires tomorrow. This program was used extensively during operations in Desert Shield and Desert Storm to insure aircraft ferrying troops and supplies to the Middle East. Without this program, the military would have had to buy more aircraft for this purpose, which would have cost taxpayers billions of dollars. Instead, commercial aircraft, with the protection of war risk insurance, were willing to take on these dangerous missions.

The bill being considered today reauthorizes this program and makes several relatively minor changes that were suggested by the administration, the GAO, and the airlines, at the Subcommittee on Aviation hearing last May. The bill differs slightly from the bill that was approved by the Committee on Transportation and Infrastructure last July. The main difference is

that the provision on borrowing authority was dropped and the reauthorization period was shortened.

The borrowing authority provision was designed to ensure that insurance claims could be paid in a timely manner without having to wait for an appropriation. Unfortunately, the administration opposed this. They did agree, however, to develop an alternative. This bill gives them 1 year to develop that alternative.

Also, this bill includes a small change to the definition of ''public aircraft.'' That change will allow military aircraft manufacturers to lease back their planes from the military for air shows or other demonstration purposes. This is a good bill, and I urge my colleagues to support this.

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

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

Mr. Speaker, I, of course, support H.R. 2036, the War Risk Insurance Reauthorization Act of 1997. This is one of several times we have come to the floor to reauthorize this legislation, and this particular reauthorization extends the program until December 31, 1998.

This is very important legislation. It may not seem large in the great scheme of things that we do in the House or even on our Committee on Transportation, but this particular legislation is vitally important to our national security effort. This bill includes provisions to ensure that the program will run more smoothly the next time we have to call upon the airlines to engage in national security support initiatives.

The War Risk Insurance Program was most recently put into operation during Desert Shield and Desert Storm. U.S. air carriers flew thousands of U.S. troops and tons of equipment from the United States and from Europe into the Middle East theater of operations. During that period of time, the FAA issued nonpremium war risk insurance for some 5,000 commercial flights that operated air lift services as part of the Civil Reserve Air Fleet.

In fact, in an assessment after Desert Storm, President Bush complimented the Civil Reserve Air Fleet, the domestic airline carriers and both the scheduled carriers and the charter operators and our cargo fleet on the superb job they did, saying that without those 5,000 fleets, we could not have met the challenge with the readiness that the U.S. forces demonstrated at the outset of both Desert Shield and Desert Storm.

Not only is insurance vital to airline operations, it is essential in operations such as this type in high-risk combat zones. The FAA and the DOT requires insurance for airline operations under any circumstance. But in these circumstances, there is a higher risk and a higher need. And that is why this is a matter of national policy to provide war risk insurance.

The very simple fact is that such operations are carrying out foreign policy objectives of the United States in a highly contested arena. The program is divided into two parts, both premium and nonpremium insurance. Under the premium policy, insurance is provided to U.S. or foreign carriers for commercial scheduled and charter service. It can be used only for international flights. It is a very important distinction. Premium insurance was provided during the Vietnam war and on 37 occasions after Iraq invaded Kuwait.

Nonpremium insurance is used to ensure that airlines operating under contract to the U.S. Government, either State or Defense Department, and it can cover domestic or international flights. In the course of the Subcommittee on Aviation hearings conducted by the gentleman from Tennessee [Mr. DUNCAN], our very distinguished chairman, GAO raised two issues that should be addressed legislatively.

First, air carriers that are purchasing premium insurance, in GAO's opinion, needed to have a better guarantee that if they suffered a claim in excess of the amount in the revolving fund, they would be assured of complete and immediate reimbursement.

Second, there was a need to clarify whether flights conducted on behalf of Defense and State covered by nonpremium insurance had to be determined by the President to be in the best foreign policy interests of the United States. Both of those concerns are addressed in this legislation.

Since then, the administration has expressed again its concerns about a provision in the bill that provided borrowing authority to the FAA in the event a claim would be made in excess of the amount in the revolving fund. The administration wanted time to work out an agreement between the FAA and DOT to meet the concerns expressed by GAO. We have agreed to drop that provision but have shortened the length of time for this authorization from 5 years to 15 months.

Normally, we would have a much longer authorization period. I felt that this shorter timeframe needed to be explained, because it is not the committee's intention to proceed without some understanding on this very important matter of extending the borrowing authority for those cases in which claims are made in excess of the revolving fund.

I know that is the concern of the gentleman from Tennessee [Mr. DUNCAN]. I know that is a concern of the gentleman from Illinois [Mr. LIPINSKI], our remarking member on the Subcommittee on Aviation, and I know that the gentleman from Pennsylvania [Mr. SHUSTER] shares that concern.

We do want to ensure that there will be continuity for this program. We want to ensure that it will not be subject to stop and start by fits. We prefer a much longer period of authorization. But until this issue is revolved, I do not think it is responsible for the Congress to proceed until this matter is resolved.

I take this opportunity to urge the DOT, as the lead agency here, and State and Defense and all the other entities in the administration that have a say in this issue, to get together, resolve the issue so that we can provide the longer term authorization that is our customary practice in the war risk insurance issue.

I want to congratulate the gentleman from Tennessee [Mr. DUNCAN], our subcommittee chair, and the gentleman from Illinois [Mr. LIPINSKI], our ranking minority member, for the splendid work they have done, and our staff on both sides of the aisle for paying such careful and detailed attention to this very important issue that might otherwise not be so fully appreciated.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. Brown].

Ms. BROWN of Florida. Mr. Speaker, I rise in support of H.R. 2036, the Aviation Insurance Reauthorization Act of 1997.

First of all, I wish to congratulate the gentleman from Tennessee [Mr. DUNCAN], subcommittee chairperson; and the gentleman from Illinois [Mr. LIPINSKI], the ranking member; as well as the gentleman from Pennsylvania [Mr. SHUSTER], the chairman; and the gentleman from Minnesota [Mr. OBERSTAR], the ranking member, for their work on this legislation. It is a good bill and deserves the support of all.

Mr. Speaker, H.R. 2036 reauthorizes the important War Risk Insurance Program until December 31, 1998. It also contains provisions intended to ensure that the program runs more smoothly the next time it is utilized. It is important that carrier concerns are addressed to the greatest extent possible in order to encourage continued carrier participation in the Civil Reserve Air Fleet. The need for a vibrant CRAF Program was evidenced in 1990, during the Desert Shield and Desert Storm operations.

Since the program was last authorized, the Department of Defense, working with the Federal Aviation Administration and the carriers, entered into an agreement whereby losses incurred by a carrier operating on behalf of the Departments of State or Defense, covered by nonpremium insurance, could be reimbursed in a more timely manner.

When our committee held a hearing on these programs earlier this year, GAO testified that there were only two outstanding issues that should be addressed legislatively.

Mr. Speaker, this is a noncontroversial bill developed on a bipartisan basis, and I urge my colleagues to support its passage.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I thank the ranking member, Mr. OBERSTAR, for yielding me the time, and I support the amendment.

But I took to the floor to note that the gentleman from Minnesota [Mr.

OBERSTAR], our ranking member, had been in Minnesota a couple weeks ago because his 86-year-old mother, Mariette, had a heart attack. I am glad to see that he is back energetically handling our committee's business. He was made to do so.

I am proud to announce that his mom is doing fine. And everybody here would like to just state, for the RECORD, that we support this bill and we are glad to see our ranking member back and his mom doing fine up there in Minnesota.

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

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Ohio [Mr. TRAFICANT] for his very heartfelt comments, and if my mother were watching, she would be very happy to have heard those kind words, as well. It is very reassuring that she has been able to rebound from a very serious illness and assume her normal course of activities, cooking, baking, the things that she loves best.

The woman, who in her lifetime has cooked probably three tons of bread, is not going to be stopped by a heart attack. I thank the gentleman from Ohio [Mr. TRAFICANT] for his kind words and all those who have been so supportive.

Mr. DUNCAN. Mr. Speaker, Chairman SHUSTER, myself, the ranking member of the full committee, Mr. OBERSTAR, and the ranking member of the Aviation Subcommittee, Mr. LIPINSKI, introduced H.R. 2036, the Aviation Insurance Reauthorization Act of 1997 on June 25th.

This war risk insurance program was first authorized in 1951, and, over the years, has been improved upon during the reauthorization process.

On May 1, 1997, the Aviation Subcommittee held a hearing to review the War Risk Insurance Program, which expires tomorrow.

Of course, we rarely hear about this program until a conflict arises, like Vietnam, the gulf war, or Bosnia. This insurance program was an integral part of our Nation's military response in those cases.

The reauthorization of this program is also very essential for a viable Civil Reserve Air Fleet Program which meets the Nation's security needs.

The Department of Defense depends on the CRAF Program for over 90 percent of its passengers, 40 percent of its cargo, and nearly 100 percent of its air medical evacuation capability in wartime. These flights could not be operated without the insurance provided by this bill.

So it is very important that we reauthorize this program in a timely manner.

This bill was approved unanimously by the Aviation Subcommittee on July 10 and by the full Transportation & Infrastructure Committee on July 23. The bill incorporated many of the suggestions we heard from expert witnesses at our May hearing.

Mr. Speaker, this legislation authorizes the Secretary of Transportation to be guided by reasonable business practices of the commercial aviation insurance industry when determining the amount for which an aircraft should be insured.

This change is intended to recognize that there may be instances in which an aircraft's market value is not the appropriate basis for determining the amount of insurance.

The bill also states that the President's signature of the indemnification agreement between the DOT Secretary and the head of another U.S. Government agency will constitute the required finding under current law that the flight is necessary to carry out the foreign policy of the United States.

Section 4 of the bill permits a war risk insurance policy to provide for binding arbitration of a dispute between the FAA and the commercial insurer over what part of a loss each is responsible.

The provision on borrowing authority that was in the reported bill has been dropped because the administration objected to it.

However, they did agree to develop in the coming months an alternative to the borrowing authority that would ensure that air carrier insurance claims could be paid in a timely manner. We look forward to working with them on that.

And finally, the bill also now includes a very simple provision designed to fix a problem experienced by defense contractors who lease back their planes from the military in order to fly them in air shows or other similar demonstrations.

Although this practice has been going on for many years, some in the FAA have interpreted the law in a way that would prevent this from occurring. This bill would allow these flight demonstrations, which are important to product development and company sales, to take place.

I strongly use the House to support this legislation so that we can reauthorize this very essential program.

Mr. SHUSTER. Mr. Speaker, the war risk insurance program has been a relatively noncontroversial program.

It was first authorized in 1951 and last reauthorized in 1992.

Since 1975, it has been used to insure more than 5000 flights to trouble spots such as the Middle East, Haiti, and Bosnia. It was used to insure airlines ferrying troops and supplies to the Middle East during Operation Desert Storm.

The program is scheduled to expire at the end of this fiscal year.

The reauthorization of this program is relatively straightforward.

Several technical changes suggested by GAO, the administration, or the affected airlines have been included in the bill. These changes would do the following—

Authorize the Secretary to be guided by the reasonable business practices of the commercial aviation insurance industry when determining the amount for which an aircraft should be insured.

This change is intended to recognize that there may be instances in which an aircraft's market value is not the appropriate basis for determining the amount of insurance. For example, this occurs in the case of leased or mortgaged aircraft when the lessor or mortgagor require a specified amount of insurance in the lease or mortgage agreement. As the market values of aircraft fluctuate, the specified amount may sometimes be different than the market value of the aircraft.

States that the President's signature of the indemnification agreement between the DOT Secretary and the head of another U.S. Government agency will constitute the required finding that the flight is necessary to carry out the foreign policy of the United States.

Permits a war risk insurance policy to provide for binding arbitration of a dispute between FAA and the commercial insurer over what part of a loss each is responsible for.

Extends the program for 1 year.

There are 3 changes from the bill that was reported by our Committee (Report 105–244) they are—

Elimination of the provision on borrowing authority;

Shortening of the authorization period; and

A very limited provision on public aircraft.

The elimination of the borrowing authority and the shortening of the reauthorization period are closely related.

We have dropped the borrowing authority at the request of the administration. However, FAA officials have committed to us that in return for eliminating this provision, they would work with us to develop an alternative to ensure that airline insurance claims can be paid in a timely fashion.

The reauthorization period has been shortened to ensure that FAA addresses this matter in the next year. We look forward to working with the FAA, DoD and the airlines on this.

The new provision on public aircraft is a response to a problem recently experienced by Boeing, McDonnell-Douglas and other defense contractors. The problem arises because these companies will sometimes lease back from the military aircraft that they had previously sold them. They do this in order to fly them in air shows, flight demonstrations, research, development, test, evaluation, or aircrew qualification. When they do this, FAA now believes that they lose their status as public aircraft and become subject to FAA regulations. However, as military aircraft, they cannot comply with civil regulations.

In order to allow aircraft manufacturers to once again fly their aircraft in air shows and demonstrate them for customers, this bill will make clear that these aircraft retain their status as public aircraft when leased back to the manufacturer for these limited purposes. This provision will certainly not allow anyone to lease a plane from the military and use it to carry passengers or for similar commercial purposes.

I urge support for this legislation.

MR. OBERSTAR. Mr. Speaker, 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 pass the bill, H.R. 2036, as amended.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend remarks and include