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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. COOKSEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 10, 2002.

I hereby appoint the Honorable JOHN COOKSEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Robert W. Horner III, Senior Pastor, Peachtree Corners Baptist Church, Norcross, Georgia, offered the following prayer:

Our God and Father, we thank You for the privilege of life itself. And we are grateful that You have taught us that the essence of life is contained in knowing and following You. Thank You for this great Nation and the obvious Hand of God upon us.

May the challenge ahead for each of these Representatives be met with the strong help of the Almighty. Remind us that it is a clean life that is blessed by You, and grant grace, forgiveness, peace, wisdom, fortitude, and insight to each of these decision-makers today. May they seek Your truth as they make legislative steps that affect so many.

We honor Your presence here today. May the difficulties of deliberation be offset by Your mercy, which always leads to victory.

In Jesus' name, Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill and joint resolution of the House of the following titles:

H.R. 2362. An act to establish the Benjamin Franklin Tercentenary Commission.

H.J. Res. 87. A joint resolution approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982.

WELCOMING REVEREND ROBERT W. HORNER III

(Mr. BARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR. Mr. Speaker, it is indeed an honor and a great personal pleasure to welcome today and invite to deliver the invocation seeking the blessing of our Lord God Almighty to these Chambers Pastor Robert W. ''Bob'' Horner III, Senior Pastor at Peachtree Corners Baptist Church in Norcross, Georgia.

One of the first entries in Pastor Horner's résumé is the fact that he is 6-foot-3. Now, for us folks of average height, 6-foot-3 is tall indeed, but the stature of this man of God goes far beyond 6-foot-3. He is indeed a giant among men. The strength and the height of his character and his stature is measured not in inches but in his great, deep, and abiding love for our Lord and his deep, abiding commitment to bring that message of salvation and redemption and commitment to those less fortunate, to all with whom he comes in contact, and many, many more all across this globe through the power of prayer.

It is indeed an honor to welcome today to these hallowed halls Pastor Bob Horner who leads the very large, very generous and committed congregation which I am proud to call part of my home in Georgia, Peachtree Corners Baptist Church in Norcross, Georgia.

MEMBERS RALLYING TOGETHER

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, one of the beauties of being in Congress after September 11 was the Members, Democrats and Republicans, rallying together on behalf of this great Nation. It is regrettable what I have seen in the last 24 hours, the attack on the President relative to the recent corporate scandals.

If we want to point fingers and lay blame, we will never solve the problem for the average investors. We will not stabilize the stock market. We will use politics to ruin the economy of this Nation. We can work together as Democrats and Republicans to solve the problem or we can sit here and point fingers.

They pat the President on the back relative to the war against terrorism, and then they stab him in the back relative to this war against corporate waste, fraud and abuse.

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We have a significant problem in America. We need to get to the heart of it.

When the chief executive of this Nation lied to a grand jury, it was described as none of our business, that is personal, it does not matter if someone lies before the jury as long as it is about their personal life. Regrettably, what these CEOs are doing is lying to their shareholders. It is equally bad and they should be punished and sent to jail.

RECOGNIZING ED MEZEUL FOR 45 YEARS OF SERVICE TO FULLER BRUSH COMPANY AND ORANGE COUNTY

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, today, I rise to honor Ed Mezeul for 45 years of service as a top-selling Fuller Brush man. Ed proudly served our Nation as a gunner on a ship patrolling the Atlantic coast during World War II, damaging his eardrums in the process. He could have collected disability, but instead, he wore hearing aids and has worked 6 days a week since the 1950s.

At the ripe young age of 55, he moved his family out to Orange County, California, to start a new life, and his hard work and dedication earned him a spot on the Fuller Brush Company's top sellers list each and every month. At a time when the troubles of large companies like Enron and WorldCom are causing American workers to feel insecure about their futures, it is refreshing to hear stories like Ed's that remind us of a time when employees dedicated their entire working careers to companies that were loyal to them also.

WALK FOR HOPE TO CURE BREAST CANCER

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, in October thousands of south Floridians will participate in the City of Hope's Walk for Hope to Cure Breast Cancer at Aventura Mall and Sawgrass Mills. Walk for Hope Against Breast Cancer will help raise funds for life-saving research at City of Hope Medical Center and Beckman Research Institute, a National Cancer Institute dedicated comprehensive center.

This walk is just one step in what will be a successful journey toward a cure for breast cancer. This year in south Florida alone almost 3,000 women will die from breast cancer. In addition, over 13,000 women will be diagnosed with breast cancer in my area.

I congratulate event cochairs of the walk, Lauryn Gilliam, Billy Fischer, Suzanne Chesser, and Cathy Blanchard. I also commend the City of Hope and all involved with Walk for Hope for their dedication in our battle against breast cancer.

CORPORATE FRAUD

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, yesterday, President Bush gave a major speech on his plan to curb executive greed and corporate misgovernance. Someone should tell the President, actions speak louder than words.

Responding to his corporate contributors, President Bush supported weak pension and accounting reform bills in the House. He refused to support legislation to close loopholes that allow American companies to avoid U.S. taxes by moving offshore. He has openly supported the idea of turning Medicare and Social Security over to the private sector. Apparently, the President and his Republican allies in the House believe Medicare would be better run by the health insurance industry, major Republican contributors; and Social Security would be safer in the hands of Wall Street, again major Republican contributors.

So my colleagues understand if I view the President's plan to deal with the recent spate of corporate scandals a bit skeptically. To borrow a famous line from a long-ago civil rights speech, ''Don't tell me what you believe; tell me what you do, and I'll tell you what you believe.''

SUPPORT FOR LESS-THAN-LETHAL PROVISIONS OF ARMING PILOTS AGAINST TERRORISM ACT

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, today we will debate H.R. 4635, the Arming Pilots Against Terrorism Act. I urge my colleagues, of course, to support this; and I am especially pleased that Chairman MICA of the Subcommittee on Aviation has offered a manager's amendment that has a provision to give authority to flight deck crew to carry less-than-lethal weapons.

This sensible measure supports the National Institute of Justice's findings that less than lethal weapons may also play a role in flight security. The NIJ recently reported to the Subcommittee on Aviation that ''Electrical shock weapons show promise for use by the flight deck crew. However, substantial systematic testing in realistic settings of their effects is essential to ensure they will not damage or disable critical flight systems.''

So, Mr. Speaker, in addition to firearms, we should expand and explore weapons alternatives that are available to pilots to defend their aircraft.

WE NEED ACTION, NOT RHETORIC

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, the President had an opportunity to show strong leadership and get tough with corporate crooks yesterday. His speech was long, 27 minutes, on rhetoric but is short on action.

The Business Roundtable and the National Association of Manufacturers applauded loudly; they endorsed it. Of course, they are the same people who fought every reform that was proposed over the last decade that could have prevented these abuses. They loved the President's proposal because it was short on action.

The aide to the White House said, well, the proposals were watered down over the last few weeks because the President did not want to hurt the economy by imposing too much regulation. Hurt the economy? What has WorldCom done by evaporating $80 billion of equity, thousands of jobs and people's IRAs and 401(k)s? What has Enron done by manipulating the energy market and driving up energy costs in the western United States by 40 percent, while Ken Lay, the President's favorite guy, stole $100 million? That is hurting the economy.

We need action, not rhetoric.

CORPORATE RESPONSIBILITY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, a crook is a crook whether he is dealing drugs in an alleyway or cooking the books to cheat employees and shareholders. If someone commits a crime, they should do the time, and I am glad to say we have a President who understands this. Yesterday, President Bush went right to Wall Street to tell corporate America to clean up its act, and I believe they will.

We should all be clear about one thing, the vast majority of America's corporations are run by honest and trustworthy people. For every Enron and WorldCom, there are thousands of companies who have done nothing wrong at all, but when it comes to corporate executives who are willing to cheat their own employees out of their retirements just to add a couple of dollars to their stock prices, in those cases, we should have zero tolerance.

□ 1015

Somehow, during the 1990s, some executives decided it was okay to cook the books a little. Well, it is not okay to cook the books, and America's executives need to know if they do cook the books this government is going to come down on them hard.

I applaud the President for his leadership.

DO SOMETHING, CONGRESS

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, there is an old saying about getting prepared enough to address a problem, and it goes something like this: Nero fiddled while Rome burned.

Well, the House Republican leadership has not even picked up the fiddle to address some of the problems that we have in the world today that are a result of the terrorist attack on 9–11.

Today, we have one single vote all day in the House of Representatives, when in fact there are three important pieces of legislation that are bipartisan that we could bring up today. One is the intelligence authorization bill that is languishing in the Committee on Rules.

Why does the House Republican leadership not bring up a bill that funds our intelligence community and begin some reforms to correct problems from the past?

Secondly, we have a defense emergency supplemental to pay for our troops in Afghanistan. That is not on the floor.

And thirdly, a bipartisan AmeriCorps bill to make sure that our volunteers that want to do something in America can respond to the concerns there.

Let us have the House Republican leadership tell us why these bills are not on the floor.

H.R. 3763, CORPORATE AND AUDITING ACCOUNTABILITY, RESPONSIBILITY, AND TRANSPARENCY ACT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, yesterday the President of the United States offered a clarion moral call for corporate responsibility and personal accountability, yet we hear our colleagues on the other side of the aisle this morning lamenting that the President has spoken words but he has done little.

The gentleman from Ohio (Mr. BROWN) just said, tell me what you do, and it is a fair question. I would respond to the gentleman that what we did in April of this year, with the support of 119 Democrats in this institution, was to pass the Corporate and Auditing Accountability, Responsibility, and Transparency Act.

In so doing, we prohibited firms from providing consulting services that are doing auditing, we created a new oversight board, plain English requirements, criminality for interfering with audits, just to name a few. One hundred nineteen Democrats voted for this measure. This body has acted.

As the Democrat leadership yesterday lamented inaction in Washington, D.C., they ask us, as Groucho Marx did, Mr. Speaker, ''Who you gonna believe, me or your own eyes?''

ENOUGH IS ENOUGH

(Ms. BALDWIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BALDWIN. Mr. Speaker, over the last several weeks, the voices in favor of sweeping corporate reforms have been loud. Now I believe it is time for Congress' actions to be tough.

Virtually every day brings another announcement in which a company has cooked their books, misled investors, or threatened the jobs of American workers. In my home State of Wisconsin, Enron and WorldCom's deceptions have caused the public employee retirement system to lose over $110 million. This retirement system is the safety net of nearly half a million current and former public employees, including thousands of hardworking teachers and policemen.

It is time that this House and this Congress say enough is enough and restore the confidence that investors had in the corporations of this Nation and the confidence that our constituents had in this government by walking the walk of all the talk.

HOUSE HAS ACTED, OTHERS ON THE HILL HAVE NOT

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, there is much that my friend from Wisconsin had to say with which I agree. Now let us get to the rest of the story.

My friend from Indiana made it clear: On April 24, this House, the Republican majority, with 119 of our friends across the aisle in the Democratic Party, a strong bipartisan majority, came together to reaffirm accounting reforms, investor transparency, and to end the deception.

Mr. Speaker, I am aware that we cannot characterize action or inaction on the part of the other body, so, Mr. Speaker, let me say it this way: What are some on this Hill waiting for?

The President made it clear yesterday, Mr. Speaker. Whether an individual sits in a board room or is a common street thug, if they try to rob an American citizen, they will be convicted by a jury of their peers and they will go to jail.

Mr. Speaker, we put the robber barons of the 21st century on notice today that we will not stand for fraud and deception and deceit and theft from the American people. The House has acted, others on this Hill need to follow suit.

CORPORATE ACCOUNTABILITY SHAREHOLDERS' RIGHTS

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, there is anger and indignation all across this Nation about corporate shenanigans. This anger has manifested itself in a wide range of legislative proposals.

But let us remember, Mr. Speaker, that it was this very House that gave the green light to corporate executives to lie to their board and their stockholders. The Private Securities Litigation Reform Act of 1995 was part of the Contract With America. It was vetoed by President Clinton but was passed over that veto.

Mr. Speaker, we turned these corporate carnivores loose by shredding the ability of shareholders to hold executives accountable for their misstatements and misdeeds. And we put the stake in the heart of shareholders' rights by passing the Securities Litigation Uniform Standards Act of 1998. This act threw all security fraud class action suits into Federal Court where they were subject to the terms of the PSLRA.

Anything we try is a legislative Band-Aid until and unless we restore shareholder rights. Support the Shareholder and Employee Rights Restoration Act of 2002, which the Republican leadership refuses to allow to come to this floor.

ESA REFORM ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, those of us in the West are in desperate need of some real reform to the Endangered Species Act. If we fail to implement commonsense changes to the Endangered Species Act, the act itself will be in danger.

Too often ranchers, farmers and local governments are finding themselves and their scientific data overruled by emotion, the emotion of the U.S. Fish and Wildlife, an agency often guided in their decision-making by well-funded, emotionally driven environmental groups.

I have seen firsthand the misuse of the ESA. In Nevada, the State Department of Wildlife had decades of biological scientific data recommending that the bulltrout in Elko's Arbidge River not be listed as an endangered species. Yet the State's scientific data was thrown out the window by the U.S. Fish and Wildlife, not because of competing Federal science but because of a petition drive by a special interest group instead of sound science.

We all want to protect endangered species. However, we should do so in a fair manner based on scientific evidence and not personal emotion.

Passing ESA reforms will restore integrity to the law, ensuring that both environment and the interests of our communities are protected.

SUPPORT SARBANES LANGUAGE

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEMENT. Mr. Speaker, I heard what President Bush had to say, but I also want to say to the Bush administration, we have to get tough.

I say that we have to get tough because when we see what has happened with Enron and Global Crossing and WorldCom and all the others, we have a double standard in this country. If the average rank-and-file employee of Enron had stolen the trust funds of the top management, they would already be in jail today. I do not think there is any doubt about it.

But where are the top management of these corporations? They are still living in their fine homes as if they have done nothing wrong and business is as usual. We cannot let that happen in America.

Our entire economic system is based on faith, confidence and trust. That is what is important in America, and that is what the people of America want. That is what the people of Tennessee want. I travel all over the State of Tennessee and I hear them talking about it.

We need to do something about it now. Support the Sarbanes language. That is a lot tougher than what we passed in the U.S. House of Representatives.

H.R. 4635, ARMING PILOTS AGAINST TERRORISM ACT

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today in support of H.R. 4635, the Arming Pilots Against Terrorism Act. This responsible legislation establishes a trial program to deputize pilots to carry guns in the cockpit, which would provide one last line of defense against terrorist attacks.

We have made great strides since 9–11 to ensure that air travel is safe from terrorist threat. However, heightened security and reinforced cockpit doors are not enough. And while I am in full support of the Federal air marshal program, the reality is that there are not enough air marshals for every flight.

I have spoken with a number of pilots who support the concept of guns in the cockpit, and a majority of my constituents have voiced their desire to have this added level of security on their flights.

Mr. Speaker, the terrorist threat is real and our aviation system is still vulnerable to attacks. I commend the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) for their hard work in the Committee on Transportation to create this sensible plan and encourage my colleagues to vote ''yes'' on H.R. 4635.

CORPORATIONS MUST OPERATE WITH FAIR PLAY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Corporate scandals: Enron, WorldCom, Tyco, Rite-Aid, Xerox. These are part of a much bigger problem. People in powerful positions acting irresponsibly, hurting investors and employees, jeopardizing people's pensions and retirement systems, and they are not being held accountable. In fact, they are being rewarded.

It begs the question: How do we explain in this period that so many of our leading companies, like Stanley Works in New Britain, moves its corporate headquarters to the Bahamas to take advantage of a loophole in our tax laws? How do we explain to our children in these times that a WorldCom can create phony profitability along with CEOs' salaries rising which costs in an instant 17,000 jobs? How do we explain the executives of Enron who cash out for billions leaving their employees with worthless pensions? What values did these high executives bring to work every day? These are the people who told us to run the government like a business.

Democrats support legislation that would require honest accounting, independent investment advice, sensible regulation, and criminal penalties for those guilty of corporate wrongdoing.

We can have economic growth without corporate crime. That was not the legislation that was passed in this House by this Republican majority. Support the Sarbanes legislation in the Senate.

MAJORITY OF AMERICA'S CORPORATIONS AND AUDITING FIRMS ARE HONEST AND LAWABIDING

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I am simply outraged at the revelations day after day that corporations have cheated and betrayed the trust of investors and employees by seeking personal gain while their companies floundered. We must hold each one of these criminals accountable for the abuses they have committed.

I am pleased with the strong leadership that President Bush has shown by speaking bluntly and acting quickly. Businesses and corporate officers are not exempt from fair play and should be held to the utmost standards of ethics and decency of character. House Republicans on April 24 passed a responsible corporate reform bill, and it should be considered and enacted to restore confidence in the economy.

However, with all the scandals that are splashed across the media, I am confident that the overwhelming majority of companies and accounting firms are morally responsible and law-abiding organizations that deeply care about the welfare of their investors. It is my hope leaders will arise in these companies, people involved in their communities, in a positive way that will reclaim the respect and dignity of their positions.

□ 1030

TIME FOR REAL REFORM

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I come to the floor in anger and outrage about the corporate scandals that we have seen in the newspapers over the last several months. I am outraged about Enron, Martha Stewart's insider trading, Global Crossing and the other companies that are demonstrating a lack of good faith in the free enterprise system, which I support. I stand in strong support of free enterprise and small business and giving every American worker the opportunity to move up the economic ladder. I commend what President Bush stated yesterday in his efforts to root out corporate corruption.

If we support free enterprise, we want to clean out the bad apples. Unfortunately, the greed of the 1990s has come home to roost.

Mr. Speaker, the House has acted. In April the House of Representatives passed accounting reform. Earlier this year, the House of Representatives passed pension reform to protect the pensions of American workers. Unfortunately, the Senate is only today beginning to act.

My hope is the House and Senate can work quickly together to pass accounting reforms, pass legislation to protect America's pensions. I would note that the Democratic leader of the House, the gentleman from Missouri (Mr. GEPHARDT), who yesterday called on the House to act, voted against accounting reforms in April. It is time for real reform. Fortunately, the House has acted. My hope is the Senate will act, and we will get the job done.

REFORM AUDITING STANDARDS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, what is the difference between stealing from shareholders or stealing from people's retirement accounts and stealing a purse on the subway? It is no different. Lawbreakers ought to be punished by going to jail.

That is why the Republican Party, against the leadership of the Democrat Party, passed in April the Corporate and Auditing Accountability, Responsibility, and Transparency Act. This bill,

which was passed in April, opposed by the Democrats who are now crying for reform, included auditor independence, a new oversight body called the Public Regulatory Organization. It would have to certify any accounting wishes to audit the financial statements required from public issuers of stock. It also states that officials cannot interfere with audits. It would be unlawful for company officials to interfere with the auditing process. Finally, it has no executive training during blackout periods in order to protect 401(k)s.

This reform is now being held up by the Democrat leadership in the other body. Let it pass. Let us go to conference and do what is best for the American people and put partisan politics aside.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOKSEY). The Chair reminds Members to avoid improper references to the Senate.

ARMING PILOTS AGAINST TERRORISM ACT

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 472 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 472

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. 4635) to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill 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. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. 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. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. REYNOLDS asked and was given permission to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, House Resolution 472 is a fair and balanced modified open rule providing for the consideration of H.R. 4635, Arming Pilots Against Terrorism Act, with 1 hour of general debate equally divided and controlled by the chairman and the ranking minority member of the Committee on Transportation and Infrastructure.

The rule waives all points of order against consideration of the bill and against the committee amendment in the nature of a substitute.

The rules also provides one motion to recommit with or without instructions.

Mr. Speaker, tomorrow will mark the 10-month anniversary of the horrific tragedy of September 11 when four airplanes were used against us as weapons, resulting in tremendous loss of life, significant property damage, and an immeasurable sense of vulnerability.

Since that time, this Congress has worked together to produce comprehensive legislation to improve, enhance and expand our Nation's aviation security system. President Bush signed the Aviation and Transportation Security Act into law on November 19, 2001.

Many of the changes from that law are already apparent throughout the country, both inside terminals and onboard planes. Yet incidents such as the shooting at Los Angeles International Airport on July 4 that killed two innocent bystanders reminds us that we must be vigilant in our efforts to combat acts of violence and terrorism on all fronts.

One critical way that we can provide a final layer of defense against terrorists gaining control of a commercial aircraft is by allowing pilots to carry firearms aboard aircraft in order to defend the cockpit from hijackers.

The legislation before us today will direct the Transportation Security Administration to deputize 2 percent of pilots, on a voluntary basis, for a 2-year test period. Participants will undergo extensive firearms training similar to that of the air marshals.

The Committee on Transportation and Infrastructure and the Subcommittee on Aviation produced this bill and worked closely with the airline pilots to craft the language. As a result, they have presented to this House a bipartisan package, a package that was reported out of full committee by voice vote and one that reflects the needs and concerns from Members on both sides of the aisle.

All of the major pilots' organizations support the measure, led by the Air Line Pilots Association, the world's oldest and largest pilot union representing more than 66,000 cockpit crewmembers at 43 airlines in the United States and Canada.

In fact, the chairman of the Air Line Pilots Association International's National Flight Security Committee, Captain Stephen Luckey, testified at a hearing held by the Subcommittee on Aviation on May 2, 2002.

As he outlined the continuing threat and dramatic economic repercussions of future terrorist attacks, Captain Luckey said the following: ''It is obvious, or should be, that protecting the flight deck and its occupants against hijackers is now tantamount to protecting our national economy. The Air Line Pilots Association strongly endorses and supports this bill and we urge Congress and the administration to work together to ensure its passage.''

It is imperative that we take every step possible to protect our aircraft, our citizens and our country. Arming pilots may be just one component of a larger plan to provide security, but it will play an integral role in deterring catastrophic terrorist acts.

Mr. Speaker, I strongly urge Members to support this rule and the underlying legislation.

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

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

Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me the customary time. While I will support the rule, I must express slight disappointment with the majority. This is not a totally open rule.

We are just back from our Independence Day work period, but this rule requires Members to have preprinted any amendments in the CONGRESSIONAL RECORD at least one day before the bill is considered. Many Members have had little notice and opportunity to prepare amendments for this significant legislation. But having said that, I will support the rule.

The bill under consideration today, H.R. 4635, would authorize a 2-year test program allowing guns in the cockpit for a limited number of pilots. Prior to deputizing pilots, the Transportation Security Administration is required to establish within 2 months a plan for carrying guns, including the types of weapons allowed, types of ammunition, gun storage, interaction with air marshals, and limitations on removing the gun from the cockpit.

We are committed to providing as much security as possible for the flying

public. September 11 was a devastating day, and we must do everything in our power to try and prevent it from ever happening again. I commend the members of the Committee on Transportation and Infrastructure, particularly the gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Florida (Mr. MICA), and the gentleman from Illinois (Mr. LIPINSKI), for working hard to craft a bipartisan compromise in the long-standing tradition of that committee. The bill before us is certainly an improvement over what was originally introduced.

I also understand the feelings of many pilots who support this bill. As well-trained, dedicated professionals, they are committed to protecting their passengers and fellow crewmembers. But, Mr. Speaker, I do have some concerns.

The Aviation and Transportation Security Act, the law which created the Transportation Security Administration, gave that agency the authority to decide whether or not pilots should be armed. John Magaw, the Under Secretary of TSA, announced in a Senate Committee on Commerce hearing held on May 21, 2002, that TSA opposes arming pilots.

Mr. Magaw made clear that he had several concerns about introducing firearms in the cockpit, and he testified that his agency was still looking at a range of options for pilot protection, including nonlethal weapons.

It is unclear to me why, after granting the decision-making authority to the experts at TSA, that this body feels the urgent need to override those experts. To be honest, I would have preferred that this House fashion an approach that has the support of the Transportation Security Administration and has the support of the Bush administration. This is an important issue. We are talking about how best to provide security to the flying public, the pilots and the flight crew, and how to avoid a reoccurrence of September 11. We need to get this right and do what works. We need to be thoughtful and thorough.

Patchwork approaches that do little to reassure the flying public may compromise our ability to provide the best possible security for passengers and flight crews.

I know that some members of those flight crews, the flight attendants, have expressed strong reservations about the adequacy of the training measures for them contained in this bill, and I hope that their concerns will be addressed.

Our aviation system still has a long way to go before all of the security measures we mandated last year are fully in place. Cockpit doors need to be permanently strengthened. The air marshal program is not yet fully staffed, and training is not yet complete. Baggage screening procedures are still being worked out. And the feasibility of nonlethal weapons such as stun guns is still being studied.

Mr. Speaker, there are a lot of unanswered questions out there, and I am hopeful that this House will work in a thoughtful, bipartisan way to answer them. I look forward to a good strong debate, a debate that begins to address some of those questions. Again, I support this modified open rule.

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

□ 1045

Mr. REYNOLDS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me time, and I rise in strong support of this rule.

Mr. Speaker, we are dealing with, obviously, a very difficult situation when it comes to the American people who travel by air. On July 4 at Los Angeles International Airport, the area near where I represent, we saw a tragic shooting take place at the El Al terminal. We, of course, have for literally decades seen the hijacking of aircraft, and the greatest change, of course, took place when the definition of hijacking changed on September 11. It changed from simply having an aircraft commandeered and taken to another spot, to having aircraft used as weapons. It was obviously a horrible time for us.

Since September 11, we have spent a great deal of time trying to figure out exactly what steps we can take, and I believe it is very apparent that we have taken positive steps that have dramatically improved the security concerns that exist for the traveling public.

This proposal that we are going to deal with today, and I would like to praise the gentleman from Florida (Mr. MICA) and the gentleman from Minnesota (Mr. OBERSTAR) who made an excellent presentation before our Committee on Rules yesterday, this proposal is one which is not by any stretch of the imagination a panacea to the challenges that exist when it comes to safety for those traveling. But it is, I believe, one step towards increasing the safety level.

The gentleman from Minnesota (Mr. OBERSTAR) in his testimony before the Committee on Rules yesterday talked about the fact that we wanted to ultimately get to the point where these pilots do not have to carry weapons, but allowing them to have the opportunity to do that at this point, when we do not have all of the safety measures put into place on aircraft, is clearly a correct step. So at the end of the day there will be many other things that are going to be done.

Increasing the safety of the cockpit itself is something we are working on doing, and other steps. But we cannot let the terrorists succeed in preventing the free flow of the American people around this country or people around the world. So that is why this step is a positive one.

We have offered a modified open rule which simply had the prefiling requirement for amendments, and we will now be in a position where we can have a free-flowing debate and pass what I think is a very important step to deal with a very, very serious situation.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. DEFAZIO), a member of the Committee on Transportation and Infrastructure.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me time.

There is, as the gentleman preceding me in the well said, an ongoing threat. In fact, there are threats to all facets of transportation, and we cannot ignore one in favor of another. Unfortunately, we do not have that luxury. But in the case of aviation, I do believe there is an ongoing threat. It may not be the commandeering of aircraft and their use as weapons of mass destruction again. It may be more the threat of explosive devices, either individual or baggage or freight carried.

But we cannot ignore the fact that our planes were commandeered, that innocent people were slaughtered and civilian airliners were used as weapons of mass destruction; and we have not yet totally assured that that cannot happen again.

The flight decks are still vulnerable. On the flight I took on Monday, I just watched on my watch, they had a particularly lackadaisical pilot and flight crew; they left the door to the flight deck open for 15 minutes during one cross-country flight, while the flight attendant, who has not yet had any training from United Airlines, stood menacingly behind the food cart to ward off any attempts to overtake the flight deck. That is not real security.

The issue before the House today will be of arming pilots. Now, either we assess that there is a credible threat, or there is not. If there is a credible threat, the base bill before us today makes little sense. It would say that no more than 2 percent of the pilots might be armed, trained and armed; no more than 2 percent. Given pilots' flight schedules, that means on a daily basis less than three-fourths of 1 percent of pilots might be armed.

Now, if I was a terrorist intent on taking over a plane and causing murder and mass destruction, odds of 99-point-something to 1 would seem pretty good to me that there was not a weapon on that plane. I do not think that is enough. Why? If there is a threat and if it is good enough for 2 percent of the pilots, why not all of the pilots?

So I will be joining with the gentleman from Washington (Mr. NETHERCUTT) and others to offer an amendment today to not cap the program, to allow any pilot who wishes to volunteer, who is qualified, who can successfully complete the training and

qualifications, to be armed properly onboard planes.

Remember, this is the last point of defense. The standing orders of the Armed Forces of the United States are if a plane has been commandeered, if it is diverted toward a city, it is to be shot down. Now, you say there is risk with guns on the flight deck. That is true. But I will tell you, if I was sitting up there strapped in my seat, watching people commandeer a plane, at first I would try to stop them, but if they did take it over, I would much rather the pilot have the option to defend the flight deck than the United States Air Force having the option of taking that plane down. So I believe people should support that amendment.

There also should be an amendment today, although I believe now it is not going to be offered, but to mandate that the FAA stop dragging its feet, the TSA, and train adequately all the flight crews, including the flight attendants.

There is this attitude over at the FAA bureaucracy and the TSA of ''manana.'' We do not yet have the armored flight deck doors approved. Ultimately, we should be moving toward a redesign of the airplane where the pilots are up there with a lav, with food service, behind an armored flight deck door, like on El Al; and on El Al they do not arm the pilots anymore because they are in an invulnerable spot.

But you are still going to have the flight attendants back there with the passengers. The flight attendants need proper training. They need coordination training to deal with air marshals, to deal with the flight crews up on the flight deck. They also need some self-defense training.

It has been suggested that the airlines should do that sometime in the next 15 or 20 years. But, you know, it costs a little bit of money to train people, and you divert people from their schedules and you have got to pay them their salaries, so the airlines are not really very interested in doing that.

We need to mandate that much more assertively in this legislation. We thought we mandated it in legislation we passed last November, but it is being ignored by a number of the airlines and by the bureaucrats. We need to do better today.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Speaker, I thank the gentleman for yielding me time.

As a member of the Subcommittee on Aviation, I rise in strong support of the rule and of the Arming Pilots Against Terrorism Act. The modified open rule provides for an equal debate on this fair and balanced legislation.

I would like to commend the gentleman from Alaska (Chairman Young) and the gentleman from Florida (Chairman Mica) for introducing the Arming Pilots Against Terrorism Act. With the input of the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI), I think we have come up with some very responsible legislation that establishes a pilot program for deputizing pilots to carry guns in the cockpit.

We have made great strides since 9–11 to ensure that air travel is safe from terrorists. However, we are years from equipping all planes with reinforced cockpit doors, and currently we do not have air marshals on every flight.

H.R. 4635 provides a strong layer of security and an important last line of defense against terrorist hijackings. It allows qualified pilots to volunteer to carry guns and to use deadly force to defend the cockpit against terrorist hijackings. Passengers entrust pilots with their lives every time they board a plane. In addition, many pilots have a law enforcement or military background and have experience with firearms.

Mr. Speaker, the terrorist threat is real and our aviation system is still vulnerable to attacks. The bill, as it stands, is the result of a bipartisan compromise which the Committee on Transportation and Infrastructure worked very hard to produce. I encourage my colleagues to support the rule and vote yes on H.R. 4635.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. CLEMENT), an effective member of the Committee on Transportation and Infrastructure, who has been very much involved in this issue.

Mr. CLEMENT. Mr. Speaker, I want to congratulate the gentleman from Massachusetts (Mr. MCGOVERN) on being the new member of the Committee on Rules. I know Mr. Moakley would be most pleased that you are on there, and you definitely deserve it.

Mr. Speaker, I stand as a senior member of the Committee on Transportation and Infrastructure in strong support of the rule as well as the bill. I want to congratulate the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Chairman Young), along with the gentleman from Florida (Chairman Mica) and the ranking member, the gentleman from Illinois (Mr. LIPINSKI), for their leadership and cooperation on this most important bill. The manager's amendment to H.R. 4635, the Arming Pilots Against Terrorism Act, is a testimony to the ability of both sides of our committee to find common ground and work together to address the concerns on all sides of this issue.

I want to briefly voice my strong support for the manager's amendment to H.R. 4635. Immediately following the attacks of September 11, which none of us will ever forget, I voiced my intention to provide qualified pilots the right to carry firearms in the cockpit. I believe that pilots must have the voluntary right to arm themselves to ensure the safety and security of their passengers and the aviation system. The manager's amendment to H.R. 4635 does just that, by allowing carefully screened, properly trained and equipped airline pilots to be commissioned as Federal law enforcement officers and to carry firearms for flight deck defense.

The American people trust the pilots of our Nation's airlines to safely transport them to their destination. I think they also trust them to carry firearms for domestic flights to help guarantee their safety. This bill sets up a 2-year test program that will deputize approximately 2,000 pilots following the completion of training set forth by the Transportation Security Administration.

While I would like to see that any eligible pilot who wants to be trained to carry a weapon in the cockpit is allowed to do so, I recognize that the compromise before us represents a thoughtful middle ground that will both enhance security and ensure a workable program. Voluntarily arming our pilots will give us a new last line of defense against hijackers and terrorists, and I hope that my colleagues will join me in supporting the manager's amendment to H.R. 4635.

I want to say to the gentleman from Florida (Mr. MICA), he has been outstanding on this and was vocal from the first day when the Bush Administration would not cooperate, would not support any consideration of firearms in the cockpit. We have just got to have common sense and good judgment prevail, whether it is on this issue or whether it is on screening, because we hear a lot of talk these days from passengers that fly all across this country and worldwide, and they are still very concerned that we are not back to normal, and we need to get back to normal as fast as we possibly can. Our economy is impacted by not getting back to normal.

Yes, we are the one and only superpower left on Earth. One of these days that probably will change; it will be the United States and China that will be the two great superpowers on Earth. Today, we are definitely a target, whether we like it or not.

Yes, we have to take precautions. Yes, we have to make some adjustments in our lives. But, yes, we can live normal lives as well. That is what we want to do in this legislation and that is so vitally important to us, because we do trust our pilots, because we trust them with our lives when we get on that airline, when we travel from pillar to post, all across the country.

□ 1100

So let us get behind this legislation, and let us support this legislation in order for it to pass, in order for it to be sent to the President and signed into law.

Mr. REYNOLDS. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. MICA), the distinguished chairman of the Subcommittee on Aviation of the Committee on Transportation and Infrastructure.

Mr. MICA. Mr. Speaker, I appreciate the gentleman yielding me this time.

We do have before us the question of passing a rule and then going on to debating the question of allowing pilots to defend themselves.

First, I would like to speak in favor of the rule. I think this is a fair rule. We have tried to approach this issue in a fair manner to give both those on the subcommittee and the gentleman from Alaska (Mr. YOUNG) and the full committee, everyone, fair and equal opportunity to look at the situation, to contribute to the legislation, and to try to improve safety and security for the flying public.

Now, why are we here and why are we debating today? We are here because we are representatives of the people. We are here because the most terrible attack in the history of the United States took place against our Nation and our people on September 11. We are here because as representatives of the people, we have one responsibility as a primary responsibility, and that is to ensure our national security, our domestic security, and the personal security of every American citizen. We represent the people. We come here and we learn the facts dealing with security issues, and we have a responsibility to set the laws.

Now, we have heard that there may be some amendments offered here today, and there will be, and they need to be openly and fairly debated, and this rule gives that ability. Everyone will have their say. It is my hope that the end product will be something that can ensure the safety and security of the flying public. It can make each of us, whether we get on a plane individually or our family or our children or our friends, and know that they are secure.

Would I like to have different measures in place? Yes, I would. Would I like to have every pilot have the ability to defend himself or herself in the cockpit, the crew, the passengers, and the aircraft? Yes, I would. But this is a compromise, and this body is a body of compromise. We come from all over the Nation with different ideas and different opinions, and we meld them together here, again, hopefully in unity to do the best job possible to protect the American people. So that is what we hope to achieve today.

We have heard that there has been some opposition in the past from some in the administration, some bureaucrats. Well, bureaucrats set the rules. We set the policy and the laws, and we will today begin formulating the law based on what we know. We know that we are particularly vulnerable at this time of transition. We have taken an all-private aviation sector and airline-run security system into a federalized system, and it will be several years before we have all of the security measures we would like to see in place. So this is an interim measure; it is a backup measure. But again, we will have the opportunity to debate.

Now, I will say in closing here, I have agreed in a bipartisan fashion with the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI), the ranking members of the full committee and the subcommittee, to oppose any of the amendments that we do not all agree upon, and I think that is a gentleman's commitment that I will keep throughout this debate. There are some good amendments. There are some amendments I would personally favor, but I will oppose them.

Again, this is a fair rule and an open rule, and I urge the adoption of the rule.

Mr. MCGOVERN. Mr. Speaker, at this time I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time.

I certainly want to thank our own ranking member, the gentleman from Minnesota (Mr. OBERSTAR); and I very much want to thank the gentleman from Alaska (Mr. YOUNG), the chairman of the full committee, and the gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation, because they have worked very well together to get a bill that was much improved.

I regret that I must, nevertheless, oppose the underlying bill. I think I am in good company. I would say it is top-down company. It begins with the President of the United States and goes to the Secretary of Transportation, Mr. Mineta, the Secretary of the Transportation Security Agency, Mr. Magaw, and then to the flight attendants, and on and on it goes.

What do these experts know that we do not know? Or should we not be asking ourselves this morning, What is it that we do not want to know? We are rushing to the security blanket of guns in the cockpit that could do more harm than good, and that is the test. As transparent as it seems, will guns in the cockpit do more harm than good? Which is worse, guns or no guns? Why is it that every European nation, every nation in the world has decided to disarm its pilots? For me, the ultimate example is El Al, which disarms its pilots, but faces risks I hope we shall never look in the face.

Now, I could support this bill if it followed the El Al example. El Al, in fact, armed its pilots until it had put every single safeguard in place: locked cockpits, and everything on the ground that they needed to have done. And then what did El Al do? It disarmed its pilots.

Now, if this bill had a provision in it that said, our pilots will be disarmed when A, B, C, D and E go into effect, I could support this bill.

They disarmed their pilots, and everybody but us does so, because of the cost-benefit equation, and that is how policy should be made. Gun turmoil in the cockpit while keeping the plane flying, every nation in the world has concluded does more harm than good. One could prevail with the gun, but shoot the computer and still take the plane down.

The armed pilot, we are being told, is the last resort. According to everybody who knows, every nation who has had experience, every expert in our own government, the armed pilot is a very dangerous resort that risks passengers and planes.

We asked for a study of nonlethal weapons. That is not even in yet. We are hopping over that study to arm pilots.

I appreciate the work that has been done. I respectfully disagree.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN), the former chairman of the Subcommittee on Aviation and now the chairman of the Subcommittee on Water Resources and Environment.

Mr. DUNCAN. Mr. Speaker, I want, first of all, to thank the gentleman from New York (Mr. REYNOLDS), my good friend, for yielding me this time. I rise today in strong support of the Arming Pilots Against Terrorism Act and the rule that brings this bill to the floor.

I want to commend the gentleman from Alaska (Mr. YOUNG), the chairman of the full committee; and the gentleman from Florida (Mr. MICA), the chairman of the Subcommittee on Aviation; and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee; and the gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation, for bringing this very reasonable and very moderate bill and this pilot program to the floor of this House.

The Boston Herald editorialized about this and said, ''No one is proposing that a pilot be required to carry a gun, only that he or she have the option. There is probably no more professionally responsible group of people in America than airline pilots.''

They went on to say, ''If pilots will be reassured, if they will gain a little more confidence on the job from having a last-ditch defense before an F–16 shoots down the plane and kills everybody anyway, they should be allowed to carry arms. A large fraction have military backgrounds and will need little training.''

The Wall Street Journal editorialized about this issue and said, ''Arming pilots is an important security measure. Federal air marshals will never be able to protect more than a small fraction of flights. It shouldn't take another disaster before we get serious about keeping hijackers out of the cockpit.''

The Chicago Tribune said, ''The chief value of an armed pilot is to deter terrorists from getting on the plane in the first place. Even if they could get weapons past security, overcome air marshals, flight attendants, and passengers, and penetrate the cockpit

door, they would then find themselves staring down the barrel of a gun. That prospect would create a powerful incentive for terrorists to give up on the idea entirely.''

As we all know, the tragedies of September 11 have dramatically changed the way we look at aviation security. Now, more than ever, we need to make sure that we are doing everything we possibly can to protect the flying public. Mr. Speaker, I believe that includes arming pilots.

We passed the aviation security bill, and we did a lot through that legislation. This act will establish a pilot program that will allow only about 2 percent of the pilot workforce, about 1,400 pilots, to have guns in the cockpit.

I would just conclude, Mr. Speaker, by saying that these volunteer pilots would be trained by the Transportation Security Administration and would go through training similar to that of Federal air marshals.

I wish this bill could allow more than 2 percent of the pilots to participate, but I am glad to see this legislation at least moving forward. This is something that a majority of my constituents support as well as every pilots association group, and I think this Arming Pilots Against Terrorism Act will go a long way in protecting the American people by deterring terrorists and preventing future tragedies.

Mr. Speaker, I strongly urge that all of my colleagues support this very important legislation.

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

Mr. REYNOLDS. Mr. Speaker, we have had the privilege of hearing from two subcommittee chairmen, and I yield 3 minutes to the gentleman from Alaska (Mr. YOUNG), the chairmen of the Committee on Transportation and Infrastructure.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for his efforts and the Committee on Rules to bring forth a good rule, because really that is what we are supposed to be talking about.

Mr. Speaker, I would like to bring up a couple of points. Number one, when I originally sponsored this legislation, it is what I would like to have had adopted. There has been again this consultation, some agreements made, and I will oppose the amendments that will be offered, knowing full well that many of those amendments have great merit. But this is a small step forward, and it really should have been done a long time ago.

I would just like to ask my colleagues to think a moment. Do we really think that 9–11 would have happened if our pilots had been armed as they should have been armed, as they were armed in 1984? Do we think that those terrorists would have had a chance if they knew those pilots would have been armed and the pilots were trained, as they are under this bill, in knowing how to respond in case of an attack on the cockpit? Do we think for a second that the tragedy that occurred on 9–11 would have been a reality as it is today?

Now, I have heard people tell me, well, once we get all of the safety programs in place at the airports, we will not need to have an armed pilot. The captain of that ship is still responsible for the ship and his passengers, just as under maritime law, and I am one of those. Our duty is to protect the passengers, our cargo, and to maintain control of the ship at all times. The only way we can do that is make sure they are armed adequately to defend themselves and their passengers and their cargo against those who would take it away from them, such as a mutiny or a terrorist attack.

I suggest respectfully to those that oppose this legislation and those who say it is not necessary are not looking at the reality. We are not El Al. We are, in fact, having 20 million flights a day or a year take off from our airports. That is much more, it is much more than any other country. We are a nation of air travel. I think it is very, very important that we recognize that and pass this legislation and make sure that the President, the other body, and all of those involved in this understand that this is a final step to make sure that when I get on that airplane I will arrive safely at my destination, even if there is an attempt to take that airplane, because I know that pilot will have the ability to defend that cockpit and make my trip safer. That is what we are trying to do here today. It is a right, it is a necessity, it is what we should be doing on this floor for our flying people. It is important today to make sure we pass this legislation.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, it is a great honor for me to be able to be here today. I want to commend the chairman of the Committee on Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG), for his leadership in having this bill presented to us today. I want to give the experience of State level, in that I was only elected in December, and I had previously served in the State senate of South Carolina. I had been the floor leader for the concealed weapons bill in South Carolina, which provided that persons who were trained, law-abiding citizens, could carry weapons in public places.

□ 1115

The effect of that over the last 8 years has been a reduction in crime. We have had tens of thousands of people who qualified to be able to carry weapons, and the effect has been to reduce crime. This bill will have the same effect; that is, it will reduce the hijacking potential at all times.

Of course, a lot of people will be concerned that maybe it will be a shootout at the O.K. Corral. That was what was stated about what occurred in South Carolina. It did not happen. Even the fiercest opponents of the concealed weapons bill now recognize that this was a positive move, one that reduced crime.

I again want to commend the chairman and also the gentleman from New York (Mr. REYNOLDS) for his leadership, and the gentleman from Florida (Chairman Mica) for his leadership.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. LIPINSKI), the ranking member on the Subcommittee on Aviation on the Committee on Transportation and Infrastructure.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to thank the Committee on Rules for this very, very good rule dealing with this important piece of legislation. I sincerely appreciate it, and I am sure so does the chairman of the full committee, the gentleman from Minnesota (Mr. OBERSTAR). Also, the Committee on Rules has given us just about what we would like.

I also would like to put on the record that the Republican leadership of the Committee on Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA), have really gone out of their way to craft a bill that is really bipartisan. I appreciate that very much, and I am sure the gentleman from Minnesota (Mr. OBERSTAR) does also.

This is a bill that is, as is often said, finely crafted, and because of that, it is necessary for the leadership of the committee on both sides of the aisle to oppose any amendment that will break that finely crafted balance.

But I think it is a very good rule. I appreciate what the leadership of the committee on the Republican side has done to accommodate us on the Democratic side, and I have to say that even though I am happy to see that we have a number of amendments that will be presented, because I think they are very well-intentioned amendments, I will have to oppose each and every one of them.

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

Mr. Speaker, I would like to just again say that I expect we will have a good debate on this bill today. I am not sure what the fate of this measure will be once it passes the House, and I am not sure what the other body will do, whether it will take action on this, or even what the Bush administration would ultimately do if this were put on the President's desk.

But I would just hope that as we debate this that we will all be committed to urging the administration to move as aggressively as possible in implementing some of the other measures that have been passed and supported by this House and by the other body.

For instance, cockpit doors need to be permanently strengthened. The air marshal program is not yet fully

staffed, and training is not yet complete. Baggage screening procedures are still being worked out. There are other studies about ways to protect the cockpit and the flight crew. All these things need to be moved on aggressively, and I hope all of us will join together and urge the administration to move as expeditiously as possible, and certainly with greater speed than has been demonstrated up to this point.

Having said that, I support the rule, Mr. Speaker, and I yield back the balance of my time.

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

Mr. Speaker, this legislation represents the best of what our government is about, bipartisan coalitions working together not only to produce legislation, but to revisit issues that can be enhanced or improved as need be.

America is slowly regaining its confidence in traveling, in large part because of the swift action this Congress took last fall in the aftermath of September 11. But our work is not done. It is incumbent upon us to continue doing everything in our power to make sure that travel by any means, but especially by air, is as safe and secure as possible. Safe travel must include defenses on both the ground and in the air. Our vigilance today will provide a final layer of defense against terrorism in the skies and, more importantly, peace of mind for America.

I urge a yes vote on this rule and the underlying legislation.

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.

The SPEAKER pro tempore (Mr. REYNOLDS). Pursuant to House Resolution 472 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. 4635.

□ 1120

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. 4635) to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Illinois (Mr. LIPINSKI) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, our Nation is stronger and better prepared today than on September 11. We have enacted numerous reforms which will make a repeat of last year's terrorist attack highly unlikely.

However, no system is perfect. We must remain vigilant in the face of the constantly evolving threat of terrorism. We are fighting an often invisible enemy, an enemy that appears to be preparing and training for additional terrorist attacks, and an enemy that seeks to obtain the most dangerous and deadly weapons to use against America.

This bill, H.R. 4635, will provide one last line of defense against terrorist hijackings. It will allow qualified pilots to volunteer to carry guns to use deadly force to defend the cockpit against terrorist hijackings. The pilots are already entrusted with the lives of every passenger on the airplane. Many of them have a law enforcement or military background and have experience with firearms.

The administration has been unwilling to act on this important matter, so I believe Congress must do so. The bill as it stands is the result of a bipartisan compromise. I believe it is one of the most important security issues we face today. I urge my colleagues to support this bill, and send a message with a strong bipartisan vote today.

There will be amendments, and the agreement has been put forth, so I will oppose all of the amendments. Although my original bill had many of those parts of the amendments to be offered, this is a bipartisan effort to try to get a bill to the Senate, the other body, and on to the President's desk.

Mr. Chairman, I heard in the debate on the rule that someone said the President probably will not sign this. I say he will sign it, because when people look at the logic of what we are trying to do today of arming the pilot, the captain of that ship, to defend that ship and his passengers against the terrorists, I think he will say that this has great wisdom.

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 rise in support of this legislation. I want to say that I thank first of all the ranking minority member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR), for all the hard work that he put in, together with the chairman of the full committee and the chairman of the subcommittee, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA), for the work that they put in to craft a truly bipartisan piece of legislation.

As I mentioned earlier when I was speaking on the rule, I sincerely appreciate the degree of cooperation that we received, both from the gentleman from Alaska (Chairman YOUNG) and the gentleman from Florida (Chairman MICA). I think they went out of their way to bring this bill to the floor in a manner that can be supported by the overwhelming majority of both the Democrats and the Republicans on the Committee on Transportation and Infrastructure.

Mr. Chairman, when this issue of arming pilots came up after the horrific September 11 attacks, there was considerable debate on both sides of the aisle as to whether or not we should allow pilots to be armed. The Aviation Transportation Security Act of 2001, which we passed in November of 2001, left a decision on lethal or nonlethal weapons in cockpits up to the Transportation Security Administration and the airlines by which the respective pilots are employed.

However, in May of 2002, the TSA decided against arming pilots with lethal weapons. About the same time, there was a movement within the pilots' union and the committee leadership on the other side of the aisle to force the TSA's hand and allow pilots to voluntarily arm themselves.

However, at a congressional hearing on the subject in May, many questions arose as to exactly how to arm the pilots. Subsequent conversation with the pilots' union brought forth the same questions, questions such as: Has there been full testing of bullets being fired in the cockpit and in the cabin to determine what damage might be done to the fuselage and the cockpit? Have there been simulated tests of where to best place and store the guns in or out of the cockpit so as to ensure that terrorists do not gain control of these weapons?

I and others believe that these and many other questions should be answered before we authorize pilots to carry guns in the cockpit. Subsequently, that is how we came to craft a pilot program that would answer these questions, and after a 2-year period of testing and evaluation, the decision would be made whether to terminate the program or open it up to all qualified pilots. Then all the pilots who volunteer can be better trained and prepared for any threat that might come their way.

What we all agree on in this body is that we should make airplanes safe and secure, and we do not want to put passengers in more danger, or to make weapons accessible to terrorists. This process of testing and evaluation before authorizing all pilots to carry guns in the cockpit will ensure just that.

Today, some amendments will be offered with good intentions of making the airplanes safe and secure. However, other than the manager's amendment, which the committee leadership has crafted to improve the measure, I will oppose all amendments that will tilt this carefully balanced compromise that we reached in the Committee on Transportation and Infrastructure.

In closing, again, I wish to thank the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Alaska (Chairman YOUNG), and the gentleman from Florida (Chairman MICA), for their work on this measure.

I would also like to thank all Members from my side of the aisle on the Subcommittee on Aviation for their contributions to the discussion, debate, and crafting of this measure. Hopefully, as the bill moves along with an open and fair process that includes everyone's input, we will send to the President's desk the best possible measure that will make our skies safer in the future.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. MICA), the chairman of the subcommittee, who has done an outstanding job on this piece of legislation.

Mr. MICA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, allowing pilots to defend themselves and their passengers, their aircraft, is absolutely fundamental to the safety and security of our aviation system in this Nation. Unfortunately, the United States of America faces a new and changing threat unlike anything we have ever experienced before. That is the threat of global terrorism. This threat will exist, unfortunately, for a long time, and we must take absolutely every action to protect America against those who would seek to kill innocent citizens.

Since September 11, we have enacted some sweeping security reforms. We have created a new Federal agency with unprecedented authority in transportation security measures. We have also been in the process of deploying Federal air marshals, federalizing our screener work force, mandating that all bags undergo explosive checks, and also requiring reinforcement of cockpit doors.

Unfortunately, Mr. Chairman, we do know that many of these reforms will not be in place for some time to come.

□ 1130

We know it will be impossible to place air marshals on all of the at-risk flights. Full cockpit doors security conversions will not be complete until sometime, I believe, late in the year 2003. And what is most disturbing, and we have seen this behind closed doors and now revealed in the media in the last few days, weapons are still getting through airport security.

This is the headline from July 1: ''Airport Security Failures Persist.'' A recent test by the TSA revealed that screeners failed to detect weapons nearly 25 percent of the time at our busiest airports. In fact, we found at our three major airports in the country screeners failed to detect potentially dangerous items in at least half of the tests. At a fourth location, and that happened to be Los Angeles International Airport which has also been in the news, the results were not much better. The failure rate there was 41 percent.

We know it is impossible again to protect ourselves with either a private workforce or a fully federalized screener workforce to catch all of these weapons and potentially dangerous items. And there is strong evidence to suggest that even more terrorist cells have been trained to take over commercial aircraft. At our subcommittee hearing, we showed these photographs, satellite photographs, of training camps. We know that terrorists are being trained to use both lethal and nonlethal methods of taking over aircraft, so the threat of another 9–11-type hijacking is, in fact, real.

NORAD, the North American Defense, has a standing order to shoot down any plane under the control of hijackers and that gives us the possibility of killing hundreds of innocent passengers to prevent a plane from being used as a weapon. I ask you, is that the only line of defense we should have? I strongly believe that under these circumstances armed, trained and qualified pilots who volunteer is, in fact, a necessary step towards ensuring the safety and security of the flying public.

Nothing, my colleagues, can provide a greater deterrence or effectiveness than having a weapon wielded by a highly trained individual, especially if we have the potential of armed terrorists taking over a plane, as we know they are being trained for.

Pilots have had the ability to arm themselves in less dangerous times. A photo has been provided to me by an individual who has a record here, photographic record of actual property of United Airlines, a gun that was issued by airlines in the past. So pilots have had the ability in much less dangerous times of arming themselves. In fact, they were even supplied these weapons, as we can see, by the airlines. So we have a situation where pilots are almost unanimous in asking for the ability to once again defend themselves, their passengers and their aircraft. There is no one that has more experience or no one that sees our aviation security shortfalls more on a daily basis than a pilot. Each day they see how the weaknesses of the system exist, and they are asking that they be allowed to arm themselves. Congress has a responsibility today to hear their plea in this important matter.

I believe this is one of the most vital issues we have as far as aviation security in the United States, and I ask for support of all colleagues today.

Mr. LIPINSKI. Mr. Chairman, I now turn over the management of the time on our side to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee.

The CHAIRMAN. Without objection, the gentleman from Minnesota will control the balance of the time.

There was no objection.

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

Mr. Chairman, initially when this legislation was introduced and the idea proposed of arming the flight deck crew, I was very much opposed to the idea. I just felt this was not a good idea, that the flight deck crew under any circumstances ought to be paying its full attention to the very complex job of managing and integrating systems in the flight deck and managing the flight itself, a full-time job. You should not have to be distracted by the details of worrying about a gun and where it is going to be and how it is going to be used and under what circumstances.

But, as I discussed the matter further with the chairman of the full committee and the chairman of the subcommittee and the ranking member on our side, the gentleman from Illinois (Mr. LIPINSKI), and with the Airline Pilots Association and with individual pilots, I came to be persuaded that the case was being made that under the current circumstances of an incomplete aviation security system that the appeal for arms in the flight deck had at least some limited viability and an underlying rationale.

And that rationale is that not all of the protective measures that we have authorized in the Transportation Security Administration Act of last fall have been fully implemented. We do not yet have explosive detection systems deployed at all commercial airports. The trace technology for a backup system, a supplemental system of detecting explosives in checked luggage and carry-on luggage, is in its testing phase. It has not yet been authorized for full deployment.

We did not have positive passenger bag match for all checked luggage. We do not have deployment of the Federal security screener workforce at all security checkpoints at the Nation's airports. We do not yet have a biometrics system for frequent fliers or for detection of terrorists known to our intelligence systems. We do not yet have a program of training the cabin crew onboard aircraft against terrorist actions.

And furthermore, the pilots have said that in the ordinary course of events, the pilot in command and the first officer flying side by side, on the weekends that first officer is likely a member of the National Guard or Reserve and will be having flying duty on the weekend and could be ordered by the President of the United States under an executive order issued lasted year to NORAD to scramble military jets and shoot down that very aircraft that during the week the pilot now flying for the National Guard was co-pilot on.

The pilot said to me, I do not want to be in that position. I do not want the last resort to be U.S. National Guard

aircraft shooting down, or active military aircraft, shooting down my aircraft when I could be the force of last resort. That is a compelling argument.

In the process we have worked together, and I appreciate the forbearance of the Chair in the full committee and the participation of the Chair of the subcommittee, and particularly the splendid work that the ranking member on our side, the gentleman from Illinois (Mr. LIPINSKI), has done bringing the Democratic Members of the subcommittee and full committee together to discuss on numerous occasions concerns with the bill and changes to that legislation which have now been incorporated, and I can say this truly is a bipartisan piece of legislation.

And amongst the most significant changes are that there will be training for the pilots, significant training, comparable to that for flight sky marshals. There will be extensive review by the Transportation Security Administration of the type of weapon to be used in the flight deck, not just any gun, but what type of gun, and more importantly, what type of bullet. Not all bullets are appropriate for the flight deck. For example, armor-piercing bullets. We would not want those to be used in the flight deck.

Third, there will be testing done of an errant discharge into the control panel. I want to know what will happen, what will happen if the gun is accidentally discharged into the onboard computer, into the altimeter, into the glass cockpit of a 757, where all the controls are in one single panel; what will happen and how will you counteract the destabilization that will occur.

Those questions have to be answered before you go ahead with this program. And under this legislation, those issues will be addressed and assessed and alternative measures taken.

We have also, I think, perhaps the most important factor for me is that instead of a permanent program from the outset, we have a true test. This is a 2-year initiative. At the end of that period of time, it will be up to the Secretary of Transportation on the advice of the Under Secretary for the Transportation Security Administration whether to go ahead and make this a permanent program.

Now, if in the meantime the Department of Transportation does what it is directed to do under the Transportation Security Act of 2001 and puts in place all of the other protective measures that I have already cited, positive passenger bag match, explosive detection systems, training of cabin crew and trace proves to be an effective technology and can be deployed and we have the security check points administered by Federal security crew and we have the strengthened flight deck doors that have been designed, not yet certified, hopefully will be and also being put in place, when all of those protective measures, the interlocking web of security is deployed, then guns will no longer be necessary in the flight deck.

That has been the example of El Al, which initially armed flight crews, but after all the other protective measures were put in place and they were satisfied that a complex web of security was in place in the flight deck, then guns were removed; and that I think should be our example and our objective.

The legislation we have crafted and which we bring to the floor today is, I believe, a balanced responsible measure that takes into consideration the concerns of those who are in charge of the flight, the flight deck crew.

I do not think that we should have any amendments to this legislation either. We have gone about as far as I think we need to go. I think we have taken into account all the many concerns expressed. It is a fair and balanced bipartisan compromise, and I appreciate the work that our colleagues have done on both sides of the aisle.

□ 1145

I particularly want to express my great appreciation to the gentleman from Illinois for his splendid work and the many hours of time put in on this legislation and also, again, to the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) for their cooperation throughout this very long process.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHUSTER), an outstanding member of my committee.

(Mr. SHUSTER asked and was given permission to revise and extend his remarks.)

Mr. SHUSTER. Mr. Chairman, I rise today in support of H.R. 4635. The safety of airplanes has been in the forefront of our committee's work for the past 10 months, and I would like to commend the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA), as well as the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI), the ranking members, for their dedication to making our skies safe.

Since the tragedy of September 11, Congress has been dealing with the issue of security, and this Congress passed the Aviation and Transportation Security Act last year to revamp the entire transportation security system.

Included in that security act was a provision allowing pilots to carry guns pending administration approval. Since the passage of the bill, the administration has been publicly conflicted on the issue and nothing has been done. If my colleagues examine the Aviation Security Act they will notice that 99 percent of the enhanced security provisions are passive, from new x-ray machines to protective cockpit doors. Training flight crews on self-defense and allowing pilots to be armed are the only provisions that involve active defense of the plane.

The American public supports the arming of the cockpits, and additionally, over 40,000 pilots have signed a petition to the President asking him to allow them to carry guns. In my opinion, people realize that if a person cannot get into the cockpit they cannot take control of the plane.

I also hope today that we can improve this bill by passing the Thune amendment, which will raise the cap of armed pilots from 2 percent to 10 percent which will give greater peace of mind to the traveling public.

Today's debate should be about active defense versus strictly passive defense of a plane. I think it is time we allow the pilots to be the last line of defense of our planes rather than the current alternative, to shoot the plane out of the sky.

H.R. 4635 is a positive step to protect our air transportation system. I encourage all of my colleagues to vote yes.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me the time.

As the gentleman from Minnesota (Mr. OBERSTAR) and others who have preceded me have said, we passed an excellent aviation security bill last November. Unfortunately, it is yet a work in progress. There are many incomplete measures, some of which are moving along with acceptable speed, others which are not. I am particularly concerned about whether or not we can meet the deadlines for detecting explosives and do believe this is a very real threat, including individually carried explosives similar to suicide belts; and we need to be adopting new measures to deal with that.

The flight deck doors are of particular concern. The FAA is going along at its normal speed, which is 5, 10, 15 years to certify a minor change to an aircraft, in terms of approving these long-designed armored flight deck doors which are in use by foreign airlines.

Without those armored flight deck doors, flight decks are still vulnerable, including the vulnerability that will not even be accommodated then, which is to put them behind a door similar to El Al, which includes a lav and food service.

On my cross-country flight on Monday, I observed the door to be open for a total of more than 15 minutes, at one point for 8 minutes consecutively while the three people on the flight deck shuffled around to the bathroom, got a cup of coffee and shot the breeze with the flight attendant, who was standing menacingly behind the food cart to keep the terrorists from rushing the flight deck. That is not security. That is not decent security at all.

The issue now comes to, what about this last line of defense? We have already heard about the standing orders

to shoot down civilian aircraft that have been commandeered. That would be a horrible, horrible thing, but potentially less horrible than another guided attempt of using one of our civilian airliners as a weapon of mass destruction and killing thousands more on the ground. It should never get to that point. And when we fully implement the measures that we passed last November, it is improbable that someone will be able to access the airplane with sufficient weaponry to take it over. But until that is done, until we have the armored flight deck doors, I believe other measures are necessary, including the arming of pilots.

I am disturbed that President Bush is so strongly opposed to the arming of pilots. As a former part-time fighter pilot in the National Guard, he should certainly understand the gravity of the order that would be given to a full-time pilot or another National Guard pilot to shoot down a civilian aircraft that has been commandeered, and he should be appalled by that; and I cannot understand the President's absolute objection to the arming of pilots.

So I believe it is wise for the House to move forward and mandate that this go forward. I will, however, be supporting an amendment to make the program available to all qualified pilots who can qualify with the weapons and pass the training, including the other provisos about the testing of weaponry and the appropriateness of ammunition and things like that, because, to me, the issue here is, if the threat exists, why would we limit it to 2 percent of the pilots, because if we limit it to 2 percent or less of pilots, and since his administration, the President does not want to arm these people, we will expect they will move very slowly toward that 2 percent target. That would mean that on any given day less than 1 percent of the pilots in the air potentially would be armed as a last line of defense against a takeover.

A terrorist might think odds of 99 to 1 are pretty darn good. I would buy a lottery ticket if my odds of winning were 99 to 1.

So we are going to offer an amendment later with the gentleman from Washington (Mr. NETHERCUTT) and others to lift the cap and allow the administration to rethink its position and hopefully move ahead expeditiously with training with a much larger number of pilots, all those who volunteer. It would only be voluntary because some pilots do object to this procedure.

So I look forward to a vigorous debate over that amendment, but I certainly support the base bill.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Chairman, I thank the chairman for yielding me the time, and I rise to support H.R. 4635, the Arming Pilots Against Terrorism Act. I thank not only the gentleman from Alaska (Mr. YOUNG) but also the gentleman from Florida (Mr. MICA), because they have put together a fine manager's substitute.

This legislation will allow us to give the flying public peace of mind and the knowledge that the pilots and flight attendants aboard their commercial flights are prepared for challenges that the terrorists may present.

I am a strong supporter of arming pilots to defend the cockpit; and I appreciate what has been done to help the first resisters, and this is the Nation's flight attendants. I am pleased that the manager's amendment addressed those needs for those that serve us aboard, before and after.

As many of my colleagues know, I offered an amendment at the full committee that sought to strengthen flight attendant training. I later withdrew my amendment with the good faith that a reasonable compromise would be reached, and that would benefit flight attendants.

I commend the transportation leadership for that amendment. It strengthens many of the flight attendant proposals, and I am particularly pleased with the hands-on training, in making it mandatory.

With many important provisions added in the manager's amendment, I have decided against offering my amendment on the floor today. I have additional language which further strengthens flight attendant training, and I will offer these suggestions to the transportation committee leadership for consideration during a possible conference with the Senate.

I urge my colleagues to support H.R. 4635. This important legislation will improve the safety of the flying public.

Mr. OBERSTAR. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I rise today to express my steadfast opposition to H.R. 4635, legislation that would unnecessarily and unwisely introduce lethal weapons into an airplane's sterile environment.

As we debate final passage of this bill, I remind my colleagues that the Congress considered this issue last November when it passed the Aviation and Transportation Security Act. Under that landmark aviation security legislation, a pilot of a commercial air carrier may carry an approved firearm while flying an aircraft if he or she receives approval from the Transportation Security Administrator or his or her employer. In other words, Congress deferred this critical decision to the experts who have since concluded that arming pilots may actually compromise aviation security and aviation safety.

Our Nation's security leaders, Homeland Security Director Ridge, Transportation Secretary Mineta and TSA Administrator John Magaw, have all made public statements signaling their opposition to arming pilots. Members who vote for final passage of this bill will vote to override the decision of those experts principally responsible for guaranteeing the security of air travel.

I join these experts in expressing my fundamental opposition to arming pilots, and I also oppose this particular bill because it mandates a pilot program before the completion of the most basic studies on the introduction of guns into the cockpit. No real studies have been performed on the consequences of an accidentally discharged bullet on a cockpit's computers. No real studies have taken place to determine where a gun should be stored in flight and between flights. No real evaluation has been made as to how this added responsibility would impact TSA's ability to meet significant but important congressionally mandated deadlines to bolster aviation security.

In proposing this legislation, the Congress is experimenting with the lives of the flying public, and furthermore, it is being careless with taxpayers' dollars. Under this legislation, armed pilots would be deputized by the Federal Government, exempting airlines and pilots from legal liability.

Instead of giving pistols to pilots, let us keep our focus on the fundamentals of aviation security, hardening cockpit doors, screening all checked baggage, vetting passenger manifests, ensuring a validated workforce and deploying Federal security screeners.

Let me conclude by reaffirming my utmost respect for our Nation's airline pilots. Each day, they safely transport thousands of passengers to destinations all over the world. The job requires great expertise and great diligence, and my vote today is to vote to keep pilots focused on what they do best, on flying airplanes.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

I would like to suggest to my good friend from California, the experts which he referred to do not know squat. I have 60,000 and over of pilots who want this legislation. Again, as a captain myself, I know how it feels not to be armed. As history will show us, the protection of the wheelhouse and the cockpit are vitally important. The gentleman from Oregon (Mr. DEFAZIO) mentioned this.

The reality is that now there is an order to shoot down the airplane. If there is a hijacking with passengers aboard, to me that is a ridiculous solution when it can be stopped at the cockpit.

As was said before, this is nothing new. Until it became politically correct, the pilots armed themselves as they have done through history to defend that cockpit and defend that plane and defend those passengers. And now we have experts. Who are they? A man that belonged to the ATF, an individual very frankly that is being told very frankly what he should be saying. This is incorrect.

This is my bill. This is a bill for the American people. This is a bill, in fact,

to defend those people that fly every day. By the captain of the ship, they are his responsibility. If there is an infringement upon that cockpit by a terrorist, he has a right to eliminate that individual, to defend his passengers.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

□ 1200

Mr. CUNNINGHAM. Mr. Chairman, I would like to reiterate what the chairman just spoke about. I have got over 10,000 hours in military and civilian airplanes flying Lears, G–4s, every fighter that you can name. And I would tell my colleagues first of all it is hard enough to shoot down an enemy airplane with your psyche and if a pilot ever has to shoot down a civilian airplane, we ought to give that pilot a lot of support because not just during the act but after the act it will be very difficult for that individual.

But I tell my colleagues that as a pilot myself with thousands of hours, if I was going aboard an airplane either as a passenger or a pilot, I would want several things. The massive security that the gentleman spoke about before, including INS, to make sure that people are not available to do the bad things, but I would want the marshals. I would want a policy where airline hostesses are trained so that if an act takes place, then they are automatically going to strap themselves down because if someone tries to get through that cockpit, a 757 will take about two negative G's. I am going to put those guys on the top of the roof and try to break their necks and let them pick themselves up off the ground. But as a pilot, as in the Pennsylvania airplane, there is no pilot in the world that is going to take that airplane and fly it into a building. The bad guys are going to slit your throat and take over the airplane. And I want the Kevlar door. I want the marshals. But as a last line of defense to protect the passengers and myself, I would want to be armed.

Not everybody should be armed, but up until 1987 pilots were armed. A large portion of our aviation pilots today are military men and women. I know Air Force and Navy aviators, and they need this type of legislation. I think it ought to be a much higher percentage. Up to 1987, over 70 percent of our pilots qualified to be armed. Mail aircraft hauling pilots were forced to carry a weapon up to this time, but as the chairman says, until political correctness came to this Nation, our lives have been changed forever. Political correctness is going to get passengers and people killed.

I highly and strongly recommend this legislation, and I thank the chairman for it. But I would also say that we need lethal and nonlethal ordnance on those aircraft to support, in my opinion; and we need to support the legislation, not only this legislation but future legislation to protect passengers and the airlines and restore the confidence so that our public will fly the airways.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, I stand strongly supporting H.R. 4635, and I say this because the events of September 11 have caused us to pause and reassess our security in the Nation's air travel. It has drastically altered the way we do business, and henceforth U.S. policies on safety and security must reflect a heightened awareness and preparation. September 11 events should keep us vigilant and aggressive in the development and deployment of new technologies and procedures.

Mr. Chairman, it would be a serious mistake not to believe that more terrorist attacks like those experienced on September 11 could occur again. In fact, the Permanent Select Committee on Intelligence and the Transportation Security Administration strongly indicate that the threat to aviation remains very high. Therefore, I believe that under these circumstances we must incorporate innovation in our approach to this very serious issue. We must support H.R. 4635, a pilot program that would allow trained and qualified pilots to serve as a last line of defense against such a potential disaster.

I know that there are some who feel that this measure does not go far enough, and there are some who feel it does nothing; but I believe that this measure is another means that we can use in protecting the traveling public. While I fully support this measure, I think it is critically important for us to remember that we are in the midst of hiring and expanding the air marshal program. The development of any new pilot program should not interfere with the established and proven air marshal program, nor should it interfere with research into nonlethal measures like stun guns and Tasers.

The proposed bipartisan bill has several key provisions to the original bill. First, it is important to note that this bill is a 2-year pilot program with a minimum of 250 pilots monitored by the Transportation Security Administration. Pilots will use firearms only in defense of aircraft after hijackers breach the cockpit door.

No man-made door is impenetrable to a determined attacker. The bill requires that certain testing and planning take place prior to armed pilots boarding aircraft, including testing the ramification of a misfire in the cockpit. We should allow for proper training and strengthened firearm training requirements prior to their deployment. This training will be similar to that we provide Federal air marshals. Finally, the TSA administrator has the authority to terminate the program after a 2-year test period.

I, like my colleagues, would agree that keeping an aircraft aloft during an attempted hijacking is of prime importance to the survival of the crew and passengers, and today we should pass this very important piece of legislation.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Chairman, I rise today in support of H.R. 4635, the Arming Pilots Against Terrorism Act. It is vital that we give the pilots and passengers of American commercial aircraft a fighting chance against would-be attackers. An armed pilot is the final line of defense against terrorist hijackers. Under H.R. 4635, the use of force may be employed only in the defense of the cockpit.

At this point, Mr. Chairman, terrorists would have already seized the aircraft. In the last few moments before hijackers use this plane as a weapon, we have a difficult choice to make. Currently our Air Force has standing orders to shoot down any plane captured by terrorists.

Mr. Chairman, we are at our last resort. Why would we not allow our pilots the opportunity to protect themselves, their passengers, and thousands of American lives? Let us face it, the days of the hijacking thugs or terrorist thugs on our airplanes demanding money or the release of their cohorts is over. The airplane is now the coward's weapon of choice.

Therefore, Mr. Chairman, we must secure our airplanes from these cowards and protect our people from harm. The greatest way to fight off terrorists is to arm those who know the aircraft the best, and that is our pilots.

H.R. 4635 will augment the military background that many pilots already hold by providing rigorous training for all armed pilots. This training is much like the training that Federal air marshals receive with an emphasis on marksmanship, defensive maneuvers, and weapon retention.

Currently, Federal air marshals patrol our skies armed, and have done so since 1985. In addition, foreign airlines who arm their pilots are allowed to travel to our airspace and land on American soil. To suggest that American pilots are somehow incapable or less qualified than those who already carry arms aboard aircraft is ridiculous.

Mr. Chairman, our people want this legislation, our pilots want this legislation, and America deserves this last line of defense. I urge my colleagues to support H.R. 4635.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to address the issue the gentleman from California (Mr. HORN) raised in the well about the rest of the flight crew, the flight attendants, on board the plane.

It was absolutely positively the intention of the Members of this House and those who drafted the aviation security bill last fall that they would get

adequate training, both in the issues of self-defense and crew coordination, and all the things that are necessary for those people who are so exposed on the other side of those doors that are slightly reinforced at this point in time.

Unfortunately, many of the airlines, because of the expense and the inconvenience in scheduling involved, have chosen to either stiff or short that training requirement: a 15-minute video on self-defense. And having studied a number of martial arts, I can tell my colleagues that that is not going to do much for a lot of people.

As I spoke here earlier, we are using flight attendants directly. In the case of United's policy, they wheel out the food cart and they stand behind it, and they are supposed to defend the flight deck while that door is open against terrorists, after having watched the 15-minute video.

There has been no serious consideration by the administration of whether or not nonlethal devices or other things should be made available to the flight attendants. So the improvements in this bill should send a strong message to the TSA, to the FAA, and to the airlines that we do not want more delay; that the flight attendants are at risk, they are a critical part of solving this problem, and they need the training and the tools. It is a minuscule cost to the airline; certainly a lot less cost than the tragedy of another lost plane.

So I congratulate the leaders of the committee on the inclusion of some stronger language and hope we can even push that further and make certain that this gets done.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3½ minutes to the gentleman from Kentucky (Mr. ROGERS), not a member of the committee, but of the important Committee on Appropriations.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman for yielding me this time.

Overall, this is a good bill. By establishing a demonstration program of limited duration and strict standards, we will be able to assess the benefits and risks of arming commercial airline pilots. The bill does not require pilots to carry guns but gives them the option up to a certain percentage and subject to training. They will be literally the last line of defense for our commercial aviation system. The terrorist attacks of September 11 demonstrated that this is something that should at least be evaluated in a systematic and limited manner.

However, I want to draw to the Members' attention one element of the bill that I hope will be addressed in conference with the other body. Section 2 of the bill requires that all costs for the training, supervision, and equipment, meaning guns, under this program shall be borne by the Federal Government. These costs have been estimated by the Congressional Budget Office at $47 million over the next 5 years.

These funds are not currently in the Transportation Security Administration's budget and could well cause the agency to cancel or defer other critical security activities to finance what is essentially an earmark on future budgets. In addition, training facilities at the Federal Law Enforcement Training Center, which are mandated to be the trainer of these pilots, are stretched thin already; and it is not clear whether the program could go forward immediately because of that.

There is a way out of this predicament. In my view, the Federal Government could just as easily specify the standards for this training and equipment, as we do for pilot training, and allow the airlines, who choose to participate in the program, to bear those costs. This is a voluntary program. Airlines who want to participate should bear these costs, rather than expanding the Federal Government even further than we already have.

I am concerned, as I know many Members are, over mission creep at the TSA. Many of us want to constrain the size and the scope of that agency and limit mission creep. Deputizing pilots and also paying for their training and firearms, I think, is a step in the direction of mission creep for TSA.

So, Mr. Chairman, I want to congratulate the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG); the chairman of the subcommittee, the gentleman from Florida (Mr. MICA); the ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR); and others for a good job in the drafting of this legislation, with a couple of minor corrections that I hope can be made as we go along.

I hope as we proceed through the process that the managers of the bill will work to limit the direct Federal responsibility for the program and focus more on oversight of what I consider to be industry responsibilities.

Mr. OBERSTAR. Mr. Chairman, I would like to inquire of the time remaining on both sides.

The CHAIRMAN pro tempore (Mr. LINDER). The gentleman from Minnesota (Mr. OBERSTAR) has 4½ minutes remaining and the gentleman from Alaska (Mr. YOUNG) has 8 minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

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Mrs. TAUSCHER. Mr. Chairman, as a member of the Subcommittee on Aviation, I take my job very seriously. Making air travel secure is one of the most important and daunting challenges our country and this Congress faces.

It is unclear if the new Transportation Security Administration that Congress created last year will meet its deadlines for hiring and training federal screeners and deploying bomb detection equipment to airports this year. This prospect alarms me, and it should alarm other Members.

The TSA and the Bush administration have told us that there are more pressing security issues to address than arming pilots, and I hope that passage of this bill does not add to the TSA's full plate and delay implementation of these other vital security measures.

Mr. Chairman, I appreciate the willingness of the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) to work with me to address some of the concerns that I raised during the markup of this legislation in committee. I would also like to thank the committee staff for their efforts to incorporate some of my common-sense changes to the manager's amendment.

However, I do not believe this is the best bill our committee could have brought to the floor. I regret that this was the best bill we could get to the floor in an election year after the bill unnecessarily became more about guns than about safe air travel.

The FAA has taken too long to certify and install the reinforced cockpit doors than originally thought and pilots should have the means to defend the cockpit in the interim.

I support equipping all cockpits with nonlethal weapons to defend the cockpit. United Airlines, ATA and others have taken a leadership role in purchasing these devices and training all of their pilots to use nonlethal weapons, and now are only waiting for TSA certification. I commend them for their efforts.

I am pleased that the manager's amendment included some of my language setting a deadline for the TSA to certify these weapons, but I hope the TSA will act sooner to certify these nonlethal weapons so that companies can begin installing them immediately.

Another big security concern raised by this bill is pilots transporting firearms to, from, and through the airports. I am pleased the manager's amendment includes part of my amendment to have the TSA look at securing their weapons at airports during overnight stays.

I remain concerned about pilots being targeted outside of airports, and recent reports of uniform and ID thefts at hotels, and hope the TSA addresses this issue during its rulemaking process.

I think we can do a better job. I am hoping that we will see some of these amendments, and hope that I will be able to support this bill.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I rise today in strong support of H.R. 4635, and my thanks go out to the gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Florida (Mr. MICA) for the fine work they have done in doing the work that we need to do in this Congress, and that is remain focused on benefits, not on policy.

As a father, a husband, a grandson, a brother, I can say that this Congress has remained fixed on doing everything they possibly can to make air traffic safety paramount for this country. I know after I leave this Congress some day, I will be able to look back and thank these gentlemen and this Congress for doing everything that they can to make my family safer when they fly.

Putting qualified, armed pilots onto planes is not a new idea. It was done successfully as recently as 1984. Today we have an opportunity to increase passenger safety, and the American people demand it. Through passage of this legislation, Congress will put future terrorists around the globe on notice that American air passengers are off limits. America's pilots will no longer be unarmed targets for terrorist aggression. Those wishing to interfere with the safe operation of U.S. passenger airlines are on notice that they will not succeed, and their evil efforts will be met with lethal force.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Chairman, I thank the gentleman for yielding me this time, and for bringing this important issue to the floor.

We have an opportunity today to do something that is critically important to the aviation security system in this country. As a member of the Subcommittee on Aviation and a cosponsor of the original version of H.R. 4635, I strongly support the creation of a voluntary Federal program to arm and train pilots to defend their cockpit against terrorist attacks. I believe the bill that we are considering today creates a good framework for the Transportation Security Administration to implement an effective flight deck officer program.

Later on we will have an opportunity to offer amendments, and I am happy to be part of an effort to amend this bill further to strengthen it and make it even stronger. Our amendment will attempt to lift the ceiling on the number of pilots that are eligible to volunteer for this important program. Secondly, it will require the Transportation Security Administration to begin training qualified, volunteer pilots more quickly. Finally, it will eliminate the sunset for the program. Clearly this is an important issue. It is an important program, and it should not diminish after 2 years.

By arming pilots, Congress can create a last line of defense against terrorist attacks. It is critical that we take every possible action to protect the passengers that fly the aviation system, and this legislation is an important component in that process. Since September 11, we have learned that we need to prepare for previously unthinkable acts of terrorism, and this common-sense legislation and the amendment we will offer later will give airlines and pilots an additional tool and create a last line of defense against future attacks.

This is a voluntary program. It is one that the pilots have asked for, and one I believe that the people in this country are very supportive of, and it is one that will send a strong message to terrorists around the world that they cannot mess with our system.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I support this legislation as a groundbreaking test of 2 percent of pilots to be provided with arms.

When we fly in the Navy, we always fly armed. Most of the cadre of civilian pilots come out of the military, and would fly with a 9 millimeter in their SPU. This gives them a sense of confidence, and we will establish a track record.

I want to also talk about tasers in the cockpit. United Airlines has come forward with a proposal to have this nonlethal technology that would not involve having any bullets moving around in the aircraft, and I think this is a reasonable compromise position that the Secretary of Transportation should also look to and support.

I support this legislation, but also hope that we can go forward on the taser proposal for a nonlethal alternative, and I will engage in a colloquy with the chairman of the Subcommittee on Aviation later on that topic.

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

Mr. Chairman, I just want to correct some misimpressions that were left by previous speakers, talking somewhat enthusiastically about guns in the flight deck prior to this legislation. The actual history is that under general authority of the FAA to protect security aboard aircraft, it was permitted for pilots to carry guns. There is no record of the actual number of pilots who were armed prior to 1981.

In 1981, there was a specific regulation issued by FAA under its security authority to allow arming of pilots provided the airline company permitted the arming, and the pilot voluntarily chose to do so. Again, the FAA can produce no records of the number of pilots who were so armed.

It is ironic, however, that it was last year, last summer, in fact, the summer of 2001, that the authority for armed pilots in the flight deck was repealed by FAA. This is new authority, new legislation. I just want the record to be clear on this point that we are charting a very new course, and doing so, I believe, in a very responsible, thoughtful and careful manner.

This is a much bigger undertaking, much greater initiative than ever conceived of in the past. As previous speakers have said, there clearly is a case to be made, I believe, now for arming flight crews. It ought to be done in this careful, thoughtful manner to a point where the 2-year demonstration is undertaken, the questions are resolved, and then a further determination made on whether to proceed with a permanent program which, again, we can revisit in this body and enact should it be necessary to do so.

Meanwhile, I think we have crafted here a very fine piece of legislation that stands on its merits and ought to be adopted by this body.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I compliment the gentleman from Minnesota (Mr. OBERSTAR) and his working with the gentleman from Florida (Mr. MICA), the chairman of the Subcommittee on Aviation.

I would like to remind Members of some things. Number one, I like the idea of possibly studying a taser weapon or futuristic weapon like what we see in movies, but I personally want that pilot to have a lethal weapon on board.

If I had a terrorist trying to take my ship, I want to have a lethal weapon in my hand. I want to make sure that person does not even have a chance. With a taser, he has a chance. I have some experience with those types of weapons, and if a person was a true terrorist, he would wear protective armament and would need to be struck in the head. Until that time, he would be able to circumvent a taser. A taser does not immobilize a person immediately. A lethal weapon would. Properly trained, that terrorist will be eliminated and my ship will be protected and my passengers will arrive safely.

This is a small step forward. We are not sure, and neither are the terrorists sure, which pilots will be armed. I believe that is a deterrent in itself. I believe there will be some hesitancy on that airplane. I will go back in history, and the gentleman from Minnesota (Mr. OBERSTAR) mentioned the FAA repealed this action last summer so they could not carry a weapon.

I would say if anyone should be criticized, it is the inactivity of the FAA. The inability to make a decision even today with the TSA, we have the FAA saying we have certified new equipment for screening of people or baggage so we are not going to use it. If there is any fault, it is with the two agencies: One old, outdated, antiquated, an agency that does not take steps forward in a positive fashion, the FAA; and a new agency which still follows that lead.

I think the gentleman from Kentucky (Mr. ROGERS) said it very correctly, we have to have more oversight and some demands for action instead of delay so we can implement what we thought we were doing in the Airline Security Act, that we thought we would have a slim and trim agency that would get the job done and the

passengers would be screened and put on the plane on time. That is not occurring because of the inactivity of both agencies.

I say to those who say no to this, I am not going to rely on the airlines. I am not going to rely on the TSA or those agencies saying, let us look at it. I am going to say this is going to be done with a small percentage of our pilots. And hopefully after 2 years, with a larger percentage of our pilots, because it is the last line of defense. I remind Members as one who has carried weapons most of his life, I will tell Members that 9–11 would not have happened if that pilot had a weapon at the time of that hijacking. That would not have happened. I say let us pass this legislation, let us go forward and protect passengers. I urge passage of this legislation.

Mr. GILMAN. Mr. Chairman, I rise in strong support of H.R. 4635, the Arming Pilots Against Terrorists Act of 2002 which will allow for a 2-year test period for selected and qualified airline pilots to carry firearms on board the aircraft they command. In confronting the threat of terrorism, we must ensure that our Nation is fully prepared. With many terrorist cells training followers to hijack and fly commercial airliners, providing our pilots with the authority to carry a firearm in order to protect our passengers and airliners is sound policy.

The 2-year trial period will begin when the first 250 pilots have been deputized to carry guns in the cockpit. The number of deputized pilots will be capped at 2 percent of their total workforce, or about 1,400 pilots. Preference will be given to pilots who have formerly served in the military or law enforcement, but participation will be voluntary.

Pilots have voiced nearly unanimous support for using firearms to protect their passengers, their planes and themselves. Moreover, reinforced cockpit doors won't be completed until next year and air marshals will not be riding on all flights. Pilots deserve the right to protect our skies from terror as the last line of defense. Accordingly, I urge my colleagues to support this practical and worthy measure.

Mr. MILLER of Florida. Mr. Chairman, on September 11th, terrorist hijackers killed eight unarmed pilots, hundreds of passengers, and thousands of innocent people. There is evidence that more terrorist cells have been trained to take over commercial aircraft. Our own armed services may be forced to shoot down a plane full of innocent passengers to thwart a terrorist takeover. The Federal Government has a constitutional mandate to provide for the common defense.

Mr. Chairman, we are failing! Our aviation system is still vulnerable, and we remain susceptible to unknown threats from an often-invisible enemy.

Arming trained and qualified pilots to defend their aircraft cockpits is a necessary step to ensure the safety of the flying public. Many pilots have a law enforcement or military background and have experience with firearms. Pilots are entrusted with the lives of the flying public, and arming them will serve as a significant deterrent. What hijacker will break into a cockpit not knowing whether he will face an armed pilot?

Mr. Chairman, some of my hoplophobic colleagues will urge us to give the current efforts at heightened security a chance. They will cite more metal detectors, sealed cockpit doors and the presence of air marshals. I ask them to explain that rationale to loved ones of the 9/11 victims.

Mr. Chairman, we would never ask a combat pilot to fly into battle without his side arm as a back up. On September 11th, the battlefield entered the cockpit of commercial aircraft. How can we deny the pilots of commercial aircraft the right to defend themselves and the passengers on their aircraft?

Mr. BARR of Georgia. Mr. Chairman, I rise today to support this very important legislation and urge my colleagues to support its passage. First, I would like to thank the Chairman of the Transportation and Infrastructure Committee, Mr. YOUNG, and the Chairman of the Subcommittee on Aviation, Mr. MICA, for their leadership in producing this legislation and getting it to the floor today. I was glad to sign on as a cosponsor of this legislation immediately, because it simply makes sense.

The events of September 11th were indeed a defining moment in our history. For the first time in 60 years, the enemies of freedom attacked our country on our very own soil. Unlike the attack on Pearl Harbor, these enemies used our own airplanes as a weapon to murder thousands of innocent civilians. Such actions cannot be allowed to happen again.

These terrorists were able to use box cutters and knives to take control of our planes, because they knew no one on the plane would be able to defend against even these rudimentary weapons. Since the events of September 11th, the Congress has acted swiftly to provide for air marshals, stronger doors, and better screening procedures, to reduce the terrorist threat to our commercial airlines and our citizens. All of these things make sense, but unfortunately, even these measures are not going to completely eliminate the possibility of terrorists seizing a plane.

So what is the safety net? In the event of terrorist takeover of the plane, it is possible U.S. military planes will track the plane and be forced to bring it down with a missile. This is really not an option which should be forced by our military onto the brave men and women serving our country and causing great harm, or an innocent American civilian.

There is a better option. Train pilots and allow them to carry arms, so they may serve as the last line of defense. It is a more effective option—a decision made by a trained pilot who is there to make the appropriate judgement and determine when lethal force is necessary. My only concern with the legislation is that it is too limited in scope. The bill, as it is presently written, allows only 2 percent of pilots to be trained and certified. Simply put: This cap is far too low. Why should passengers on the 98 percent of other flights receive less protection?

More than half of the commercial pilots today are military veterans who have been well trained in the use of weapons. These pilots are easily trainable to provide the extra security necessary on our planes. I will support the amendment offered by my colleagues from Oregon (Mr. DEFAZIO), Washington (Mr. NETHERCUTT), South Dakota (Mr. THUNE), and Texas (Mr. BARTON). Which removes the restrictive cap and ensures a much greater number of pilots can qualify for training and certification. This amendment makes a good piece of legislation even better.

Again, I urge my colleagues to support this legislation, support the amendment removing the 2-percent cap, and provide an even stronger line of defense against future attacks.

Mr. COSTELLO. Mr. Chairman, I rise today in support of H.R. 4635, the Arming Pilots Against Terrorism Act and the manager's amendment to this bill. This legislation is the bipartisan product of the Transportation and Infrastructure Committee and I thank my colleagues, especially Chairman YOUNG, Ranking Member OBERSTAR, Subcommittee Chairman MICA and Ranking Member LIPINSKI for their hard work on this issue.

Following the attacks of September 11th, there was an immediate and obvious need to increase aviation security. Congress passed the Aviation and Transportation Security Act, which took significant steps to improve our Nation's aviation security. One of these steps was to authorize the Transportation Security Administration to determine whether airline pilots should be armed in the cockpit. This legislation moves forward with plans to allow commercial, passenger pilots to be armed while flying. The bill establishes a 2-year pilot program which will arm up to 2 percent of our Nation's pilots after they have completed a training program providing firearms proficiency equal to that of what a federal air marshal achieves. It also increases and mandates self-defense and defense training for the flight attendants, who most likely would be the first individuals to recognize a threat in the cabin.

We all hope that we will never have a repeat of the events of September 11th. However, we must give our pilots an opportunity to defend themselves, the passengers and the plane, if another situation like this were to occur.

Mr. Chairman, I support this compromise legislation. It is good legislation, and I urge my colleagues to join me in supporting it.

Mr. WATTS of Oklahoma. Mr. Chairman, when 19 men hijacked four airplanes on September 11th, 2001, the terrorists had a tactical advantage—and ultimately, the final word. The last line of defense by the pilots on those planes was handicapped. The bad guys had weapons. The good guys did not.

What the House is proposing today is to allow a limited number of pilots who wish to have firearms in their cockpits have them. It is a pilot program for pilots. Critics of this legislation are quick to make excuses why pilots should not have firearms in the cockpit. Their favorite reason seems to be a myth concerning the decompression of the airplane from a stray bullet. What they are saying is quite preposterous. A plane is heading for a building—but a pilot shouldn't be allowed to stop the hijacker for fear of breaking a window. The bottom line is: if an aircraft is headed for destruction as a result of a hijacking, there is absolutely nothing to lose by giving the pilot a last-ditch effort tool to restore order to his plane.

Until 1987, pilots could have firearms in their cockpit. Can anyone in this chamber stand up and tell me it was the Wild, Wild West up there in the skies? Can anyone in this chamber give me one instance where a pilot misused a gun on a plane? This is a commonsense proposal supported by pilots, their unions, Democrats, Republicans and a clear majority of the American public.

We can pretend an ideal world will somehow prevent acts of terror. But cockpit doors

will open. Pilots are not immune from bathroom breaks. Air marshals will not be on every flight. A limited number of sky marshals for thirty-five thousand daily flights just does not cut it.

There will always be evil men seeking to accomplish evil deeds. For once, let's give the good ones a fighting chance. I urge my colleagues to vote for the Arming Pilots Against Terrorism Act and allow pilots to keep control of their planes.

Mr. STARK. Mr. Chairman, I rise today in strong opposition to H.R. 4635, the Arming Pilots Against Terrorism Act.

In responding to the horrific tragedy of September 11th, we've spent billions to put sensible measures in place to ensure the safety of our airlines and the airports they serve. We've implemented strict new standards for screening passengers and their baggage. We've beefed up security personnel, dispatched sky marshals to guard domestic flights, and reinforced cockpit doors to protect our pilots from dangerous intruders. These important security precautions are working and our skies are safer than they've ever been.

Yet, we're confronted today with legislation that would have us take the unnecessary step of arming pilots. After all we've done to make it nearly impossible for anyone to carry dangerous weapons on any plane, why would we put guns in every cockpit?

The gun lobby is peddling the illusion that having guns in the cockpit will boost the safety of our skies. But, in fact, arming pilots would only add a dangerously unpredictable element to air travel that endangers pilots, flight attendants, and passengers alike. Giving guns to pilots doesn't make us any safer. It only increases the chances for disaster.

This is why the President, with the support of a broad consensus of safety experts, law enforcement and all the major airlines, acted to prohibit guns being carried by pilots. We ought to vote today to reinforce this sound judgment and reaffirm the common sense notion that pilots are trained to fly not shoot.

Let's not turn the Red Carpet Room into the OK Corral or our planes into shooting galleries. I strongly urge my colleagues to vote no on this bill.

Mr. BLUMENAUER. Mr. Chairman, it is now widely acknowledged that our Government and our intelligence agencies were not properly prepared for dealing with the events that led up to September 11th and its aftermath. We are spending enormous sums of money to convince the public that we are taking action to make our country safer, in some instances we may actually be making things worse.

The project proposed by the bill from the Transportation and Infrastructure Committee was a cautious attempt to test a new approach to airline safety. As amended, however, it could potentially arm all airline pilots, removes the testing and automatic review of the new program and raises serious concerns about its operation. Furthermore, this bill has little support from the industry, law enforcement officials or the Bush administration.

There are simple and effective safety solutions that deserve our support. Over a decade ago, industry and security experts strongly recommended that cockpit doors be reinforced to prevent plane hijackings but to little avail. Although it was included as part of last fall's airline security bill, it will be another year before all cockpit doors are sufficiently reinforced.

We still have not completely dealt with the basic issues of airline security, such as baggage screening. The fundamental notion that we arm people, be they classroom teachers, pilots, or Members of Congress is no substitute for appropriate security. I am deeply concerned that we are concentrating on programs that give the illusion of security rather than focusing on doing our job to protect our country. I do not feel comfortable adding complex, controversial new programs over the objections of the administration and the airline industry. This bill, if enacted, will divert attention from existing programs and, given its current amended form, is unlikely to become law. In its present form, that is probably the best outcome.

Ms. KILPATRICK. Mr. Chairman, I had every intention to vote for this bill when I entered this Chamber. But now the bill has been substantially transformed from a demonstration program to allow pilots to carry guns aboard aircraft into a permanent program of arming every commercial pilot. The transformation of this bill is so substantial that I intend to vote against H.R. 4635.

As a Member of the House Appropriations Subcommittee on Transportation, I am very concerned about improving airline security, and I basically support allowing pilots to carry guns as a last line of defense against potential hijackers. Our subcommittee has held a number of hearings to determine the status of the Transportation Security Administration's (TSA's) progress in meeting the deadlines established under the Aviation Security Act. We have all followed the slow progress this new agency is making in meeting the timelines to improve the security of the nation's 429 airports and commercial airline carriers. It is unlikely that we will be able to equip all airports with the explosive detection equipment and magnetometers that are required to screen baggage and passengers. The TSA has not been able to satisfactorily determine security standards for cargo flights and the security standards of international flights has not been addressed at all. The TSA has fallen behind its own internal deadlines and its coordination with airports and airlines has been lacking. This is the wrong time to impose a new mandate on an agency that is struggling to meet it original mission.

I cannot in good conscience vote for legislation that imposes a new requirement on an agency that has yet to demonstrate its success in meeting the current legislative requirements. The airline industry must demonstrate to the traveling public that the security measures required of it are in place to protect passenger safety, not put it at risk. It is important that pilots demonstrate to passengers that they can safely pilot a commercial plane and still defend against hijackers. We must know more about how misfires from discharged weapons can affect the airworthiness of our crafts.

The amendment that transformed this bill assumes that the need for an additional level of security in the pilot's cabin outweighs the potential safety problems caused by the accidental misuse of firearms on board an aircraft. I respectfully disagree with that thinking, and for that reason, I urge my colleagues to join me in voting against the bill.

Mr. YOUNG of Alaska. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LINDER). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 4635

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 ''Arming Pilots Against Terrorism Act''.

SEC. 2. FEDERAL FLIGHT DECK OFFICER PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

''§ 44921. Federal flight deck officer program

''(a) ESTABLISHMENT.—The Under Secretary of Transportation for Security shall establish a pilot program to deputize volunteer pilots of air carriers providing air transportation or intrastate air transportation as Federal law enforcement officers to defend the flight decks of aircraft of such air carriers against acts of criminal violence or air piracy. Such officers shall be known as 'Federal flight deck officers'.

''(b) PROCEDURAL REQUIREMENTS.—

''(1) IN GENERAL.—Not later than 2 months after the date of enactment of this section, the Under Secretary shall establish procedural requirements to carry out the program under this section.

''(2) COMMENCEMENT OF PROGRAM.—Beginning 2 months after the date of enactment of this section, the Under Secretary shall begin the process of selecting, training, and deputizing pilots as Federal flight deck officers under the program; except that, if the procedures required under paragraph (1) are not established before the last day of such 2-month period, the Under Secretary shall not begin the process of selecting, training, and deputizing pilots until the date on which the procedures are established or the last day of the 4-month period beginning on such date of enactment, whichever occurs first.

''(3) ISSUES TO BE ADDRESSED.—The procedural requirements established under paragraph (1) shall address the following issues:

''(A) The type of firearm to be used by a Federal flight deck officer.

''(B) The type of ammunition to be used by a Federal flight deck officer.

''(C) The standards and training needed to qualify and requalify as a Federal flight deck officer.

''(D) The placement of the firearm of a Federal flight deck officer on board the aircraft to ensure both its security and its ease of retrieval in an emergency.

''(E) Analyze the risk of catastrophic failure of an aircraft as a result of the discharge of a firearm to be used in the program into the avionics, electrical systems, or other sensitive areas of the aircraft.

''(F) The division of responsibility between pilots in the event of an act of criminal violence or air piracy if only one pilot is a Federal flight deck officer and if both pilots are Federal flight deck officers.

''(G) Procedures for ensuring that the firearm of a Federal flight deck officer does not leave the cockpit if there is a disturbance in the passenger cabin of the aircraft or if the pilot leaves the cockpit for personal reasons.

''(H) Interaction between a Federal flight deck officer and a Federal air marshal on board the aircraft.

''(I) The process for selection of pilots to participate in the program based on their fitness to participate in the program.

''(J) Storage and transportation of firearms between flights, including international flights, to ensure the security of the firearms.

''(K) Methods for ensuring that security personnel will be able to identify whether a pilot is authorized to carry a firearm under the program.

''(L) Methods for ensuring that pilots (including Federal flight deck officers) will be able to identify whether a passenger is a law enforcement officer who is authorized to carry a firearm aboard the aircraft.

''(M) Any other issues that the Under Secretary considers necessary.

''(4) PREFERENCE.—In selecting pilots to participate in the program, the Under Secretary shall give preference to pilots who are former military or law enforcement personnel.

''(5) CLASSIFIED INFORMATION.—Notwithstanding section 552 of title 5 but subject to section 40119 of this title, information developed under paragraph (3)(E) shall not be disclosed.

''(6) NOTICE TO CONGRESS.—The Under Secretary shall provide notice to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate after completing the analysis required by paragraph (3)(E).

''(c) TRAINING, SUPERVISION, AND EQUIPMENT.—

''(1) IN GENERAL.—The Under Secretary shall provide the training, supervision, and equipment necessary for a pilot to be a Federal flight deck officer under this section at no expense to the pilot or the air carrier employing the pilot.

''(2) TRAINING.—

''(A) IN GENERAL.—The Under Secretary shall base the requirements for the training of Federal flight deck officers under subsection (b) on the training standards applicable to Federal air marshals; except that the Under Secretary shall take into account the differing roles and responsibilities of Federal flight deck officers and Federal air marshals.

''(B) ELEMENTS.—The training of a Federal flight deck officer shall include, at a minimum, the following elements:

''(i) Training to ensure that the officer achieves the level of proficiency with a firearm required under subparagraph (C)(i).

''(ii) Training to ensure that the officer maintains exclusive control over the officer's firearm at all times, including training in defensive maneuvers.

''(iii) Training to assist the officer in determining when it is appropriate to use the officer's firearm and when it is appropriate to use less than lethal force.

''(C) TRAINING IN USE OF FIREARMS.—

''(i) STANDARD.—In order to be deputized as a Federal flight deck officer, a pilot must achieve a level of proficiency with a firearm that is required by the Under Secretary. Such level shall be comparable to the level of proficiency required of Federal air marshals.

''(ii) CONDUCT OF TRAINING.—The training of a Federal flight deck officer in the use of a firearm may be conducted by the Under Secretary or by a firearms training facility approved by the Under Secretary.

''(iii) REQUALIFICATION.—The Under Secretary shall require a Federal flight deck officer to requalify to carry a firearm under the program. Such requalification shall occur quarterly or at an interval required by a rule issued under subsection (i).

''(d) DEPUTIZATION.—

''(1) IN GENERAL.—The Under Secretary may deputize, as a Federal flight deck officer under this section, a pilot who submits to the Under Secretary a request to be such an officer and whom the Under Secretary determines is qualified to be such an officer.

''(2) QUALIFICATION.—A pilot is qualified to be a Federal flight deck officer under this section if—

''(A) the pilot is employed by an air carrier;

''(B) the Under Secretary determines that the pilot meets the standards established by the Under Secretary for being such an officer; and

''(C) the Under Secretary determines that the pilot has completed the training required by the Under Secretary.

''(3) DEPUTIZATION BY OTHER FEDERAL AGENCIES.—The Under Secretary may request another Federal agency to deputize, as Federal flight deck officers under this section, those pilots that the Under Secretary determines are qualified to be such officers.

''(4) MAXIMUM NUMBER.—The maximum number of pilots that may be deputized under the pilot program as Federal flight deck officers may not exceed 2 percent of the total number of pilots that are employed by air carriers engaged in air transportation or intrastate transportation on the date of enactment of this section.

''(5) REVOCATION.—The Under Secretary may revoke the deputization of a pilot as a Federal flight deck officer if the Under Secretary finds that the pilot is no longer qualified to be such an officer.

''(e) COMPENSATION.—Pilots participating in the program under this section shall not be eligible for compensation from the Federal Government for services provided as a Federal flight deck officer. The Federal Government and air carriers shall not be obligated to compensate a pilot for participating in the program or for the pilot's training or qualification and requalification to carry firearms under the program.

''(f) AUTHORITY TO CARRY FIREARMS.—

''(1) IN GENERAL.—The Under Secretary shall authorize, while the program under this section is in effect, a Federal flight deck officer to carry a firearm while engaged in providing air transportation or intrastate air transportation. Notwithstanding subsection (c)(1), the officer may purchase a firearm and carry that firearm aboard an aircraft of which the officer is the pilot in accordance with this section if the firearm is of a type that may be used under the program.

''(2) PREEMPTION.—Notwithstanding any other provision of Federal or State law, a Federal flight deck officer, whenever necessary to participate in the program, may carry a firearm in any State and from one State to another State.

''(3) CARRYING FIREARMS OUTSIDE UNITED STATES.—In consultation with the Secretary of State, the Under Secretary may take such action as may be necessary to ensure that a Federal flight deck officer may carry a firearm in a foreign country whenever necessary to participate in the program.

''(g) AUTHORITY TO USE FORCE.—Notwithstanding section 44903(d), the Under Secretary shall prescribe the standards and circumstances under which a Federal flight deck officer may use, while the program under this section is in effect, force (including lethal force) against an individual in the defense of the flight deck of an aircraft in air transportation or intrastate air transportation.

''(h) LIMITATION ON LIABILITY.—

''(1) LIABILITY OF AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of a Federal flight deck officer's use of or failure to use a firearm.

''(2) LIABILITY OF FEDERAL FLIGHT DECK OFFICERS.—A Federal flight deck officer shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the officer in defending the flight deck of an aircraft against acts of criminal violence or air piracy unless the officer is guilty of gross negligence or willful misconduct.

''(3) LIABILITY OF FEDERAL GOVERNMENT.—For purposes of an action against the United States with respect to an act or omission of a Federal flight deck officer, the officer shall be treated as an employee of the Federal Government.

''(i) DURATION OF PROGRAM.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the pilot program established under this section shall be in effect for a period of 2 years beginning on the date that the 250th pilot is deputized as a Federal flight deck officer under this section.

''(2) RISK-BENEFIT DETERMINATION DECISION.—Before the last day of such 2-year period, the Under Secretary shall determine whether the security benefits of the Federal flight deck officer pilot program outweigh the risks of the program.

''(3) TERMINATION OF PILOT PROGRAM.—If the Under Secretary determines under paragraph (2) that the risks outweigh the benefits, the Under Secretary shall publish a notice in the Federal Register terminating the pilot program and explaining the reasons for the decision to terminate and shall provide adequate notice of the decision to Federal flight deck officers and other individuals as necessary.

''(4) CONTINUATION OF PROGRAM.—

''(A) IN GENERAL.—If the Under Secretary determines under paragraph (2) that the benefits outweigh the risks, the Under Secretary shall publish a notice in the Federal Register announcing the continuation of the program, shall continue the program in accordance with this section, and may increase the number of Federal flight deck officers participating in the program.

''(B) NOTICE OF PROPOSED RULEMAKING.—Not later than 60 days after the date of publication of a notice continuing the program, the Under Secretary shall issue a notice of proposed rulemaking to provide for continuation of the program. In conducting the proposed rulemaking, the Under Secretary shall readdress each of the issues to be addressed under subsection (b)(3) and, in addition, shall address the following issues:

''(i) The use of various technologies by Federal flight deck officers, including smart gun technologies and nonlethal weapons.

''(ii) The necessity of hardening critical avionics, electrical systems, and other vulnerable equipment on aircraft.

''(iii) The standards and circumstances under which a Federal flight deck officer may use force (including lethal force) against an individual in defense of the flight deck of an aircraft.

''(5) REEVALUATION.—Not later than 3 years after the date of publication of a notice continuing the program, the Under Secretary shall reevaluate the program and shall report to Congress on whether, in light of additional security measures that have been implemented (such as reinforced doors and universal employee biometric identification), the program is still necessary and should be continued or terminated.

''(j) APPLICABILITY.—

''(1) EXEMPTION.—This section shall not apply to air carriers operating under part 135 of title 14, Code of Federal Regulations, and to pilots employed by such carriers to the extent that such carriers and pilots are covered by section 135.119 of such title or any successor to such section.

''(2) PILOT DEFINED.—The term 'pilot' means an individual who has final authority and responsibility for the operation and safety of the flight or, if more than 1 pilot is required for the operation of the aircraft or by the regulations under which the flight is being conducted, the individual designated as second in command.''.

(b) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for such chapter is amended by inserting after the item relating to section 44920 the following:

''44921. Federal flight deck officer program.''.

(2) FLIGHT DECK SECURITY.—Section 128 of the Aviation and Transportation Security Act (Public Law 107–71) is repealed.

(c) FEDERAL AIR MARSHAL PROGRAM.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the Federal air marshal program is critical to aviation security.

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this Act, including any amendment made by this Act, shall be construed as preventing the Under Secretary of Transportation for Security from implementing and training Federal air marshals.

SEC. 3. CREW TRAINING.

Section 44918(e) of title 49, United States Code, is amended—

(1) by striking ''The Administrator'' and inserting the following:

''(1) IN GENERAL.—The Under Secretary'';

(2) by adding at the end the following:

''(2) ADDITIONAL REQUIREMENTS.—In updating the training guidance, the Under Secretary, in consultation with the Administrator, shall issue a rule to—

''(A) require both classroom and hands-on situational training in the following elements of self defense:

''(i) recognizing suspicious activities and determining the seriousness of an occurrence;

''(ii) deterring a passenger who might present a problem;

''(iii) crew communication and coordination;

''(iv) the proper commands to give to passengers and attackers;

''(v) methods to restrain an attacker;

''(vi) use of available items aboard the aircraft for self-defense;

''(vii) appropriate responses to defend oneself, including the use of force against an attacker;

''(viii) use of protective devices assigned to crew members (to the extent such devices are approved by the Administrator or Under Secretary);

''(ix) the psychology of terrorists to cope with their behavior and passenger responses to that behavior;

''(x) how to respond to aircraft maneuvers that may be authorized to defend against an act of criminal violence or air piracy;

''(B) require training in the proper conduct of a cabin search;

''(C) establish the required number of hours of training and the qualifications for the training instructors;

''(D) establish the intervals, amount, and elements of recurrent training;

''(E) ensure that air carriers provide the initial training required by this paragraph within 24 months of the date of enactment of this subparagraph; and

''(F) ensure that no person is required to participate in any hands-on training activity that that person believes will have an adverse impact on his or her health or safety.

''(3) RESPONSIBILITY OF UNDER SECRETARY.—In developing the rule under paragraph (2), the Under Secretary shall consult with law enforcement personnel and security experts who have expertise in self-defense training, terrorism experts, and representatives of air carriers, employees of air carriers, and educational institutions offering law enforcement training programs.''; and

(3) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (1) of this section) with paragraphs (2) and (3) (as added by paragraph (2) of this section).

SEC. 4. COMMERCIAL AIRLINE SECURITY STUDY.

(a) STUDY.—The Secretary of Transportation shall conduct a study of the following:

(1) The number of armed Federal law enforcement officers (other than Federal air marshals), who travel on commercial airliners annually and the frequency of their travel.

(2) The cost and resources necessary to provide such officers with supplemental training in aircraft anti-terrorism training that is comparable to the training that Federal air marshals are provided.

(3) The cost of establishing a program at a Federal law enforcement training center for the purpose of providing new Federal law enforcement recruits with standardized training comparable to the training that Federal air marshals are provided.

(4) The feasibility of implementing a certification program designed for the purpose of ensuring Federal law enforcement officers have completed the training described in paragraph (2) and track their travel over a 6-month period.

(5) The feasibility of staggering the flights of such officers to ensure the maximum amount of flights have a certified trained Federal officer on board.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study. The report may be submitted in classified and redacted form.

SEC. 5. TECHNICAL AMENDMENTS.

Section 44903 of title 49, United States Code, is amended—

(1) by redesignating subsection (i) (relating to short-term assessment and deployment of emerging security technologies and procedures) as subsection (j);

(2) by redesignating the second subsection (h) (relating to authority to arm flight deck crew with less-than-lethal weapons) as subsection (i); and

(3) by redesignating the third subsection (h) (relating to limitation on liability for acts to thwart criminal violence for aircraft piracy) as subsection (k).

The CHAIRMAN pro tempore. No amendment to that amendment shall be in order except those printed in the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

Are there any amendments to the bill?

□ 1230

AMENDMENT NO. 10 OFFERED BY MR. MICA

Mr. MICA. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. LINDER). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. MICA:

Page 4, line 8, strike ''Analyze'' and insert ''An analysis of''.

Page 4, line 9, after ''discharge'' insert ''(including an accidental discharge)''.

Page 5, line 3, before the period insert the following:

, including whether an additional background check should be required beyond that required by section 44936(a)(1)

Page 5, line 6, before the period insert the following:

, focusing particularly on whether such security would be enhanced by requiring storage of the firearm at the airport when the pilot leaves the airport to remain overnight away from the pilot's base airport.

Page 6, after line 6, insert the following:

''(7) MINIMIZATION OF RISK.—If the Under Secretary determines as a result of the analysis under paragraph (3)(E) that there is a significant risk of the catastrophic failure of an aircraft as a result of the discharge of a firearm, the Under Secretary shall take such actions as may be necessary to minimize that risk.

Page 11, line 19, before the period insert the following:

under chapter 171 of title 28, relating to tort claims procedure.

Page 11, after line 19 insert the following:

''(i) PROCEDURES FOLLOWING ACCIDENTAL DISCHARGES.—

''(1) IN GENERAL.—If an accidental discharge of a firearm under the pilot program results in the injury or death of a passenger or crew member on an aircraft, the Under Secretary—

''(A) shall revoke the deputization of the Federal flight deck officer responsible for that firearm if the Under Secretary determines that the discharge was attributable to the negligence of the officer; and

''(B) if the Under Secretary determines that a shortcoming in standards, training, or procedures was responsible for the accidental discharge, the Under Secretary may temporarily suspend the program until the shortcoming is corrected.

''(2) AFFECT OF SUSPENSION.—A temporary suspension of the pilot program under paragraph (1) suspends the running of the 2-year period for the pilot program until the suspension is terminated.

Page 11, line 20, strike ''(i)'' and insert ''(j)''.

Page 13, line 6, strike ''proposed''.

Page 14, line 4, after the period insert the following:

The report shall include a description of all the incidents in which a gun is discharged, including accidental discharges, on an aircraft of an air carrier after the date of enactment of this section.

Page 14, line 5, strike ''(j)'' and insert ''(k)''.

Page 15, line 12, insert ''(a) IN GENERAL.—'' before ''Section''.

Page 15, line 22, insert ''effective'' before ''hands-on''.

Page 16, line 10, insert ''subdue and'' before ''restrain''.

Page 16, line 13, insert ''and effective'' after ''appropriate''.

Page 17, line 4, insert '', including the duty time required to conduct the search'' before the semicolon.

Page 17, line 8, strike ''amount'' and insert ''number or hours''

Page 17, line 9, insert ''and'' after the semicolon.

Page 17, line 13, strike the semicolon and all that follows through line 17 and insert a period.

Page 17, line 19, strike ''In developing'' and insert the following:

''(A) CONSULTATION.—In developing

Page 17, line 23, strike ''employees of air carriers,'' and insert ''the provider of self-defense training for Federal air marshals, flight attendants, labor organizations representing flight attendants,''.

Page 17, line 25, strike the closing quotation marks and ''; and''.

Page 17, after line 25, insert the following:

''(B) DESIGNATION OF OFFICIAL.—The Under Secretary shall designate an official in the Transportation Security Administration to be responsible for overseeing the implementation of the training program under this subsection.

''(C) NECESSARY RESOURCES AND KNOWLEDGE.—The Under Secretary shall ensure that employees of the Administration responsible for monitoring the training program have the necessary resources and knowledge.''; and

Page 18, after line 4, insert the following:

(b) ENHANCE SECURITY MEASURES.—Section 109(a) of the Aviation and Transportation Security Act (49 U.S.C. 114 note; 115 Stat. 613–614) is amended by adding at the end the following:

''(9) Require that air carriers provide flight attendants with a discreet, hands-free, wireless method of communicating with the pilots.''.

(c) BENEFITS AND RISKS OF PROVIDING FLIGHT ATTENDANTS WITH NONLETHAL WEAPONS.—

(1) STUDY.—The Under Secretary of Transportation for Security shall conduct a study to evaluate the benefits and risks of providing flight attendants with nonlethal weapons to aide in combating air piracy and criminal violence on commercial airlines.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Under Secretary shall transmit to Congress a report on the results of the study.

Page 19, after line 7, insert the following:

SEC. 5. AUTHORITY TO ARM FLIGHT DECK CREW WITH LESS-THAN-LETHAL WEAPONS.

Section 44903(i) of title 49, United States Code (as redesignated by section 6 of this Act) is amended by adding at the end the following:

''(3) REQUEST OF AIR CARRIERS TO USE LESS-THAN-LETHAL WEAPONS.—If, after the date of enactment of this paragraph, the Under Secretary receives a request from an air carrier for authorization to allow pilots of the air carrier to carry less-than-lethal weapons, the Under Secretary shall respond to that request within 90 days.''.

Page 19, line 8, strike ''**5**'' and insert ''**6**''.

MODIFICATION TO AMENDMENT OFFERED BY MR. MICA

Mr. MICA. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. MICA:

In section 5, relating to authority to arm flight deck crew with less-than-lethal weapons, that is proposed to be inserted after line 7 on page 19:

(1) insert before ''Section 444903(i)'' the following:

''(a) IN GENERAL.—''; and

(2) insert at the end the following:

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (1) by striking ''Secretary'' the first and third places it appears and inserting ''Under Secretary''; and

(2) in paragraph (2) by striking ''Secretary'' each place it appears and inserting ''Under Secretary''.

The CHAIRMAN pro tempore. Is there objection to the modification offered by the gentleman from Florida?

There was no objection.

Mr. MICA. Mr. Chairman, the modification that we just offered to my amendment is merely technical and does provide some conforming and consistent language. The manager's amendment that I have offered today does make some relatively minor changes. However, it does not change at all the fundamental thrust of the legislation, and that is to establish a pilot program under which about 2 percent, 2 percent specified and about 1,400 pilots, can arm themselves to stop a hijacking.

We chose that number because, again, we think during the next 2 years that will provide us a good test basis; and given TSA's track record and performance, I think that is probably about all they can do in that time frame to get this program under way.

The purpose of this amendment today is to address some of the issues that have been raised, but not totally resolved, during our committee markup. For example, the bill directs the Secretary of the Transportation Security Administration, TSA, to focus on the safest way to store guns between flights. This amendment also directs the TSA to decide whether a pilot should be subject to an additional background check before being allowed to be traveling armed.

This amendment also directs the TSA to minimize any risk that might occur from the accidental discharge of a weapon. It further makes clear that the pilot could lose the right to fly armed if that pilot is responsible for the accidental discharge of a weapon. Further, it requires a report compiling all the instances where a weapon was discharged on an aircraft.

Again, we have tried to incorporate constructive suggestions in this manager's amendment.

In addition, this amendment significantly beefs up self-defense training for flight attendants. Many flight attendants were concerned that the existing training provisions were inadequate. The bill approved by the committee already directs that improvements in their training should be made, and this amendment further specifies the type of training that should be provided to the flight attendants. It also urges TSA to make certain that it has the personnel in place who are capable of monitoring the training program.

One change in this manager's amendment that we reluctantly included was the deletion of the provision making hands-on self-defense training voluntary for flight attendants. It will be now, again by this amendment, mandatory.

We were concerned that some flight attendants might be reluctant to actively participate in the more physical aspects of self-defense training for fear it might adversely affect their health or safety. However, the representatives of the flight attendants organizations assured us they wanted all flight attendants to be required to participate in all aspects of self-defense training, so we have today honored that request.

Finally, this amendment changes existing law on less-than-lethal weapons. Existing law authorizes the government to permit pilots to carry less-than-lethal weapons, but it provides no deadline for the government's decision. This amendment does provide a deadline for the decision, but it leaves it up to the TSA to decide whether or not to allow those weapons. I will get into a colloquy with the gentleman from Illinois (Mr. KIRK) later on on that issue.

Personally, I do not believe that the less-than-lethal weapons will be effective in stopping a determined terrorist, and from the demonstrations we have seen, there is a lot to be desired and a lot lacking in using that as the only line of defense. But I think those who seek permission to carry that particular less-than-lethal type of protection are entitled to at least a timely answer.

In sum, this is a good manager's amendment. It improves the bill, it incorporates many constructive provisions, and it is a bipartisan compromise. I urge my colleagues to support the manager's amendment.

Mr. OBERSTAR. Mr. Chairman, I rise in support of the manager's amendment.

Mr. Chairman, we worked long and hard to negotiate the terms of this manager's amendment to complement the work done in subcommittee and in full committee to respond to a number of concerns that were raised subsequent to subcommittee action and during full committee consideration of the bill. The same bipartisan spirit that characterized the crafting of the bill that we considered in subcommittee and full committee characterizes the manager's amendment.

The bill requires the Transportation Security Administration within 2 months of enactment to conduct a study of the risk that a misfire in the cockpit will result in a catastrophic event. By that, I understand and intend, firing a bullet into the autopilot or firing into the navigational guidance system or any of the other onboard equipment that is essential to the navigation of the aircraft. We need to know before launching this program what will be the effects of such an accidental misfire.

The manager's amendment requires the Transportation Security Administration, should they have determined that there is a significant risk to the aircraft, to take necessary actions to minimize that risk. That is another, I think, important caveat and protective step that we must take in this process.

The amendment also provides authority for the Under Secretary for Transportation Security to suspend the program if an accidental discharge results in injury or death of a passenger or a crew member and requires the Under Secretary to revoke the deputation of the pilot who is responsible for that accidental discharge.

TSA must also report all incidents where a gun is discharged on an aircraft, including accidental discharge, and provide a report to the Congress within 3 years.

Issues were raised in subcommittee and full committee about the storage of weapons. The manager's amendment requires TSA to specifically address whether the storage of weapons at airports between flights would enhance security. It requires the under secretary to respond to requests from carriers to arm flight crews with nonlethal weapons within 90 days of each request.

It also addresses in detail that the gentleman from Florida (Chairman MICA) has already covered the provisions for training of flight attendants, including establishing a single contact person within TSA to oversee that training program; and it makes that training mandatory, as is evacuation procedure training mandatory and other safety measures mandatory for flight attendants.

I think the way we have crafted the training for cabin crew is very thoughtful and effective and should be carried out, if this legislation is enacted, with vigor by the Transportation Security Administration. As I think virtually every Member of the

House does, I fully sympathize with the concerns raised by flight attendants. They are the first line of safety on board an aircraft. They also now are the first line of security, along with Federal air marshals, on board an aircraft; and the legislation we are presenting today makes the pilots the last line of security aboard an aircraft.

So I think we have covered all the concerns and enhanced the legislation with the manager's amendment, and I support its adoption.

Mr. BOSWELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise very enthusiastically supportive of what is going on here today. I thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Chairman MICA), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), of the full committee and the ranking member, the gentleman from Illinois (Mr. LIPINSKI), for moving the ball forward today. I think our country will be safer.

I would just like to kind of make a general statement. I will try to be short.

I appreciate what is going on here today. I, like many others in this body, am a current commercial pilot, and I suppose that by being so I am a little more critical at times of those that man the cockpits of the airplane and just kind of look them over without even thinking about it too much.

I submit that the people that fly our airliners, and I want to emphasize the airliners, that carry many, many what people in the business call SOBs, we call them ''souls on board,'' we are concerned about their safety. That has been in the vernacular for a long time, ''souls on board.'' How many souls are on board? You know, there may be 100, there may be 200, there may be 300, and it is an important thing, their safety.

The pilots come on in a briefing and they will tell you their main purpose is a safe arrival at the destination. So they are high-quality people, very high-quality people we can have a lot of confidence in.

So I think this is appropriate, to do what we are doing. If it were left up to me, I would have probably gone to a little higher percentage and so on. I think we are moving forward, and I think the public will be safer as we arm the pilots.

Last Monday, flying out here, how many times I have reflected on it, as I sat there in the airliner and looked at that door, and I know it can be reinforced and will be in due time, but it is still not going to be attached to a piece of reinforced steel. It will be attached to a bulkhead of aluminum, and I suppose some enterprising terrorist can figure out how to get through that, even though it is reinforced.

If for some reason a terrorist did manage to get into the cockpit and we had not armed him, I think we would feel a lot of remorse if an F–16 pulled alongside and we had not done everything we could have in the last-resort possibility. That last-resort possibility is to arm the pilots. There are two of them on board. Each of them, either one, can land that airplane safely, if required to do so.

So I think we are doing the right thing. It is unfortunate that we live in a time after September 11 that we even have to consider this, but we live in that time.

Mr. Chairman, I support the manager's amendment and I support the underlying bill. I just hope we can move it forward today. Those listening, wherever you might be here on Capitol Hill, support this bill. It is the right thing to do.

Mr. TOWNS. Mr. Chairman, I have recently proposed an amendment to H.R. 4635, the ''Arming Pilots Against Terrorism Act,'' which would establish a program for training pilots as Federal flight deck officers. This amendment enhances the bill by requiring the Under Secretary of Security to address the crucial issue of accidental discharges. I am very pleased that the gentleman from Florida has agreed to include my amendment in the Manager's amendment.

While all law enforcement officers are trained to handle their firearms with the utmost care, accidental discharges do occur, and are a cause of firearm-related injuries. Typically, accidental discharges result in the wounding of the gun carrier, or of a limited number of bystanders. But in an aircraft flying at 30,000 feet, an accidental discharge, which can potentially shoot out a window, or damage other vital technology, endangers many more people.

To address this concern, I drafted a two-part amendment. The first part instructs the Under Secretary to consider the potential risk of accident discharges prior to implementing the program. The second half requires the Under Secretary to include in his report to Congress, an account of the specific instances of accidental discharges, and the subsequent damage caused by them.

By requiring the Under Secretary to pay specific attention to the issue of accidental discharges, this amendment increases the security that the program proposed by the bill strives to provide to airline passengers. I therefore urge my colleagues to support the Manager's amendment, and I thank the Chairman and the subcommittee chair for its inclusion in the Manager's amendment.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Florida (Mr. MICA).

The amendment, as modified, was agreed to.

□ 1245

AMENDMENT NO. 11 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. LINDER). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. DEFAZIO:

Page 2, line 12, strike ''pilot''.

Page 3, lines 8 and 9, strike ''selecting, training,'' and insert ''training''.

Page 3, line 9, after ''pilots'' insert ''who are qualified to be Federal flight deck officers''.

Page 3, line 10, strike the semicolon and all that follows through ''first'' on line 17.

Page 9, strike lines 3 through 9.

Page 9, line 10, strike ''(5)'' and insert ''(4).

Page 9, line 24, strike the comma and all that follows through the comma on line 25.

Page 11, strike line 20 and all that follows through line 4 on page 14.

Page 12, line 21, strike the comma and insert ''and''.

Page 12, line 23, strike the comma and all that follows through ''program'' on line 24.

Page 14, line 5, strike ''(j)'' and insert ''(i)''.

Mr. DEFAZIO. Mr. Chairman, today the gentleman from Washington (Mr. NETHERCUTT) and others and I rise in support of the base bill, but in the hopes of improving the legislation.

We are concerned that by specifying a cap on a reluctant administration, an administration, a President and a head of the TSA who do not want to arm pilots, that by setting a very, very modest goal of 2 percent, a cap of 2 percent, without mandates, that they move ahead expeditiously with that program, that we are not going to adequately meet the identified threat.

Virtually everyone who has spoken today basically subscribes to the idea that the flight deck should be defensible, the weapons in the bill would not come away from the flight deck, they would be used to defend the flight deck. But the point is that under this legislation, if this reluctant administration moved quickly and expeditiously to the cap of 2 percent, on a daily basis, given pilots' schedules, one could be certain that less than 1 percent of the pilots flying were armed.

Now, I do not believe a chance of one in 100 is a significant deterrent to a suicidal, homicidal terrorist intent on causing death and destruction. So I really feel that by putting that cap in the bill that we would be making a mistake. I do not see why we should not set a goal of saying in an orderly basis, as we are hearing from the gentleman from Kentucky (Mr. ROGERS), as much as we can afford to finance, and I believe that security is worth financing, we should move forward with training all pilots who meet the minimum qualifications, and then all pilots who pass the proficiency test and pass through the training should be allowed, until the day when we have armored flight decks, flight decks which are secure, and which provide for the necessities of food and lavatories for the pilots where they do not have to come out at all, that we would continue to have pilots armed until that point in time.

That is what El Al did. Their pilots were armed until they came up with these secure flight decks where the pilots do not have to come out at all. The door is locked. They do not come out until the plane lands and the engines are shut down.

Now, the FAA says it is impossible to design that kind of a flight deck, and they are going to take a few years to approve the design, so we are a long

way away from that here in the United States. Beyond that, we are not even envisioning one where they would have lav services, because that would cause some more money to redesign those planes. So we may be decades away from that.

So we should not have a bill that sunsets in 2 years. We should not have a bill that limits to 2 percent because, remember, the hard and fast bottom line here is there are standing orders from the President of the United States of America that if another plane is commandeered, that that plane will be shot from the sky. That is a horror beyond imagination for the pilot with the order to do that, but a horror that they would have, to avoid even more mayhem on the ground. It should not ever come to that. Why not have this adequate, last line of defense, and that is what it is, defense.

Some say, oh, we are worried about the pilot running down the cabin with the gun or wandering the airport with the gun. All of those problems can be resolved. It should be a defensive weapon in the flight deck. I urge people to try these stun guns. You get one shot, and it takes about 10 seconds to reload and you get another. That is not going to work against perhaps one or more than one determined terrorist trying to storm a flight deck.

A legal force to repel murderous intent, I believe, is justified. The bill recognizes that, but it has these defects. I urge the Members to support this amendment.

Mr. NETHERCUTT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from South Dakota (Mr. THUNE) and the gentleman from Texas (Mr. BARTON) and the gentleman from North Carolina (Mr. HAYES). All of us worked hard to craft this amendment that we think improves the bill substantially, because it brings more reason to the concept of arming pilots as the base bill does.

We think it is unreasonable, and I submit it is unreasonable, to limit the number of pilots who would voluntarily participate in this program of defense on airlines to 2 percent. What that means is that 98 percent of the other flights, the other pilots who are in the air every day, every hour, carrying us and our families and friends and others of the traveling public, are subject to less protection than the 2 percent which would be implemented under the base bill. So what we do is lift the cap of 2 percent, and we make this program permanent.

I would submit, Mr. Chairman, that as we looked at the concept of arming pilots, the committee and subcommittee of jurisdiction have approved the concept of arming pilots. So if it is a concept that is valid, and I believe it is, then we should not limit the time under which it would be implemented to the multiyear term that is contained in the bill. So lifting the cap, lifting the time limitation and making this program permanent, as it should be, I think makes all the good sense in the world to protect the traveling public.

I know the committee worked hard to negotiate the package that is part of the bill as we look at it today, but I also think that this is an improvement in that package; and I believe there will be a strong deterrent associated in making more pilots available to voluntarily participate in the program and arm themselves to protect the passengers, protect against terrorism.

So my sense is that while again, the concept is good in the bill, we really firmly protect and perfect the concept in our amendment. I think it makes all the sense to do that.

So we should make it permanent. I think if there are pilots as the last line of defense, then there should not be a limitation on numbers and time for providing that permanent line of defense to the traveling public. So our amendment achieves this.

Again, I thank the gentleman from Oregon (Mr. DEFAZIO), the gentleman from South Dakota (Mr. THUNE), the gentleman from Texas (Mr. BARTON), and the gentleman from North Carolina (Mr. HAYES). I am proud to be a part of this effort to make this change and make it in a commonsense fashion, in a reasonable way, to make sure the traveling public has all of the confidence in the world, as much as possible, in the dangerous world in which we live, that they are flying and that they are flying safe. Arming our pilots and lifting these restrictions will do just that.

Mr. LIPINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. I know that the sponsors of this amendment are very sincere and very genuine in what they want to do. I am personally very close to one of them, the gentleman from Oregon (Mr. DEFAZIO), as he and I have participated in a number of endeavors over the course of the years; and I know that his intentions are always for the benefit of all Americans. But in regards to this amendment, I must very strongly oppose it. It would just destroy the delicate balance that we have with this bill. We have come a long way in compromising on this bill, and I think that we finally have a bill that we can truly say represents the will of the American people.

Arming pilots with lethal weapons at the present time is opposed by the administration, opposed by the Secretary of Transportation, and opposed by the Under Secretary of Transportation for Security. So it is questioned whether or not our compromise, bipartisan piece of legislation is ever going to gain the support of those individuals. Certainly, if this amendment would be accepted, the chances of those individuals ever changing their position, the odds of their changing their positions would be much, much greater than they are today when they are not even in favor of it today.

Also, the American public is not totally sold on arming pilots. The issue definitely is in doubt. We should go about this slowly and in a very prudent manner.

There has been an awful lot thrown at the TSA since we passed our legislation establishing it. They are trying to do the best they possibly can with everything that we have given them to do, but they are moving slowly. It is very possible that some of the deadline dates will have to be extended. If we were now to give them the authority and direct them to start processing approximately tens of thousands of pilots, I honestly and frankly do not know how they could ever do it in a reasonable, responsible manner. Consequently, I say to everyone, stick with the bill that we have before us. It is the most prudent course of action, and we do not want to make the skies less safe and less secure; and I believe this amendment would do that.

Mr. THUNE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am proud to join with my colleagues, the gentleman from Washington (Mr. NETHERCUTT), the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Texas (Mr. BARTON), and the gentleman from North Carolina (Mr. HAYES), to introduce this amendment to H.R. 4635.

We have an opportunity today with this amendment to improve a critically important piece of legislation that I hope becomes law as quickly as possible. As a member of the Committee on Transportation and Infrastructure's Subcommittee on Aviation and a cosponsor of the original version of H.R. 4635, I strongly support the creation of a voluntary Federal program that would arm and train pilots to defend their cockpits against terrorist attacks. I believe the bill that we are considering today creates a good framework for the Transportation Security Administration to implement an effective Federal flight deck officer program. However, I feel a more aggressive benchmark is needed.

In an effort to strengthen the role that pilots play in our airline security, this amendment will make three commonsense changes to the Arming Pilots Against Terrorism Act.

First, our amendment would eliminate the ceiling on the number of pilots that are eligible to volunteer for this important program. In an effort to move the bill through the committee, the current 2 percent limit was included in the bill; and I am certainly pleased, Mr. Chairman, and I admire the work of the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) and the distinguished ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for moving this bill through the committee. However, I strongly believe

that this program needs to allow all pilots to volunteer for this critical program.

Second, the amendment would require the Transportation Security Administration to begin training qualified volunteer pilots more quickly. Very simply, the sooner that there are armed pilots in the cockpit, the quicker they can respond to potential and future in-flight attacks.

Lastly, the amendment would eliminate the sunset for the Federal flight deck officer program included in the bill and make it permanent. Mr. Chairman, I believe the need for this important program does not go away after 2 years.

Mr. Chairman, by arming pilots, Congress can create a last line of defense against terrorist attacks. It is critical that we take every possible action to protect passengers in this country and the aviation system, and this legislation is an important component of that process.

Since September 11, we have learned that we need to prepare for previously unthinkable acts of terror. This commonsense legislation and this commonsense amendment gives airlines and pilots an additional tool and creates the last line of defense against future attacks.

Mr. Chairman, this is a voluntary program. This is a program that pilots can choose to participate in. It is something that the pilots of this country have asked for, and I would dare say that anybody who uses the aviation system in this country and flies on a regular basis, there is no person that we put more trust and more confidence in than the person who is piloting that airplane. From the takeoff to the flight and the many miles in between and to the landing, it is important that we support our pilots in what they are asking for, and also what I believe the majority of the people in the country are asking for, and that is providing the last line of defense, giving those pilots, those people that we entrust our lives to on a daily basis, an opportunity if it presents itself to be saved from an airplane having to be shot down or, worse yet, although there is not anything worse yet, but having been shot down or having to experience what we saw on September 11.

□ 1300

So it is critically important, I believe, Mr. Chairman, that this amendment be added to this important legislation; that we strengthen it, that we put in place a provision that does not limit or in any way put a ceiling on the number of pilots who can participate in this program. It is a voluntary program.

I ask that we expedite and accelerate the training process, and finally, that we eliminate the sunset provisions so this program can continue long after the 2 years has expired. I believe it will have a deterrent effect and it will send a very, very strong message to the terrorists around the world who would commit acts of terrorism against the people of this country that they are going to be dealing with a system that is completely armed and ready to deal with any type of terrorist attack.

So I ask my colleagues here to support this amendment to make this legislation stronger, and then to move it out of this Chamber and hopefully on the President's desk, and to get a signature so we can begin to implement these provisions.

Ms. BROWN of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

First of all, I want to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from Florida (Chairman MICA) and the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI) for their hard work and cooperation in developing this compromise, and I want to stress, compromise legislation. There are many tough decisions that had to be made by members of the Committee on Transportation and Infrastructure.

The terrible acts of September 11 changed our perspective on how we protect our air passengers and citizens. The traveling public wants and deserves to be safe while traveling. In my home State of Florida, we rely heavily on tourists as the base of our economy, and we need to ensure for people that it is safe to fly.

Arming our pilots is a monumental action by this Congress, and it is a perfect example of why it is so important for us to decide policy through thoughtful deliberation and debate. We are beginning to undertake one of the most significant changes in our Nation's government. As we begin to develop the Department of Homeland Security, we should not be concerned about when we get it done; we should be concerned about whether this new agency is going to serve the best interests of the American public.

We have seen too many examples where the TSA has lacked communication with the local government or the airports, and it is very important that we have communications working with the local governments as far as this new agency is concerned.

The high percentage of missed weapons in the recent TSA undercover operation shows us how much we need to improve passenger safety programs. Arming pilots is one small step, but we still have a lot of work to do. I look forward to working with my colleagues on the committee, as well as DOT and the airline industry, in striving to provide the safest and most efficient air transportation system for the traveling public.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. Mr. Chairman, I rise in support of the amendment, but I would like to mention that this is essentially the same amendment that I had prepared to offer, an amendment that I put into the RECORD 2 days ago. But I will support this amendment because it is essentially doing what I was anxious to do.

Shortly after 9–11, as a matter of fact, on September 17, I introduced legislation into this body, H.R. 2896. It would have taken care of this problem in a more conclusive way, and it would have removed all the prohibitions and legalized, once again, the right of property owners to defend their property.

Of course, that would be the ultimate solution, as far as I am concerned, because we are moving in a direction, unfortunately, towards more dependence on government and government regulation, and government programs that allow weapons in a cockpit.

An example I like to use, which I think is an accurate example, if we look at the inner cities, guns are denied to the citizens. There are a lot of police and there is a lot of crime. If we look to the suburbs and the rural areas, there are essentially no police, there are a lot of guns in the homes, and there are essentially no crimes.

That principle should be applied to the airlines. It should be applied because guns can prevent crime, and we should allow them to be placed in the hands of the owners. I have a tie that is a favorite tie of mine, and it has a picture of the Bill of Rights, but it has a stamp over it which says, ''void where prohibited by law.'' I think we do too much of that around here.

A lot of times I get support from the other side of the aisle when they see the prohibitions that our legislation places on the First Amendment. Likewise, I get a lot of support when I would like to reduce the prohibitions on the Fourth Amendment in the area of privacy. Unfortunately, since 9–11, we have moved in the wrong direction. We are making more prohibitions by law on our Bill of Rights.

In this case we are moving in the right direction because we are trying to remove some prohibitions that are limiting our Second Amendment rights. Our job here in the Congress should be to protect the Second Amendment, never to get in the way of the Second Amendment. This is why, although this amendment improves the bill and the bill is moving in that direction, I can support it, but we ought to do a lot more.

Another example of how private property could work was the recent example at LAX Airport. Private owners of an airline assumed responsibility for security at the gate. Many lives were probably saved with El Al guards, private guards with private weapons, that tragically are denied to American airlines. Because of an agreement between one foreign airline and the U.S. Department of Transportation, it has been

given permission to protect their people better than we are allowed to protect ourselves. That to me just seems downright foolish, and I think we in the Congress should demand our rights of the Second Amendment and insist on the responsibility of property owners to protect their property and to protect our lives.

We are moving in that direction, and El Al deserves definite compliments, but we deserve deep scrutiny. Why do we permit a foreign airline to provide more security for their people than we are allowed in our country?

The best step in the world, of course, would be to pass my bill, H.R. 2896, which would just legalize once again the Second Amendment and allow our airlines to make the decision, and let the people decide. The airlines that say, we have guns in the cockpit, I would go fly that airline; if they say no, we do not believe in guns, let it be.

We need to, once again, believe in America, believe in freedom, believe in the Bill of Rights, and let the people take care of so many of these problems instead of getting in the way. This bill, fortunately, is helping to get the government out of the way. That is why I support it.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the requisite number of words.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, I want to commend the Committee on Transportation and Infrastructure for bringing this bill to the floor. I want to commend the ranking member, the full committee chairman, the ranking subcommittee member, and the subcommittee chairman for this. It is an excellent piece of legislation, but, like most bills, it can be improved.

The district that I represent down in Texas includes D-FW airport, which is one of the hub airports in our great Nation. I am very close to Love Field, which is the hub airport for Southwest Airlines. I could be proven wrong on this, but I guess my estimate is that there are more pilots who live in my congressional district than any other district in the country.

As soon as we had the terrible tragedy back in September, my pilots began to come to me personally and collectively and in town meetings saying that they would like to have the right to carry a firearm in the cockpit. I support that right. It is guaranteed under the Constitution, the Second Amendment. We have had several pieces of legislation that have passed since September 11, and there have been numerous ways to try to give that right to the pilots.

The underlying bill before us would allow that in a limited fashion. The amendment that is sponsored by the gentleman from Oregon (Mr. DEFAZIO), myself, the gentleman from South Dakota (Mr. THUNE), and the gentleman from Washington (Mr. NETHERCUTT) would remove that 2 percent cap, it would make the program permanent, and it would accelerate the training of qualified pilots.

I would like to point out that this is a voluntary program. We are not forcing a pilot to carry a weapon if he or she feels that they do not need to or do not want to. The pilots have to be trained. The pilots have to be certified. But as someone who has flown over 3 million miles, air miles on commercial airliners since I became a United States Representative in 1985, I can tell Members that as a passenger, I feel more comfortable if I know that the pilots at a minimum have the right to carry a weapon, and hopefully, are carrying that weapon and exercising that right. It makes the terrorists' job that much more difficult, should they in some way gain entry into the airplane or into the cockpit.

Most of our pilots are former military flyers, so they are very comfortable with firearms. Again, they have to be trained.

I think this is an excellent amendment. I would point out that a survey that was done back in October by the Air Line Pilots Association and by United Seniors Association, USA, this was done by the Winston Group in October of 2001, shows that 75 percent of Americans favor arming airline pilots, and 49 percent say they would switch to an airline that allows its pilots to be armed. More than half said they would be willing to pay extra to fly on a plane where they knew the pilot had a firearm.

Interestingly enough, 78 percent of married women with children would support arming our pilots, and 77 percent of adults over 55.

So at least in this survey taken last fall, there was overwhelming support. I believe, if this amendment comes to a roll call vote, we will see overwhelming support on the House floor.

I want to commend the gentleman from South Dakota (Mr. THUNE), the gentleman from Oregon (Mr. DEFAZIO), and the gentleman from Washington (Mr. NETHERCUTT) for working with me to bring forth this amendment, and I hope we adopt it expeditiously.

Mr. Chairman, I include for the RECORD information on the survey I referred to earlier.

The document referred to is as follows:

ALLIED PILOTS ASSOCIATION, UNITED SENIORS ASSOCIATION,
October 17, 2001.

NEW NATIONAL SURVEY SHOWS OVERWHELMING PUBLIC SUPPORT FOR ARMING AIRLINE PILOTS

SUPPORT STRONGEST AMONG WOMEN, SENIORS; TRAVELERS WOULD SWITCH TO AIRLINES THAT ARM ITS PILOTS

WASHINGTON, DC.—A new national survey commissioned by the Allied Pilots Association and United Seniors Association and conducted by The Winston Group, will be released today, Wednesday, October 17, 2001. The survey reveals the biggest concerns of airline passengers and what security measures the government needs to take now to reassure the traveling public that it is again safe to fly.

75% of Americans favor arming airline pilots.

49% of those surveyed would switch to an airline that armed its pilots.

More than half (51%) would be willing to pay up to $25 per ticket to pay for new security measures.

78% of married women with children support arming airline pilots.

77% of adults 55 and older support arming airline pilots.

The Airline Passenger Security Survey was conducted October 9–10, 2001 with 800 registered voters across the nation. Margin of error is +/−3.46

Last week, the United States Senate passed the Aviation Security Act and the U.S. House of Representatives will be debating these issues shortly.

''We hope the House considers these important views of American people when crafting their bill on airline security,'' said Charlie Jarvis, President and CEO of United Seniors Association.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my heart is with the proponents of this amendment, but my vote must reluctantly be with those with whom I have agreed to compromise, so I rise in opposition to this amendment.

Some of the things that have been said by the proponents of this amendment are correct, and all pilots should have the ability to defend themselves. However, in our system, nobody gets their way 100 percent.

Although it has been delightful to see some of the Members who were on the other side of the issue scampering to get back to my original proposal, it is always great to see Members in this body do a 180-degree turn back in the direction of the proposal which I had advocated in the first place, but nonetheless, we have thought this out. We learned some experiences from passing legislation in the heat of passion and in the heat of circumstances post-September 11.

We have heard that the Transportation Security Administration, which we created, which we gave far too many tasks to, which we tried to argue against but we lost that debate, we do not want to make the same mistake now in giving TSA any more than they can put on their platter.

The chairman of the subcommittee on the Committee on Appropriations was quoted a month ago saying that TSA is in chaos. We do not want to add to that chaos. Members have already heard how their finances are stretched. Therefore, we came up with a compromise that allows 2 percent. It does not sound like a lot, but it can be as many as 1,400 pilots to be trained on a voluntary basis with the specifications of weapons, of storage of weapons, of every detail involved in the process of defending the cabin and the cockpit. I think that is a reasonable compromise. I think this is a reasoned and well-thought-out approach.

Mr. Chairman, my colleagues have to understand, too, that TSA, the Transportation Security Administration, has

the ability to put a rule in place today, before the day is out. We gave in our unprecedented legislation, signed by the President November 19, we gave them the ability to do this today. They have not done that, and shame on them for not doing that. That is why we are here as policymakers, to put that in place.

We have not eliminated that possibility, but we have only put in place a beginning program. I think the program will work. I think it is well thought out.

So, again, it is with reluctance that I oppose this to honor the agreement that we have come forward with, which I think is a good agreement.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Texas.

Mr. BARTON of Texas. A friendly inquiry, Mr. Chairman. I am reading the underlying bill. In the bill that is on the floor, section 128, which has the section that the gentleman was alluding to that would give TSA the authority to do the rule, it is repealed.

Mr. MICA. Mr. Chairman, I would tell the gentleman that, no, we would repeal that, but we replace it with this provision.

Mr. BARTON of Texas. It is to be replaced?

Mr. MICA. Yes. So we do have that ability. I want to clarify that. That may appear to be contradictory, but in fact we are putting this in this particular provision.

□ 1315

Again, I think it is well thought out, I think it gives us the ability to defend the cockpit. And a terrorist will not know, a terrorist will not know which of these pilots are armed, but they will know that we as a Congress have acted and allowed some of those pilots to be armed. They will not know how many air marshals are on what plane either, but they will know there will be air marshals. They will know there will be another line of defense.

So, again, I think this is a good beginning. I think it is a good compromise. I want to honor the compromise that we have so carefully crafted. Again, I rise in reluctant opposition to the amendment offered by my friends, the DeFazio-Thune-Nethercutt amendment.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise without reluctance with great concern about this amendment in opposition to it. I have no hesitation at all in opposing this amendment, with great respect for the sincerity with which its authors come forward. But the road to destruction is paved with good intentions and sincerity, and we would be on a road to very serious problems with this amendment.

As the gentleman from Florida (Mr. MICA) has said and as the gentleman from Alaska (Mr. YOUNG) officially in his remarks has said, the bill before us today is the product of a very carefully thought through, debated, negotiated compromise, like most legislation that passes this House. In this case we have the benefit of the best ideas from both sides of the aisle coming together in support of a bill that both sides of the Committee on Transportation and Infrastructure can support this far and no farther.

Now, the idea of creating a permanent program to arm pilots as compared to the bill which has a 2-year experimental program would totally undo this agreement. I could not support the bill should this pass.

Then the bill, I think, would not pass because I think there is great reluctance among Members on both sides of the aisle about the issue of arming pilots. There is, as was expressed by a previous speaker, the gentleman from Illinois, the public is not at all sure about this idea of arming pilots. In fact, time and again travelers aboard aircraft have asked me with some trepidation in their voice about having guns in the cockpit.

We have achieved a balance between those in this body who are vehemently opposed to arming flight deck crews and those who are vigorously in support of it, those who are in between. There are reservations on both sides. I think the bill before us balances the equity. Expanding the basic program to an unlimited number of commercial pilots within such a short time frame would frankly undermine aviation security in general. This would mean, passage of this amendment would mean training tens of thousands of commercial pilots to carry guns.

The Transportation and Security Administration already is having a difficult time training the airport security check point personnel. They have not been deployed at airports around this country. How in heaven's name are they going to take on the additional task of training tens of thousands of commercial pilots? They have not fully trained the Federal air marshals necessary to put them on board all flights. There just simply is not going to be enough personnel. There is not going to be enough time or money to train such a vast number of personnel.

I listened with great interest as the gentleman from Kentucky (Mr. ROGERS), chairman of the Subcommittee on Transportation of the Committee on Appropriations, addressed the issue of costs. Based on Congressional Budget Office estimates of some 70,000, their estimate is 100 percent of the 70,000 pilots. That is a low number. I think there are more like 85,000 commercial pilots. If you do 100 percent training, the cost estimate is $560 million a year. Well, we do not have unlimited dollars to address this issue. There is not enough money in the aviation security charge that we have imposed upon air travelers to cover that cost. There is not enough money to do all the other things that we are attempting to do that I think have a much higher priority than training flight deck crews.

We have a solid approach, sensible approach, a step-by-step approach. Let us take this 2-year pilot program, make sure that it works, make sure that under the circumstances we have set forth it will be effective, and let us not go beyond that point. Oppose this amendment.

Mr. HAYES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the DeFazio-Nethercutt-Thune-Barton amendment. I appreciate very much the effort that our chairman, the gentleman from Florida (Mr. MICA) and the gentleman from Minnesota (Mr. OBERSTAR) have put into crafting a compromise. Their efforts are well intended and we are moving in the right direction, but the amendment before us today will take their good work and expand it. This will provide true security at a moment's notice, deterrence that will mean something that can be clearly understood and will provide a tremendous boost to both the confidence and the security of the flying public.

There are three things I want to mention briefly here. When an airplane leaves the ground, all the passengers and the crew are entirely dependent on the ability of the pilot to maintain control of the aircraft. Over 70 percent of the pilots and the majority of the public at large overwhelmingly agree that properly trained pilots should have the opportunity to carry a firearm.

If I might address my friend, the gentleman from Minnesota's comments about the training part of the bill. As I understand it, it allows appropriate training for the pilots to be armed. Of course, they will be experienced. They will have proper training. Training for the pilot is far different. This is about someone coming through the cockpit door. This is not about someone unidentified rising in a seat, perhaps coming out of a lavatory. The type of training and level of training is far less and, consequently, in my opinion, far less expensive than it would be to train a sky marshal.

At the same time, let me stress that the training they would receive would be appropriate. It would be sufficient, and it would also be very relevant to the task that you hope that they would never be called on to perform. Also, this is volunteer pilots. It increases the number of participants in the program. It is clearly more effective and more helpful than asking passengers to take their shoes off in a random fashion and checking them.

A potential terrorist who knows that the pilot is armed and trained to deal with anyone who comes to the door to take over control of that aircraft and uses a weapon, that is a deterrent. That is a real deterrent.

Lastly, the amendment will accelerate the training of qualified pilots by

requiring TSA to begin training the qualified pilots within 2 months of enacting the legislation. I also might add this keeps the under secretary, who has expressed some disfavor for this project, from stopping it arbitrarily in 2 years.

This is a good amendment and it can make a good bill even better. I urge support for the Barton-Thune amendment.

Mr. KINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to enter into a colloquy with the gentleman from Florida (Mr. MICA). First of all, I wanted to thank the gentleman and the ranking member and all the committee members for what they have done and for the gentleman's leadership on this important legislation. I am proud to be a cosponsor of the bill so I certainly support the gentleman's efforts.

Our airline pilots are already entrusted with every passenger on their aircraft, so it stands to reason that they be entrusted to serve as responsible Federal flight deck officers. All we have to do is ensure they receive the proper training, and with that in mind, I would like to request that we clarify the training aspect of the bill.

As the chairman knows, the bill states ''the Under Secretary shall base requirements for training on the standards applicable to Federal air marshals.''

The Federal air marshals conduct their training at the Federal Law Enforcement Training Center, FLETC. However, this bill simply states that the pilots' training should be conducted at ''a facility approved by the Under Secretary.''

Since FLETC is already the approved Federal training facility for the Federal air marshals, I am sure the gentleman would agree that this is appropriate to designate FLETC as an approved training facility for the Federal flight deck officer program. I request that the record reflect our intent to designate the Federal Law Enforcement Training Center as an approved training facility for both the Federal air marshal program and the Federal flight deck officer program.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, I agree with the gentleman from Georgia on this important issue of training standardization for our Federal flight deck officers and also for our Federal air marshals. The Federal Law Enforcement Training Center should be designated as an approved training facility for both the Federal Air Marshal Program and also for the Federal Flight Deck Officer program.

Mr. EHLERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I first rise to state that I am opposed to the amendment, but as you will see in a moment, I am also opposed to the bill but not for the reasons you may think.

I am not fundamentally opposed to the idea of arming pilots in the cockpit as a last line of the defense against a terrorist attack on an airplane. The safety and security of the flying public is a central concern to us all, and a well-trained, armed pilot could be a valuable asset in defending ourselves against terrorist acts. Moreover, the bipartisan bill approved by the Committee on Transportation and Infrastructure addresses a number of the logistical and procedural issues for implementing a program for arming pilots, even if it leaves most of the sticky details to the TSA.

I must say that I am skeptical of the ability of the Transportation Security Administration to develop adequate procedures for this complicated process of safely getting a firearm on and off an airplane and securing it in the cockpit without incident. Let us hope that they can successfully answer many of the questions we do not firmly work out in this bill.

In summary, I am not fundamentally opposed to this bill. In fact, I have consistently voted against any measures to control firearms. But let me just say, having said all of that, that H.R. 4635 still has at least one fatal flaw and a few minor ones that prevents me from voting for it. The problem: the bill does not give the airlines a choice on whether their pilots, their employees, can carry guns on the airline's planes.

We have heard from the public. We have heard from the pilots. We have heard from the flight attendants. And we have responded to these groups, but we have shut out the airlines. This is entirely inappropriate.

The Federal Government should not mandate that a reluctant airline be required to allow one of its pilots to carry a firearm on board one of its planes. I acknowledge that we often tell employers what to do, such as how to treat employees and how to handle safety and security matters. However, I am not aware of any instance where the Federal Government has told an employer you have to let your employees carry guns to work if they want to.

We do not tell bus companies that they have to let their drivers carry weapons, but buses have been the subject of terrorist attacks. We do not tell rail service companies that they have to let their engineers carry weapons on their trains, but they are subject to terrorist attacks. We do not tell banks, gas stations or convenience stores that they have to allow their tellers or employees to carry firearms at work in case they face a robbery. In fact, my home State of Michigan, like the State of Texas, has passed a concealed-carry weapons law, but even those broadly permissive laws do not force an employer to permit an employee to carry a weapon while at work. In fact, they very specifically, in their language, allow employers to exempt the workplace as a place where employees may carry their guns.

□ 1330

This bill does precisely the opposite of what those concealed-carry permissive laws do.

The airlines have indicated that they are opposed to allowing guns in their cockpit. We are depriving them of their voice in this important matter. This is wrong, and for this reason I will not vote in favor of this bill.

I have two other concerns about this bill as well. One is the total cost for implementation of the test program which, according to the CBO estimate, is $47 million. This money could be better spent on other security measures, such as securing cockpit doors and bulkheads.

In addition, if this test program is broadened to include all pilots, how many millions of dollars will it cost to provide them the proper training and to implement the necessary procedures? The increased TSA spending that we are deciding today will result once again in higher taxes on the flying public, at a time in which we are already seeing the detriment to flying that security fees and taxes are having on the aviation economy.

My final objection to H.R. 4635 is that it exposes the Federal Government to massive amounts of potential liability. Under the bill's language, a Federal flight deck officer is treated as a Federal employee for purposes of liability. If an armed pilot accidentally shoots a passenger that posed no threat to the aircraft, the Federal Government could be on the hook for a huge amount.

There are a number of other situations that could lead to potential liability. For example, a pilot could improperly respond to a mentally deranged passenger attacking the cockpit. This very situation was faced by pilots on United Airlines Flight 855 from Miami to Buenos Aires in February of this year. Or a pilot could accidentally discharge a weapon in a scuffle with an intruder or injure an innocent passenger or flight attendant or, even worse, the pilot could use the weapon in a perfectly lawful manner to overcome a terrorist, but do so in an improper way which results in crew or passenger death or, in the worst possible case, the plane going down.

Coupled with the costs of implementing this program, this potentially enormous liability makes this bill financially irresponsible.

For these reasons, the fact that we are forcing airlines to allow their pilots to carry guns, the fact that the program is very expensive, and the fact that the Federal Government is exposed to extremely high liability, I am opposed to this bill. I urge its defeat.

Mr. HOSTETTLER. Mr. Chairman, I move to strike the requisite number of words.

First of all, I would like to commend the committee and the chairman of the

committee and the chairman of the subcommittee on this legislation for moving us in the right direction.

I would like to point out, however, first of all, I am in support of the Thune-DeFazio-Nethercutt amendment and I would like to suggest why.

As was stated earlier, that the underlying amendment makes a provision for 250 pilots to be trained, as such, if we use the lower number that was discussed earlier as to the total number of pilots that would be part of that overall pool, which would be 70,000 pilots, we are talking about training 0.4 percent of America's commercial pilots in this program. That would mean that 99.6 percent of pilots would not be trained. Therefore, a significant number and the overall majority of flights every single day would not be covered as a result of this training program.

It was mentioned earlier that the road to destruction is paved with good intentions, and I would agree with that, and I would like to share with the Members of the House one of those noble intentions that was discussed with me by General Ralph Eberhart, the commander in chief of the North American Aerospace Defense Command in a recent Committee on Armed Services hearing.

I asked General Eberhart what happened on September 11 when it was determined that the fourth plane, Flight 93, which crashed in Pennsylvania, may in fact have been aiming to target our Nation's capital. I asked, what were the actions that NORAD had contemplated?

General Eberhart stated the following: ''At that time, the authority was passed, if we believed that, in fact, it constituted a threat to people on the ground, that we could take action to shoot it down.

''The decision was made rather than to go out and try to meet this airplane to stay over New York City and Washington, D.C., in case, if we left it uncovered, there was another airplane coming. So had we seen it continue toward one of those metropolitan areas or we were sure it was going to another metropolitan area, be it Baltimore or whatever, we would have engaged the airplane and shot it down.''

He went on to say: ''Obviously, we're always hoping, and we do not want to do that until the last minute because we were hoping that, as those brave souls attempted, that maybe they regained control of the aircraft or that the skyjackers changed their mind. So we don't want to do this prematurely, and we want to see a hostile act, and we want to see it pose a threat.

''So we take this action after a lot of deliberation and to ensure that we have no other option. But we were prepared and we would have been able to shoot that aircraft down had we needed to.''

I then asked General Eberhart: ''General, there is still an action item that your command may be responsible for doing something similar to what was contemplated on September 11th, are you not? That is still a possibility?''

General Eberhart said, ''Regrettably, I'm afraid that's always going to be a possibility now. We redefined it on 9–11, and we now train for that. We've established the procedures for that. We exercise for that, hoping that that would never happen. But hope's not a good strategy.''

The road to destruction is, in fact, paved with good intentions. It is the intention of the North American Aerospace Defense Command to shoot down a commercial airliner, and they train for that if it is determined that that commercial airliner, if the pilots aboard have lost control of that airliner and that airliner is going to be used in a similar activity such as 9–11.

I think it would be a good intention today of Congress to take us down another road, not a path to destruction, as is the case with scrambled F–16s armed with Sidewinder and Sparrow missiles, but rather, takes us down a path that allows the pilots in the cockpit, not 0.4 percent of pilots in the cockpit, but 100 percent of pilots in the cockpit, who volunteer to be the last line of defense for passengers traveling across the air these days.

Mr. Chairman, I ask that the full House support the Thune-DeFazio amendment.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support not only the underlying bill but the DeFazio-Thune amendment, and let me tell my colleagues why.

I spoke a little bit on the bill itself. Two percent is a good step, and I commend the chairman and the ranking member. And we had 70 percent of our pilots qualified up to 1987; as a matter of fact, our mail planes required that a weapon was carried to protect it prior. And so that is in place.

I disagreed with one of the Members that spoke earlier that we do not mandate different folks. Very seldom can we take a car or in a post office or something like that and kill 3- to 10,000 people at one time. If we save one airplane, if we save one lawsuit, if one life that is lost, we are going to more than pay for this program.

I support, 100 percent. I do not think that we will ever get to 100 percent, but all that does is allow the airlines of those people that are qualified. And I would demand strict regimentation in the actual training because I do not believe everyone should be allowed to carry a gun on an airplane because they are not predisposed either psychologically or physically to do so. I do not believe everybody is. A large portion of our airline pilots today are former Air Force, Navy, Marine Corps, Coast Guard, and I think they are predisposed to do that; they have carried those kinds of weapons. But our passengers deserve to feel safe.

As my colleague mentioned, a wide array of security, starting with INS and Homeland Security, to when I go through, I had a knee preplacement I have to end up doing this every time at the airport and take my shoes off. It is a pain, but I have to look at the alternative, and I am glad they are doing that job. But on that airplane, once I get on that airplane, like the gentleman from Oregon (Mr. DEFAZIO) spoke about, I have seen the cockpit door open, and it is vulnerable.

As a pilot with over 10,000 hours of flying both civilian and military airplanes, I know that I would never take that airplane and fly it into a building. Al Qaeda knows that, also. So the first thing they are going to do is cut the throat of that pilot and kill him and they are going to take over the airplane.

As a pilot, I would want to feel a last line of defense. I hope they stop it in all the other places. I hope a marshal, which I support flying with the airplanes, would stop it. I hope a Kevlar door would stop it, but once that fails, if we have got a pilot inside that airplane that is armed, it is going to deter, as a last line of defense. Or even if those guys overtake the airplane and they are using an ax to get through that door, we know that airplane is not going to be used against New York or any other target in this thing.

I feel very, very strong about that, and the fact that we need to pass this kind of legislation.

The gentleman talks about costs. Tell me one family member in New York who would worry about costs or one passenger that jumps on these airplanes that would worry about costs. Our lives have changed for good in this country, forever, and unless we take up the challenge, these rascals are going to attack us.

I serve on the Permanent Select Committee on Intelligence, and I truly believe we stand a 100 percent chance this year of being struck by al Qaeda, 100 percent, because these rascals are out there collating in all these different countries and raising money and raising arms. And it may not be an airplane because we are vulnerable in other areas.

If this amendment does not pass, I hope it does, I have got an amendment to strike it to 25 percent. I am not going to offer that because I do not want to take away from the gentleman from Oregon's (Mr. DEFAZIO) and the gentleman from South Dakota's (Mr. THUNE) amendment and have people split off from it. But this is a well-crafted, well-designed amendment that will supply security for citizens of this country, not just airline passengers, but for the people on the ground as well.

I thank the gentleman from Oregon (Mr. DEFAZIO) and the Members that support this.

Mr. KIRK. Mr. Chairman, I move to strike the requisite number of words.

I would like to engage our distinguished chairman of the subcommittee in a colloquy, if I may.

The Aviation and Transportation Security Act, passed last year, provided airlines with the option of deploying less-than-lethal technology as part of their security procedure enhancements with the approval of the Transportation Security Administration. To date, have any airlines been granted permission to employ this nonlethal technology.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. KIRK. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, I do not believe that the Transportation Security Administration has yet developed a process to review these applications at this time.

Mr. KIRK. As we today initiate this important pilot program to allow the use of firearms by flight crews, is it not also appropriate that the TSA expedite the implementation of less-than-lethal security plans when requested by the airlines?

Mr. MICA. Mr. Chairman, if the gentleman will yield, certainly the airlines and the flight crews should be given the tools they feel are appropriate to protect themselves and their passengers, and that is why we have set the 90-day deadline for the Transportation Security Administration to issue a decision on applications from carriers to utilize less-than-lethal technology.

Mr. KIRK. Mr. Chairman, is the gentleman aware of the request from United Airlines to the Transportation Security Administration to begin equipping properly trained flight crews with less-than-lethal technology in the form of Taser guns?

Mr. MICA. If the gentleman will yield again, I am aware that United has made such an application.

Mr. KIRK. Mr. Chairman, would the gentleman agree that in light of this important legislation we are preparing to pass today, it would be in the best interest of enhanced security at our Nation's airlines for the TSA to approve appropriate applications to allow flight crews this extra measure of protection while we undertake this additional pilot program to evaluate the use of firearms on aircraft?

Mr. MICA. Again, if the gentleman would yield, I absolutely agree that as long as an airline has developed the appropriate training program and has the proper protocols ready to implement, that the TSA should quickly approve the airline's application to enhance security of their personnel and their passengers.

Mr. KIRK. Mr. Chairman, I thank the gentleman for his responses.

Right now, an application is pending before the Department of Transportation Secretary Mineta. If approved, it offers an immediate way to upgrade flight deck security using nonlethal technology. And I thank the chairman for his leadership, and I hope and urge the Department of Transportation to move quickly on this application and approve the use of nonlethal technology on the flight deck.

□ 1345

The CHAIRMAN pro tempore (Mr. FOSSELLA). The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. BARTON of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. HOSTETTLER:

Page 5, strike lines 18 through 21.

Page 5, line 22, strike ''(5)'' and insert ''(4)''.

Page 6, line 1, strike ''(6)'' and insert ''(5)''.

(Mr. HOSTETTLER asked and was given permission to revise and extend his remarks.)

Mr. HOSTETTLER. Mr. Chairman, once again I would like to thank the committee for the legislation that is before us and that we are moving in the right way.

The amendment that I offer at this time strikes the language in this bill that gives preferential treatment to pilots who were former military or former law enforcement personnel.

Mr. Chairman, in order for us to determine whether this program really works, I believe that we should have a better cross-section of pilots. I would like to open this legislation up to all pilots. Since this bill creates a training program, there is no reason to discriminate against those pilots who truly want to provide a safe environment for their passengers.

Why not allow all pilots to carry firearms if they so choose? Had the pilots of the four airplanes that were commandeered on September 11 been carrying side arms, the hijackers, armed with box cutters, might not have been successful in their mission.

The American people support the idea. In a Time-CNN poll conducted just weeks after the September 11 terrorist attacks, 61 percent said they favored allowing pilots to carry guns. Two more recent polls, conducted by the Wilson Center and the Winston Group, found support for arming pilots has risen to 75 percent. Airline pilots themselves overwhelmingly favor this option. The Nation's five largest pilots unions, representing 90,000 pilots, sent a letter to President Bush seeking his ''assistance in the immediate development and implementation of a program to defend the American traveling public with voluntary armed pilots.''

The pilots make the very good point that they are the first line of deterrence and the last line of defense for their aircraft. And few professionals are better equipped to be armed. Pilots endure rigorous screening before they can work for a major airline. There is every reason to believe that all of these professionals have the ability to protect their planes. Most importantly, we already entrust pilots daily with the lives of hundreds of men, women, and children on airplanes weighing 450,000 pounds, traveling 530 miles per hour, carrying 24,000 gallons of fuel, while flying 7 miles above the Earth.

Clearly, these are responsible and trustworthy professionals. And whether they have a background in the military or law enforcement, they should be allowed to carry weapons and to be trained properly to carry weapons and to defend their airliners from potential terrorist attack.

Mr. Chairman, I ask my colleagues to support the amendment.

Mr. MICA. Mr. Chairman, I rise in opposition to this amendment. Again, we have tried to work out a bipartisan agreement. I think the gentleman from Indiana is well-intended in offering his amendment; but unfortunately, it has not been agreed to as part of this package.

This amendment, as I understand it, would eliminate a key section of the underlying bill, the selection preference that is granted to pilots who have former military or law enforcement experience. We think this is extremely important because we know that many of our pilots have previous military experience. They already have handled weapons and arms. They know how to defend themselves and have had extensive training. The same is true with law enforcement individuals.

Those who have had experience more than likely have had experience with weapons, arming themselves, defensive measures; and we think that, again, this invaluable experience will be helpful in defending the cockpit, in learning the new procedures that are required as established under the guidelines of the TSA. So we think it is essential that having this selection process and giving preference to both military and law enforcement personnel, those who have had that experience, makes perfect sense.

When the determination as to which pilots are qualified to participate in the Federal flight deck program is being made, previous experience with a firearm should absolutely be taken into consideration. That is the agreement that we have reached, and that is the agreement we must stick to.

So, unfortunately, I must oppose the gentleman's amendment and urge Members also to oppose the amendment. We should leave the amendment as we have now passed it intact, and I think we will have a much better piece of legislation. So, again, I oppose this amendment by the gentleman from Indiana.

Mr. HOSTETTLER. Mr. Chairman, as a result of an error on my part, I ask unanimous consent to withdraw the amendment at this time and offer it at a later time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDMENT NO. 8 OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. HOSTETTLER:

Page 9, strike lines 3 through 9 and insert the following:

''(4) TIME LIMITS.—Not later than 180 days after the date of the enactment of this section, 20 percent of all pilots who volunteer to participate in the program within 30 days of such date of enactment shall be trained and deputized as Federal flight deck officers. Pilots may continue to participate in the program during the 2-year period of the pilot program. By the last day of such 2-year period, at least 80 percent of all pilots who volunteer to participate in the program must be trained and deputized as Federal flight deck officers.

Page 11, line 24, strike ''250th pilot'' and insert the following: ''last pilot of the 20 percent of all pilots who volunteer to participate in the program within 30 days of such date of enactment of this Act''.

Mr. HOSTETTLER. Once again, Mr. Chairman, the amendment I offer simply opens up the bill and the provisions of the bill to all the pilots that desire to take part in this program, that volunteer to take part in this program, and does not discriminate against them should they not have taken part in previous law enforcement activity nor been a member of the military.

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the amendment.

I am puzzled, however, by the gentleman's amendment. It apparently proposes to strike the 2 percent cap and establishes a new accelerated time line and requires the Transportation Security Administration to deputize 20 percent of pilots that volunteer in the first 30 days. Is that the gentleman's amendment?

Mr. HOSTETTLER. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Indiana.

Mr. HOSTETTLER. Mr. Chairman, I would advise the gentleman from Minnesota that we are currently considering amendment No. 8, which simply strikes the preferential treatment of individuals.

Mr. OBERSTAR. Reclaiming my time, Mr. Chairman. Is the gentleman's amendment the one that would strike the preference for pilots or the amendment that would strike the 2 percent cap?

Mr. HOSTETTLER. If the gentleman will continue to yield, this is the preference with regard to military service personnel and law enforcement.

PARLIAMENTARY INQUIRY

Mr. OBERSTAR. Mr. Chairman, the gentleman has already addressed that subject, and we have had some discussion on it. This is, apparently, further debate on the amendment previously offered and withdrawn and then offered again because of a technical mistake. Is that correct, Mr. Chairman?

The CHAIRMAN pro tempore. Could the gentleman from Minnesota restate his inquiry?

Mr. OBERSTAR. Is the gentleman offering under a technical change the same amendment that he offered apparently in error earlier?

The CHAIRMAN pro tempore. Right now, currently under debate, is amendment No. 8 offered by the gentleman from Indiana as reported in the CONGRESSIONAL RECORD.

Mr. OBERSTAR. Which was previously discussed in error because it was misnumbered?

The CHAIRMAN pro tempore. No. Amendment No. 7 was offered, and then, by unanimous consent, withdrawn by the gentleman from Indiana. Now pending is amendment No. 8 offered by the gentleman from Indiana.

Mr. OBERSTAR. Is a copy of the amendment at the desk?

The CHAIRMAN pro tempore. The amendment is printed in the CONGRESSIONAL RECORD and is available at the desk.

Mr. OBERSTAR. Mr. Chairman, I insist that the Clerk read the amendment so that we are clear on what we are debating here.

The CHAIRMAN pro tempore. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read the amendment.

Mr. OBERSTAR. Mr. Chairman, again, just to be clear on what we are voting on here, because there is some great uncertainty, this is a very different amendment from the one on which I had an exchange with the gentleman. The gentleman from Indiana characterized his amendment as striking the preference for pilots. The amendment just read by the Clerk strikes the provisions of the underlying bill and would replace it with a different percentage of pilots and other requirements.

I just want to make sure. Is this the amendment the gentleman intends to offer? Is this the amendment the gentleman proposes to offer, the amendment that deals with the percentage of pilots who volunteer to participate in the program, et cetera?

Mr. HOSTETTLER. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Indiana.

Mr. HOSTETTLER. Yes, this is the amendment we are currently discussing, and I will talk to that.

Mr. OBERSTAR. Reclaiming my time, Mr. Chairman, the other amendment proposed by the gentleman from Indiana to strike the preference for pilots, that amendment has been withdrawn?

Mr. HOSTETTLER. If the gentleman will continue to yield, it has been withdrawn; but under unanimous consent, as the Chair has pointed out, it will be brought up at a later time, and that unanimous consent request has been granted.

Mr. OBERSTAR. Mr. Chairman, once again reclaiming my time, I rise in opposition to both this one and the previous amendment withdrawn and do so because both are mistaken.

To delete the preference for pilots who are former military or law enforcement personnel is a blow at the underlying premise of the entire concept of arming flight deck crews. It has been said time and again in advocating the legislation that pilots should be armed because they are former military, they have experience, they know how to handle a gun, and we ought to provide arms for them in the flight deck.

This is simply a preference. This is not a mandatory requirement, but because of that argument, that pilots have prior military experience, know how to handle a gun, we should therefore arm them. The bill goes on to say that we should then give them preference in the hiring scheme. It does not make sense to strike that preference for those personnel who are the ones most likely to have experience and would probably need the least amount of training.

□ 1400

The present pending amendment by the gentleman from Indiana (Mr. HOSTETTLER), we have already debated the issue of whether we ought to limit or remove the limits, the 2 percent cap on a number of pilots that can be sent through the experimental program. We have had an extensive debate on that issue already. It was defeated on a voice vote. We will have a recorded vote on it later. This simply is another amendment masquerading under different terms, but it is essentially the same amendment that we have already debated and I hope put to rest. But to expand the program to an unlimited number of commercial pilots goes against the compromise that we reached, against the concept of a pilot program, an experimental program where we work out all the issues and then decide whether or not to go ahead.

I cannot support an unlimited program. I cannot support just go full bore ahead. We must address the issues that have already been discussed at great length, and I need not repeat them, of assuring the type of gun, type of bullet, the accidental discharge in the flight deck, shooting through navigational equipment. Those issues all have to be resolved before we can go through with a permanent program, and just for reasons I have already expressed, the costs and the burden on the Transportation Security Administration to train 70,000 to 85,000 pilots in a relatively brief period of time, when we have not got the security screeners trained yet, defies the imagination. It just does not make sense at all. The amendment should be defeated.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

My good friend and colleague, the gentleman from Indiana (Mr. HOSTETTLER), I think is very well intended. I think he was probably well intended on his first amendment that he offered, and I see now what he was trying to achieve and what he is trying to achieve by these amendments, and he is saying we need to speed up this process. His amendment first, I think, was intended to have a larger body than just a smaller body of pilots trained, and I would concur with his intention. I appreciate his withdrawing that amendment.

His second amendment that we have this afternoon says that 20 percent should be trained in the first 6 months and I believe 80 percent by the end of the second year, and I think that is also well intended. I think the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), has pointed out that we looked at the tasks that have already been assigned to TSA and we said wait a minute, this agency was given much more than it can do, and usually when Government gets a program, it costs twice as much, takes twice as many employees and costs three times as much, and we are finding our prediction to be true, and some of my concerns about passing the full federalization without the private participation to also be accurate. We found already that TSA, just in a simple assignment, assigned 429 airport security directors. To my knowledge, they have only named about four dozen, about 48. They have actually only deployed a little over two dozen, and here we are in July. So this amendment, while well intended, and we would like to have more pilots trained, is a very difficult task.

If we look at another task that was assigned to TSA, and that is to train screeners, my latest knowledge is they might have had 3,000 possibly trained. We might have a dozen airports deployed and federalized at this stage, again in July, and they just cannot do it. And that is not to mention anything about the lack of having explosive detection equipment deployed, which we said would be difficult, which we said is impossible for manufacturers to even produce. We now find ourselves with the possible requirement of training some 20,000 to 25,000 hand wand trace detection Federal employees to complete another requirement by Congress.

So, unfortunately, this is not achievable. I would like to see it. I would like to get on a plane and know that a pilot is ready and capable of defending that cockpit, but we have reached a compromise here where we think the maximum they can do is this 1,400. They start out with a group of 250 and that is sort of the kick-in trigger that we have put in the bill, but we can get up to 1,400. We hope they can get this assignment accomplished.

Let me just say one word about the airlines' opposition to some of this. We have provided protection for the airlines in an unprecedented manner to protect them against liability. I know that is their concern. But my concern, and it should be their concern, is if we have one more incident, it will be fatal to airlines. If we have one more incident, it will be fatal to our economy. If we have one more incident, it will be fatal to potentially thousands and thousands of Americans, and we lost 3,000 of them on September 11. We cannot afford to lose one more. So we need to put these measures in place on a well-thought-out basis. I think that is the approach.

I commend the gentleman for coming out and adding to the debate, offering this amendment, but I must reluctantly stand in opposition.

Mr. LIPINSKI. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to both Hostettler amendment number 7 and number 8, and I also want to say that the gentleman presented his amendments in the correct order. I do not know what happened that we got confused over here, but he was right in the first place on the way he presented the amendments.

I happen to believe that he is not correct in presenting these amendments, so I oppose them. I oppose them because of what the chairman, the gentleman from Florida (Mr. MICA), has had to say about them; what the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), has had to say about them; and what I had to say about one of those two amendments really in dealing with the DeFazio amendment that we had here on the floor earlier.

I have said before, and it has been said a number of times on this floor, that this is truly a bipartisan bill. An awful lot of work went into it. A lot of compromise went into it. We spent an awful lot of time on it. I think it would be a tragic mistake to pass any amendment on this House floor today because I seriously believe it would jeopardize the possibility of passing this legislation.

Once again I reiterate that the administration is opposed to arming pilots with lethal weapons.

The Secretary of Transportation is opposed to it. The Under Secretary for Security of the Transportation Security Administration is opposed to it. So our pilot project bill that is reasonable, rational, and prudent is going to have a very difficult time passing. If we start enlarging this bill, it is going to spell the death of this bill and we will not be able to improve aviation security and safety.

Mr. COBLE. Mr. Chairman, I move to strike the requisite number of words.

I wanted to come to the House floor earlier to engage in debate on this significant legislation, but I have been tied up in a Committee on the Judiciary hearing most of the day. I do not want to portray myself as a naysayer, but I am confident there is evidence to suggest that additional terrorist cells have been trained to take over commercial aircraft, and in the event of another terrorist hijacking, the Department of Defense will be forced to make the difficult decision to shoot down a plane filled with passengers to prevent that plane from being used as a weapon. We have gone through that before, and we do not want to do it again.

As far as the amendment of the gentleman from Minnesota (Mr. OBERSTAR), I think the chairman of the Subcommittee on Aviation and the ranking member from Illinois may have said this, I think it is well-intentioned, and I do not see the gentleman on the floor, but what bothers me is the possible or probable additional cost that might have to be absorbed in the training of those additional pilots to qualify them to be armed in the appropriate cockpits.

Mr. LIPINSKI. Mr. Chairman, will the gentleman yield?

Mr. COBLE. I yield to the gentleman from Illinois.

Mr. LIPINSKI. Mr. Chairman, I would advise the gentleman that we are not discussing the amendment by the gentleman from Minnesota (Mr. OBERSTAR). We are discussing an amendment by the gentleman from Indiana (Mr. HOSTETTLER).

Mr. COBLE. Mr. Chairman, I thank the gentleman for that clarification. I appreciate that, and I will confine my remarks to the bill generally.

Our aviation system, it seems to me, oftentimes is based upon redundancy. When all else fails, we need a last line of defense. Providing pilots with firearms, it seems to me, affords additional assurance that the hijackers can no longer be assured of success. It is a significant deterrent since a potential hijacker will no longer know whether or not a pilot is armed prior to breaking into that cockpit. I regret that I missed the debate on this bill, and I thank the gentleman for setting me straight.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the two amendments, but I also rise in opposition to the bill, H.R. 4635. Although the program has been modified from the original version, I do not believe that it is prudent to deputize pilots as law enforcement officials and to arm them with lethal weapons, even on a pilot program basis.

But before I discuss the reasons for my opposition, let me first commend the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and the ranking member on the Subcommittee on Aviation, the gentleman from Illinois (Mr. LIPINSKI) for negotiating a much-improved bill. I also thank the gentleman from Florida (Mr. MICA) for incorporating language in the bill and the report to address some specific concerns I raised. Even though the final compromise is not an acceptable

one to me, I appreciate the good faith, and it is a much-improved bill.

The central issue in this debate is what is the proper role of an airline pilot in aviation security. The proponents of H.R. 4635 believe that pilots can serve in a dual capacity as navigators and as Federal law enforcement officers. I appreciate the desire and willingness of pilots to assume additional responsibilities. However, I am not convinced that law enforcement is an appropriate role for the airline pilots.

In the aviation security area, there are already Federal air marshals specially trained to deal with violent situations in the air. This is a full-time job that requires individuals' individual attention. They must undergo vigorous training, and after initial qualification, they still must spend a great deal of time to maintain their proficiency.

H.R. 4635 would essentially establish a Federal flight deck officer program that authorizes volunteer pilots to serve as adjuncts to the Federal air marshal program. The main reason why I oppose this idea is I have grave doubts about whether pilots whose primary duty and experience involves manipulating complex electronic equipment can devote the time and attention necessary to reach a level of proficiency that is equivalent to that of a Federal air marshal.

Let me also remind Members that passenger cabins are relatively small, and they are a confined environment where gun battles are very likely to cause damage to bystanders and damage the aircraft instruments.

□ 1415

For this reason, Federal air marshals must undergo a training regimen that is far more demanding than the training programs for other law enforcement officials.

I would like to point out that the bill provides no role for the employers of the individuals who would become Federal flight deck officers of the airlines. Candidates for the Federal flight deck officer program apply directly to the TSA. Airlines might not even find out whether one of their pilots has applied for the program until after TSA requests a history of their work record and other background information. I know of no other private sector employee-employer relationship where the employees can seek authorization to carry a lethal weapon without the employer's knowledge and consent. After all, if something happens on a plane, it is the airline that is most likely to be sued, and yet they have no role to play in this program.

During the question-and-answer period at a Senate Commerce Committee hearing, the head of TSA, John Magaw, indicated that the agency is opposed to arming pilots with lethal weapons. TSA are the experts in this area, and they recognize the complexities involved. They know what it takes to train a Federal air marshal. It goes far beyond just training someone in basic gun safety and firing a weapon accurately.

Security tasks should be left to dedicated security professionals. We should not be second-guessing the TSA program and their judgment. At best, arming pilots increases security only marginally, while diverting precious time and resources that TSA could spend on more important endeavors.

TSA is already having great difficulty reviewing and coordinating plans with airports deploying detection systems. I am particularly concerned that requiring TSA to focus on developing procedures to arm pilots will make it virtually impossible to comply with the December 31 deadline for 100 percent deployment in this area.

I just want to remind Members, Mr. OBERSTAR, that two pilots were arrested for being drunk as they were getting ready to go fly a plane. I would hate for them to have had lethal weapons.

Mr. HOSTETTLER. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN pro tempore (Mr. DAN MILLER of Florida). Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HOSTETTLER. Mr. Chairman, we are currently considering Amendment No. 8, and that amendment does the following: The amendment ensures that the program proposed by this act will be carried out expeditiously by requiring that at least 20 percent of the pilots who volunteer during the first month be trained and deputized not more than 6 months after the program is enacted.

Also this amendment provides that at the end of 2 years, at least 80 percent of all those pilots who volunteered during those years will be trained and acting as Federal flight deck officers.

With our Nation's present safety concerns, time is of the essence to get this program up and running. Those who would cause harm to our citizens need to know that there are pilots who are trained and ready to defend their passengers against harm.

The Transportation Security Administration recognizes the deterrent and life-saving effect armed personnel can have in a terrorist incident at an airport. Just this past weekend, following the shooting deaths of two people at the El Al Airlines ticket desk at Los Angeles International Airport, the TSA, or Transportation Security Administration, announced that armed agents will begin patrolling the ticketing areas of the Nation's airports. According to press accounts, a TSA spokesman said these armed agents could react quickly to an incident, preventing additional deaths and injuries like the armed guard did in Los Angeles.

On Saturday, according to numerous press reports, the TSA issued a press release that said, ''Had this event occurred at another airline counter without armed security guards, the situation, unfortunately, would have been worse.''

This incident emphasizes that we cannot be complacent about any of the security measures that we put in place at our airports and at the other modes of transportation. I wish that I could verify these press reports with an actual copy of the TSA statement. However, the TSA and the Transportation Department will not make them available to my office, despite repeated requests.

Nevertheless, in the case of airport terminals, the TSA is absolutely right. Having firearms in the hands of people can thwart terrorists and save lives. Today we have an opportunity to apply that same logic to the airplanes themselves, the very place where the attacks took place on September 11.

Tom Heidenberger, a pilot for U.S. Airways, lost his wife Michelle, a flight attendant on American Airlines Flight 77, when terrorists hijacked the plane and flew it into the side of the Pentagon on September 11. Tom, who continues to fly, told me why arming pilots is so necessary. ''Had the terrorists known there were means to protect the cockpit, had the crew been able to defend against the takeover, my wife would be here today,'' he said.

Let us learn from the horrible events of that day and make sure they can never happen again by arming as many pilots as soon as possible.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not going to take the whole 5 minutes, but I would like to counter some of the things the gentlewoman preceding spoke about.

First of all, it is almost laughable when you talk about the tight confines. Have you ever flown an A–4 Skyhawk or an F–14? I had 20-millimeter Gatling guns in those airplanes, I could disintegrate this building in a half-second burst, and I could operate it fine. If I was landing or taking off at a Naval airfield, I can assure you, I could use it.

When I was shot down over Vietnam, I had a .357 Magnum, I had a .38 flare pistol and a 9 millimeter Luger. I used them. I did not want to. When the time came, I used them, and they were effective. It let the enemy know I was armed. I probably did not hit anybody, but they knew I was armed.

I want to tell the gentlewoman that just a terrorist knowing that someone in that cockpit is armed is going to deter them. If I was a terrorist and I thought only 2 percent of these pilots were armed, I might take the bet. But if I knew between 25 and 100 percent of those guys were armed, I am probably not going to play those odds because I know I am not going to win.

I would like to enter into a colloquy with the gentleman from Minnesota (Mr. OBERSTAR), because I want to clarify something in the bill, if the gentleman does not mind.

It is my understanding that someone other than a military or policeman is not eliminated from participating in the armed pilots program, is that correct? They were just given a preference?

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, yes. The intention of the language in the bill is to give a preference to pilots who have previous military experience or law enforcement experience, but it is a preference only.

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, it does not eliminate someone else?

Mr. OBERSTAR. It is only a preferential consideration.

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, I thank the gentleman for clarifying that.

Mr. Chairman, if the DeFazio amendment fails, I am going to offer an amendment to put it at 25 percent. I will not do that if that passes. I cannot imagine it not passing, because the public has spoken, the airline pilots have spoken, and I think this House has spoken as far as that position.

I understand that, in drafting a bill, you have got to work in a tight way to craft a bill that you think is the best, but I think looking at what the needs are, we need more than a 2 percent chance of these pilots bearing arms.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. HOSTETTLER:

Page 5, strike lines 18 through 21.

Page 5, line 22, strike ''(5)'' and insert ''(4)''.

Page 6, line 1, strike ''(6)'' and insert ''(5)''.

Mr. HOSTETTLER. Mr. Chairman, there has already been a significant bit of discussion about this amendment, but I would like to clarify what this amendment does, one more time.

The amendment strikes the language in this bill that gives preferential treatment to pilots who were former military or former law enforcement personnel. It is correct, Mr. Chairman, that there is a preference only, but if we want a cross-section, a complete cross-section, of pilots who volunteer to take part in this plan, the question is, why do we have a preference in the first place?

The underlying bill calls for, at this time, a rigorous training program, a rigorous training program that would result in a pilot who has much responsibility in the safety of the crew and passengers of the flight already, a program that he or she would have to take part in in order to become a flight deck officer and wield a weapon potentially on board a flight.

Mr. Chairman, if we truly want a cross-section, then I believe that the preference is not necessary. There are thousands of pilots who desire to carry firearms on to the flight deck, lethal force to protect the crew and passengers of their plane, of the flight, that have never been in the military or in law enforcement. If they are so willing to go through the rigorous training program and to adequately be able to wield lethal force aboard a plane, why should we give a preference to others?

So, Mr. Chairman, once again, this simply strikes the language that grants a preference for individuals who have been currently military or law enforcement personnel.

I think it is a good amendment. I think it does what the underlying premise of this bill would do, and that is to not only deter potential hijackings, but also to thwart those hijackings should they attempt to take place. Likewise, we would know that more pilots would be part of the pool of individuals that would be considered for volunteering to serve us.

So, Mr. Chairman, once again I ask that the full House accept this amendment.

Mr. MICA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, again, we have presented in a slightly altered technical fashion, I believe, this amendment which we have talked about before. I must reluctantly rise in opposition.

I think the gentleman, again, is well-intended in that he is saying, why not go to the full body of pilots and train them? We have though, again, as I have said before, tried to think through this bill how we could achieve training those who have the best credentials, the best experience, on an expedited basis. Certainly those with military and law enforcement backgrounds meet those criteria. So we will actually harm the bill by passing this amendment.

Mr. Chairman, I urge my colleagues to vote against it. Again, I think the gentleman is well-intended, both by this amendment and his previous amendment, in trying to get many pilots trained on an expedited basis and get many pilots, a large percentage of them, armed within a certain period of time.

I also realize his mistrust of the bureaucracy. We have seen that sometimes we assign tasks, and that task is not fulfilled or somehow gets distorted. Again, I understand his motivation, but must reluctantly oppose his amendment.

□ 1430

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

I would like to inquire of the offerer of the amendment, the gentleman from Indiana (Mr. HOSTETTLER), why he withdrew the amendment in the first place, Mr. Chairman, and I yield to the gentleman.

Mr. HOSTETTLER. Mr. Chairman, I would be glad to answer that question. The fact is that staff of the House had a different form, had a different paper that had transposed the numbers 7 and 8 on their sheets and had said that when I initially offered amendment No. 7, which is the amendment that is pending before us now, which is No. 7 and has always been No. 7, according to their paper was No. 8. So they spoke to the amendment No. 8 and all of us, including myself, were considering No. 7, that is actually No. 7. So I offered, because that was the best information at the time and was informed that we should do that, and so I asked unanimous consent to withdraw it and then to bring it up at a later time.

Then it was found out between that time and the previous amendment No. 8 that, in fact, the transposition had taken place, and so that is where we find ourselves now.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for explaining the circumstances which caused a great deal of consternation on the floor and caused us to debate this amendment twice.

As I said in debate the first time the amendment was offered, it goes contrary to the underlying principle of this entire bill, which is armed pilots. Because they have previous military or law enforcement experience, they know how to handle guns, they know how to handle a turbulent situation that clearly would be the case in the attempt of a hijacking of a lethal nature and, therefore, one of the principal motivating factors for this legislation.

Now the gentleman proposes to strike the preference in the bill which emerges from that underlying premise. I find it a contradiction in terms.

Furthermore, the language that the gentleman seeks to strike is a preference. It is not a prohibition, as I discussed in exchange with the gentleman from California. It is not an exclusion of anyone else, any person other than those in the two categories of previous military or law enforcement experience. So it just seems to me to be a puzzlement as to why we would. Notwithstanding the gentleman's explanation, I find it contrary to the amendment, contrary to the purpose of this legislation; and I urge my colleagues to defeat it.

The CHAIRMAN pro tempore (Mr. DAN MILLER of Florida). The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. HOSTETTLER:

H.R. 4635

Page 11, after line 9, insert the following:

''(i) LIMITATION ON AUTHORITY OF AIR CARRIERS.—No air carrier shall prohibit or in any way refuse or discourage a pilot employed by the air carrier from becoming a Federal flight deck officer under this section. No air carrier shall—

''(1) prohibit a Federal flight deck officer from piloting an aircraft operated by the air carrier, or

''(2) terminate the employment of a Federal flight deck officer,

solely on the basis of his or her volunteering for or participating in the program under this section.

Page 11, line 11, strike ''(i)'' and insert ''(j)''.

Page 13, line 20, strike ''(j)'' and insert ''(k)''.

AMENDMENT NO. 9, AS MODIFIED, OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I respectfully ask unanimous consent to modify amendment No. 9 with the text that I have now and will deliver.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 9, as modified, offered by Mr. HOSTETTLER:

Page 11, after line 19, insert the following:

''(i) LIMITATION ON AUTHORITY OF AIR CARRIERS.—No air carrier shall prohibit or in any way refuse or discourage a pilot employed by the air carrier from becoming a Federal flight deck officer under this section. No air carrier shall—

''(1) prohibit a Federal flight deck officer from piloting an aircraft operated by the air carrier, or

''(2) terminate the employment of a Federal flight deck officer,

solely on the basis of his or her volunteering for or participating in the program under this section.

Page 11, line 20, strike ''(i)'' and insert ''(j)''.

Page 14, line 5, strike ''(j)'' and insert ''(k)''.

The CHAIRMAN pro tempore. Is there objection to the modification offered by the gentleman from Indiana?

There was no objection.

Mr. HOSTETTLER. Mr. Chairman, this amendment that I am proposing today would clarify what I believe this bill infers. Air carriers would simply be prevented from firing or otherwise discouraging those pilots who join the flight deck officer program. It also ensures that air carriers cannot prohibit Federal flight deck officers from flying their aircraft.

This amendment simply ensures that the brave pilots who volunteer to protect the citizens of this country will not be discriminated against by airline carriers.

I want to ensure that terrorists know that if they attempt to hijack one of our airliners, in all likelihood they will not succeed. Given that pilots are not yet armed at this point, we have to ask: If an armed pilot is not the last line of defense against hijackers, where does that leave us?

In a recent Committee on Armed Services hearing, I asked the commander in chief of the North American Aerospace Defense Command, General Ralph Eberhart, about what happened on September 11 when it was determined that the fourth plane, Flight No. 93 which crashed in Pennsylvania, may in fact have been aiming to target our Nation's capital.

I asked, ''What were the actions that NORAD contemplated?'' General Eberhart stated, ''At that time, the authority was passed, if we believed that, in fact, it constituted a threat to people on the ground, that we could take action to shoot it down.

''The decision was made rather than to go out and try to meet this airplane to stay over New York City and Washington, D.C., in case, if we left it uncovered, there was another airplane coming. So had we seen it continue toward one of those metropolitan areas or we were sure it was going to another metropolitan area, be it Baltimore or whatever, we would have engaged the airplane and shot it down.''

He went on, ''Obviously, we're always hoping, and we don't do that until the last minute because we were hoping that, as those brave souls attempted, that maybe they regained control of the aircraft or that the hijackers changed their mind. So we don't want to do this prematurely, and we want to see a hostile act, and we want to see it pose a threat.

''So we take this action after a lot of deliberation and to ensure that we have no other option. But we were prepared and we would have been able to shoot that aircraft down had we needed to.''

I then asked General Eberhart: ''General, there is still an action item that your command may be responsible for doing something that was similar to what was contemplated on September 11, are you not? That is still a possibility?''

General Eberhart said, ''Regrettably, I'm afraid that's always going to be a possibility now. We redefined it on 9–11, and we now train for that. We've established the procedures for that. We exercise for that, hoping that that would never happen. But hope's not a good strategy.''

General Eberhart's remarks are obviously very telling. If terrorists get control of a commercial airline, the only alternative is for the Air Force to shoot it down. Does it not seem reasonable to insert one more preventive step before an F–16 launches a missile at a passenger plane? We allow law enforcement officers, animal control officers, and forest rangers to carry their weapons on airplanes. Why not the individuals entrusted with the safety of the plane itself? These are the people we entrust with our lives every time we board a flight, and the majority of them possess distinguished military backgrounds. These are the ones who are trained in responding to life and death situations in a moment's notice.

Several months ago, I had the opportunity to join several commercial pilots and pilots associations in a press conference to agree that they, not F–16 missiles, are the preferred last line of defense against an attempted terrorist takeover of a commercial aircraft. They strongly prefer firearms to stun guns to do the job most effectively. In fact, every law enforcement official who uses a Taser backs it up with lethal force; no one depends on Tasers alone.

I will add that the open market currently offers some ammunition suitable for firing onboard aircraft.

These facts, combined with the fact that this bill shields the airlines from liability, leave no reason for the airlines to prohibit pilots from protecting their planes and passengers. This amendment simply ensures that pilots are able to do just that. I ask the House for its acceptance.

Mr. MICA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am pleased to rise in support of the amendment of the gentleman from Indiana. I strongly support his amendment before us.

I would like to thank the gentleman from Indiana for his making changes that have allowed us to support this amendment. While we have not received any indications from airlines that they would prohibit pilots from participating in the program, we feel pilots deserve ample protection in this matter. Pilots should not be punished for their desire to protect their aircraft, their crews, or their passengers from terrorists. I urge support of this amendment.

I might also say, since this will probably be the last amendment, I believe, offered, that it is important to respond to a couple of other items relating to the airlines and their participation in this program.

The very distinguished gentleman from Michigan (Mr. EHLERS), whom I greatly respect, a member of our committee, he rose in opposition. His opposition is primarily centered around giving the airlines the ability to opt out of this program. The gentleman from Indiana's amendment restrains the airlines from interfering with a pilot participating in this program; and we think that that approach, that provision is good.

I do think that the gentleman from Michigan is well intended to allow airlines to opt out, and that is something

they requested before. However, we have given them unprecedented exemption and liability, and I think that that should cover them. Again, my concern is that if we had one more incident of an airliner being taken out that we would not have to worry about airline survival; we would not have to worry about the economy, because they would all be going down the tubes. We have seen what the incidents of 9–11 have brought to us, and we are still trying to recover economically, and our airlines are trying to recover. So this is a good provision. It protects the pilots.

We have also heard in the debate today about the pilots, and I want to remember today some of the captains that flew those planes on September 11. If they had had the ability to defend themselves, if even one of them had had the ability to be armed, we could have saved destruction; we could have saved lives.

Some of those brave captains were Captain Jason Dahl, and he was the pilot on United Flight 93. On United Flight 175 was Captain Victor Saracini. On American Flight 11 was Captain John Ogonowski, and on American Flight No. 77 was Captain Charles Burlingame. If even one of those captains had had the ability to defend himself, history today might be entirely different.

We do not want anything to interfere with pilots' ability to defend themselves. Yes, I would like to have more pilots trained, and I would like to expedite this whole program. But again, our compromise does not allow that.

Finally, let me respond to the gentlewoman, also a distinguished Representative who serves on our committee, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), and she referred to the TSA experts. Well, I will tell my colleagues, I would rather put my trust and faith in the pilots. We have to understand that sometimes we get letters from our constituents around the country and we get maybe 100, sometimes many hundreds of letters on a particular issue. As chairman of the Subcommittee on Aviation, I was presented with petitions from 58,000 pilots and many of their families who signed petitions asking us for this legislation. As I have said in the past, this is not something we just cooked up in the back room; this is not something that I sprung out. In fact, I was kind of lukewarm at the beginning. But the more I saw, the more I heard from pilots who see the weaknesses in our aviation security system. I put my trust in those pilots, and that is why we have moved forward with this bill.

□ 1445

It is not a perfect measure, by any means, but it is a good bill, a good start. I support the gentleman's amendment, and urge its adoption.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment of the gentleman from Indiana (Mr. HOSTETTLER), as further amended in the version just read by the Clerk, is acceptable. I did not think it was necessary to take this step, but I think we have agreed on both sides of the aisle to accept the gentleman's amendment.

Mr. Chairman, on the overall measure before us, since this is apparently the last amendment, and hopefully we will vote in the next 10 or 15 minutes, it is a good time to reflect back on where we are and where we have come with this legislation.

The gentleman from Florida (Chairman MICA) has already referenced the strong support of the commercial airline pilot community for this legislation, and that certainly has become evident in the months since the tragic events of September.

When first approached with the idea of arming flight deck crews, I was opposed to the idea. I have mentioned this in my opening remarks on the legislation. But as I weighed the progress being made by the Transportation Security Administration in putting in place the many provisions of our Transportation Security Act of last November, it became very clear that the interlocking web of security measures that we envisioned in that legislation is not in place.

Secondly, pilots are concerned about the order of the President to NORAD to scramble, whether active Air Force units or Air National Guard units, to intercept a plane on which there may be a skyjacking of the September 11 type.

Pilots rightly have said if that occurs, the pilot in command of the attacking jet could well be my right-hand pilot on the weekday, and on the weekend he would be ordered to scramble to shoot down my aircraft and my passengers, and I do not want that to happen. I want to be, if that is the case, the obstacle of last resort.

Now, in aviation security, as in aviation safety, the entire structure is dependent upon a web of redundancies. We have backups for virtually every aviation safety system, and so we have done in crafting the Transportation Security Administration Act to establish a web of redundant security measures that back up and overlap one another.

Those measures are now being put in place with great vigor by the Department of Transportation, by Secretary Mineta, Under Secretary Jackson or Deputy Secretary Jackson and Under Secretary McGaw, but it is a huge and daunting task.

They have gone through spring housecleaning and they have cleaned out the old system while still keeping its structure in place and preparing to replace it. They have established a training curriculum for the instructors of the security screeners. They have established a system to recruit screeners who comply with the requirements of our law. They are in the process of training those security screeners, and have already put the first increment in place at Baltimore-Washington International Airport to test out the training curriculum, the operation of the new Federal security screeners, and to take those lessons into the classroom for the next wave of security screeners.

They have moved vigorously at TSA to work with the industry producing explosive detection systems, the two companies that produced the two versions of explosive detection systems, and are encouraging them and are helping, with all the resources of the government, to have multiple production of these units by other companies.

The CHAIRMAN pro tempore (Mr. DAN MILLER of Florida). The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 5 additional minutes.)

Mr. OBERSTAR. Mr. Chairman, that is under way, but it is proving very difficult to manufacture this equipment in the time frame envisioned. We knew that a year ago. We knew very well it was going to be difficult to comply with, but this House, with an overwhelming vote, supported that legislation, supported those deadlines, because the public insisted on security in our aviation system.

The protection for the flight deck, there was an interim measure that has now been in place for securing all flight deck doors, as an interim measure. There is under way with Boeing and Airbus a development of the ultimate flight deck secure door that has yet to be certified by the FAA, although the FAA is in the process of final evaluation, and hopefully yet by the end of this summer they will be able to certify that the flight deck doors proposed by the two aircraft manufacturing companies will be able to withstand all of the assault measures envisioned on board an aircraft. So that piece of the web security is not in place.

We do not have positive passenger bag match required on all flights in the domestic service.

We do not have a universal biometric system for identifying potential problem travelers. I think that, too, needs to be put in place.

Absent all of those measures being put in place to provide the ultimate security for aviation that we envisioned in the Transportation Security Act, this bill before us does provide the next logical and responsible step of a test program to arm and to train pilots in the use of those armaments on board aircraft.

I hope that the amendments offered will be rejected. They are not in conformity with the spirit of the legislation. If they are not rejected, I will be constrained to oppose this bill. I do not want to oppose it, but if these amendments or if any one of them is adopted, except the one on which we have agreed, then I feel the bill and the bipartisan spirit will have failed and I

will not be prepared to go forward with this legislation.

I know that the chairman of the subcommittee and the chairman of the full committee have expressed their opposition to all but this one amendment, and we anticipate that there will be a satisfactory outcome, that the amendments will be rejected, and that the underlying bill can then be adopted by the House and be sent on to the other body, and hopefully to the President.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, not very often do we find ourselves trying to stretch out the time. I guess leadership is downtown and they want to stretch it out until 3 o'clock.

One of the enjoyable things about this debate, and I see my friend, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA), but I have seen some people that, in my opinion, do not know what they are talking about. But even in that light, they were offering constructive types of legislation or comments that were in good faith. I think that is why this debate has been so healthy.

Quite often on this floor we sit here, and because it is an election year, there is partisan rancor. I want to thank my colleagues on the other side that that has not been the case. There has not been a partisan issue on this, and although we may disagree, it is based on wanting to help the American public.

With that, I would say that I disagree with my friend, the gentleman from Minnesota (Mr. OBERSTAR), on the amendment. I would say that it has been established that it is a benefit to have our aviators armed in the cockpit. If that is the case, should we only arm 2 percent of our Capitol Police? I think not, because 100 percent of our Capitol Police armed gives us better protection.

Should we arm 100 percent of our aviators? No, because I also agree with the gentleman that not 100 percent of aviators should carry a weapon, or even qualify for that. But I think a goal of that would be correct.

Of those that are allowed to do that, I think the training should be very, very intensive, with modern techniques, in the problems they may incur in a highly pressurized aircraft at elevation.

Our marshals carry weapons, 100 percent of them. I think we ought to achieve that goal, and the DeFazio-Thune amendment I believe should pass. I would be sad if the gentleman that has tried so hard to craft a good bill, the gentleman from Minnesota (Mr. OBERSTAR), would oppose it because of that; but I think that the American people have spoken, the airline pilots have spoken, and I think this body will speak, and I expect that overwhelmingly to pass. I would hope the gentleman would join us in this with enthusiasm.

Mr. Chairman, I would take a look at professional aviators. I looked at the one amendment as far as preference. The reason I asked my friend if military and law enforcement had preference, but did not eliminate, I want to tell the gentleman, I have known some aviators that the only pistol they have ever handled was a .38 during qualifications when they were going through the AOC program in training; so again, they may have precedents, but there are people that I hunt and fish with that have far more experience.

If we look at Suzie Brewster, a former Member's wife, I would trust her in a cockpit with a weapon, and she has never been in law enforcement or been an aviator, more than I would some of my pilot friends. I would not want those individuals eliminated. I was glad to see that they are not.

I think there needs to be a real close look at the requirements and the capability and the overall experience, not just because they are in the military or in law enforcement.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, on the matter of the cap and the last point the gentleman made, the point of the bill, of doing a 2-year test and then evaluating, was to work out some of the very concerns the gentleman expressed.

The gentleman is quite right, that not all pilots that we know are qualified to handle a gun. That is why there is the training requirement in the legislation, to prepare and hopefully to weed out people who really do not qualify.

The idea of undertaking this limited program to test out these ideas and to ascertain the effects of a misfired gun in the cockpit that might send a bullet through the autopilot or through the flight deck computer are necessary preconditions. Then we stop, take stock, and the Secretary or the under secretary could make the determination to open it up to all pilots. But I think this is a matter of walking before we run.

□ 1500

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman and I understand his argument except the fact that I know, I do not have to study it, I know if I was in a cockpit of an airplane, I would want to be armed as protection because that guy is going to cut my throat and I want to be able to defend not only myself but the pilots in the back, and I do not need a pilot program.

Mr. LIPINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise at this time to reluctantly support the Hostettler amendment No. 9. I have said repeatedly I was opposed to all amendments that would be offered to this piece of legislation. But fortunately amendment No. 9 is an amendment which I do not believe breaks the delicate balance that we have achieved in this bipartisan piece of legislation. So I am reluctantly willing to support it.

I would like to go on to say, though, that the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), mentioned that if the DeFazio amendment were to pass that he would reluctantly have to be opposed to the bill, and I would want to say that I would have to be also.

The gentleman from Florida (Mr. MICA), the gentleman from Alaska (Mr. YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and myself and our staff, particularly the staff, have worked enormously hard on putting this bill together. All of us in this body are interested in improving security and safety in our skies. But until we really get into a piece of legislation, we will not understand what ramifications it can have. And that is why it is so important that this bill that we have put together be passed without any amendments that would harm it, because these amendments that have been proposed have very serious ramifications which we who deal with aviation on a day-in and day-out basis and our staff that does it on a day-in, day-out basis realize what these ramifications will be in trying to implement this program if the program is changed.

So I ask all my colleagues to support the bill, the manager's amendment that was brought here to the floor, and oppose all the other amendments that are opposed by the ranking member of the full committee, by myself, by the chairman of the Subcommittee on Aviation, and by the chairman of the full committee.

Mr. Chairman, I also remind my colleagues if they really want to do something for aviation safety and security, support this bill in its present context without amendments because, once again, I say the administration is really opposed to arming pilots with lethal weapons. The Secretary of Transportation is and the Under Secretary for Security is also. And if we expand this bill too far, you can rest assured that the administration ultimately will veto this piece of legislation. So to prevent that from happening, please defeat all amendments.

The CHAIRMAN pro tempore (Mr. DAN MILLER of Florida). The question is on the amendment, as modified, offered by the gentleman from Indiana (Mr. HOSTETTLER).

The amendment, as modified, was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 11, offered by the gentleman from Oregon

(Mr. DEFAZIO); amendment No. 8, offered by the gentleman from Indiana (Mr. HOSTETTLER); amendment No. 7, offered by the gentleman from Indiana (Mr. HOSTETTLER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 11 OFFERED BY MR. DEFAZIO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 250, noes 175, not voting 9, as follows:

[Roll No. 288]

AYES—250

Abercrombie
Aderholt
Akin
Armey
Baca
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Berry
Biggert
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Everett
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Holden
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kind (WI)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Manzullo
Matheson
McHugh
McInnis
McIntyre
McKeon
McNulty
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moran (KS)
Nethercutt
Ney
Northup
Nussle
Ortiz
Ose
Otter
Owens
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (SC)
Wolf
Wu
Young (FL)

NOES—175

Ackerman
Allen
Baldacci
Baldwin
Becerra
Bentsen
Bereuter
Berkley
Berman
Bishop
Blumenauer
Bono
Borski
Brady (PA)
Brown (FL)
Burr
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Ehlers
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Frelinghuysen
Frost
Gephardt
Gibbons
Gonzalez
Goss
Gutierrez
Harman
Hinojosa
Hoeffel
Hoekstra
Holt
Honda
Hooley
Horn
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kirk
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Mink
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Oberstar
Obey
Osborne
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Quinn
Radanovich
Rangel
Rivers
Rodriguez
Roemer
Rogers (KY)
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skeen
Slaughter
Smith (MI)
Snyder
Solis
Souder
Spratt
Stark
Tauscher
Thomas
Thornberry
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weller
Wexler
Wilson (NM)
Woolsey
Wynn
Young (AK)

NOT VOTING—9

Andrews
Barrett
Bonior
Delahunt
Hastings (FL)
Norwood
Olver
Roukema
Traficant

□ 1534

Messrs. WYNN, SKEEN, CROWLEY, PALLONE, ACKERMAN, RUSH, CLYBURN, and BISHOP, Ms. McKINNEY, Mrs. CAPPS, and Mrs. NAPOLITANO changed their vote from ''aye'' to ''no.''

Messrs. POMBO, TERRY, COSTELLO, FORD, SESSIONS, ENGLISH, McHUGH, GREENWOOD, STUPAK, GILCHREST, and Mrs. NORTHUP changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. DAN MILLER of Florida). Pursuant to clause 6, rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 8 OFFERED BY MR. HOSTETTLER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 256, not voting 9, as follows:

[Roll No. 289]

AYES—169

Akin
Armey
Baca
Bachus
Barcia
Bartlett
Bass
Berry
Biggert
Blagojevich
Blunt
Boehner
Bonilla
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burton
Buyer
Cannon
Cantor
Capito
Carson (OK)
Chabot
Chambliss
Clement
Coble
Collins
Condit
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Culberson
Davis, Jo Ann
DeFazio
DeLay
DeMint
Diaz-Balart
Doolittle
Duncan
Ehrlich
English
Everett
Flake
Fletcher
Foley
Forbes
Gallegly
Gilchrest
Goode
Goodlatte
Gordon
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutknecht
Hall (OH)
Hansen
Harman
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Holden
Hostettler
Hulshof
Hunter
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
Kind (WI)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Latham
Leach
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Luther
Manzullo
Matheson
McCrery
McInnis
McIntyre
McKeon
McNulty
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moran (KS)
Nussle
Ortiz
Ose
Otter
Paul
Pence
Peterson (MN)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Riley
Rogers (KY)

Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shows
Skelton
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Thune
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf

NOES—256

Abercrombie
Ackerman
Aderholt
Allen
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Barton
Becerra
Bentsen
Bereuter
Berkley
Berman
Bilirakis
Bishop
Blumenauer
Boehlert
Bono
Boozman
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Callahan
Calvert
Camp
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Clayton
Clyburn
Combest
Conyers
Coyne
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goss
Greenwood
Gutierrez
Hall (TX)
Hart
Hastings (WA)
Hefley
Hinojosa
Hoeffel
Hoekstra
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kirk
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Mink
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Oberstar
Obey
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Petri
Price (NC)
Putnam
Quinn
Rahall
Rangel
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (MI)
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Serrano
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Wexler
Whitfield
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Andrews
Barrett
Bonior
Delahunt
Hastings (FL)
Norwood
Olver
Roukema
Traficant

□ 1546

Mr. DAN MILLER of Florida, Ms. PELOSI, and Mr. FRANK changed their vote from ''aye'' to ''no.''

Messrs. BRADY of Texas, CULBERSON, ROHRABACHER, and LEACH changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. HOSTETTLER

The CHAIRMAN pro tempore (Mr. DAN MILLER of Florida). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 49, noes 376, not voting 9, as follows:

[Roll No. 290]

AYES—49

Akin
Baird
Bonilla
Bono
Boucher
Cannon
Cantor
Combest
Condit
Cooksey
DeLay
DeMint
Doolittle
Flake
Goode
Goodlatte
Gordon
Graves
Gutknecht
Hayes
Hostettler
Hulshof
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
LaHood
Linder
Lucas (OK)
Miller, Gary
Miller, Jeff
Ney
Paul
Pence
Peterson (MN)
Platts
Pombo
Rehberg
Rogers (MI)
Royce
Schaffer
Sessions
Shadegg
Shimkus
Tancredo
Toomey
Vitter
Wilson (SC)

NOES—376

Abercrombie
Ackerman
Aderholt
Allen
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Boozman
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)

Wolf	Wu	Young (AK)
Woolsey	Wynn	Young (FL)

NOT VOTING—9

Andrews	Delahunt	Olver
Barrett	Hastings (FL)	Roukema
Bonior	Norwood	Traficant

□ 1556

Mr. HEFLEY changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. Are there any further amendments to this bill?

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time simply to state the case of the status of this legislation. With passage of the first amendment, the DeFazio, et al. amendment, the House has voted to make all 70,000-plus commercial airline pilots eligible immediately to be armed and trained to carry guns in the flight deck. That is fine. I am just stating the case of where we are.

The House has voted to delete the requirement for a 2-year pilot program, a test program, after which the plan was to stop, take stock and decide what issues needed to be addressed, what problems need to be fixed, and then to proceed with a permanent program if the Transportation Security Administration decided to do so.

Under this legislation, even if the initial deployment demonstrates that there are safety problems, even if we learn in the initial going in a year or so in this initiative that there are safety problems or the program is ineffective in preventing a skyjacking, or if doors are installed to make the flight deck secure, as will happen next summer, according to the current schedule, this program is permanent. There is no stop, take stock, and decide whether to go permanently with it.

□ 1600

At a cost of $8,000 of training per pilot per year, the cost is in excess of $500 million a year. The Transportation Security Administration will have to start training within 2 months of enactment of the legislation.

Mr. Chairman, in the end, the current status of this bill violates, in my opinion and in reality, the agreement that we worked out on a bipartisan basis to bring to the floor measured, responsible, stop, take stock, before you go ahead, assess the effect of this program in a 2-year initiative and then decide whether to go ahead on a permanent basis.

That is now gone. I can no longer support the legislation in this form, and I urge a no vote on passage.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this has been one of the more honorable debates that I have taken part in, and my utmost respect goes to the gentleman from Minnesota (Mr. OBERSTAR). You will not find very many times that I vote with the gentleman from Oregon (Mr. DEFAZIO), so you know when I do it, it is pretty bipartisan.

But I want to tell Members that although it makes 100 percent allowable, that will never be reached. The only people that are going to be allowed in those cockpits are people that are qualified, that are trained and that complete the training; and that will never reach 100 percent, and it should not. All this did was raise the cap. If it is true that we should only have 2 percent, then why do we not just arm 2 percent of our Capitol Police? Arming 100 percent of them that are qualified makes it safer for all of us.

This is a bipartisan agreement. I think that you will see the vote on the DeFazio amendment was one of the most bipartisan votes we have had this year. Not just committee members, but of this body, of this House.

It is a good amendment. It makes our airways more safe. For that reason, I strongly support this. I ask Members to support the bill.

And I would also like to again express my appreciation to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I appreciate the gentleman's kind remarks. He said that previously.

It was a very balanced debate and one that stuck to the issues, and in the interest of sticking to the issues, I just want to point out further that while the underlying bill had a 2-year program, stop, take stock before going ahead, the bill, as now constructed, does not have that stop, take stock provision. That is my concern.

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, the reason I did not vote for the Hostettler amendment, it required 30 percent within 30 days. There was no way to do that if the percentage was increased. I think that is why the DeFazio amendment strikes a good balance on this and gives us the maximum amount of protection.

I urge my colleagues on both sides to support this bill. It is a good bill for the American people. They want it, the American Pilots Association wants it.

God bless you.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is not often I disagree with the gentleman from Minnesota (Mr. OBERSTAR), who knows more about aviation than probably everybody on the floor of the House put together, but I do respectfully rise to disagree with his conclusion that Members should vote against this bill. Let me quickly lay out a case.

The threshold was crossed on a bipartisan basis by the Democrats and the Republican leaders of the Committee on Transportation and Infrastructure that there is a credible threat that continues in aviation. I can tell you it is going to be a very, very long time, if ever, before we have flight decks similar to what El Al, has where the pilots can go in and stay there until they land because they have a lav and food service. We are not even anticipating that.

We are seeing the FAA drag their feet on just giving us a door that can't be battered down by a deranged individual from Brazil with his head. They are dragging their feet on that, so it is going to be a long time before those flight decks are as secure as we want. At El Al, until they reached that point in time, they did arm their pilots. They never had an incident.

These are highly trained people. These are people you trust with your lives every week when you fly in those planes. These are people who do not want to feel helpless in losing control of their airplane to terrorists.

I am not going to say this is the most credible threat. Personally, I believe explosives are the most credible threat to killing people, maybe even personal explosives.

This continues to be a threat, and the leaders of the committee decided it was a threat, so the question becomes, why should we at that point restrict to 2 percent, which would be known to every terrorist in the world, of the pilots, on a daily basis? That would mean that less than one-half of 1 percent of the pilots flying would be armed because of the flight schedules they keep on a monthly basis.

So if you are a terrorist intent on mayhem and your chances are 99.5 to 1 that you are going to be successful, you might just take a chance. But with this amendment, we have created the uncertainty.

I would suggest that we will classify the number of pilots who have undergone the training and qualified, and it will be just like the sky marshals. You are not going to know how many of them are up there or whether they have a gun or do not have a gun. You are going to create that element of uncertainty for these people, so then they will try maybe some other place in the system to get us, and we have to be closing those gaps with explosives and maritime and all those other things.

So I respectfully disagree with the gentleman's conclusion that because of that we should vote against this bill. There is still administrative discretion. There will still be a conference with the Senate. If the gentleman finds horrible problems in terms of the pace or whatever, we can work on those things. But to kill the bill now would be to deny the threat that was identified on a bipartisan basis by the leaders of the committee and the American public and deny the American public this credible protection.

Mr. LIPINSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from Oregon (Mr. DEFAZIO) and I have fought many, many fights on this floor,

and in subcommittee and full committee, and on most occasions, unfortunately, we lost. Today I am sorry to say that he won and I lost.

I think that the people who really lost here are the American flying public. We had a bill that the leadership of the committee on both sides agreed to. It was a balanced bill, it was a prudent bill, it was a cautious bill, it was a bill that really would be effective in the long run.

The Senate was not even interested in that bill. It was our hope that we could pass this bill here today by overwhelming numbers so that the Senate would be forced to take up that bill.

By passing the DeFazio amendment today, it ensures that you are not going to have the Senate take up this bill. If, through some miracle, the Senate does take up the bill, the Secretary of Transportation and the Under Secretary of Transportation for Security, has already come out against weapons of this nature being on planes with pilots. The administration has said nothing on this because their Secretary of Transportation has already come out in opposition.

If we really want to do something for aviation safety and security, we will now defeat this bill so we can come back with a bill that has a chance of ultimately becoming law. If we want to improve aviation safety and security in this Nation and not make a point for a special interest group along political lines, we will vote against this bill and we will come back with a new one very shortly that has a chance.

The CHAIRMAN pro tempore (Mr. DAN MILLER of Florida). Are there any further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NETHERCUTT) having assumed the chair, Mr. DAN MILLER of Florida, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4635) to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes, pursuant to House Resolution 472, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. OBERSTAR. Mr. Speaker, I demand a separate vote on the so-called DeFazio amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

If not, the Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment No. 11 offered by Mr. DEFAZIO:

Page 2, line 12, strike ''pilot''.

Page 3, lines 8 and 9, strike ''selecting, training,'' and insert ''training''.

Page 3, line 9, after ''pilots'' insert ''who are qualified to be Federal flight deck officers''.

Page 3, line 10, strike the semicolon and all that follows through ''first'' on line 17.

Page 9, strike lines 3 through 9.

Page 9, line 10, strike ''(5)'' and insert ''(4).

Page 9, line 24, strike the comma and all that follows through the comma on line 25.

Page 11, strike line 20 and all that follows through line 4 on page 14.

Page 12, line 21, strike the comma and insert ''and''.

Page 12, line 23, strike the comma and all that follows through ''program'' on line 24.

Page 14, line 5, strike ''(j)'' and insert ''(i)''.

Mr. OBERSTAR (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 251, nays 172, not voting 11, as follows:

[Roll No. 291]

YEAS—251

Aderholt
Akin
Armey
Baca
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Berry
Biggert
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Everett
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Holden
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kind (WI)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Manzullo
Matheson
McHugh
McInnis
McIntyre
McKeon
McNulty
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moran (KS)
Nethercutt
Ney
Northup
Nussle
Ortiz
Ose
Otter
Owens
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Wu
Young (FL)

NAYS—172

Abercrombie
Ackerman
Allen
Baldacci
Baldwin
Becerra
Bentsen
Bereuter
Berkley
Berman
Bishop
Blumenauer
Bono
Borski
Brady (PA)
Brown (FL)
Burr
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Ehlers
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Frank
Frelinghuysen
Frost
Gephardt
Gibbons
Gonzalez
Goss
Gutierrez
Harman
Hinojosa
Hoeffel
Hoekstra
Holt
Honda
Hooley
Horn
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kirk
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Mink
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Oberstar
Obey
Osborne
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Quinn
Rangel
Rivers
Rodriguez
Roemer
Rogers (KY)
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skeen
Slaughter
Smith (MI)
Snyder
Solis
Souder
Spratt
Stark

Tauscher
Thomas
Thornberry
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wynn
Young (AK)

NOT VOTING—11

Andrews
Barrett
Bonior
Delahunt
Hastings (FL)
Norwood
Olver
Radanovich
Roukema
Traficant
Waters

□ 1628

Mr. COX changed his vote from ''nay'' to ''yea.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Ms. SANCHEZ, Mr. Speaker, today I cast a vote in error on rollcall No. 291. It was my intention to cast a no vote on this rollcall.

□ 1630

The SPEAKER pro tempore (Mr. NETHERCUTT). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 310, nays 113, not voting 11, as follows:

[Roll No. 292]

YEAS—310

Ackerman
Aderholt
Akin
Armey
Baca
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Castle
Chabot
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Everett
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Mica
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—113

Abercrombie
Allen
Baldacci
Baldwin
Becerra
Bentsen
Bereuter
Berman
Blumenauer
Borski
Brady (PA)
Brown (FL)
Burr
Capuano
Carson (IN)
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
DeLauro
Doggett
Dooley
Doyle
Ehlers
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Frost
Gephardt
Gibbons
Gonzalez
Gutierrez
Hinojosa
Hoeffel
Hoekstra
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kaptur
Kilpatrick
Kleczka
Kucinich
LaFalce
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
Meek (FL)
Menendez
Millender-McDonald
Mink
Moran (VA)
Morella
Neal
Oberstar
Obey
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rivers
Roybal-Allard
Rush
Sabo
Sawyer
Schakowsky
Scott
Serrano
Skeen
Slaughter
Smith (MI)
Snyder
Solis
Souder
Spratt
Stark
Thomas
Tierney
Towns
Udall (CO)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Woolsey

NOT VOTING—11

Andrews
Barrett
Bonior
Chambliss
Delahunt
Hart
Hastings (FL)
Norwood
Olver
Roukema
Traficant

□ 1646

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ANDREWS. Mr. Speaker, I was unable to travel to Washington, DC on July 10, 2002 because I was attending the burial of Firefighter Thomas G. Stewart III, who died in the line of duty on July 4th, 2002 in Gloucester City, New Jersey.

Had I been present, I would have voted ''yea'' of rollcall No. 292, H.R. 4635, the Arming Pilots Against Terrorism Act.

Mr. CHAMBLISS. Mr. Speaker, on rollcall No. 292, I was unexpectedly detained.

Had I been present, I would have voted ''yea.''

Ms. HART. Mr. Speaker, on rollcall No. 292, I was unavoidably detained.

Had I been present, I would have voted ''yea.''

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4635, ARMING PILOTS AGAINST TERRORISM ACT

Mr. MICA. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4635, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. NETHERCUTT). Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4635.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4865

Mr. QUINN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4865, the National Forest Roadless Area Conservation Act of 2002.

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

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON SCIENCE

Mr. QUINN. Mr. Speaker, I offer a resolution (H. Res. 477) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 477

Resolved, That the following Member be and is hereby elected to the following standing committee of the House of Representatives:

Science: Mr. J. Randy Forbes.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4600

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4600.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ROSS) is recognized for 5 minutes.

(Mr. ROSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

(Mr. DUNCAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PUNISH UNETHICAL CEOS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. GANSKE) is recognized for 5 minutes.

Mr. GANSKE. Mr. Speaker, I am outraged by the corporate scandals that are causing so much pain to Americans. I have listened to fellow Iowans who worked for the natural gas company that merged into Enron tell me with tears in their eyes that most of their pensions were wiped out in the Enron collapse.

Workers are taking it on the chin. WorldCom is laying off more than 17,000 people. Many more at other companies are legitimately worried. Besides the workers and pensioners directly affected, almost 50 percent of Americans now invest in the stock market and some are looking at their lifetime investments become pennies in a matter of days. The stories of greedy executives who cut corners to make themselves a profit at the expense of everyone else are becoming a daily occurrence. This has become such a problem that the loss of faith of investors in the capital markets threatens our Nation's security.

So how did the capitalist threaten capitalism? For the CEO's victory is measured in profits to boost stock prices to enable them to cash in options. It is clear that some CEOs overaggressively pursued paper profits, even if it meant cheating the investors who provided the capital. These CEOs used various strategies to cheat others. Let me simplify their executive self-dealing.

I am indebted to columnist Paul Krugman of the New York Times for this example. Imagine the manager of an ice cream parlor who wants to get rich the easy way. First there is the Enron strategy. The ice cream manager assigns contracts to provide customers with an ice cream cone a day for the next 30 years. He deliberately underestimates the cost of providing each cone. This ice cream CEO then books all the projected profits on those future ice cream sales as part of this year's bottom line. Suddenly he appears to have a highly profitable business and sells shares in his store at inflated prices.

Then there is the Dynegy strategy. Ice cream sales are profitable. But the ice cream manager convinces investors that they will be profitable in the future. He enters into a quiet agreement with another ice cream parlor down the street, each to buy hundreds of ice cream cones from the other every day or, rather, pretend to buy, no need to go to the trouble of actually moving all those cones back and forth. The result is that this ice cream manager now appears to be a big player in the ice cream cone business world and sells shares at inflated prices.

There is the Adelphia strategy. The ice cream scam artist signs contracts with customers and gets investors to focus on the volume of contracts rather than their profitability. This time he does not engage in imaginary trades. He simply invents lots of imaginary customers. With his subscriber base growing so rapidly, analysts give his ice cream business high marks and he sells his shares at inflated prices.

Finally there is the WorldCom strategy. Here the greedy ice cream manager does not create imaginable sales. He simply makes real costs disappear, pretending the operating expenses like the cost of cream, sugar and flavorings are part of the price of the new refrigerator. So his unprofitable business looks like it is highly profitable and is borrowing money only to purchase new equipment. Once again, the ice cream executive sells his stock options at inflated prices.

Mr. Speaker, back in the Great Depression Congress passed the Securities and Exchange Act of 1933 and 1934. We created the SEC to enforce those laws. The results were protections like boards of directors, independent accounting firms, government regulators. But the system still relied on trusting the competence of the directors, the integrity of the CEOs, the accuracy of the accountants and the abilities of regulators.

It is clear that today the foundation of personal integrity has been eroded by the lure of huge personal profits.

I have been concerned about the need to separate an accountant's consulting function from his auditing work for several years. I supported former SEC chairman Arthur Levitt on his proposal to do that 2 years ago.

So, you ask, what is Congress doing to fix this serious problem? Well, we have held a series of hearings in my committee. Most of time the CEOs take the Fifth. But the House of Representatives has now passed two important pieces of legislation. First, we passed the Pension Security Act, and I will amend this statement with the details of that. Then we passed in the House in a bipartisan fashion the Corporate and Auditing Accountability,

Responsibility and Transparency Act. I will also add some material to my statement on the details of that legislation.

These bills, Mr. Speaker, wait to be acted on by the Senate.

President Bush has also outlined a plan and many of his suggestions we need to look at. Those that cannot be implemented by SEC regulation we should act on.

I think that the rule of law requires that those CEOs who have committed malfeasance, who are no better than street thugs, should spend time in jail. Now that would send a real message. Those responsible for fraudulent strategies like the hypothetical ice cream manager I have talked about should end up in the slammer.

I am outraged by the corporate scandals that are causing so much pain to Americans. I've listened to fellow Iowans, who worked for the natural gas company that merged into Enron, tell me with tears in their eyes that most of their pensions were wiped out in the Enron collapse. Workers are taking it on the chin. WorldCom is laying off more than 17,000 people. Many more at other companies are legitimately worried.

Besides the workers and pensioners directly affected, almost 50% of Americans now invest in the stock market and some are looking at their lifetime investments become pennies in a matter of days. The stories of greedy executives who cut corners to make themselves a profit at the expense of everyone else are becoming a daily occurrence. This has become such a problem that the loss of faith of investors in the capital markets threatens our nation's security.

How did the capitalists threaten capitalism? For the CEOs, victory was measured in ''profits'' to boost stock prices to enable them to cash in options. It is clear that some CEOs over-aggressively pursued paper ''profits,'' even if it meant cheating the investors who provided the capital. These CEOs used various strategies to cheat others. Let me simplify their executive self-dealing. Imagine the manager of an ice cream parlor (example courtesy of Paul Krugman, New York Times) who wants to get rich the easy way:

First there's the Enron strategy: The ice cream manager signs contracts to provide customers with an ice cream cone a day for the next thirty years. He deliberately underestimates the cost of providing each cone. This ice cream CEO then books all the projected profits on those future ice cream sales as part of this year's bottom line. Suddenly he appears to have a highly profitable business, and sells shares in his store at inflated prices.

Then there's the Dynegy strategy. Ice cream sales aren't profitable, but the ice cream manager convinces investors that they will be profitable in the future. He enters into a quiet agreement with another ice cream parlor down the street: each to buy hundreds of cones from the other every day. Or rather, pretends to buy—no need to go to the trouble of actually moving all those cones back and forth. The result is that this ice cream manager now appears to be a big player in the ice cream cone business world and sell shares at inflated prices.

And there's the Adelphia strategy. The ice cream scam artist signs contracts with customers, and get investors to focus on the volume of contracts rather than their profitability. This time he doesn't engage in imaginary trades, he simply invests lots of imaginary customers. With his subscriber base growing so rapidly, analysts give his ice cream business high marks, and he sells shares at inflated prices.

Finally, there's the WorldCom strategy. Here the greedy ice cream manager doesn't create imaginary sales. He simply makes real costs disappear by pretending that operating expenses, like the cost of cream, sugar, and flavorings, are part of the price of the new refrigerator! So his unprofitable business looks like it is highly profitable and is borrowing money only to purchase new equipment. Once again, the ice cream executive sells his stock options at inflated prices.

Back in the Great Depression, Congress passed the Securities Exchange Act of 1933 and 1934 and created the SEC to enforce those laws. The results were protections like boards of directors, independent accounting firms to ensure that the numbers were correct and government regulators to supervise the rules. But the system still relied on trusting the competence of the directors, the integrity of the CEOs, the accuracy of the accountants, and the abilities of regulators.

It is clear that today that foundation of personal integrity has been eroded by the lure of huge personal profits.

Most corporations are honest, but the bad apples have severely damaged the reliability of the reported data upon which people make investment decisions. There is no question that the malfeasance of Arthur Anderson, the schemes of CEOs, and the ineptitude of the boards of insular directors of huge companies like Enron, Global Crossing, Xerox, Dynegy, and our second largest long distance carrier WorldCom, has spooked investors.

I have been concerned about the need to separate an accountant's consulting function from his auditing work for several years and supported former SEC Chairman Arthur Levitt on his proposal to do that two years ago.

What you ask, is Congress doing to help fix this serious problem? Well, my Committee has held numerous hearings on these scandals, even taking testimony under oath from these CEOs (most have taken the Fifth).

The House of Representatives has now passed two important pieces of legislation with bipartisan votes to address the security of retiree's pensions and to help secure the financial future of America's investors and employees.

First we passed the Pension Security Act (H.R. 3762). This bill:

Bars company insiders from selling the own stock during ''blackout'' periods when workers can't make changes to their 401(k)s.

Give workers new freedoms to sell their company stock within three years of receiving it in their 401(k) plan.

Fixed outdated federal rules that discourage employers from giving workers access to professional investment advice.

Empowers workers to hold company insiders accountable for abuses.

Requires that workers be notified 30 days before the start of any ''blackout'' period affecting their pensions.

Then we passed in the House, in a bipartisan manner, The Corporate and Auditing Accountability, Responsibility and Transparency Act (H.R. 3763). This legislation works to end abuses like those made by Enron and Global Crossing. It strengthens corporate responsibility, reforms accounting oversight, and increases corporate disclosure. It will:

Restore confidence in accounting standards.

Increase corporate disclosure and responsibility.

Protect 401(k) plan participants.

Reduce analyst conflicts of interest.

These bills wait to be acted on by the Senate.

President Bush has also outlined a plan that Congress should act on such as requiring corporate CEO's to personally vouch for the veracity of their companies' financial disclosures, prohibiting CEO profit from false financial statements, setting up an independent accounting regulatory board and requiring accounting best practices, not simply minimum standards. Where these proposals can't be implemented by SEC regulation, Congress should act to do so.

Capitalism will survive this latest onslaught. It is clear, however, that government has a hand in making sure that the average investor gets information that isn't ''cooked.'' Honesty is, ultimately, the best policy.

I also think that the rule of law requires that those CEOs who have committed malfeasance, who are no better than street thugs, should spend time in jail. Now that would send a real message to CEOs, CFOs, boards, and accountants in the future that these types of schemes will not be tolerated. Those responsible for fraudulent strategies, like the ice cream manager I hypothesized earlier in this letter, should end up in the slammer.

The SPEAKER pro tempore (Mrs. CAPITO). Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addresssed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. KENNEDY) is recognized for 5 minutes.

(Mr. KENNEDY of Minnesota addresssed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addresssed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EQUITY IN FARM SUBSIDIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, today I rise to discuss the farm bill that will be up in full Committee on Appropriations tomorrow, and I suspect the plans are to bring

that legislation before this Chamber next week.

I would like to discuss my and many others' beliefs that a great inequity exists in our farm policy that has been passed in the farm bill, and the fact that we have a chance to correct that inequity in this appropriations bill.

This is not a new topic in Congress and, as well, it is not a new topic on the floor of the House. As a farmer and a former administrator of farm programs at USDA, as a member of the Committee on Agriculture, I, like most of us, know the importance of providing help to our family farms. The inequity of farm subsidies, because there is no limit on price support subsidy guarantees, results in giving the very large farmers a greater advantage. That means they have price protection on all of the total acreage of the particular crops that they grow that were subsidized by the farm program. That means that we encourage more production and that means that the smaller farmers have a harder time surviving and that means that the larger farmers tend to buy out the smaller farmers.

While reasonable limits have been set for direct price support payments to farmers, these limits are meaningless to large or corporate farms. Why? Because of the creative use of generic certificates. Certs, as they were called, were introduced in 1999 as an amendment to the 1996 farm bill.

□ 1700

They are negotiable certificates which CCC, the Commodity Credit Corporation, exchanges for a commodity owned or controlled by CCC. They were designed to let producers receive the price support subsidy rather than forfeit their crop to the government, but it gives that farmer a loophole, an end run, if Members will, to have the same price supports even though in the farm bill we were told that there are limits of $75,000 on price support payments. But the fact is that there is no limit on that larger farm that owns whatever, 40, 50, 60,000 acres, because he can end up receiving certificates that end up giving that particular landowner the same value as the rest of the price support loans that are subject to the $75,000 limitation.

Sadly, farmers quickly figure out the loophole in the use of certificates that allows these unlimited price supports on the crops that a farmer grows. The more land one farms, the more certificates one can purchase, bypassing any limits that are otherwise existing in the farm bill in current law. The availability of this creative mechanism to bypass limits encourages overproduction and, as I mentioned, the buying up of land from smaller farms.

This is the acquisition of as much land as possible to maximize payments from the government, and I think the bottom-line request is, why should 17 percent of the farms in America get over 80 percent of the commodity payments?

I understood this principle long ago. I understood how forfeitures and certificates became literally overnight methods to circumvent payment limits. I introduced the reform of farm subsidy payments during the House debate on the farm bill last October; however, our farm policy, driven by our agricultural committee leadership favors the certificates that can be used as the loophole or end run to those very large farms.

The Senate, however, successfully implemented reasonable payment limits and curtailed the unlimited use of generic certificates by a vote of 66 to 31.

Then the farm bill came to conference, and on April 18, after days of stonewalling and nonresolution, I introduced a successful motion to instruct farm bill conferees to accept real subsidy payment limitations like the Senate had and limit the unbridled use of generic certificates; and a bipartisan majority of the House overwhelmingly passed that motion by a vote of 265 to 158. It was ignored in conference, and I am still working with Senator GRASSLEY.

Tomorrow, when the Committee on Appropriations meets to discuss this bill, I hope they will look at the effects on the small farmers, the traditional family-size farms, and have some kind of a payment limitation when this bill comes to the floor next week.

CORPORATE RESPONSIBILITY

The SPEAKER pro tempore (Mrs. CAPITO). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, the strength of our United States economy is built on the honesty, integrity and transparency of our financial institutions. But right now the confidence of the American public and international investors is truly shaken.

We must restore confidence in our economy before it is rocked any further so we can continue to attract capital investment for the future health and prosperity of our economic system. The spate of deregulation over recent years has left us with a system that benefits the powerful and the wealthy above all others. We cannot allow this to continue.

Weakened Federal regulation of accounting practices has allowed corporate greed to run rampant and has led to failure of some of our very largest corporations and businesses. Enron, Global Crossing, Owens Corning, ImClone, Merrill Lynch, Arthur Andersen, Tyco, WorldCom, the list grows every single day. When these big businesses fail, thousands of employees lose their jobs and pensions while, undeservedly, many of the corporate executives become rich. They become not only millionaires, they become billionaires. These captains of industry do not stay with the sinking ship. They jump off first and with all the treasures.

This is not a simple problem about a few bad apples. The problems are systemic, and the accounting practices of America must be changed so we will be able to restore our economic health. We must support legislation like that in Senator SARBANES' bill, legislation that will provide real corporate responsibility. His bill calls for a strong, independent board to oversee the auditing of public companies, assures the independence of auditors, and provides for reform that will protect investors.

And in the House we must support the gentleman from New York's (Mr. LAFALCE) bill, H.R. 4083, the Corporate Responsibility Act of the Year 2002. His bill deals directly with the conduct of company officers and restores corporate credibility. Business executives must aspire to a higher business ethic because investors and employees are entrusting them with, oftentimes, their entire life savings; and business executives who break the rules must be punished.

The first step in restoring our Nation's confidence would be for the President, the President himself, to release records of the SEC's 1992 investigation of his trading in Harken Energy shares. In fact, we can talk about markets, economies, capital, and financial systems until we are blue in the face, but what is important to remember is that when a corporation fails, workers lose their jobs, families hit hard times, and children suffer.

The American economy is built on confidence and an expectation of fairness. If one works hard and plays by the rules, they deserve to share in a secure future. Unregulated business practices have allowed private-sector titans to act irresponsibly, and personal gain has tarnished the reputation of the American market as well as the confidence in our economy.

There must be zero tolerance for corporate corruption.

The SPEAKER pro tempore (Mr. BOOZMAN). Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO BISHOP VICTOR CURRY, PASTOR OF NEW BIRTH BAPTIST CHURCH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Mrs. MEEK) is recognized for 5 minutes.

Mrs. MEEK of Florida. Mr. Speaker, I stand here in the well of the Congress of the United States to pay distinct honor and tribute to one of Miami's young great leaders, Bishop Victor T. Curry.

Victor T. Curry is now pastor of a New Birth Baptist Church in Miami. I want to evoke the same sentiments of joy and gratitude that the 10,000 members of the New Birth Baptist Church in Miami lifted up to Almighty God this past weekend at the inauguration of the New Birth Cathedral.

Mr. Speaker, Bishop Curry truly represents the best and noblest of our community. As a bishop, pastor, and teacher, he exudes a remarkable wisdom in leading his congregation in the ways of God, and has tirelessly worked to enlighten our community on the agenda of spiritual wisdom and good governance impacting our duties and responsibilities.

It is indeed fitting for those of us who subscribe to the Judeo-Christian faith to acknowledge the important role that Bishop Victor Curry plays in the day-to-day affairs of our community.

I want to commend his tremendous work in guiding not only the members of his church, but also the residents of our entire community. He has exemplified the example of Christ as the Good Shepherd and has led his flock of believers by sharing with them the words of God's wisdom and the good news emanating from the gospel.

Bishop Curry's motto is from vision to victory. This motto has positively impacted the lives of countless people. Along with many others in our community, I am indeed a fortunate beneficiary of Bishop Curry's televised teachings and radio ministry through the church-owned radio station, WMBM 1490 AM.

He is especially effective in demonstrating both by way of word and example and unconditional love for and commitment to the children and the elderly, the poor and the disenfranchised. He reaffirms the centrality of God in our daily lives, conscious of the fact that the mandate of our faith must characterize our attitudes toward those who could least fend for themselves.

Our weekly paper, the Miami Times aptly describes Bishop Curry as a forceful, courageous and visionary leader not only of the religious community, but also of our wider society, with the recognition that our churches are a part of larger network of institutions that are the pillars of our community.

Bishop Curry is fully living up to his vocation as a caring and effective pastor. His standard for learning, sharing and achieving has won the accolades of our ecumenical community. Public and private agencies have often cited Bishop Curry for his untiring consecration to the truth and his uncompromising stance on simple justice and equal opportunity for all.

Moreover, Mr. Speaker, Bishop Curry's mission in teaching many a wayward youth has become legendary. He has gained the confidence of countless parents and teachers who see him as a no-nonsense motivator. They are willing to entrust him with the future of their children, fully cognizant and genuinely confident that they would learn from him the pursuit of academic scholarship and the desire for personal excellence under the tenor of a faith-based, conscientious commitment and rigorous discipline.

With the recent inauguration of the New Birth Cathedral, our community is deeply touched and will benefit greatly by his undaunted leadership and perseverance. As head of one of the fastest growing churches in Florida, Bishop Curry preaches and lives by the adage that under God's providence our quest for personal integrity and spiritual growth is not beyond the reach of those willing to dare the impossible.

As a man of God and as an indomitable leader, he has indeed earned our deepest respect and genuine admiration.

This is a magnificent legacy, Mr. Speaker, of Bishop Victor T. Curry. I am truly privileged to enjoy his friendship and confidence, and I am grateful that he continues to teach us to live by the noble ethic of loving God by serving our fellow man. Bishop Curry has lived by the adage that service is a price we pay for the space which God has let us occupy.

TRIBUTE TO CLARENCE E. LIGHTNER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I rise today with my colleagues, the gentleman from North Carolina (Mr. PRICE), and the gentleman from North Carolina (Mr. WATT), to call attention to my colleagues to the passing of a most distinguished North Carolinian, really one of the most prominent North Carolinians as it relates to the civil rights and a pioneer in that area.

Clarence E. Lightner, 80 years of age, died on July 8 of heart failure. He was the first and only African American to serve as mayor of our capital city in Raleigh. In a quiet and yet determined way he brokered the hundreds of compromises that moved Raleigh from a small segregated southern city to the growing metropolitan city that it is today. We have truly lost a giant in North Carolina.

As the son of an achiever, Clarence Lightner proved to be an achiever himself from the beginning. He graduated from a segregated school in Raleigh, North Carolina, where he went on to what is now North Carolina Central, to get a degree. And Clarence was an outstanding quarterback; most of us who knew him, he never talked about athletics, but he was an outstanding quarterback in his day on the football team.

□ 1715

After that he served in World War II, went on to get a degree in mortuary service in Philadelphia, and then returned to Raleigh, opened a business, his family business, and started to get involved in politics.

He was one of the leaders in that area. As I said, he was quiet spoken, always well dressed, of a courtly manner, and keenly intelligent. Clarence was a man for his time. He understood what needed to be done. He was a man of good will who attracted other people of good will in that very trying time that we found ourselves in.

He spoke softly and listened well. The issues of the day called for vision, hard work, determination, negotiation and compromise; and he proved to be great at all those. He followed his father in the Lightner funeral home business and he ran it successfully. He then became a Raleigh city councilman in those trying days. He saw his business grow and followed his footsteps and became a city council member in 1967.

He served in that post for 6 years, during which time Raleigh moved forward with equality for all of its citizens in a fair and, what many thought were, a justifiable way. But Clarence Lightner said it was time to move forward to the next level, and so Clarence Lightner was elected mayor in 1972, having put together a coalition of suburban precincts with African American precincts to capture city hall, being the first African American and the only African American to serve as mayor of the city of Raleigh. His election as mayor really became national news immediately. His election was a precursor to what would happen across the South in later years.

As the son of an achiever, Clarence Lightner proved to be an achiever from the beginning. He graduated from a segregated Raleigh High School, then from what is now North Carolina Central University, where he was an outstanding quarterback. After service in World War II, he completed a course at Echols College of Mortuary Science in Philadelphia and returned to Raleigh to take over the family funeral business. He immediately became involved in the political questions of the day in a period that marked the Civil Rights Movement in the segregated South.

Quiet spoken, always well dressed, courtly, keenly intelligent, Lightner was the quintessential man for the times in which he found himself. He was a man of good will who attracted other people of good will in that most trying of times. He spoke softly and listened well. The issues of the day called for vision, hard work, determination, negotiation and compromise. Lightner proved to be adept at all.

Lightner, whose father established Lightner Funeral Home, had run unsuccessfully for the Raleigh City Commission in 1919 in the tightly segregated city. Calvin Lightner then saw his businesses suffer because of a white backlash. Clarence Lightner, following in the footsteps of his father, ran successfully for the Raleigh City Council in 1967. He served in that post for 6 years, during which Raleigh moved toward equality for all its citizens. It is fair, perhaps, to say that Lightner was the "go to" person on any question that involved racial equality during that period. The Raleigh of today is testimony that his decisions were good ones.

Lightner was elected mayor of Raleigh in 1972, having put together a coalition of suburban precincts with African-American precincts to capture a City Hall that had been run previously by bankers, merchants, and longtime established neighborhoods. His election as mayor of a capital city was national news. His election was the precursor to what would happen across the South in later years.

Defeated for re-election in 1975, Lightner never again ran for public office, though he was appointed by Governor James B. Hunt to the State Senate in 1977 to complete a term for developer John Winters, a close friend. He remained on the forefront of every question that had to do with Raleigh development and, in particular, with anything that would affect the south and southwest parts of the city.

Lightner's contribution after his service as mayor was of major importance. He was, in a sense, the power broker with whom politicians had to deal if they wanted to be successful in Raleigh and Wake County. He served as a model for—and mentor of—other African-American young people in whom he saw promise. Former State House Speaker Dan Blue, now running for the U.S. Senate, was a protégé. So was Brad Thompson, state director for U.S. Senator JOHN EDWARDS. Most of Raleigh's current African-American leaders share the Lightner stamp.

Clarence Lightner was a successful businessman, husband and father. He served his business profession at all levels, including as president of the National Morticians Associations. He served the Raleigh Citizens Associations, Rex Hospital, the Raleigh Human Relations Council, the NAACP, the Southern Policies Board and dozens of other organizations. He was chairman of both the Saint Augustine's College Board of Trustees and that of North Carolina State University.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. ETHERIDGE. I yield to the gentleman from Charlotte, Mecklenburg County, North Carolina (Mr. WATT), who knew Clarence well.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding to me, and I thank my colleague, the gentleman from North Carolina (Mr. ETHERIDGE), and my colleague, the gentleman from North Carolina (Mr. PRICE), for taking the time out to do this tribute to Clarence Lightner.

For African American politicians in North Carolina, there are a number of people on whose shoulders we believe we stand as Members of Congress, as mayors of cities, as city council people. Clarence Lightner was among the first of those on whose shoulders we stand and on whose shoulders a number of politicians in North Carolina have stood over the years.

I remember very well back in the early 1970s when I started getting into politics, managing Harvey Gantt's campaign. Harvey Gantt went on to become, in later years, the first African American mayor of Charlotte, North Carolina, but he did that on the history and with the history there that Clarence Lightner had broken that barrier in Raleigh some years earlier.

He was just a magnificent man whom we all looked up to, respected, and admired; and his memory will certainly live on for years and years. He is the person who gave us advice and who mentored us.

TRIBUTE TO CLARENCE LIGHTNER

The SPEAKER pro tempore (Mr. BOOZMAN). Under a previous order of the House, the gentleman from North Carolina (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. WATT) to continue with a few comments on this tribute to Clarence Lightner.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for continuing to yield to me. I know I am kind of butting in on others' time, but the one thing I do want to say about Clarence Lightner, that I think both of my colleagues will acknowledge, is that all of us went to him for advice, but Clarence did not always tell you what you wanted to hear. He was sometimes blunt, he was sometimes humorous, but every time he gave advice, he did it in the context of a story that was based on some experiences that had shaped his life in many ways. And he did it with humor and with a smile, and he was always giving in that respect.

That is the thing that I will remember about Clarence Lightner above all else.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for those recollections, and also my colleague, the gentleman from North Carolina (Mr. ETHERIDGE), for taking the time to pay tribute to our friend, Clarence Lightner, who was a friend and a mentor to me and to so many others.

He was a prominent businessman, he was a ground-breaking political leader. Clarence Lightner, Raleigh's first and only African American mayor, died this week at the age of 80. He served a single term as mayor, as the gentleman from North Carolina (Mr. ETHERIDGE) has pointed out, from 1973 to 1975; and then he played a critical leadership role in North Carolina politics for decades to follow.

I have experienced firsthand Clarence's exceptional talent for bringing disparate groups together to effect positive change in both official and unofficial capacities. He led the city of Raleigh during a tumultuous period of expansion and development. His success was directly attributable, I believe, to his ability to relate as easily to people on the street as he did to business and community leaders.

Clarence was frequently sought out for his insight and his guidance. It was often said, and was actually reported again in the News and Observer of Raleigh this week, that any candidate seeking voter support in Raleigh had better secure Clarence Lightner's support first. That was the truth, and I can attest to it.

Clarence was a mentor to me personally as I attempted to lead our State Democratic Party and then to represent the fourth district in Congress. I valued his wise counsel very much. It was always delivered with unfailing good humor, and his spirit was a generous one and a cooperative one.

Clarence Lightner offered leadership to organizations ranging from the National Funeral Directors and Morticians Association to the National League of Cities to the Democratic National Committee, the Raleigh-Wake Citizens Association, the Board of Trustees of St. Augustine's College, North Carolina Central University, and North Carolina State University.

He had a huge impact for good in Raleigh and throughout North Carolina and across the Nation. We will continue, Mr. Speaker, to feel this impact long after he is gone. We will miss him. We treasure his legacy.

Mr. Speaker, I enter into the RECORD at this point the editorial tribute to Clarence Lightner from the Raleigh News and Observer from July 10, 2002.

A PATHFINDER FOR RALEIGH

Clarence Lightner was a gentle, soft-spoken man of resolve. At his core he possessed a strength and a courage that helped him overcome racial barriers—and then he helped Raleigh overcome them, too. That is but one of the legacies he leaves following his death Monday at the age of 80.

Lightner, long-time proprietor of a funeral home that bears the family name, was the Capital City's first and thus far only African-American mayor, serving from 1973 to 1975. He also was the first mayor to be elected under a then-new procedure whereby the mayor is chosen directly by the people and not by the City Council.

Lightner grew up in a segregated city, the son of a prominent businessman, Calvin Lightner, who had run for the city commission in the early 1900s. In Clarence Lightner's lifetime, Raleigh was to change dramatically, and he was to help achieve that change.

Though he served just one term as mayor following a period as a council member, Lightner remained a powerful force in politics through his influence in Southeast Raleigh. Long after his term was over he continued to advise candidates whom he favored and to help shape issues in citywide campaigns.

Lightner was always unfailingly gracious, and keen in his remembrances of his growing-up in Raleigh. He had, after all, belonged to a family that was active in helping the city grow. He also served by spotting those young people he felt one day could serve in leadership roles. Many of them did not disappoint him, and in their service especially, Clarence Lightner's legacy is a living one.

Mr. ETHERIDGE. Mr. Speaker, will the gentleman yield?

Mr. PRICE OF North Carolina. I yield to the gentleman from North Carolina.

Mr. ETHERIDGE. Just briefly, Mr. Speaker, let me thank both my colleagues, because Clarence Lightner was an exceptional man; and my colleague was right when he said that if you ran for public office, as he and I did, and others, we are here to attest to the fact that you sought Clarence Lightner's counsel. You really wanted his support;

but you sought his counsel first, as we well know.

He was honest, he was blunt, but he did it in such a nice way. Let me share what Webster's Dictionary defines as a Renaissance man, because I really think Clarence Lightner is one. It says, a Renaissance man is one who has wide interests; is an expert in several areas. And certainly Clarence Lightner fully met these descriptions. He earned that designation again and again, and he showed in many ways that he really did value liberty, equality, and human kindness; and he exhibited it every day.

Mr. PRICE of North Carolina. Mr. Speaker, I thank my colleague, and I hope that what is coming through these tributes today is the human qualities of Clarence Lightner. There was no question he exerted strong leadership and a visionary leadership. But one reason he had the impact that he did, and that so many people, like us, who regarded him as a mentor and a friend and a shaping force in their lives, is because of his human warmth and generosity of spirit and extraordinary sense of humor and an ability to bring out the best in people, and a desire to see people do their best. He did not need to claim the credit himself. He was very good at bringing along people and letting them shine.

There are many, many people in North Carolina whose lives have been enriched by this man and who join us in mourning his passing. So, Mr. Speaker, I appreciate the time to offer this tribute today; and it is entirely fitting that we gather here to honor Clarence Lightner, to testify as to what he has meant in our lives and to bear witness to what he has meant to North Carolina and the Nation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MEEKS) is recognized for 5 minutes.

(Mr. MEEKS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

OMNIBUS CORPORATE REFORM AND RESTORATION ACT OF 2002

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, we have heard over the last 48 hours a pronouncement of a crisis in corporate America; that many employees and pensioners and other people have been impacted negatively by the crumbling confidence in corporate America and the procedures by which we invest in that system which have gone on for a very long time.

Let me simply recount a story, Mr. Speaker, that probably has been heard over and over again, but it bears telling again, and that is the story of many of my constituents and those that live in Houston. For a moment, we thought that the failings were indicative of a particular industry, the energy industry. We felt that something had gone awry with one of the companies that had been one of our most civic-minded corporate citizens. But just over a weekend we were able to see what happens when things go awry and the integrity of the process of running a large business is not adhered to.

Within a weekend's time, after the continued undermining and crumbling of Enron Corporation, $105 million was given as retention bonuses to many of the executives. That probably happened on a Friday. On Sunday, bankruptcy occurred. On Monday, 4,500 employees were laid off, and investors around the country were finding out that they had lost millions and millions of dollars due to the largest bankruptcy filing in this Nation.

So it is more than a crisis of 48 hours; it is more than a crisis that has been acknowledged by this administration. It is an ongoing crisis. And I personally have said that the inertia and inaction of this Congress must stop and this Congress must move forward and ensure that we respond to the American people. My colleague, the gentleman from New York (Mr. LAFALCE), is attempting to do that, along with the distinguished gentleman from the other body, Mr. SARBANES, with a bill that really attacks the problem, particularly as it relates to the issues of accounting and consulting. This is so key.

But I want to say that the Omnibus Corporate Reform and Restoration Act of 2002 is a bill that is crucial. This is a bill that I hope will bring some attention and that will respond to all of the issues that we are addressing. It concerns the oversight of boards of directors. It concerns the idea of investor integrity. It concerns the protecting of employee stock options and pension plans.

This bill may not pass tomorrow or next week. This bill has no pride of authorship, because I believe that the key element for this Congress is to act. It is a bill I intend to file, the Omnibus Corporate Reform and Restoration Act of 2002.

□ 1730

Mr. Speaker, the $4 billion that was lost by WorldCom is an indication that this is not industry-specific, this is systemwide. This is attacking all of us more than where it hurts because certainly money lost hurts, but it has to do with the integrity of our system of governance and economy, the capitalistic system that we have attempted to promote throughout the world, that if you work hard, you have an opportunity in this Nation to succeed.

We encourage developing nations to look at our system of democracy and the economy. We provide incentives for particularly small businesses around the world, but nothing serves us in a worse way than to continue to have a system that does not have integrity and trust.

There is a crisis. It did not just occur in the last 48 hours. It has been going on for a while. It is a crisis when the stock of WorldCom sold for $64 just 3 weeks ago and 7 cents in the last couple of days, and now in my terminology, it has been disenrolled off of NASDAQ. It is a crisis when we can construct SPEs in order to hide funds, and those are separate companies within where executives can in fact own a part of those companies within another company or the larger company and siphon off funds to the extent that boards of directors do not know what is going on.

Mr. Speaker, I simply say that in the course of having the responsibility of responding to an ongoing crisis, I am sad to say we have waited too long. But I am proud that we are speaking now in a voice that will be heard by the Democratic leadership, and I simply say that it is important that we all look to stand ready to force an issue that addresses the needs of American people, and the sadness of losing your home, of not being able to pay tuition, losing your pension, and trying to avoid going under. I do not think we can do any less other than trying to respond to corporate infractions, the corporate undermining of the economic system of this Nation.

INSTITUTIONALIZED DISCRIMINATION OF BLACK FARMERS

The SPEAKER pro tempore (Mr. BOOZMAN). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, first I would like to join my former colleague from North Carolina who acknowledged the contributions of a dear friend who died recently, Clarence Lightner.

Mayor Lightner was a friend to us in North Carolina who worked in the early 1970s, 1980s and 1990s. He was a pioneer not only because he became the first African American to become the mayor of the capital of North Carolina, but also because of his ability to raise issues that were controversial and get them on the table. He also inspired other people to do likewise. I certainly will miss him personally as a friend. I got to work with him on various committees that we served together on,

and know of his beloved position in his community and church and family, and I personally acknowledge what he has meant to me and meant to our State.

Mr. Speaker, I rise today to talk on another subject as well. I rise just 6 days after we celebrated Independence Day to call attention to the plight of our Nation's black and minority farmers, small business people, who continue to struggle for their own independence against the forces of institutionalized discrimination at the hand of field offices of the United States Department of Agriculture, despite modest gains in some recent legislative and legal victories.

Only days before we celebrated July 4, a group of 150 black farmers felt it necessary to stage a sit-in in a regional office of the Department of Agriculture to protest the continued discrimination practices used by Federal employees to deny them a Federal farm loan.

This follows on the settlement of a class action lawsuit in 1999 which all of us thought would bring remedies. That was a consent decree in which the government agreed to stop these practices and the court provided relief in the way of priorities and loans, and agreed to pay $50,000 where there were acts of discrimination proven, and to provide other assistance.

But many who have applied for this relief have been denied, and the consent decree expires in 2 years. The government has paid more than half a billion dollars to farmers, while denying and refusing to assist many of the original plaintiffs. There is not a consistency in the application of the relief. So many of the farmers are finding this consent decree to be an empty victory or remedy that has no value to them whatsoever.

In a recent ruling by the U.S. Appellate Court in Washington, D.C., Pigford v. Ann Veneman, the Court clearly stated that the farmers had suffered a double betrayal, first by the Department of Agriculture and then by their own lawyers.

The protest by black farmers in the State of Tennessee demonstrates that the Department of Agriculture continues to ignore minority farmers who are small and disadvantaged. Secretary Veneman's response, to establish a high-level review of the issues within the department and to meet personally with these minority farmers, is indeed a positive step. However, there have been numerous studies, regulatory reviews, adjudication by the courts, and legislative direction by this Congress. The patterns of discrimination have been documented. The courts have decreed remedies. Congress has enacted specific reform, and it is past time for the Department of Agriculture to act and end discrimination.

The Committee on Agriculture committed here on the floor to hold hearings where they will examine the issues of black farmers. The committee is considering a full hearing in September.

The recent legislative victories for civil rights within the farm bill must be implemented immediately to ensure that past and present practices of discrimination and denials are prevented and corrected.

Those victories included: An Assistant Secretary for Civil Rights at USDA; language that requires the Secretary of Agriculture to document and to track program participation for minority farmers; and also the county committee elections be open and fair, and where there is not minority participation, there would be.

Mr. Speaker, I call on Congress indeed to pass the resources necessary for these funds, and I call on the administration to implement these policies so we can end discrimination and act in good faith for these small farmers who are struggling to make a living for themselves.

CORPORATE REFORM NEEDED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New York (Mr. LAFALCE) is recognized for 60 minutes as the designee of the minority leader.

Mr. LAFALCE. Mr. Speaker, this morning I was very pleased to join with the gentleman from Missouri (Mr. GEPHARDT) and other Members to file a petition for discharge of H.R. 3818, the Comprehensive Investor Protection Act of 2002. I introduced this bill in February. When I introduced it, I wanted to provide a serious and credible alternative to a very weak industry-drafted, industry-driven bill that had been introduced by the Republicans. I later introduced another bill basically codifying the concept of President Bush's own 10-point plan on corporate responsibility.

As I discussed at the press conference this morning, at every single point in the debate, whether it was in the House Committee on Financial Services, whether it was in the House Committee on Rules, or whether it was on the floor of the House of Representatives, I sought to offer the provisions of my bills as amendments to the Republican initiative so we could strengthen the oversight of accountants, so we could make auditors more independent, so we could improve corporate governance, so we could hold executives responsible for the financial statements their companies issue, and many other absolutely necessary improvements.

On every single issue, on every single occasion, President Bush said no and the Republicans voted no. They opposed even the provisions of my bills that sought to codify President Bush's own proposals. They voted against them on the floor of this House. Instead of producing a strong bill that could set the terms of debate for the Senate, the House instead produced a very weak bill, a cosmetic bill, that delegated major issues of accounting industry reform and corporate governance reform to the SEC. Basically, they codified the status quo.

Let me give some specifics. The Republican bill allowed the SEC to designate an accounting oversight board. But it did nothing to define the powers and duties of that board created under the bill, ensuring that it would be at best a weak institution without the authority to stand up to the accounting industry. Further, it did not specify the nature of the membership of that board. It is not just what powers the board has, it is who is going to serve on the board. Will they be zealots for investor protection? Or will they be protecting corporate America rather than the private individual investor?

The Republican bill also failed to address the conflicts faced by auditors in a meaningful way, allowing auditors to continue to provide the same consulting services that they do today. The Republican bill did nothing to enable the SEC to effectively bar guilty officers and directors from serving at other public companies because it preserved and codified the high burden of proof that even the SEC has said makes it virtually impossible to bar officers and directors even in the case of criminal misconduct.

The Republican bill prescribes studies, not legislative action, on issue after issue, even on whether corporate executives responsible for accounting fraud should be required to forfeit their bonuses and stock sale profits and whether the ties between analysts and investment banking should be restricted. We do not need to study that issue, we need to bar those conflicts.

At the time that the Republican bill passed, there was already a clear need for strong and reasoned legislation to protect workers and shareholders, but the House Republicans squandered that opportunity. While the House Republicans blocked any improvements to legislation in the House, and while the House Republicans voted against my substitute, while the House Republicans voted against my motion to recommit with instructions to report out stronger legislation, I was nevertheless gratified that at the very least our efforts, our bill, provided a model for Senator SARBANES as he developed his legislation now being considered by the Senate.

Unlike the House Republican bill, Senator SARBANES' bill provides for a strong accounting oversight board and significantly enhances auditor independence by limiting the consulting services auditors can provide to their audit clients and improving corporate governance. He has brought that bill to the floor of the Senate with strong bipartisan support and strong bipartisan cooperation I wish we had in this House.

□ 1745

As the Senate continues the debate on the Sarbanes bill, however, I have been dismayed to note that the administration continues to resist strong legislation, and particularly continues to

resist the creation of strong oversight for auditors of public companies. While the administration complains that the new organization may duplicate the efforts of the SEC, they continue to resist providing the SEC with the funding necessary for it to perform these functions itself. Moreover, they ignore the comprehensive authority provided to the SEC over the new oversight board.

Despite the administration's protestations, there is no reason to expect that the new board will not be able to work with the SEC in the same manner that the securities' self-regulatory organizations do at the present.

The administration and House Republicans must recognize what most Senate Republicans and even corporate leaders have already recognized, that the need for strong legislation that will restore the confidence of investors in our markets and public companies is urgent. I look forward to working with each and every one of my colleagues in the House or Senate on either side of the aisle and with the administration to produce a legislative product that can restore the integrity of our financial reporting system and our markets, that can provide the confidence needed to let our economy recover from the serious blows it has already been dealt; and I extend my hand to anyone who wants to work with me in that effort.

Mr. Speaker, I yield to the gentlewoman from California (Ms. LEE).

(Ms. LEE asked and was given permission to revise and extend her remarks, and include extraneous material.)

Ms. LEE. Mr. Speaker, I thank the gentleman from New York for yielding and for his leadership on this and so many issues that we face and address in this House.

As the gentleman from New York (Mr. LAFALCE) has indicated, we are facing a crisis of confidence in this country, a crisis in corporate America. In the last 9 months we have seen major corporation after major corporation fall because of greed, fraud and mismanagement. From Enron to Global Crossing to WorldCom, the failures of these businesses mean that millions of Americans are hurt. Workers lose their jobs, investors lose their profits in the stock market, retirees lose their pensions. It seems that we have a culture, really, of deceit in the corporate world.

From what we have learned recently, there apparently is collusion oftentimes between the corporation, the auditors and the analysts, who at the very least turn a blind eye to misdeeds and at most are really committing serious crimes that are defrauding the public, the government and investors.

What message are we really sending to the rest of the world when we in the United States so often criticize them for their corporate corruption? At the same time people are losing their jobs and life savings, greedy executives are managing not only to survive, but to flourish. They are taking huge bonuses and, in some cases, even hundreds of millions of dollars in loans, while the rest of their workers are being forced out with nothing. This is just downright criminal.

The corporations themselves are committing fraud by engaging in creative accounting. The auditors, such as Arthur Andersen, who are entrusted with ensuring the financial stability of these businesses, are really turning a blind eye to this fraud because of conflicts of interest between their auditing and consulting functions. And Wall Street analysts are compromising their integrity by recommending their customers buy stocks even when they have information that the companies are not in good shape because of their own conflict of interest between investment banking and analyst functions.

We must pass true accounting reform. In April, the House of Representatives passed really a sham accounting bill, H.R. 3763, the so-called Corporate and Auditing Accountability and Responsibility Act. This Republican corporate cover, that is what it is, this legislation does nothing to protect employees and investors. It allows corporate auditors to continue to perform both accounting and consulting functions. It does not hold corporate wrongdoers accountable if they knowingly release misleading financial statements. It does not increase oversight of the accounting industry.

We need to support the bill of the gentleman from New York (Mr. LAFALCE), which would, among other things, ban auditors from consulting services that create conflicts of interest.

Just this week, the Committee on Financial Services, on which I serve, held a hearing on the issue of the WorldCom failure. I was shocked, quite frankly shocked, to witness the total disregard for our oversight responsibility by the former CEO, Bernard Ebbers, and the former CFO, Scott Sullivan. Their consistent invoking of the Fifth Amendment did not allow for much insight into what happened. Their reluctance to provide our committee with necessary information so that we could be better prepared to put into place statutes to ensure corporate accountability was very, very disturbing.

What more are they hiding? We know that Mr. Ebbers received a $400 million loan, which he has not repaid, from WorldCom because of some bad investments he made. When he became subject to market calls, instead of selling his WorldCom stock, which he reportedly used as collateral, he went to his company and asked for loans so it would not look bad that the CEO was dumping tens of hundreds of millions of dollars of company stock.

When a working parent wants to send their child to college, they cannot go to their boss and expect a handout to cover the cost. When an adult child needs help to help their parents buy prescription drugs, their employer does not hand them thousands of dollars. When a family member gets in an accident and runs up thousands in medical costs and they end up in bankruptcy, they are unable to secure loans from their employer. Most ordinary working people do not have access to loans from their employer, let alone over $400 million in loans, and CEOs really should not either. We need to prevent CEOs and other top executives from securing huge loans from their own companies to bail them out of bad investments.

Many corporations are using offshore locations, including those in the Caribbean, to avoid paying United States Federal income taxes. Allowing U.S. corporations to avoid their tax liability is not only unfair, but also contributes to our deficit. I have cosponsored, along with many, H.R. 3884, the Corporate Patriot Enforcement Act, which prevents corporations from avoiding U.S. income taxes by reincorporating in a foreign country.

Now what about corporate ethics? Isn't there a moral or ethical code in the business world? Shouldn't there be? We heard at the WorldCom hearing about a "close personal relationship" the chief analyst at Salomon Smith Barney, Mr. Jack Grubman, had with former WorldCom CEO Bernard Ebbers. I asked Mr. Grubman if his relationship with Mr. Ebbers was a working relationship as he stated, or a personal relationship as had been reported. He danced around his answer.

At this week's hearing, Representative JAY INSLEE from Washington asked the witnesses very pointedly about whether it was time to punish corporate criminals the same way people convicted of drug offenses are. I have always been opposed to mandatory minimums for drug offenses, which mostly affect low-income, urban minorities. However, if we are to be tough on crime, why don't we pass mandatory ten-year prison sentences for those convicted of fraud and other corporate crimes for the mostly upper-income executives? President Bush yesterday called for a doubling of maximum sentences—but what about strong minimum sentences? This President supports mandatory minimums for those convicted of drug offenses and he should support them for corporate criminals who defraud their corporations and our Nation.

As a member of the International Relations Committee, I participated in a hearing on international corruption and how U.S. companies were harmed when unfair practices were prevalent in other nations. Our then-Chairman and Ranking Member both talked about how corruption "undermines the basis of growth and stability," "deters investment," "demoralizes entrepreneurs and ordinary citizens who deserve good government." They also testified about how in Asia and Africa, "democracies are threatened by corrupt practices of the government." I would argue that the United States is facing such a problem today. We must also clean our own house. One last quote from the 2000 hearing was: "If we believe in democracy, and we want to build a system where the world has faith in its elected leaders, we need to make sure that we get rid of corruption." I for one want to have faith in the elected leaders in this Nation, starting at the top—President Bush and Vice President CHENEY.

The American people must be able to trust the leadership in this country—the leaders of

major corporations which are so important to our economy, but also to our political leadership. We know that last year, President Bush authorized his energy task force, headed by Vice President CHENEY, with participation by Kenneth Lay, the former Enron CEO. In my home state of California, we know that there was manipulation of rates in the energy market and all signs point to Enron. The question remains what role the Bush Administration—both the President and Vice President—may have played in the California energy crisis as a result of their close relationship with Enron and its CEO.

More recently, we have discovered that President Bush, while serving on the auditing committee and Board of Directors for Harken Energy Corporation in 1990, sold over 200,000 shares of that company's stock just 2 months before it announced losses. That stock subsequently lost ¾ of its value by the end of that year—well after George W. Bush was informed that there was a cash "crisis" at Harken. In addition, President Bush neglected to report this transaction with the SEC until almost a year later, a violation of SEC rules, stating the SEC "lost" the file, although the SEC stated in 1991 that it never received it.

We, as elected officials, need to set a good example. I hope that President Bush and Vice President CHENEY will be forthcoming with the details of these disturbing incidents.

However, instead of coming clean with the details of these irregularities, the Bush-Cheney team seems to be more intent on offering its "Corporate Protection Plan." At yesterday's press conference, the President announced a weak plan for corporate responsibility. We need to make clear how his plan falls far short of what's needed to reform the inherent flaws in our capitalist system, which seems to be exacerbating corporate fraud and crime.

President Bush asked for $100 million additional dollars for the SEC. However, the House already passed a bipartisan bill providing an extra $195 million above that amount for the SEC. This includes over $70 million for pay parity so that the SEC can attract and retain qualified investigators to look into this corporate crime.

The President also asked for doubling the maximum jail sentence for corporate offenders—from 5 to 10 years—but only for mail and wire fraud, not for securities fraud. This is simply not enough. We need systemic change to prevent the crimes. An ounce of prevention is worth a pound of cure.

I call on the President to put some teeth into his proposal.

The American public needs to be able to count on their political leadership and corporations to be honest. Workers must have faith in their companies for their livelihood. Stockholders must have faith in the companies they invest their hard-earned money in. And retirees must have faith in the companies their pensions are invested in. We need true reforms. Let's restore the faith of the public. Let's end this corporate corruption now!

Mr. LAFALCE. Mr. Speaker, I yield to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank the gentleman for yielding.

Mr. Speaker, obviously in light of the financial mismanagement of some of the major corporations of this country and the investor losses we have seen, this Congress has got a lot of work to do. Thank goodness we have our ranking member, the gentleman from New York (Mr. LAFALCE), still at the helm of the minority in the Committee on Financial Services as we undertake these difficult challenges.

We are called a nation of investors in light of the broad participation of private retirement dollars in the stock market. What that means is, as you look at the Enrons, as you look at the WorldComs, as you look at the other failed corporations due to executive mismanagement, we are a nation of financial losers because we have not had adequate protections in place to protect the investing public. And something needs to be done.

Let us take a look at the dollars lost. Today's Washington Post headline, "Workers' 401(k)s Lost $1.1 Billion" on the misstatement of liability with WorldCom and the attendant misstatement of their stock price.

Their egregious accounting practices have impacted retirement income portfolios across the Nation. Accumulated losses from this one company will impact holdings in State pension funds from Maryland to California in the amount of $52 million. Government workers and retirees in my home State of North Dakota held $350,000 worth of WorldCom stocks and bonds and $2.5 million in their pension fund.

What all of this means is that the failed private-sector checks and balances have caused a lot of damage to workers' retirement accounts, money they are counting on for their income security in retirement years. We need to fix it.

One area that I would hope this Congress addresses in particular involves having company financial balance sheets reflect the stock options that they have awarded by posting the liability. I believe presently you have an awful lot more out there in terms of potential liability and stock dilution impact than is reflected on the balance sheet, and I would urge this Congress to consider carefully the words of Chairman Alan Greenspan, former SEC Commissioner, Arthur Levitt, as we address the stock options issue.

In conclusion, I would say that it is extraordinarily important that we have the leadership of the gentleman from New York (Mr. LAFALCE) and others as we restore worker protections. Our pension dollars are at stake. We have to have greater accountability.

Mr. LAFALCE. Mr. Speaker, I yield to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, there is a crisis in America. People are out of work and are worried about losing their jobs.

In Wisconsin, I hear from the families that I represent. Wisconsin families' investments, college funds and retirement savings have been losing money for almost 2 years now. Without action to shore up the confidence of the American public, our faith in the stock market will be shattered and, along with it, the backbone of our country's financial system.

This crisis is rooted in one thing, and that is greed, the greed of the corporate CEOs that cooked their books, falsely reported earnings, exercised stock options and, when the bubble burst, walked away with millions in guaranteed salary payments and bonuses.

But the crisis goes deeper than a dozen CEOs and the crooked accounting firms that are hoping to pad their pockets. It stretches right into the halls of Congress and the Oval Office, where corporate CEOs have sought to roll back investor protection legislation and gain access to the Social Security funds.

WorldCom's recent announcement that it had overstated company profits by $3.8 billion over the last five quarters gives it the dubious distinction of being the largest case of false corporate bookkeeping, or, simply put, fraud. Companies like Enron, Rite Aid, Merck, Tyco International, Global Crossing and Adelphia Communications are currently under investigation for a variety of reasons, such as insider trading, avoiding taxes and using fraudulent accounting practices, as Enron did.

I believe that we have come to the point where Congress and the administration must come together and take swift action to stop the corporate abuses that have infected our country.

The enormity of the Enron collapse alone sent shock waves throughout our economy. In Wisconsin, the Public Employee Retirement System lost an estimated $40 million in stock and $38 million in bonds because of Enron's illegal actions. The WorldCom debacle is estimated to have cost the Wisconsin Public Employees Retirement System $29 million through the sale of WorldCom bonds.

Nearly half a million current or former employees of Wisconsin State agencies, school districts and local governments participate in the Wisconsin retirement system, which is also the tenth largest public pension fund in the United States. This does not even begin to account for the millions of Americans, and you know that 52 percent of Americans are stockholders, and the institutions that invested retirement savings in Enron or WorldCom or any of the numerous other companies who have cooked their books to show false profits or hide their debt.

□ 1800

While most corporate abuse has hit individual and institutional investors the hardest so far, I think it is important to realize that the same corporations that are under investigation have had a tremendous amount of influence in government and, essentially, over the very policies that matter to people most. In fact, just one week before the revelation by WorldCom of their financial impropriety, they were handing

over $100,000 for a dinner featuring President Bush and benefiting the National Republican Congressional Committee and the National Republican Senatorial committee. That makes me question will these same officials really go after these CEOs and accounting companies and also pass legislation that will prevent future Enrons and WorldComs.

Mr. Speaker, it is time for accountability; it is time for the administration and the Republicans in Congress to say to their traditional base of big business and corporate CEOs, ''Enough is enough.''

There is a crisis in America. People are out of work or are worried about losing their jobs. In Wisconsin, I hear from the families that I represent. Wisconsin families' investments, college funds, and retirement savings have been losing money for almost two years now. Without action, to shore up the confidence of the American public, our faith in the stock market will be shattered and along with it, the backbone of our country's financial system.

This crisis is rooted in one thing—greed. The greed of the corporate CEOs that cooked their books, falsely reported earnings, exercised stock options, and when the bubble burst, walked away with millions in guaranteed salary payments and bonuses. But this crisis goes deeper than a dozen CEOs and crooked accounting firms hoping to paid their pockets. It stretches right into the halls of Congress and the Oval office, where corporate CEOs have sought to roll back investor protection legislation, and gain access to Social Security funds.

WorldCom's recent announcement that it had overstated company profits by more than $3.8 billion over the last five quarters, gives it the dubious distinction of being the largest case of false corporate bookkeeping, or simply put, fraud. Companies like Enron, Rite Aid, Merck, Tyco International, Global Crossing, ImClone, and Adelphia Communications are currently under investigation for a variety of reasons such as, insider trading, avoiding taxes, and using fraudulent accounting practices as Enron did. I believe we have come to the point where Congress and the Administration must come together and take swift action to stop the corporate abuses that have infected our country.

The enormity of Enron's collapse alone sent shock waves through our economy. In Wisconsin, the public employee retirement system lost an estimated $40 million in stock and $38 million in bonds because of Enron's illegal actions. The WorldCom debacle is estimated to have cost the Wisconsin public employee retirement system $29 million through the sale of WorldCom bonds. Nearly half a million current or former employees of Wisconsin state agencies, school districts and local governments participate in the Wisconsin retirement system, which is also the tenth largest public pension fund in the United States. This doesn't even begin to account for the millions of Americans (you know, 52 percent of us are stockholders) and institutions that invested retirement savings in Enron or WorldCom, or any of the numerous other companies who have cooked their books to show false profits or hide costs and debt.

Perhaps the biggest accomplishment for corporate America this year was during the debate of passage of an economic stimulus bill. Their provision in this bill was so shocking it is a moment that I will not be able to forget for a long, long time. Our country was languishing in recession, and every day I heard from friends, neighbors, and constituents who said they were experiencing trauma in our struggling economy. They told me how important extending unemployment benefits would be in helping them to meet the next month's mortgage payment and keeping food on the table. At the time, no one knew how long our economic downturn would last; the genuine fear they expressed to me is something I'll never forget.

During this debate, the House leadership refused to consider a bill that would extend unemployment benefits for an additional 13 weeks. I urged the House to follow the State of Wisconsin's lead and pass a bill to extend unemployment benefits so displaced workers would have more time to get back on their feet and look for another job. Instead, the leadership put the concerns of huge corporations first. Valuable time was wasted as the House passed three bills that the Senate refused to consider because they centered on giving huge corporations millions of dollars in tax breaks instead of helping those who needed immediate relief. The bills included a provision that would have given energy-trading giant, Enron, a tax rebate check worth more than $250 million—even though the corporation hadn't paid taxes in 4 out of the last 5 years.

It is time to return the confidence that investors once had. It is time to make corporate CEOs pay for their crimes and serve time for their crimes while strengthening the oversight ability of Congress and the Securities and Exchange Commission (SEC) so that we never again have to hear tale of illegal accounting practices and massive CEO payouts. It is time that the rest of Congress stand with me and my Democratic colleagues and return investor confidence to the free market system.

Mr. LAFALCE. Mr. Speaker, I thank the gentlewoman for her great comments. I now call upon the distinguished gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, let me thank the ranking member of the Committee on Financial Services for calling this Special Order. The gentleman has been on point on the subject of the crisis of confidence that we have in our public markets long before many, and he needs to be commended for that. He has worked diligently to craft legislation that would go a long way towards restoring that confidence.

I must say, it was somewhat ironic that yesterday, when the President addressed the luncheon in New York and outlined his proposals, that a large number of the proposals he outlined were those that the gentleman from New York himself had outlined and had proposed in our committee back in April, almost I guess every one, every single one, which had been voted down, unfortunately, mostly on a party line vote. But as things go on, just as some of the executives from WorldCom, the ones who did testify before our committee the other day, said that hindsight is really 20–20 vision and, as some of them said then, that they would not have voted to give the loans to the CEO that they did a year earlier, it now appears that some of our friends on the other side of the aisle have determined that some of the ideas of the gentleman from New York (Mr. LAFALCE) are worthy of consideration. So we are glad that he has received that recognition.

Mr. Speaker, we do have a crisis of confidence in our markets. The United States has the most efficient market system in the world. Yet it is a system that operates through transparency; it is a system that operates through rules, rules which have to be followed. What has occurred, unfortunately, over the last several years, is that executives have come to the conclusion that they do not always have to follow those rules, whether it is trying to meet earnings targets or revenue targets, or whether it is trying to increase the value of stock because of stock options that they own to increase the amount of revenues that they will personally earn. The fact is that we have ended up with very lax accounting, very lax standards; and as a result of that, in large part, investors have seen more than $7 trillion of value wiped out.

In fact, as of the close of the markets today, the S&P index is now back below where it was in 1997. Last week, the NASDAQ gave everything back to 1997, and the Dow Jones closed today below 9,000 for the first time since October in the aftermath of the attacks on 9–11. More than $30 billion of foreign investment in the United States, which helps fuel our current account deficit, has been pulled out of the U.S. markets, not because there is necessarily more value in investing in Europe and Asia so much as investors no longer feel confident with the information that they are being provided of investments in the United States.

Mr. Speaker, this is a tragedy for the history of American capitalism; and until such time as our government speaks with one voice concerning corporate governance, concerning true independent auditing standards, this crisis of confidence will not evaporate, it will not go away.

Now, the House passed a bill in April, and it was a first step; but, quite frankly, it came up too short. The Senate, the other body, is working on a bill which may have things that Members do not completely agree with, but it is a step more in the right direction. It would be helpful, it would be helpful if the executive branch would begin to speak more forcefully on this issue. It would be helpful if the executive branch, which again, as I stated at the outset, has started to come around, perhaps a latter-day conversion, would speak more clearly about what standards it would have for establishing oversight of the auditing.

As the gentleman from New York will recall and the gentleman from Pennsylvania who was there the other day, we had the lead auditor, independent auditor for WorldCom and we

asked him repeatedly, how come you did not find the overstatements of earnings and the fact that expenses were capitalized that should not have been capitalized? You are the auditor. You look at the books that are given to you by the CFO. And he said, well, we just take the numbers that are given to us. We do not actually look at them; we look at the system to see if they work.

If we do not pass significant legislation to restore confidence in the markets, our economy will continue to suffer from this malaise. The burden is now on the House, along with the other body and the executive branch, to speak with one voice to restore confidence to the markets, to ensure that we can have sufficient economic growth in our economy.

I commend the gentleman from New York for putting on this Special Order.

Mr. LAFALCE. Mr. Speaker, I thank the gentleman from Texas. Let me now yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from New York for yielding and for his outstanding leadership on this important issue.

Before Enron Corporation's bankruptcy filing in December of 2001, all of us knew that the firm was widely regarded as one of the most innovative, fastest-growing, and best-managed businesses in the United States. With the swift collapse, shareholders, including thousands of Enron workers who held company stock in their 401(k) retirement accounts, lost tens of billions of dollars. It now appears that Enron was in terrible financial shape as early as 2000, burdened with debt and money-losing businesses, but manipulated its accounting statements to hide these problems. Now, WorldCom, the Nation's second largest long-distance telephone company, has been charged with fraud by the Securities and Exchange Commission. Reports have revealed that WorldCom defrauded investors by improper accounting practices of $3.9 billion in expenses during 2001.

We are discovering that publicly traded companies have contributed to bilking American investors and taxpayers out of $4 trillion since 2000 due to unaccountable financial filings, accounting errors, misinformation, and mismanagement of funds. Where were our watchdogs? They were nowhere to be found.

In order to ensure corporate accountability, we need to establish under the jurisdiction of the Securities and Exchange Commission ways to regulate accounting firms that audit SEC registrants. This type of structure could be empowered to charge registrants with annual fees to pay for the cost of staff to carry out the suggested plan of surveillance of auditors.

This concept would intervene between a registrant and its auditor before, during, and at the end of an audit. It would be more effective than the current regulatory system in, one, achieving an early warning of potential financial disasters such as Enron and WorldCom; two, requiring a change in auditors when the SEC deems it appropriate; three, require pre-approval of consulting engagements for a registrant to be conducted by its auditor; and, four, improve the format and content of financial and auditor reports by including information about labor relations, research and development, marketing programs, and new products.

I believe that these kinds of safeguards would go a long way towards helping to rectify the situation.

Again, I commend the gentleman from New York (Mr. LAFALCE) for his outstanding leadership, and I thank him for the opportunity to participate in this Special Order.

Mr. LAFALCE. Mr. Speaker, I thank the gentleman very much.

Our next speaker will be someone who has been a full partner with me in the crafting of the strongest possible legislation to deal with this problem. He serves as the ranking Democrat on the Subcommittee on Capital Markets, which is the subcommittee of legislative jurisdiction over the entire field of securities. He is the distinguished gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, first of all, may I say how we are going to miss the gentleman's leadership after he completes his final term in Congress, because certainly he has been a stalwart supporter of transparency, accountability, and responsibility, both in government and in private business.

Mr. Speaker, I guess I want to talk to the President of the United States. I had the opportunity to watch his speech yesterday. I have watched my colleagues struggle over these last 6 months with the disclosures that have occurred in American business, and I have talked to a lot of my constituents. I guess I want to set certain perspectives that I view this from.

First and foremost, it is one thing to lose money in the stock market if one is a direct buyer in the stock market, if one is wealthy enough to be a speculator or trader in the stock market. But unfortunately, the people that have really lost this money are pensioners and 401(k) owners, millions and millions of Americans that were persuaded over the last 20 or 30 years to become part of democratic capitalism; and they, through their pension funds and through their 401(k)s, bought into the idea that America is indeed a great capitalistic Nation and had the wherewithal to participate in the growth of that capitalism, in the creation of that wealth; and they entrusted their meager funds, their retirement funds to managers that primarily are located in and around Wall Street.

To a large extent, during the flaming years of the 1990s, it got to the point that one had to be a fool not to invest in the stock market. I used to run across constituents of mine that would receive a settlement in a personal injury case or a workman's compensation case and I asked them how they were protecting the money they had that they needed for the rest of their lives; and an unbelievable number used to tell me, oh, I am in the market and I am going to constantly make money and eventually be wealthy. Well, I think about a lot of those people in a lot of those coffee-house chats that I have had with them over the last 5 or 10 years, and I cannot imagine the tragedies their families and themselves suffer today as they see this deterioration in the market.

The question is, Is America sliding into a depression because we are not productive, because we are not profitable? I think not. I think the gentleman from Texas (Mr. BENTSEN) made a great point. This is the most vibrant economy in the world, in the history of the world; and yet the market is reflecting a loss on a daily basis, and I think it is an expression of a loss of confidence. Total confidence? No. But a sufficiently large portion of confidence to take some of the usual available purchasing money that is in the market out of the market, and that loss of money reflects the downward trend of prices.

Has it been discriminatory? Not really. It is not the bad actors that are paying the loan; it is business across the board. It is our very substantial capital system that is contracting right before our eyes.

I heard the President say yesterday that one of his solutions would be he is going to double the sentences for the scoundrels. Well, first of all, we have not seen any convictions of any scoundrels, so we cannot assume any sentences at this point. But I wonder why it is so important, what kind of relief will this give the American pensioner or 401(k) owner if a scoundrel goes to jail for 10 years instead of 5 years?

□ 1815

Does it really matter? Does it get one cent back for the pensioner or the person who needs this money for retirement, or for the senior citizen who is indeed using this money in retirement? I think not.

So as we look at this issue, I get little solace as an individual or as a representative of so many of these pensioners and senior citizens than to think we are going to fill up the jails with these scoundrels. That is not going to give them one dollar more for them to have the quality of life that they have become used to.

I think we have to look prospectively into the future, to what this means and what it can mean, and what is this disease or infection that is affecting the capital markets of America.

I come to the conclusion that the most important thing is that we stabilize the capital markets of the United States, and the most important way of doing that is to find a way, either by statute or regulation or by the

industries themselves, of disclosure of what the facts are.

So I think, first and foremost, we have to find a short period of time and make sure the corporations, most of them that are traded on the exchanges, go back and do proper auditing and accounting, and make a full restatement and disclosure of what they have there.

We cannot afford a daily, weekly, or monthly bleed of major corporations failing because of improper accounting procedures or other internal procedures, to take the respect and integrity out of those institutions and infect and affect the other institutions with a loss of credibility among the investing public.

Secondly, once we stabilize the markets, it seems to me that we have to move forward with a program, and hopefully this is what I address to the President.

I would say, Mr. President, we do not need a weak legislative response or a weak executive response, and 2002 is not a lot different from 1902. What we need is a member of the President's own party to make a revisit to America. We need a Theodore Roosevelt. We need someone who responds with looking at what the problem is, recognizing that it is systemic in some respects, it is dangerous, it could ultimately lead to a deep recession or, in fact, depression, and could destroy the quality of life we have known in this country over the last 10 years.

It is up to the leadership of the President, together with private industry and the private market, to structure a response to this problem that is sufficient not to be overbearing and strangle our capital market system, but sufficient to send the word and the message and the standards that the type of activities that have been uncovered in the last several months will not be tolerated in the future; they will be disclosed to the American public, the investing public; and that, where necessary, government will set parameters to stabilize our markets, bring us back to relative security that truth is known, and to reinforce a very successful capital system.

I add only one respect: I agree with Secretary O'Neill in regard to the fact that this is not a crisis that all businessmen or executives are crooks. There are just a small number, but there are more than a few. This is not a total failure of the capital markets of America, but it is a bumpy road, and could be serious if not patched.

This is not a time for us to wring our hands and try and do as little as possible to prevent disturbance to our friends or our supporters; this is a time to rise above politics and recognize that the very structure and position of the United States of America is at risk.

We need the strength of a strong Commander in Chief. We need a second Theodore Roosevelt.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). The Chair would advise all Members to direct their remarks to the Chair.

Mr. LAFALCE. Mr. Speaker, one of the most important subcommittees of the Committee on Financial Services is the Subcommittee on Financial Institutions and Consumer Credit, and the ranking Democrat on that serves as the chief voice for consumer protection within the committee and the House of Representatives. That is the gentlewoman from California (Ms. WATERS).

Mr. Speaker, it is my pleasure to yield to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentleman from New York (Mr. LAFALCE) for taking this time out for us to come to this floor and talk about one of the biggest crises confronting this country today.

I would like to start with an observation. Yesterday, the President of the United States of America was on Wall Street. He was up on Wall Street, and he was expected to give a very, very tough speech. He had signaled the press that he would give a very tough speech on Wall Street on corporate responsibility.

Well, the President went to Wall Street, and it was staged very well. The curtain that hung behind him, the backdrop, had ''corporate responsibility'' written all over it, and he had great opening statements.

Of course, before getting into the subject matter, he talked about terrorism and how we were hunting down the terrorists who seek to sow chaos, and talked about his commitment. And, of course, he got a big applause on that, because Americans are concerned about terrorism, and the President knows when he speaks about terrorism, especially in New York, where we experienced terrible devastation, that that will soften up any crowd.

But then he went on into the speech, and many people sat watching, I am sure, as I did, wondering when was he going to get tough. He mentioned in the speech that we have learned of some business leaders obstructing justice and misleading clients, falsifying records, and business executives breaching the public trust and abusing power.

He kind of talked about that, and the CEOs that he had learned about earning tens of millions of dollars in bonuses, but he did not call any names. He did not call any names, despite the fact that we had just come from the Committee on Financial Services, where we had the top management and ex-management of WorldCom before us. We had very well documented that there had been accounting tricks where the operating expenses had been moved over to the capital column, which made the bottom line look bigger than it was, and the company look healthier than it was.

However, he did not call the name of Enron. He did not call the name of WorldCom. He did not mention the names of any of those who have been prominent in the news. He could not let it come out of his mouth. He could not say anything about Arthur Andersen and Tyco and Rite-Aid and Global Crossing and Xerox.

I think people expected him to call names and to talk about what we really have learned thus far, and to talk about what we were going to do about it. But as we further examine the speech, we found that the President talked a lot about more bureaucracy. He is going to create a new corporate fraud task force, headed by the deputy attorney general, which will target major accounting fraud and other criminal activities in corporate finance. The task force will function as a financial crimes SWAT team, overseeing the investigation of corporate abusers and bringing them to account.

Now, I am considered a liberal, a progressive. I am the one that they point the finger at and talk about creating bureaucracy. They say that people who believe as I do oftentimes do nothing but spend government money, create more bureaucracy, and we have to get rid of government; too much government.

Not only did he create more bureaucracy in his speech, he asked for $100 million, $100 million to give to the SEC. Now, this is a conservative spending money. Well, of course, this President has shown since he has been in office that he sure knows how to spend money. We are back into a deficit situation.

So he went to Wall Street, he talked about spending $100 million more, talked about creating again another task force, but I forgot to tell the Members, at the top of his speech he said to the business people who were there, do not forget, in so many words, I have done tax reform, and I am now making it permanent. So at the same time that he is spending money, he is talking about how he is going to allow them not to be able to pay more taxes.

Mr. Speaker, I would just like to say, we have to get tough on corporate crime. We have to call it for what it is. We have got to put people in jail. They have to do some time. This business of having all of these stock options, this exorbitant pay, the severance pay, like the executive of Tyco who left with $100 million in severance pay, this business of corporate heads being able to borrow huge sums of money, like Mr. Ebbers, who got $408 million, we do not know what the terms are. We do not know if that was collateralized. All we know is they sit in the board rooms and they pass the money among themselves while the workers lose their jobs, the investors lose their investments, and the companies get driven in the ground.

Enough is enough. No, Mr. President, you were not tough enough. You were not believable. You did not send the real signal. You did not do anything. As a matter of fact, Wall Street did not pay any attention to you. There was no rally. As a matter of fact, I think we

lost some points on Wall Street after you spoke. Get real, Mr. President. If you want to get tough, the American people are waiting.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KIRK). The Chair will remind Members that they will direct their remarks to the Chair and not to the President.

Mr. LAFALCE. Mr. Speaker, I thank the Chair for his reminder.

Mr. Speaker, I yield to the distinguished gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I thank my ranking member, the gentleman from New York (Mr. LAFALCE), who has been doing such a great job, for yielding to me. I am going to miss him at the end of this year.

Mr. Speaker, I am a businesswoman, and I am really alarmed and saddened about what is going on, not just on Wall Street and in American business in particular, but how it is affecting us in our own hometowns, the confidence of people investing in the market.

As a former person in the financial markets, I am just dismayed at how this is affecting what I think is really a great institution and something that really marks our country apart from others, and that is the whole idea of American business.

I know what it feels like to start a business, to find dollars, to grow the business, to make it a corporation, to hand that company over to professional management when it is time as an entrepreneur to get out and seek for more. I know what it feels like to see my product on the grocery shelves when I go shopping. I know how excited I get when I first see my ads on national television about the product or the service I am doing. I think that is a great thing.

I think that is what marks America as such a different society than any historically or any currently. But there are always these excesses, and these questions and these demands, these questions that pop up: Why should corporations pay taxes?

I always have to sit back and think, corporations should be happy to have the type of system that we have in the United States. They should be happy that we have infrastructure; that we have railways, freeways; that we have ports, that we have the Internet; that we have banking; and that we train employees by sending them to universities, and that we pay for that with government funds.

They should be happy that we have information systems. If we go to do business in another country somewhere in the world, we do not necessarily have that. I remember doing business in Mexico, and every afternoon at 2 or 3 p.m. the electricity would shut off, and we were dead for a couple of hours' worth of business time.

We should be happy as corporations that we have this type of infrastructure. We should understand that we need to pay for that. We should be paying for it. They do in other countries. They have to put in their own road in other countries. They have to put in their own sewer system in other countries. Here we are doing it as a people to keep American business going, to keep these jobs.

□ 1830

But what happens with these corporations that want to do off-shore, that would take them off Stanley brands? We do not want to pay taxes here, let us make it a foreign corporation, tell everybody we are still American made but we do not want to pay taxes. Why do these corporations not want to pay their fair share?

My father used to say we do not get something for nothing. Everything in the long run costs. I took a look these last 3 or 4 years at this market, every business going up, well, every business that did not have a product, their stock going up and up and up and everybody getting in and people telling me at cocktail parties, ''You are stupid for not having your money in there, Sanchez.'' And there I stayed with these companies that had a product. I could see it. I could feel it. I could eat it. And I understand the pressures on those managers. Everybody else was getting money, everybody was getting bonuses, their stock options were going up, and these people making a real product, they were not seeing these increases. But to fake increases in one's own company in order to compensate oneself, that is also wrong. I mean two wrongs do not make a right. We do not get something for nothing.

And auditors, my God, what happened? I mean I was trusting them as an investor, that they were telling me the numbers of what was going on in the company. I have never believed in all these off balance-sheet transactions and loans and things that only had to be footnoted and one had to do 14 different inquiries until they got the information on what kind of deal was going on behind what. And, yes, things get more complicated and financing comes from all around the world and people take different pieces and corporations buy each other and everything going on, but we need to get back to the basics. We need good rules. That is a part of Congress. We need good rules. We need to set good rules. We need real regulatory agencies, and we need to fund them so that they are doing the work. We need to anticipate conflict of interest, and we need to ensure a way to stop that from happening, and we need to make examples of the bad guys.

Mr. President, I call on you, make examples of these bad guys.

Mr. LAFALCE. Mr. Speaker, I yield to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, first let me say what an honor it has been under the gentleman from New York's (Mr. LAFALCE) leadership over the last 4 years on the Democratic side of the Committee on Financial Services.

Second, let me express some disappointment in the President's speech yesterday. In his preview of his speech that was picked up by AP and other news stories, he said that he was planning to create a ban on huge loans to corporate executives; but when he actually delivered the speech, he simply called upon the corporations not to make such loans, which is like calling on a pack of wolves to become vegetarians.

It was indeed a disappointing speech, but what was more disappointing was the President's belief based on his own experience at Harken that the SEC is engaged typically in reviewing the materials filed with them and then, when they need to be restated, demanding that restatement. The fact is that the Chair of the SEC has refused to provide our committee with even a cost estimate of what it would take to engage in the very kinds of activities only as to the top thousand corporations in America that the President states in his press conference that he believes that the SEC is already engaged in.

In answering questions about Harken, the President said he thought the SEC was engaged in these activities. The fact is the SEC did not read Enron's financial statement for 4 years in a row. So we need an SEC that rises to the President's image of what they do, and in order to do that we might need a chairman who actually wants to achieve that objective.

Mr. LAFALCE. Mr. Speaker, I yield to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I thank the gentleman, and certainly his leadership will be missed.

Mr. Speaker, I represent a middle-class, middle-income district on Long Island, New York. The people I represent play by the rules. They pay their taxes. They pay their dues. They raise their kids with the values of hard work and fairness. They know the value of real punishment for real crimes. And they know there is no difference between stealing with a gun and stealing with an accountant's pencil.

The worst crime that was committed in this crisis was the theft of time. The worst crime is that people's retirements were stolen away from them because the value of their 401(k)s, their pensions, their retirements will plummet as a result of this scandal, adding more time of hard work and paying taxes. This was the theft of time and that cannot be forgiven. People's retirements have been stolen. And where is the punishment? Ken Lay and his cronies continue to walk freely. There have been no personal bankruptcies for senior management. There have been no jail sentences, no disgourgements. There has been no accountability, but plenty of American corporations even today will continue to register themselves in Bermuda to escape paying their fair share of American taxes to support our troops in Afghanistan.

The American people will be looking at this House of Representatives wanting an assurance that we will return this country and its businesses to fair play and playing by the rules.

Mr. LAFALCE. Mr. Speaker, I thank the gentleman.

We have lost 5 to $7 trillion. Now a significant portion of that, not all of that, is because of corporate mismanagement, earnings manipulation by officers, by directors, by the auditors, by the research analysts having conflicts of interest, by inadequate regulation from the self-regulatory organizations, by inadequate regulation from the SEC.

We need to correct the problem. We need strong legislation to correct the problem. We do not need a powder puff effort. We do not need a cosmetic approach. And I urge everyone in this House to get behind strong meaningful legislation such as the bill that I have introduced that has been endorsed by so many consumer groups across America.

OVERPRICED PRESCRIPTION DRUGS

The SPEAKER pro tempore (Mr. KIRK). Under the Speaker's announced policy of January 3, 2001, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GUTKNECHT. Mr. Speaker, let me say first before I begin on the issue that I really want to talk about tonight, I listened to much of my colleagues' Special Order for the last hour. And I have to say on behalf of most Republicans, and I think most Americans, we agree with what they have said.

The truth of the matter is when there have been frauds, and we have seen fraud committed against shareholders and against corporations, those people need to go to jail. And I think we are all in agreement on that. Frankly, I think just for the theater of it I would like to see some of these corporate executives that have been charged with crimes and will be charged with crimes, I would like to see them arrested and taken away in chains. I would like to see handcuffs on them. I think I speak for the overwhelming majority of people in this Congress.

I will say this: the one thing we have to be careful of is that we do not try to turn this into a partisan thing. I do not think this is a partisan issue. I think all of us can stand and talk about our moral outrage for some of the things that have gone on in corporate America, and the time has clearly come to clean them up.

I rise, though, tonight to talk about another crisis that all of us know about; and, frankly, we in Congress have done too little to really resolve, and that is the whole issue of about how much Americans pay for prescription drugs. It is a crisis particularly for those seniors, but not just seniors but for all Americans who do not currently have some kind of drug coverage in terms of insurance. And as we speak tonight, there are literally hundreds, if not thousands, perhaps even millions, of Americans who are having to make very, very difficult decisions about whether or not they can afford the drugs that the doctors say they need to regain their health. And I brought with me, and these charts are becoming all together too familiar to many of my colleagues, but I think they need to be restated because we have learned the more you learn about this issue, the more we can come together with some kind of a solution.

But I want to point out this chart because as I was going through my closet here about half an hour ago, I found this chart from last year. This is dated 2001. And I wanted to bring this with me to show you a couple of examples, and what we have here is a chart that demonstrates the price that Americans pay, the average U.S. price versus the average European price.

The source of this, these are not my numbers. This is from the Life Extension Network. It is an independent foundation that has been studying this issue for more than 10 years. They continue to come to the same conclusion and that is that for prescription name-brand drugs Americans pay more than anybody else in the world for the same drugs. There are a lot of reasons for that, and we will talk about that during this Special Order. But what is interesting to me is to see how prices have changed just since last year.

Now, this chart is about a year and a half old. And what you see, for example, let us take a couple of these drugs, Claritin, a very commonly prescribed drug, a lot of people are taking it now for allergies. It is about to go off of patent so you will see the price come down dramatically in the United States in all probability, although I will tell you the pharmaceutical company that makes it is trying to replace that with a drug called Clarinex. Now according to at least one report, Clarinex is a better drug than Claritin. It is 2 percent better. That is not a huge improvement for the difference in price. But the thing that bothers me is that the average price for Claritin in the United States was about $63.06 for a 30-day supply. That same drug sold on average in Europe for $16.05.

Another commonly prescribed drug is one we have talked about here on the House floor because my 84-year-old father takes this drug every day. In fact, many senior take it. It is called Cumadin. It is a blood thinner. It is a very good drug. It is more effective than asprin, and if you have had a stroke or if you have had a heart attack, if you have got a problem with blood clotting and platelets and so forth, it is a very effective drug.

Let me say from the outset, I am not here tonight to beat up on the pharmaceutical industry. I am not here to say shame on the pharmaceutical industry. They are only doing what any free enterprise company would do in terms of exploiting a market opportunity that we have given them. No, I am not here to say shame on them. I am here to say shame on us because we have created this situation and we need to change it.

Let us talk about Cumadin. Last year the average price, a year and a half ago in the United States was about $37.74. The average price in Europe was $8.22. Now, that price has changed.

I will pull up the next chart, which is this year's prices; but as we go down the list, we have seen the big differences. When you get into some of the very expensive drugs, Zithromax 500, United States price for a 30-day supply, $486. The same drug in Europe made in the same plant under the same FDA approval sells for $176. Huge differences.

There are some where the differences are less. You look at, for example, Lipitor. The average price for Lipitor in the United States, $52.86. In Europe, $41.25. Again, these prices are about a year and a half old.

Let me show some of the current prices because some of these drugs have changed dramatically in just a year and a half. I mentioned last year that Cumadin in the United States the average price was $37.74. In just a year and a half that price has gone to $64.88. Now, that makes me angry to see that huge difference because nothing has changed. It is exactly the same drug, put in exactly the same capsules, under the same FDA approval and the same FDA plants.

The interesting thing, too, is as far as I know there have been no major lawsuits so they have not had this tidal wave of litigation that we sometimes hear about. So the price has almost doubled in just about a year and a half.

Now, it makes me feel just a little better that the price in Europe has doubled as well. The price has gone up uniformly, but the price is Europe today is a little over $15. The price in the United States is $64.

□ 1845

One that has really gone up as well is glucophage. Glucophage is a marvelous drug. If a person suffers from diabetes, glucophage has changed their lifestyle. It is a fabulous drug, and the manufacturers deserve credit for what they have done for all of the millions of people, not only here in the United States, but around the world, who suffer from diabetes.

The price has gone up now to an average of $124.65 for a 30-day supply in the United States. The average price in Europe, $22, $22. Some people will say, well, how can that be, how can it be that the prices are so much different? Let me just, first of all, say that many other countries do have various forms of price controls. We have price controls on hospitals and doctors and medical providers under Medicare as well. We determine how much they can charge, and essentially with some of

the countries that is what they have done. They have price controls on these drugs, but that is not universally true.

If we look at countries like Germany and Switzerland, where a number of the big pharmaceutical companies are based, Germany and Switzerland, as far as I can tell, do not have what we would describe as price controls. Let me give my colleagues a couple of examples, and these again, these are charts, the numbers are provided by the Life Extension Foundation. If any of my colleagues would like to take a look at these charts, they can just go to my Web site at gil.house.gov and we have this chart up there and have more information about the differences between what Americans pay for prescription drugs and what the rest of the world pays.

I was not completely satisfied just to use the numbers that we had received from the Life Extension Foundation, so we had one of our friends, or some friends in Europe, buy some drugs for us, so according to the FDA what I am holding up right now are illegal drugs. The FDA holds that it is illegal to bring these otherwise FDA-approved drugs, made in FDA-approved facilities into the United States. They do not always enforce their rules. For personal use, if a person brings them back with them from Europe or Canada or other industrialized countries, generally speaking, the FDA will not enforce what they believe are their own rules.

Let me show my colleagues this drug. It is a drug called Zocor, and this drug was bought about 3 weeks ago in Europe. In fact, I think I can even tell my colleagues where it was purchased. In fact, the story of Zocor is even more interesting because it is manufactured by a subsidiary of the Merck pharmaceutical companies. It was manufactured and distributed in Italy, and this was bought in a pharmacy in Como, Italy. The price for this Zocor in Como, Italy, was 13.94 Euros. The day that this was purchased, the American conversion on that was $14.77.

I am sorry, it was 14.77 Euros; the American price is $13.94.

I have a good friend who runs a pharmacy in Northfield, Minnesota, and so we called him and asked how much this exact same package of Zocor would sell for here in the United States in Northfield, Minnesota. The price, as I say again, in Europe was $13.94. This drug bought at the pharmacy in Northfield, Minnesota, is $45. I am not good in math, but that is more than five times the price, I am sorry more than four times the price for the same exact drug.

We also checked on another drug, Claritin. Interesting story about this particular drug. This drug is manufactured by, actually, a Swiss company by the name of Schering Plough. Many of us know the name of Schering Plough, but many do not know that it is a Swiss company. But the interesting thing is, this drug was actually manufactured in Spain and it was reimported into Germany where, as I say, they do not have price controls, but they do have open markets, and the Germans have the right to shop where they can get the best price.

This Claritin, manufactured by Schering Plough, a Swiss company, manufactured in Spain, was bought in Germany at a pharmacy in, let me get the name, in Riegensburg, Germany. It was purchased for 14.8 Euros; the American conversion that day was $13.97. Again, we called my favorite pharmacist in Northfield, Minnesota, and asked him how much this package of Claritin would sell for in Northfield, Minnesota, and the answer is $64.97; $13.97 in Germany where they have no price controls, $64.97 for the same drugs.

We have to ask ourselves, why do we permit this to happen? We have open markets for almost everything else. How can it be that we are paying so much?

Let me come back to something else. Let me talk about open markets and what open markets do for us every day. Some people say, well, if we open markets and if we allow Americans to purchase these drugs in other countries, there is a risk they may get the wrong drug or they may get a drug that has been adulterated or they may get a drug that is counterfeit. Well, that is true.

I must tell my colleagues that is true, but every year we, as Americans, consume enormous amounts of food that comes in from other places. For example, last year in the United States of America, we imported 500,000 tons of pork. I love pork. In fact, we produce a lot of pork in my part of the district. In fact, we produce one of the world's finest luncheon meats. It comes in a blue can with yellow lettering. It is called Spam. Every day in Austin, Minnesota, we turn 16,000 pigs into Spam.

I love pork. It is a wonderful product, and if it is managed properly, as far as we know, no one has ever gotten sick of any food-borne disease from eating Spam. It is a wonderful product. But the truth is, by eating imported pork, which is almost never inspected, and again, I want to give my colleagues that number, 500,000 tons of pork is imported. If a person eats pork that has not been properly refrigerated and so forth, they can get salmonella from pork, they can get trichinosis; and either one of those diseases can kill a person.

So some people say, well, if we import these drugs people might die. We keep records. In the last 10 years, according to the Food and Drug Administration, and the FDA that is responsible, that literally has built this wall, that says Americans cannot import or reimport legal, FDA-approved drugs into the United States, they are the ones who have literally made it possible for the drug companies to have one pricing strategy for Americans and another pricing strategy for people around the rest of the world. Our own Food and Drug Administration admits in their own studies that of the hundreds of thousands of tons of fruit and produce that come into the United States every year, at least 2 percent of them are contaminated with food-borne pathogens, including salmonella. Salmonella can kill a person. It is a very dangerous food-borne pathogen.

At the same time, they keep records, though, of how many Americans have become ill or died from taking legal, FDA-approved drugs that came in from other countries. Do my colleagues know what the answer is? Zero. No one, no one has gotten sick or died from taking legal, imported drugs from other countries.

I have had town hall meetings around my district, and I can tell story after story, but I would like to share at least one of them with my colleagues.

It is about a lady who was traveling in Europe and was traveling in Ireland, and she has a special skin condition. I think it is called eczema. She has to take a special cream, and it works very well, and again we thank the pharmaceutical companies for coming out with these marvelous drugs that help us all live better, but she ran out of that cream while she was traveling in Ireland, and she stopped in to just a local pharmacy.

She was a cash customer. She walked in and she happened to have her prescription with her. She walked up to the pharmacist and said, could I get this prescription refilled here at this pharmacy, and he looked at it and he said, well, absolutely, and he sold her the cream. The price was $30 American. The price she says in the United States, and she uses about one tube every month, is $130. The difference in Ireland, $30; in the United States, $130.

She got back to the United States, and as is always the case, on the outside of the little box of the prescription ointment was the name, the address and the telephone number of that pharmacy back in Ireland, and so as she began to get low on that tube of ointment, she did what a lot of us would do. She picked up the phone and she called that pharmacy in Ireland and asked if she could have the prescription refilled, and he said, sure, and I think she gave him her credit card number.

He put it in a package and shipped it. I do not know whether it was FedEx'd or UPS'd or Parcel Post. I am not sure but when the package came through Customs, our own Food and Drug Administration intercepted that package, and they just opened it and they put a threatening letter in that package and ultimately sent it on its way to the lady and said this may be an illegal drug here in the United States, and in a sense they said if you try to do this again, you could be prosecuted.

If a person is a retired single woman and they get a threatening letter from their own Federal Government, that is a pretty intimidating thing and that is what the FDA has been doing. They have been concentrating on honest, law-abiding citizens who are trying to

save a few bucks because, for her, if she could buy that drug in Ireland, it would save her $1,200 a year, and for her, $1,200 is a lot of money. Let us be honest, for all of us, $1,200 is a lot of money.

My vision, I want to make this clear, too. I want to include pharmacists in this whole thing. I want to be able, so that my dad or my wife or anybody who may be watching this particular C-SPAN program would be able to go to their local pharmacy and they would talk to their local pharmacist and say, listen, I need to renew my prescription for, pick one of these drugs, just name it, Claritin, I need a 3-month supply.

The pharmacist ought to be able to say to them, listen, I can fill it out of my inventory of United States supply, and they force me to charge $89, or I can go on line and I can order it for you out of the pharmaceutical supply house in Geneva, Switzerland. We will have it shipped to you FedEx in about 3 days, and your price will not be $89 or $64, your price will be $16, plus about $8 shipping and handling.

Which one would my colleagues prefer?

If we multiply that by a 3-month supply, we are talking about 3 months. We want to keep the pharmacists involved because pharmacists play a very important role in the health care delivery system here in the United States, and we must not forget that.

I want to show my colleagues some other charts here because I think they deal with some of the arguments that we hear around this building which, in my opinion, are pretty much nonsensical, and I have already talked a little bit about. Some say that importation jeopardizes consumer safety, but as I said, the truth is, there is no known scientific study that demonstrates a threat of injury to patients importing medications with a prescription from industrialized countries. Zero, zero.

As I say, more people have gotten sick from eating imported strawberries. Thousands of people have gotten sick from eating imported strawberries, and we bring thousands of tons of strawberries into the United States every year and people get sick, and the Food and Drug Administration does almost nothing to stop it.

What is more, millions of Americans have no prescription drug coverage. Stopping importation of FDA-approved drugs threatens their safety. A drug that a person cannot afford is neither safe nor effective, and millions of Americans today, because they cannot afford the drugs, are going without the drugs, and so that drug is neither safe nor effective.

Let me go to the next question people raise. Some say that the FDA lacks the resources to inspect mail orders. The truth is the FDA is focusing on the wrong problem. They are putting all their resources, instead of stopping illegal drugs imported by illicit traffickers, they are spending all their time enforcing their so-called rules on approved drugs imported by law-abiding citizens. We are again talking about FDA-approved drugs from FDA-approved facilities, and let me just say this for the benefit of Members.

There are only about 600 FDA-approved drug-making facilities in the world, and they inspect them regularly. We know what they are doing. They want to have FDA-approved facilities so that they can sell not only in the United States, but around the world.

So far, last year, the FDA detained 18 times more packages coming in from Canada than Mexico. Why are we putting so much emphasis on trying to stop imports from Canada rather than Mexico? I am not saying anything disparaging about Mexico, but if we have a problem with drugs, counterfeit drugs, drugs that have been adulterated in some way, it strikes me that we have a bigger problem with Mexico than we do with Canada, and yet we have stopped 18 times more packages from Canada than we have from Mexico.

Worse, last year, this was a year and a half ago, Congress appropriated $23 million for border enforcement, but the Secretary of Health and Human Services at that time ultimately decided not to enforce that particular provision and refused to spend the funds.

Let me go to this next chart. Some say that a Medicare drug benefit will eliminate the need for importation, and we passed a pretty important bill in the House last week. I voted against it for a variety of reasons, but the truth is simply, shifting high drug prices on the government only transfers the burden to American taxpayers. It does not solve the problem.

□ 1900

Americans are paying far too much. Moreover, Medicare coverage will not help the millions of Americans that do not have prescription drug coverage in their health insurance plan.

Let me finally just show this last chart. Some say that importation is merely an indirect way of enacting price controls. But the truth is importing prescription drugs into the United States will lower prices here and, in the long run, force Europe to pay more of the drug research and development cost. The best way to break down price controls is to open up markets.

I did not say that. That is not a quote from me. That came from Steve Schondelmeyer, who has a Ph.D. and is a pharmacology professor and director of the Prime Institute at the University of Minnesota. He is the one who said the best way to bring down or to end price controls is to open markets.

And for those who do not believe it, look back at what happened to the former Soviet Union. When President Reagan went to Berlin and said, Mr. Gorbachev, if you mean what you say, come here to Berlin and tear down this wall. And he knew better than anybody that markets, and as he said, markets are more powerful than armies. What ultimately brought down that wall more than anything else was they could not hold back free markets. And, my colleagues, neither can we.

Finally, let me just say that when we talk about how much Americans pay for research, and the drug companies are all saying, well, if we bring down the prices in the United States, and incidentally we believe that if we just open up markets we will see prices of prescription drugs in the United States come down by at least 35 percent, but some people say, well, if that happens, we are not going to have any money to spend on research. My colleagues, people need to know how much we subsidize research in the United States.

We often hear that the United States, the American people, represent roughly 4 percent of the world's population, and we consume 20 percent of the world's energy, and we consume 30 percent of the world's paper, and 30 percent of this and 22 percent of that. But, my colleagues, most people do not know this. We may represent 4 percent of the world's population, but we represent 44 percent of all the dollars spent on basic research. Americans are paying more than their fair share for the cost of research.

We subsidize that research in three separate ways here in the United States, and we all need to be aware of this: first of all, we subsidize it through government-paid research. This year, we will spend roughly $21 billion in basic research through the NIH, the National Science Foundation, and others. Twenty-one billion for basic research will come out of this Congress and go into research, which ultimately the pharmaceutical companies know much of that research they can use to their benefit at no cost. The results of that research is published on the Internet and is available to everybody essentially free of charge.

The second way we subsidize them is through our Tax Code. Now, if they are profitable companies, and these are the most profitable companies in the Fortune 500, they are at a 50 percent tax bracket. So 50 percent of the research right off the top is written off on their Federal tax forms. Now, on top of that, many times they get tax credits. Some of them have moved their operations to Puerto Rico, where they pay no taxes; and as a result, we are subsidizing them through the Tax Code in several ways.

Finally, we subsidize in the prices we pay. When we are paying two, three, four, five times as much as they pay in Europe for exactly the same drugs, we are paying more than our fair share for all of the cost of research. We ought to pay more. And let me just say that, and I have said this on the House floor, and I will say it again and again. I am more than willing as an American consumer, and as a public policymaker and

a Member of Congress I think Americans ought to pay our fair share. I appreciate what the pharmaceutical industry has done. I appreciate the miracle drugs they have come out with. I am willing to pay more than the starving people of central Africa, but I am unwilling to continue to subsidize the starving Swiss.

The time has come for Europe, for Canada, for Japan, and the other industrialized countries around the world to pay their fair share. And the easiest, simplest, fastest, least bureaucratic way to do that is to open up the markets. I will repeat again to congressional leaders: If you mean what you say about free trade, whether we are talking about blackberries, whether we are talking about blueberries, whether we are talking about bananas, whether we are talking about pork bellies, or whether we are talking about Biaxin, then come here to the floor of this House, come here and tear down that wall, because that is the way we are going to bring down prices.

When we do that, it will be much easier for us to provide the kind of coverage that Americans need, particularly seniors in Medicare, if we can come up with a plan that will reduce those prices.

Mr. Speaker, with that, I yield to my close friend and dear colleague, the gentleman from the great State of Georgia (Mr. KINGSTON), who has been a fighter in this battle for a number of years with me.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Minnesota, and I wanted to say that I did not catch all of the gentleman's remarks on the way over here, so some of this may certainly be repetitive; but first of all, I think we need to say a word of thanks to the chairman of the Committee on Energy and Commerce, the gentleman from Louisiana (Mr. TAUZIN), and also to the House Republican leadership for scheduling some hearings on the drug reimportation issue. I am very excited about the hearings.

Because when people around America see some of the differences in the costs, and I see the gentleman has his latest chart up there, for instance with Premarin, and if I am reading it correctly, it is $55.42 in America compared to $8.95 in Europe. A statistic that our friend and colleague, the gentleman from Vermont (Mr. SANDERS) has brought up is that the Boston University School of Public Health, a particular professor there, says that America could save $38 billion a year if American consumers could buy medications at Canadian prices. Of course, the gentleman has European prices on there, but we have also other charts with Canadian prices, and they are just as attractive as the European prices.

What is odd, and I just want to enter into a dialogue with the gentleman, does the gentleman know how many people it is that have died because of drug reimportation? Surely it must be thousands upon thousands, given the great resistance some Members of Congress have to this.

Mr. GUTKNECHT. I mentioned this earlier. The Food and Drug Administration does keep pretty good records, and we know that thousands of people have become ill and died as a result of eating imported foods that were contaminated with some kinds of foodborne pathogens. As best we know, with the latest numbers we have over the last 10 years, the number of people who have died as a result of taking a legal drug imported from an industrialized country, that number is zero.

Mr. KINGSTON. Zero people.

Mr. GUTKNECHT. Zero. Not one. And let me say that we pay a very dear price for what apparently is no real protection.

Mr. KINGSTON. So for $38 billion more in expenses a year, it appears that there was no real difference in public health.

Mr. GUTKNECHT. We do have to ask, Who are they protecting us from?

Mr. KINGSTON. Now, there is a statistic, though, that the Secretary of Health and Human Services gave to the gentleman and myself recently that 98,000 people a year actually do die from misapplication of prescription drugs, not taking their medicine properly or timely. And I know that the University of Minnesota, which I think is not in the gentleman's district, has done a study to find something like 40 percent of prescription drugs are used incorrectly. Is that the gentleman's understanding?

Mr. GUTKNECHT. I believe that is correct. That was a study that was done at the University of Minnesota, and I believe the gentleman's numbers are correct; that literally tens of thousands of Americans become seriously ill or die every year from not taking their medications correctly.

And we do not know at this point, based on that study, how many of them were cutting their pills in half or were mixing medications that they should not have mixed. Which brings me back to the point I did make before the gentleman came over, and that is our vision is to keep the pharmacists involved. We believe that the pharmacist is a very important component in the health care delivery system. They are the ones who know how drugs interact and how these drugs should be taken; whether they should be taken at mealtime or before bed, whether they should take a whole glass of water or drink with milk.

There are a number of different things that are important; and we know an awful lot of people do become ill, thousands, tens of thousands, because they take the drugs incorrectly or they mix and match drugs they should not.

Mr. KINGSTON. I believe the last vote we had on this was July 10, 2000, which was, well, 2 years ago today, but at that point out of 435 Members, 363 voted in favor of drug reimportation. And, again, that was July 10, 2000.

To make sure folks understand, we are talking about drugs that have strict FDA oversight, proof of FDA approval of imported medicine. There must be a paper chain of custody so people know that they are not counterfeit drugs. We are also stating that only licensed pharmacists and wholesalers can import medicines for resale, not just somebody who decides to open up a shop somewhere. Importers would have to meet requirements for handling as strict as those already in place for existing manufacturers, and a registration of Canadian pharmacies and wholesalers who would be selling or exporting to America would need to be registered with Health and Human Services. And we would need to have lab testing to screen out counterfeits.

And counterfeit drugs can happen under the current market. This does not change the threat of counterfeit drugs.

Mr. GUTKNECHT. If the gentleman would yield, we know of at least one example that was well publicized of a pharmacist in the Kansas City area who was adulterating drugs. He was a licensed pharmacist, and he was ultimately caught. We do not know how many Americans ultimately died or lives were shortened or lost their health as a result of what he was doing. But that did not happen because of drugs that were being imported from a pharmaceutical supply house in Geneva, Switzerland. That happened right here in the United States of America, in Kansas City, Missouri.

Mr. KINGSTON. Well, I think that is important to point out, because people often bring up this counterfeit drug situation, and it is something that certainly scares us. My mother had breast cancer this year and has to take Tamoxifen, and I certainly want to know that the pill she is taking is as represented. I do not want any counterfeit pill for any American.

But it is a red herring to mix that with the reimportation question, because counterfeiting is taking place today without reimportation.

But another issue that I wanted to mention to the gentleman is one about the patent bill that our colleagues, the gentlewoman from Missouri (Mrs. EMERSON) and the gentleman from Ohio (Mr. BROWN), have been pushing. Now, as I understand it, and I do not know if the gentleman has covered this already, but most drugs have a 17-year patent. When that patent expires, in order for a generic company to get to make that name-brand drug, they have to file, I guess with the FDA.

If the gentleman has a definition for generic drug, maybe he could share that with us.

Mr. GUTKNECHT. Let me share with my colleagues and those who may be watching, because this is something I did not know until a few years ago.

Before somebody can begin to make a generic drug, the patented drug, the name-brand drug, that patent will have had to expire. Or sometimes they will

turn them back. Occasionally, they will turn them into an over-the-counter drug before the patent expires. But the point is, they have to go to the FDA and ask for approval just as if it were a new drug they were making, a brand-new drug.

What they are doing is they are copying the recipe for that drug, and they have to prove to the FDA beyond a shadow of a doubt that the difference between their drug, the generic drug, and the name-brand drug will be no more than the difference between one batch of the name-brand drug and the next batch.

Sometimes there is an impression left with people that, oh, if you take the generic drug, that is inferior to the name-brand drug. It simply is not true. The active components are identical in every way to the name-brand drug. And the savings can be 60, 70, 80, or 200 percent.

Mr. KINGSTON. So if I follow the gentleman, it is not going to be a substitute, for instance, Coca Cola with Pepsi Cola, two products that are very similar and neither one would cause any problems. The gentleman is not saying that at all. What the gentleman is saying is that we are simply taking the Coca Cola that is in this nice traditional Coca Cola can and pouring it into a cup, but it is the same content inside. The same brand-name inside that pill, is what a generic drug is, then.

Mr. GUTKNECHT. I will give an even better example. Go down to the Mint here in the United States capital, just a few blocks down here. They print $1 bills. What I am saying is the difference between one sheet of $1 bills will be no different than the next sheet.

Mr. KINGSTON. So that is it. I think it is very important because there is this stigma promoted by the name-brand drug companies, and I certainly can understand why they want to do it, but there is a stigma about generic drugs.

But getting back to the patent issue, when the patent expires on a drug, the generic company files with the FDA to say that they want to start making that drug. The FDA can say yes or no.

□ 1915

And if the name brand company protects it and says we are changing this drug, then they get a 30-month extension; is that correct?

Mr. GUTKNECHT. Mr. Speaker, that is my understanding, that almost any minute change, including changing the color of the tablet, if they say we are going to change the color of the tablet because it will increase the effectiveness of the drug or its shelf life, they almost automatically get a 30-month extension. And a 30-month extension is worth an enormous amount. But from the other side, that is an additional expenditure that American consumers have to make.

Mr. KINGSTON. And seniors who have to choose between drugs and food, in many cases they are going without medicine.

Prozac went off patent last August; is that correct?

Mr. GUTKNECHT. I am not sure if it has, or is in the process of going off patent.

Mr. KING. How much has the price fallen?

Mr. GUTKNECHT. Mr. Speaker, according to these charts, we have not seen a dramatic reduction.

But Claritin and Clarinex are a good example. Claritin is going off patent and so the drug company that manufactures it is in the process of converting people from Claritin to Clarinex. According to one published report, the improvement, if you can say the quality or the effects of moving from Claritin to Clarinex, and Claritin will soon be available in generic if they do not get a 30-month extension, which I do not think that they should, but the difference is 2 percent. One of the published reports says there is a 2 percent advantage in taking the Clarinex over Claritin.

What the drug companies try to do as they have a drug coming off patent, they try to come out with a new and improved version, which I appreciate, but a 2 percent improvement hardly justifies a $60 a month difference in price.

Mr. KING. Mr. Speaker, the patent issue is a separate issue from reimportation, but we are all interested in making drugs affordable and accessible to the seniors of America. The Republican Party has made that one of its top issues this year.

To just review the patent situation, if you invent a computer chip like Steve Jobs, the proverbial dot.com success story, if you do that tinkering away in the midnight hours at your house, you get a patent. That patent helps you recoup the costs and all your time and pays you off for your ingenuity and genius mind.

With a drug company, they are a little different. The research is subsidized by the taxpayers, so why are we giving them such a long, 17-year patent when in fact so much of the research is subsidized?

Mr. GUTKNECHT. Mr. Speaker, I think that is a fair question and I am not sure I can completely answer the question. That has happened with the taxpayers have underwritten most of the cost of developing at least the basic formula for a new drug, and then the company has gone out and patented that, and they have reaped all of the benefits. In fairness, they probably pay over the life of that drug, they pay an awful lot of taxes and so we recoup some of that through taxes. But the question is a fair one.

If a drug is developed mostly with taxpayer-funded research money through the NIH or other Federal grants, the taxpayers should get some kind of royalty and that is a question that we have not resolved. Frankly, we may need some help from the Secretary of Health and Human Services, the people at NIH, the National Science Foundation, as well as some of the folks at the Patent Office.

I am delighted to hear that we may have a hearing on this whole issue in the Committee on Energy and Commerce, and I hope we can bring some of those people in to explain to us as policymakers and to the people of the United States how it is that we can get shorted on both ends. In other words, we pay for the research and we pay exorbitantly high prices for the drugs relative to the rest of the world.

Mr. KINGSTON. I think the patent issue is one that we should discuss. On Glucophage, which is for diabetes, has the 17 years on that patent run out?

Mr. GUTKNECHT. I do not know about that one. I know some of the most important drugs for diabetes have literally been off patent for several years, or had their patents renewed. A number of these drugs were developed 50 years ago and are still being sold at relatively high prices, and the company has recovered all of what you could remotely suggest is a cost, and still have received additional patent protection from the U.S. Patent Office.

Mr. KINGSTON. So a patent, if it is gamed properly, it can be a government-sanctioned monopoly for drug companies.

Mr. GUTKNECHT. I think it was Glucophage that originally you had to take twice a day. There is a legitimate question whether or not they should have gotten an extra 17 years simply because they went from a two-a-day capsule to a once-a-day capsule.

Mr. KINGSTON. I think we should look at that with a very large magnifying glass because with what we are seeing with corporate greed, and there are a lot of great corporate citizens and CEOs, but the accounting games which seem to have been pulled by the Global Crossings of the world, and the Enrons and the Arthur Andersens, it seems like big corporations are just in it for themselves and are not worrying about the good of humanity.

One of the things that we in the Republican Party did April 24, we passed an accounting accountability act to separate accountants from consultants and put things at arm's length. I am glad to hear that the Senate is waking up to this. I am glad to hear that Mr. DASCHLE and the other body has discovered there is an issue out there. We did ours on April 24. The Democratic leadership voted against it. It is time for the Senate to act on it. Let us get a bill into conference and hammer out the differences.

I think right now it is time for corporate goodwill to be exhibited. It is not time to game the accounting procedures and patent procedures. Maybe we as a Congress should look at an issue of patents and when are they legitimate and when are they not legitimate.

I know one thing that we have also done, switching back to the prescription drug issue, is shortened the drug

approval time for FDA. FDA under the Clinton administration was taking about 8 years to approve a new drug. Today that is down to 2 to 3 years, and a lot of that progress was actually made under the Clinton administration as well, so I want to give them a compliment where compliments are due.

Mr. Speaker, 3 years is probably as short a time as we are going to get. I believe 2 years and 1 month on an average, and generics sometimes can take a little longer. But one of the things that our constituents complain about is a drug for cancer or epilepsy that is being used in France or another country, it has a track record and has been on the market for 15 or 20 years but it is not approved in America. I think for that reason we have to keep the heat on the FDA to get drugs approved faster.

Mr. GUTKNECHT. Mr. Speaker, I think the whole issue of reimportation will begin to force that issue. The question we are really asking today is how safe is safe. What is the FDA protecting us from? In their effort to make us absolutely safe from any imported drug that is clearly legal in the United States, and to keep us safe from drugs that have already been approved in other parts of the world, they are putting roadblocks in the way, and in many cases are costing American lives and not improving their health.

I think the question we have to ask as policymakers is how safe is safe enough. As I mentioned earlier, we import 500,000 tons of pork every year. You can get sick and die from bad pork, and yet 500,000 tons is imported every year with very little inspection by the Food and Drug Administration.

I think we have to be honest with ourselves. Even with all of the time and research that goes on, some people are going to have an adverse reaction to some drugs. That is just absolutely going to happen. Some people are going to take a drug, and they are going to get well. Some other people may get sick, and some might die from taking that drug.

There were some studies that came out on Premarin and Prempro. They are female hormone drugs. They come from horses. We have known about them for literally years and years. What we did not know, that by taking these two drugs, either of these drugs, you may begin to develop and have a significantly higher rate of breast cancer, heart disease and other diseases. I do not know what the future is going to be, but the point is we studied these hormone replacement therapies for years, and yet we did not know what we now know today about those drugs.

I think we have to ask ourselves how safe is safe. Is the FDA really protecting us from serious injury, and we want them to do that, or are they being so careful, both on the reimportation side and on the approval side, that they are endangering American lives? We are asking them for a serious analysis, and compare what we do in the United States with what they do in Europe. Ultimately I think we will get drugs on the market faster, we will get generic drugs on the market faster, and if we have reimportation, we will get much cheaper drugs.

Mr. KINGSTON. In terms of tort reform, what the drug companies are also telling us is in the two examples the gentleman gave us, if a woman is taking a hormone-enhancing drug and because of research down the road, for whatever reason, that drug develops or accelerates the development of breast cancer, the drug company, of course, is going to get sued. What kind of protection should the drug company have, if any, in terms of tort reform or liability?

Remember, when you go to court and you sue, you can get compensatory damages for the money you have lost. Then there is noncompensatory damages, and that is for pain and suffering. And that is harder to calculate, but still possible, it is an agreed-upon figure.

A third kind of damage is a punitive damage where the State holds up the tortfeasor, in this case the drug company, as an example to others who would exhibit negligence, and punitive damages really was more for intentional or gross negligence, but lately it has not been.

It would appear to me that limiting punitive damages at some point is sensible because the victim is already going to get compensatory and noncompensatory damages. We have not had much success with tort reform. Is that going to be part of the solution?

Mr. GUTKNECHT. Mr. Speaker, I think it definitely needs to be part of the solution. I think part of the reason that health care costs are so high in the United States relative to the rest of the world is the fact that we have literally allowed this jackpot justice.

Now, I do not think that the manufacturers of any of these drugs have intentionally put those drugs on the market knowing that they were going to have these adverse consequences to whatever percentage of the people who take them. I think they have put these drugs on the market in good faith believing that the patients would receive a real health benefit from taking these drugs.

My view of tort liability is much more restrictive. I am not an attorney. I do not play one here in Congress. I do not think the gentleman is one, either. I think we have allowed this whole system to go out of control, and we all pay for it. They have a much more restrictive system in Europe, and that is part of the reason the drug companies are willing to sell the drugs for considerably less in Europe than in the United States. So long term, this needs to be part of the solution.

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Mr. KINGSTON. Mr. Speaker, may I say the gentleman has brought back his chart on the cost of drugs, and that is an astronomical figure, $1.8 trillion. In fact, there is a book that was written in Georgia several years ago that is called The Coming Economic Earthquake. You may have read it, a Georgia author, so I have to brag on him.

He is saying the difference between 1 million and 1 trillion is that if you took $1,000 bills, to stack them up to get to $1 million, stack one $1,000 bill on top of another $1,000 bill, it would be about 4 inches high. That would become $1 million at 4 inches. To get to $1 trillion, it would be 33 miles high. People do not understand that.

Mr. GUTKNECHT. One million $1,000 bills would be 4 inches high?

Mr. KINGSTON. $1 million, 4 inches.

Mr. GUTKNECHT. Of $1,000 bills.

And to get to $1 trillion, how high?

Mr. KINGSTON. Thirty-three miles.

Mr. GUTKNECHT. Thirty-three miles?

Mr. KINGSTON. Thirty-three miles. That is from Larry Burkett in The Coming Economic Earthquake.

Mr. GUTKNECHT. Again, these are not my numbers, I am not making these things up. The only thing we have done in terms of real raw research is we had these drugs brought in Europe, and we found out what they were in Northfield, Minnesota, for the same drugs. But the other charts came from the Life Extension Foundation.

This number comes from the Congressional Budget Office, and they are the official scorekeeper of what they think things are going to cost as we go in the future. Now, they could be wrong. They could be high, they could be low. But this is their best guess in terms of how much seniors will pay for prescription drugs over the next 10 years. That is $1.8, and then a zero - zero - zero - zero - zero - zero - zero - zero - zero - zero. It is $1.8 trillion.

Mr. KINGSTON. Excuse me, but that is just seniors.

Mr. GUTKNECHT. That is just people over 65. That is just seniors. That does not include you and me and our kids and grandkids and whomever, all the other people.

Mr. KINGSTON. How many people are over 65 are on a fixed income? Is it not about 70 percent?

Mr. GUTKNECHT. Yes.

Mr. KINGSTON. That $1.8 trillion is going to be paid by 70 percent of the people on a fixed income. That is incredible.

Mr. GUTKNECHT. Here is what is interesting. Again, this is not my number, but this is what outside experts have told us, that if you just do reimportation, just reimportation, allowing seniors or anyone to go to their local pharmacy and at least price-shop from country to country to get the best price on the same drug, our estimate is you could save 35 percent.

Now, 35 percent of $1.8 trillion is $630 billion. That would go a long ways to helping to pay for the prescription drug coverage for those people who are currently falling through the cracks. We are talking about real money.

I think Everett Dirksen said a billion here and a billion there, and pretty soon you are talking about real money. $1.8 trillion times 35 percent, $630 million is a whole lot of money.

I want to congratulate our colleagues for the bill we passed last week. There are a lot of good things in it. But I do want to chastise them on this. The author of that bill stood here in front of this very microphone and said his plan would save about $18 billion over 10 years. Well, that is good. $18 billion versus $630 billion. I will ask America which program they want.

Mr. KINGSTON. Well, I think that it is sensible to explore both options.

Mr. GUTKNECHT. Right.

Mr. KINGSTON. I did support the Tauzin bill, the Thomas bill, the one the gentleman from Ohio (Mr. PORTMAN) and the gentlewoman from Connecticut (Mrs. JOHNSON) and so many others on the Committee on Ways and Means and Committee on Energy and Commerce, the gentleman from North Carolina (Mr. BURR), have championed.

The way I understand that bill, it is basically for a premium of about $35 a month, seniors on a voluntary basis would enroll in a program where they would take a $250 deductible, and from $250 to $1,000 Medicare would pick up 80 percent of the cost of drugs; then from $1,000 to $2,000, Medicare would pick up 50 percent; and then there is a gap, and there is a reason for that.

Most of the people are going to fall under $2,000, but from $2,000 to about $3,800, the senior would pay for 100 percent. Beyond that, Medicare picks up the tab. So you have catastrophic coverage. Unfortunately, there are a lot of people these days having to pay $6,000, $7,000, $8,000, $10,000, $20,000 a year on drugs. But so many people are in a lifestyle now where they have to take three, four, five, six pills a day.

I talked to a man over the weekend or over last week at one of my 11 town meetings, and he is actually having to take 2 pills a day, $17 each. So he is having to spend each and every day $34 on just two pills. He is only 51 years old. I hope he lives 50 more years at least, but the reality is, can you imagine at age 51 having to pay $34 each and every single day?

These miracle drugs are important. They have done a lot. They reduce our pain, they give us a better quality of life, they keep us out of the hospital, so there is no argument about you are going to take your medicine. But the cost of it is phenomenal.

I do think that the Republican Party took a very significant first step on a bipartisan basis the week before last with the prescription drug plan. I hope that the other body will act on theirs and maybe we can get together. But the point is, we have taken a very significant step. But I certainly agree with the gentleman that the next logical step is drug reimportation.

Mr. GUTKNECHT. We only have about 1 minute left. I want to thank the gentleman for joining us for this special order tonight. I certainly agree with the gentleman. I think it is time we do something in terms of covering those seniors falling through the cracks, but I think as I said, and the gentleman and I both said at a news conference a few days before the vote on that bill, that the real issue is affordability. If we are to do our job and effectively deal, we cannot sustain this kind of a chart. With 19 percent increases in the costs of prescription drugs and 3.5 percent increases in Social Security cost-of-living adjustments, that just cannot last.

We have to do more on the affordability side so that we can do more on the coverage side, and reimportation, reforming the FDA, reforming the tort liability laws, making it easier for generic drugs to come on the market, all of those things will go a long ways toward making prescription drugs affordable here in the United States.

We are willing to pay our fair share in terms of the research for those prescription drugs, but the time has come to say to the rest of the world, we are not going to continue to subsidize the starving Swiss.

HELPING HAITI TO MOVE PAST CURRENT POLITICAL CRISIS

The SPEAKER pro tempore (Mr. OSBORNE). Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. CONYERS) is recognized for 60 minutes.

Mr. CONYERS. Mr. Speaker, I will insert some materials in the RECORD about the plight of the African American farmers in this country who, having won a wonderful court decision that resulted in a consent decree, are still faced with discrimination, delayed payments and all other kinds of problems which were really the basis of them bringing the suit in 1999. So I will insert in the RECORD the Federation of Southern Cooperatives' statement, the statement of our colleague the gentlewoman from North Carolina (Mrs. CLAYTON) and my own statement.

Black farmers demands:

1. To Meet with Secretary of Agriculture Ann M. Veneman before July 16, 2002 We want confirmation of her agreement to meet by 3:30 pm today, EST.

2. An immediate moratorium on all farm foreclosures by Secretary Veneman.

3. The immediate termination of all USDA officers who have been found guilty of discrimination.

4. The Federal Court halt of all proceedings in the Pigford Consent Decree until the mess can be straightened out.

5. That the USDA ceases and desists on intercepting the federal farm program payments to farmers in the *Pigford* v. *Glickman* Class Action.

6. That the USDA cease and desist on claiming tax return payments to farmers who are part of the *Pigford* v. *Glickman* Class Action.

7. That USDA tells us the loan status of Tennessee farmer James Hood, Gerald Pettaway, Coach Perkins, Barton Nelson, Ernest Camel and Robert Young.

8. The immediate firing by Judge Paul Friedman of Al Pires and Phil Frans as lead counsel in the *Pigford* v. *Glickman* Class Action.

9. Settle the Matthew Grant (deceased), Richard Grant, Dexter Davis and Howard Coates (deceased) administrative cases by August 1, 2002 in a fair and equitable manner.

FEDERATION/LAF SUPPORTS BLACK FARMER PROTEST AGAINST USDA IN TENNESSEE DEMANDS MEANINGFUL ACROSS THE BOARD RESPONSE FROM USDA AND CONGRESS

Atlanta, GA.—This week Black farmers occupied the US Department off Agriculture's Haywood County Agricultural Extension Agency in west Tennessee. They decried the fact that even in spite of the recent law suit against the USDA, grievous violations against Black farmers continue. As the primary organization working in support of Black farmers across the south for 35 years, the Federation of Southern Cooperatives/Land Assistance Fund (Federation/LAF) supports the efforts of the ''Black Farmers and Agriculturalist Association'' as it's members occupy the USDA offices.

''We support this effort because it highlights the appalling lack of justice to Black farmers over the past century and clearly demonstrates the need for immediate and corrective steps by Mr. Bush's Agriculture Secretary, Ann Veneman'' said Ralph Paige, Executive Director of the Federation/LAF.

In 1999, Black farmers settled their suit against the USDA after years of struggle to receive information, technical assistance and loans from this agency that was touted as being the lending institution of last resort. The irony is that the USDA policies invariably are in place to support huge corporate farms at the expense of family farmers everywhere, and, in particular, Black family farmers who now struggle to hold on to their dwindling land base. In fact, in 1982 the US Commission on Civil Rights reported that the primary reason Blacks have lost land is because of the USDA itself. These facts were supported by the USDA in it's Civil Rights Action Team report in the late 1990's.

When Black farmers sued the USDA, 22,692 farmers filed claims. To date more than $615 million has been dispersed to class members. Currently only 60% of those who filed claims have received payment along with injunctive relief and thousands who were denied class status are appealing to the Monitor in the case for reconsideration. An additional 68,000 farmers filed late claims. The Federation/LAF has assisted the farmers as they struggled with the severe complications and delays in the law suit settlement process. To date, thousands of farmers who have filed late claims have yet to be processed and many of the initial claimants are still suffering from bureaucratic entanglements as they await their payment or other compensation.

Perhaps one of the most disturbing aftermaths of the law suit settlement is the assumption that things would change at USDA. This was not to be. While there is a Monitor in place to assist class members should they suffer discrimination in USDA offices, the same USDA staff that over the years has wreaked havoc on Black farmers still sit in USDA offices across the South. They have not been reprimanded or made accountable in any way for their discriminatory practices. These are the same staff who farmers face daily in USDA offices as they seek services and loans.

All this is further compounded by a USDA and Congress that continue to support corporate farmers rather than family farmers

that have always been the backbone of American agriculture. The recently passed Farm Bill is a prime example of these policies, which provides for huge subsidies to benefit the largest corporate farmers in America. There is little in the 2002 Farm Bill that will assist small farmers.

For example, after the 1982 US Commission on Civil Rights cited the USDA violations against Black farmers, the Federal/LAF formed a coalition to address this issue. The Federation/LAF wrote the Minority Farmers Rights Act which, thanks to the Federation/LAF and coalition support, was incorporated into the 1990 Farm Bill. It is now known as the ''Outreach and Technical Assistance Program'' (Section 2501). This marked the first time that federal monies were to be devoted to provide technical assistance to minority farmers. Initially Congress authorized $10 million annually for the program, and in the 2002 Farm Bill Congress raised the authorized to $25 million. Yet the Congressional appropriations committee has never even come close to appropriating the authorized amount for this important program, which serves thousands of black and other minority farmers.

Out of the huge federal budget, not more than $3.2 million has ever been appropriated for Section 2501, which must be distributed among numerous community based organizations and land grant colleges. Once again, this year Congress appears to be denying the needed funding for this program, suggesting an appallingly low $3.4 million appropriation. This will yet again severely dilute the resources and technical assistance that could be provided to farmers. Many view funding for this program as a hand-out to African American community based organizations and historically Black land grant colleges, while at the same time Congress distributes billions of tax payers dollars into the coffers of corporate agriculture.

''The $3.4 million appropriation for thousands of minority farmers is too limited in comparison to the millions given to the top five corporate farmers in America'' said John Zippert, Director of Programs for the Federation/LAF. ''Where, we ask, is the justice and democracy in a system that builds the wealth of the top 5 farmers in a country of 270 million people? A program, such as 2501, however, serves thousands of farmers and insures pluralism and equity for all farmers and not just a few.'' The success of the Minority Farm Outreach and Technical Assistance Program cannot be overestimated. In virtually every area where the program has been implemented on a sustained basis there has been an increase in the number of Black farmers as well as farmer sustainability and profits.

Additionally, there needs to be a speedy implementation of other sections of the 2002 Farm Bill that deal with equity for minority farmers which include: the appointment of a new USDA Assistant Secretary for Civil Rights; sections of the bill that address a more equitable selection of the County Committees that govern agriculture policy at the local level; making more USDA direct and guaranteed loans available to family farmers; insuring that injunctive relief available through the Black farmer law suit is effectively disbursed which is, for one, priority consideration for USDA loans.

Even in spite of the law suit and now the on-going complaints by Black farmers due to the egregious treatment they continue to receive from USDA, Congress does not seem to open its eyes to programs already in place that could alleviate many of the problems experienced by minority farmers. Clearly, Congress needs to support programs that have a proven track record and the USDA needs to address the problems of its staff and the continuation of their discriminatory practices.

Finally, notwithstanding the huge number of farmers who have not been processed in the case as mentioned above, there are thousands of Black farmers across the country who learned about the suit too late to participate. It is also clear that the Black farmer settlement should have been stronger in addressing the systematic discrimination in the implementation of USDA programs. We urge U.S. District Court Judge Paul Friedman to seriously consider all of these issues as he reviews the problems in the law suit settlement and ways in which the case could still be used to improve the USDA's performance and services to minority farmers.

''Organizations that support Black farmers are often accused of playing the race card, but we have to play the card that we are dealt. It seems clear that race and size of farm operation are the reasons for the lack of support and assistance from Congress and the USDA and we demand a change in these policies toward an equitable and just agriculture system in America'' said Jerry Pennick, director of the Federation's Land Assistance Fund.

Mr. CONYERS. Mr. Speaker, more than 200 black farmers in Tennessee stormed the U.S. Department of Agriculture (USDA) and occupied the agency's offices last week for six long days to protest the mistreatment they've suffered at the hands of USDA county officials. Agriculture Secretary Ann Veneman has reportedly agreed to meet with the farmers this Friday, July 12th, to address their grievances. In my opinion, something had better come out of this meeting to address the wrongs these farmers have suffered for so long.

We thought we had settled this problem in 1999 when the black farmers signed a race discrimination settlement with the Department of Agriculture. That law suit, *Pigford* v. *Glickman*, charged that the Department had wrongly denied black farmers loans, crop subsidies and other farm program benefits because of discrimination. The Department was so indifferent to its responsibility to guard against discrimination that it had no procedural mechanism in place to deal with discrimination complaints; indeed, it had disbanded its Office of Civil Rights years earlier, in 1983.

The settlement was supposed to address a variety of past racial injustices. It was supposed to pay $50,000 each to any black farmer who had suffered discrimination. It was also supposed to forgive those debts the Department of Agriculture had unfairly assessed against black farmers from 1983 to 1999. Incidentally, the sum of $50,000 payments and forgiven debt was estimated to be about $2.2 Billion. This agreement was supposed to assure black farmers discrimination-free access to USDA programs in the future. It was supposed to guarantee an expedited procedure designed to resolve quickly those claims that black farmers had pending with USDA for years.

The settlement might have been heralded today as a terrific agreement except for the fact that the Department's performance, meaning its execution of the agreement, did not live up to its promise.

Past wrongs were not redressed fully and timely.

Black farmers continued to get significantly lower program yields than their white counterparts in the same counties.

Without attributing blame here, there was some question of whether the filing deadlines were well publicized, and, when the deadlines were extended, it still reportedly remained difficult to know when or how to get or file the appropriate application.

As a result, the Department has only paid out about $650 million of the $2.2 Billion in damages estimated at the time of the settlement.

At the very least, the Secretary has to put in place immediately a moratorium on foreclosing black farmers. Justice requires a waiver for those farmers who lost their farms or who could not repay their loans because they suffered discrimination or natural disaster.

The Secretary has to institute policies that assure us that career employees at the USDA are taking seriously the promises USDA made to the farmers, namely, that USDA intended to remedy decades of discrimination. Among those policies, the Secretary must track the extent to which black farmers are participating in these programs. She must ensure that black farmers are being treated fairly and respectfully at the County level. She must therefore assure us that the county committee elections are democratic—and that means fair and open elections. She must appoint minority voting members if minorities are not otherwise represented.

Finally, it is high time that we have an Assistant Secretary for Civil Rights at the Department of Agriculture. It was wrong that that office was disbanded in 1983. It is a shame and a disgrace that nothing has been done to remedy that omission after the signing of this so-called settlement.

If the Secretary does these things that I've respectfully suggested are the bare minimum, and addressed the remaining demands of the black farmers, then the protest last week in Tennessee will not have been in vain and the meeting this Friday will not be the empty gesture the black farmers have grown accustomed to expect from the USDA.

Mrs. CLAYTON. Mr. Speaker, the plight of the Black Farmers continues to be fragile and uncertain in spite of the Black Farmer's Law Suit or because of it. The recent ruling by the U.S. Appellant Court in Washington, DC. *Pigford* v. *Ann M. Veneman*'', clearly said that the farmers have suffered double-betrayal first by the Department and then by their own lawyers.

The Recent protest of Black Farmers in the State of Tennessee demonstrates that the U.S. Department of Agriculture continues to ignore minority farmers who are small and disadvantaged.

The recent legislative victories for Civil Rights within the Farm Bill must be implemented immediately to ensure that passed practices of discrimination and denials are prevented and corrected. Those victories included:

(1) An Assistant Secretary for Civil Rights at USDA

(2) Language that required the Secretary to track program participation of minority farmers; county committee elections to be fair and open; the appointment of a minority voting member when not represented

(3) Provide waivers for farmers who lost their farms or who could not repay their loans due to discrimination or natural disaster.

Additionally the Section 2501 Outreach Program to assist disadvantaged farmers was reauthorized and an annual funding level increased from $10 million to $25 million with

approved increased funding for research and extension for Historical Black Land Grant Colleges.

I call on the House of Representatives to fully fund these programs and on the Administration to immediately implement these policies and administrative changes.

Mr. CONYERS. Mr. Speaker, this particular special order is brought about because of the circumstances in Haiti, which a number of us have been working on in this body for many years, both Democrats and Republicans. We have followed with great interest the attempts to get the democratic, both political and economic, bases in place in Haiti, so we want to discuss this program and these efforts with the membership today.

First of all, there has been what we call a political stalemate that arises from alleged irregularities in an election held in May 2000. As a result, there has been a freezing of needed financial aid that we think maybe there is a new effort coming forward to unblock. So we have new hope that the political part of this problem will be resolved and that Haiti will begin to receive funds from international organizations, the International Monetary Fund, the World Bank, the Inter-American Bank and others that are anxious to help Haiti, which is in a very serious economic crisis.

Mr. Speaker, I will put my statement in the record and also background information on Haiti. In addition, I will include a letter to the distinguished Attorney General, John Ashcroft, which expresses the strong dissatisfaction toward the Haitian asylum seekers who are singled out and returned without any interviews or determination of whether they are at risk in going back to their country.

Today I rise to support Haiti in their ongoing efforts to end the political stalemate and move past the political crisis. Haiti's political stalemate stems from alleged irregularities in the May 2000 legislative elections. Efforts to reach an accord have been hampered by waves of violence which culminated with the December 17, 2000 attack at the National Palace. The continuing dispute has kept Haiti isolated on the international front freezing badly needed financial aid from abroad. According to the U.S. the OAS and many foreign governments, the Provisional Electoral Council unfairly tabulated results from Senate districts, which resulted in ten contested seats. It is the Congressional Black Caucus' position that the issue of electoral crisis should not be tied to these humanitarian funds. The political haggling between the U.S. and Haiti is killing the people of Haiti.

We must be encouraged with the movement on the political front, even though it may not be as much as we would like. For the first time in two years the President and the Opposition party met though they were unable to come to an agreement. However, OAS Assistant Secretary General Luigi Ennui met with President Aristide on Monday and insisted that "The government is assuming its responsibilities." This is especially positive in that it is an indication by the representative of the U.S. that the Government of Haiti is responding appropriately. This acknowledgment overcomes a great hurdle for the Government of Haiti and indicates significant progress. It is reported that Aristide has proposed elections for all 83 House of Assembly seats and two-thirds of the 27-seat Senate in November. Local elections would be held next year. We must encourage all parties to continue to come to the table to work out agreement for the good of all Haitians.

Also, we must end the unfair treatment of Haitians. Under the current policy in Miami, most people who arrive in the U.S. seeking asylum remained free after showing credible fear of persecution until their requests are decided. Before December, the INS routinely released refugees who passed credible-fear interviews—unless they were deemed special security risks connected to September 11. That is still the case for asylum seekers from Colombia, Venezuela, Central America and almost any place else—for everyone except Haitians. Unlike others, Haitians seeking a chance to prove that they deserve asylum status are immediately imprisoned even if they, like others are able to demonstrate initial grounds of credible fear for an asylum claim.

[Memo from Cynthia Martin, Legislative Director and Counsel, Cong. John Conyers, Jr., to CBC AAs/COS; CBC Contacts; CBC LDs; CBC Press Scys; CBC Schedulers, July 10, 2002]

HAITI SPECIAL ORDER

Please join us for the special order on Haiti. We have the second Democratic hour—it should begin at approximately 7:30.

Let's support Haiti in to efforts to move past the current political crisis.

A. BACKGROUND

Haiti's political stalemate stems from alleged irregularities in the May 2000 legislative elections. Efforts to reach an accord have been hampered by wave of violence which culminated with the Dec. 17, 2000 attack at the National Palace. The continuing dispute has kept Haiti isolated on the international front freezing badly needed financial aid from abroad. According to the U.S., the OAS and many foreign governments, the Provisional Electoral Council unfairly tabulated results from Senate districts, which resulted in ten contested seats. It is the Congressional Black Caucus' position that the issue of electoral crisis should not be tied to these humanitarian funds. The political haggling between the U.S. and Haiti is killing the people of Haiti.

The U.S. Congress suspended aid with the following language which was a part of the Legislative Affairs Appropriation bill in July of 2000. In July of 2000, Mr. Conyers attempted to thwart efforts to have direct aid to Haiti suspended by introducing a motion to strike the language which precludes assistance to the government of Haiti unless it met the two following preconditions: (1) The Secretary of State reports to the Committee on Appropriations that Haiti has held free and fair elections to seat a new parliament; and (2) The Director of the Office of National Drug Policy Control reports to the Committees on Appropriations that the Government of Haiti is fully cooperating with the United States efforts to interdict drug traffic through Haiti to the United States.

Mr. Conyers stated, "This language limited assistance to the Government of Haiti and continues to represent a double standard. In effect, we are holding Haiti to a higher standard than we are holding other nations including ourselves. Lest we forget, it was only a few years ago that we had to send in federal re-enforcement to allow people to vote in my own backyard of Flint, Michigan and we, the great democratic country of the world had to enact not one but two voting rights acts to give blacks and other minority's unfettered access to the polls. And even today, this access continues to be undermined by court determinations of gerrymandering. But for those of us who are uncomfortable examining our own struggle with democracy as we are the beacon of democratic values, let us examine how we have dealt with other countries in similar straits, such the country of Peru."

The Inter-Development Bank also weighed in to preclude the distribution of aid when Executive Director of the United States, Larry Harriman, sent a letter to the President Igglesias of the Inter-American Bank requesting the Bank not to authorize disbursement of the 145.9 million in loans which has been approved prior to this legislation. This was an unprecedented step—never taken at this stage before by the Bank.

These loans are designated for the social sector: Rural roads and rehabilitation program, $50 million; reorganization of the health sector, $22.5 million; potable water and sanitation, $54 million; and basic education program, $19.4 million.

B. ENCOURAGING SIGNS

(a) IDB has agreed to send mission to Haiti to investigate the re-institution of extending loans to Haiti.

(b) Political crisis end in sight—For the first time in two years President and the Opposition party met though they unable to come to an agreement. However, OAS Assistant Secretary General Luigi Ennui met with President Aristide on Monday and insisted that "The government is assuming its responsibilities." This is especially positive in that it is an indication by the representative of the U.S. that the Government of Haiti is responding appropriately. This acknowledgement overcomes a great hurdle for the Government of Haiti and indicates significant progress. It is reported that Aristide has proposed elections for all 83 House of Assembly seats and two-thirds of the 27 Senate seats in November. Local elections would be held next year. We must encourage all parties to continue to come to the table to work our agreement for the good of all Haitians.

(c) Haiti Gains full integration into Carioca.

C. IMMIGRATION

Under the current policy in Miami, most people who arrive in the U.S. seeking asylum remain free after showing credible fear of persecution until their requests are decided. Before December, the INS routinely released refugees who passed credible-fear interviews—unless they were deemed special security risks connected to Sept. 11. That is still the case for asylum seekers from Colombia, Venezuela, Central America and almost any place else—for everyone except Haitians. Unlike others, Haitians seeking a chance to prove that they deserve asylum status are immediately imprisoned even if they, like others are able to demonstrate initial grounds of credible fear for an asylum claim.

[Memo from Bob Corbett, June 16, 2002]

HAITI'S PRESIDENT, OPPOSITION LEADERS MEET

From: Greg Chamberlain

(By Michael Deibert)

PORT-AU-PRINCE, HAITI, June 15 (Reuters)—Haitian President Jean-Bertrand Aristide met with opposition leaders on Saturday for the first time in two years to resolve a two-year-old electoral crisis, and both sides made positive remarks afterward.

One of the opposition figures who attended the meeting said Aristide told them he would act to address their concerns. An Aristide

aide said the president wanted to put an end to the dispute that has resulted in the freezing of some $500 million in international aid.

Aristide met with officials of the Democratic Convergence opposition coalition at the Port-au-Prince residence of Haiti's papal nuncio, Luigi Bonazzi, the same location where they last met two years ago.

The Convergence has charged that legislative elections held in May 2000 were tabulated unfairly to favor Aristide's Lavalas Family political party. Convergence member parties then refused to participate in presidential elections that saw Aristide gain the presidency for a second time in November 2000.

After an apparent coup attempt in December 2001 during which gunmen stormed the National Palace, Aristide partisans took to the streets of the capital, burning down offices and homes affiliated with the opposition.

''Aristide has assured us that he will act to satisfy the conditions needed to restart the negotiations,'' said Luc Mesadieu of the Convergence-affiliated MOCHRENA party, who attended the meetings along with opposition figures Gerard Pierre-Charles and Hubert de Ronceray.

''He said that he will act against impunity and address the issues of reparations and insecurity.''

The Convergence's conditions for restarting substantive electoral negotiations include the holding of new elections for several disputed seats, the payment of reparations for property destroyed during the December unrest and the disarming of individuals they charge are pro-government militants.

''President Aristide feels that it's time to step forward,'' said National Palace spokesman Luc Especa. ''He would like to put an end to this crisis so we can concentrate on development and improving the lives of the people of Haiti.''

The meeting was arranged by Luigi Eniadi, assistant secretary-general of the Organization of American States, who arrived in Haiti on June 10 to push for a resolution to the electoral dispute, sources close to the two sides said.

OAS officials were not immediately available for comment.

[Memo from Cliff Stammerman to Cynthia Martin, Paul Oostburg, Michael Riggs, July 10, 2002]

OAS OFFICIAL TO BREAK POLITICAL IMPASSE IN HAITI

(Dow Jones International News Service via Dow Jones)

PORT-AU-PRINCE, HAITI (AP)——Abandoning what may be the last OAS attempt to mediate an end to Haiti's 2-year-old political impasse, Assistant Secretary-General Luigi Einaudi left Wednesday, empty-handed.

''The way we have approached the problem has not produced the expected results,'' Einaudi told reporters as he prepared to fly back to the Organization of American States headquarters in Washington, D.C.

''We need a new formula,'' he said, without spelling out an alternative.

But Einaudi's impatience with opposition politicians filtered into his brief comments, leading some to conclude that the OAS may bypass the opposition in the future.

''The curtain has fallen on the sorry farce of OAS-mediated talks,'' said former President Leslie Manigat, who withdrew from the opposition negotiating team earlier this year.

Now, the OAS probably will use the pretext of an upcoming electoral deadline to go with an elections timetable set by President Jean-Bertrand Aristide's Lavalas Family party, Manigat suggested.

Einaudi's visit, which began Friday, was his third this year and his 24th since the crisis arose over flawed 2000 legislative elections swept by Aristide's party.

The international community blocked hundred of millions of dollars in aid that it says will not be released until both sides agree on new elections.

Einaudi said he would ask the OAS Permanent Council for new instructions later this month.

[Memo from Misty Brown to Keenan Keller, Cynthia Martin, Kathleen Sengstock, John Schelble, Noelle Lusane, Brandi Hilliard, Michael Riggs, Paul Brathwaite, June 19, 2002]

HAITI—IDB ISSUE

Hey guys, I'm happy to report that the IDB's Full Board of Directors approved the waiver requested by the bank's management to allow a mission to travel to Haiti to discuss reformation of the four loans. ''Go CBC!!''

Of course my next question became ''how soon?.'' I was informed that logistically the IDB will move post-haste. However, this mission will also include input from the OAS as well as the World Bank and therefore the need to coordinate efforts might delay the trip a bit. Nonetheless, it is the IDB's intention to move forward and to express the CBC's desire to the other parties that the mission is to move as thoroughly and quickly as possible to review conditions for renewed lending to Haiti.

As I pointed out in my earlier e-mail, receiving this conformation in writing will take just a minute. However, we can be reassured this time this information is on point. Good work!!!

[Memo from Paul Brathwaite, Policy Director, Congressional Black Caucus, to Misty Brown, Keenan Keller, Cynthia Martin, Kathleen Sengstock, John Schelble, Noelle Lusane, Brandi Hilliard, Michael Riggs, June 19, 2002]

Misty, Thanks for the clarification and for your work on this issue. And, thanks to everyone for helping out this. We'll keep our fingers crossed.

[Memo from Misty Brown to Keenan Keller, Cynthia Martin, Paul Brathwaite, Kathleen Sengstock, John Schelble, Noelle Lusane, Brandi Hilliard, Michael Riggs, June 19, 2002]

In a follow-up conversation with the IDB, I wanted to clarify the e-mail I sent out on yesterday. My Member was told on yesterday that the mission to Haiti was a go, to which I immediately relayed to you. However, as your e-mail pointed out only the Programming Committee deliberated on the management's proposal re: sending a mission from the IDB to Haiti to address or redress the loans. Support of this mission will require a suspension of the rule that states that ''as long as a country is in the arrears, missions as well as loans will remain suspended.'' Nonetheless, the Programming Committee forwarded the Management's proposal to the Committee as a whole with a favorite response.

The Committee as a whole (which includes all 14 Countries) meets today. They will either ratify, amend, or veto (for lack of a better term) the measure. It is my understanding that given the pressing nature of the issue and the strong support from the CBC for the mission, the Committee is expected.

I was told that we might have a verbal answer as early as this afternoon. However, a written response from the Board will take some time.

Let's stay in touch as events unfold. Thanks, Misty.

JUNE 20, 2002.

Hon. JOHN ASHCROFT,
Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL ASHCROFT: We write to express our strong dissatisfaction with the current policy towards Haitian asylum-seekers which we believe is discriminatory and falls short of the law and principles according to which the American government should act. Under the current policy in Miami, asylum seekers from Haiti are treated differently from—worse than—asylum seekers from any other country solely on the basis of their national origin. This policy is highly discriminatory and supported by questionable legality and justifications.

As we understand the policy of your department in Miami, most people who arrive in the U.S. seeking asylum remain free after showing credible fear of persecution until their requests are decided. If the request is granted, they are allowed to stay. If the request is denied, they are subject to deportation and may be held in detention pending their removal. But beginning in December of last year, the INS has followed a sharply different and more restrictive policy regarding those people who arrive here from Haiti. Unlike others, Haitians seeking a chance to prove that they deserve asylum status are immediately imprisoned even if they, like others, are able to demonstrate initial grounds of credible fear for an asylum claim.

When the INS implemented this policy after the arrival of a boat carrying Haitian refugees in December of last year, your department explained that the policy was intended to ''discourage further risk taking and avoid an immigration crisis of the magnitude which existed during the early 1980's and 1990's with the Haitian and Cuban mass migrations.'' But this explanation would appear to be contradicted by the simple fact that the policy does not apply to Cubans and there are many more potential refugees from Cuba than Haiti, due to Cuba's closer proximity for a risky sea voyage and larger population. Furthermore, we understand that Haitians arriving by airplane are also subject to this policy, with Haitians already approved for asylum being indefinitely detained. These reports make the deterrent justification deeply suspect.

Thus far, pursuant to this policy, we are aware of more than 250 Haitian asylum seekers now detained in Florida. This causes particular problems with regard to children who are separated from their parents and placed in separate facilities. In some cases the children are released without their parents, and the parents are not always able to ascertain the whereabouts of their children. In addition, many complaints have arisen regarding the conditions in which the asylees are held. There is extreme overcrowding at the Krome Detention facility, and some women are being held in maximum security county jails with violent criminals.

Many of the detainees—probably most—do not have legal representation. And those that do have counsel often face cases so expedited that the lawyers assisting them have insufficient time to adequately prepare the detainee's claims, thus leading to increases in denials of asylum and orders of removal since the policy went into effect. Indeed, the very fact that these Haitians are confined under these difficult conditions makes it less likely that they will be able to prove their claims, regardless of whether the claims are legitimate. The policy seems clearly designed to warehouse and then deport Haitians as quickly as possible, regardless of the merits of their cases and regardless of the

law on asylum claims which gives all asylum-seekers an equal chance to prove their claims without regard to their national origin.

We would like you to include in your response to this letter, answers to the following questions:

How many Haitians are currently being detained by the INS in Miami and in which facilities? How many have been detained since December when the new policy went into effect?

How many Haitians have been intercepted on the high seas on a monthly basis over the last year? How many were brought to United States? How many were returned to Haiti?

How many Cubans have been intercepted on the high seas on a monthly basis over the last year? How many were brought to United States? How many were returned to Cuba?

Why does this policy apply only to Haitians and not to Cubans or people of any other nationality? How is this distinction singling out Haitians justified by law?

What was the rate of approval for Haitian asylum seekers prior to the institution of this policy? What is the rate of approval since the policy came into effect?

As the number of detainees appears to be small, though significant, it does not appear that a mass exodus of Haitians is taking place. And we stress again that there do appear to be fewer Haitians in this asylum category than Cubans. Thus, the decision to single out Haitians for this harsh treatment while they are seeking to avail themselves of the American tradition—and law—of granting refuge to people who face unjust persecution at home is discriminatory and unfair.

We see absolutely no justification for this policy. We strongly urge you to reverse this policy in Miami and treat Haitian asylum-seekers equally to the way we treat asylum seekers from other countries, as is required by law.

Representatives Barney Frank, John Conyers, Jr., Joseph Crowley, Howard L. Berman, Barbara Lee, Rosa L. DeLauro, Xavier Becerra, Corrine Brown, Carrie P. Meek, Alcee L. Hastings, Michael E. Capuano, Maxine Waters, Scherrod Brown, Michael M. Honda, Maurice D. Hinchey, José E. Serrano, William D. Delahunt.

Mr. CONYERS. Mr. Speaker, it is now with great pleasure that I yield to the gentlewoman from California (Ms. LEE), whose concern with Haiti I think has preceded her coming to the Congress. She has worked diligently on the subject.

Ms. LEE. Mr. Speaker, I want to thank my colleague from Michigan (Mr. CONYERS) for his leadership and for organizing tonight's special order on the humanitarian crisis in Haiti. I also want to acknowledge the leadership of the gentlewoman from Florida (Mrs. MEEK), the chairperson for the Congressional Black Caucus' Haiti Task Force, for her strong commitment to the people of Haiti.

For the past several months I have worked with my colleagues here in Congress to communicate to the White House that it is really time to revisit, now, United States policy toward Haiti. Since the 2000 elections, Haiti has been in a political impasse, as the gentleman from Michigan (Mr. CONYERS) mentioned. This impasse has framed U.S. policy in such a way that very little bilateral assistance is being sent to Haiti and all multilateral assistance has totally been blocked.

Despite the political problems, we have been increasingly aware of the humanitarian crisis which is brewing in Haiti. Much of this crisis can be directly pinned to the social sector resources being blocked from the small island nation. In fact, the United States representative to the Inter-American Development Bank directed the bank's president to block disbursal of four social sector loans to Haiti. These loans had been approved by the bank's board of directors and were ratified by the Haitian parliament. Considering Haiti's current crisis, this action is really inexcusable.

In April, I was joined by the gentleman from Michigan (Mr. CONYERS) and all 38 of my colleagues in the Congressional Black Caucus as we introduced legislation that would decouple political impasse from the humanitarian crisis in Haiti. This legislation is called the New Partnership for Haiti Resolution, which now has over 60 cosponsors. So I strongly urge my colleagues to join us by signing on as a cosponsor on a bipartisan basis to this resolution.

I have learned today in a Dow Jones International news report that what may be the last attempt by the OAS Secretary General to mediate an end to a 2-year-old political impasse has failed. It is clear that efforts to come to a resolution are not working.

Furthermore, we really cannot wait to end the political impasse, because humanitarian relief must be sent. We cannot wait any longer. The time has come for the United States to demonstrate strong leadership by reforming its policy toward Haiti. The United States policy of stalling the delivery of international humanitarian aid to Haiti is fostering instability and anarchy in this struggling democracy. Haiti's miserable poverty is indisputable. Furthermore, we can no longer bury our heads in the sand on this issue.

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Without strong United States leadership, the crisis will continue to spiral out of control.

Already, the national rate of persons with HIV and AIDS has risen to 300,000, or 4 percent of the entire population, leaving 163 children orphaned. The infant mortality rate has increased to 74 deaths out of every 1,000 babies born, and now, five mothers will die out of the same number of births. Mr. Speaker, 125 patients die daily of disease-related illnesses.

While most of the Western world has eradicated diseases like polio, health officials report that many Haitians do not have the resources to pay for life-saving vaccinations for their children. This is just morally unacceptable. We must remember that many diseases know no boundaries. The doctor-to-patient ratio has fallen to 1 to 11,000, leaving very little chance that sick persons in the rural areas will ever get even the basic health care.

So it is unacceptable to simply stand by and watch a season of misery inflict pain, suffering, and death on human beings right here in our own neighborhood. We must address this injustice. We must release IBD funds to Haiti. It is really our moral imperative, and we must urge President Bush to step up to the plate.

Mr. CONYERS. Mr. Speaker, I want to thank the gentlewoman for her excellent exposition of the circumstances there.

Am I correct in thinking that there is a ray of hope, that it looks like the political differences are being resolved to the satisfaction of the World Bank authorities and that we may be moving toward a resolution of the problem?

Ms. LEE. Mr. Speaker, I am cautiously optimistic. I believe that there is a team that went down to Haiti to begin to look at what is going on in the four sectors and we have urged, and I believe the gentleman participated in the meeting, the bank officials to really understand why these loans should be released, and regardless of whatever the political situation is, that the humanitarian assistance is very important to prevent misery and untold deaths which are now occurring as a result of no funding being there.

Mr. CONYERS. So the gentlewoman is saying that regardless of what the political position is, people should not starve or become destitute, subject to the ravages of extreme poverty, merely because there is a political dispute between the parties.

Ms. LEE. Absolutely. People have a right to basic health care, basic food, and basic shelter. There is no way that we should be party to creating more misery, and by our blocking funds which have already been negotiated; these are contracts that have already been signed off on, and for us to block that creates even more misery which creates even more instability, so it becomes a vicious cycle. And I believe, as all Members of the Congressional Black Caucus, as does the gentleman, that we must make sure that we take the moral high ground on this and encourage the loans to be released so that we can move forward to assist the people of Haiti, because they so deserve to be assisted.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today on account of a typhoon in Guam.

Mrs. ROUKEMA (at the request of Mr. ARMEY) for July 8 and the balance of the week on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. CROWLEY) to revise and extend their remarks and include extraneous material:

Mr. ROSS, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mrs. MEEK of Florida, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. PRICE of North Carolina, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. MEEKS of New York, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

The following Members (at the request of Mr. QUINN) to revise and extend their remarks and include extraneous material:

Mr. GUTKNECHT, for 5 minutes, today.

Mr. GANSKE, for 5 minutes, today.

Mr. KENNEDY of Minnesota, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today and July 11.

Mr. JONES of North Carolina, for 5 minutes, July 11.

The following Member (at her own request) to revise and extend her remarks and include extraneous material:

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

ADJOURNMENT

Mr. CONYERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Thursday, July 11, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7797. A letter from the Secretary, Department of Housing and Urban Delvelopment, transmitting the Department's report entitled, ''Measuring ''Need'for HUD's McKinney-Vento Homeless Competitive Grants''; to the Committee on Financial Services.

7798. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule — Federal Home Loan Bank Consolidated Obligations-Definition of the Term ''Non-Mortgage Assets'' [No. 2002-19] (RIN: 3069-AB10) received June 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7799. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Correction of Typographical Errors and Removal of Obsolete Language in Regulations on Reportable Quantities [FRL-7241-8] received July 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7800. A letter from the Secretary, Department of State, transmitting a report on verification of the Treaty between the United States of America and the Russian Federation on Strategic Offensive Reductions, pursuant to 22 U.S.C. 2577; to the Committee on International Relations.

7801. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-384, ''Capitol Hill North Expansion and Expansion of Business Improvement Districts Amendment Act of 2002'' received July 10, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

7802. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-385, ''Washington Convention Center Authority Oversight and Management Continuity Amendment Act of 2002'' received July 10, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

7803. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-387, ''Excepted and Executive Service Domicile Requirement Amendment Act of 2002'' received July 10, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

7804. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-388, ''College Savings Program Temporary Act of 2002'' received July 10, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

7805. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-389, ''Mental Health Commitment Clarification Temporary Act of 2002'' received July 10, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

7806. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-398, ''RLA Revitalization Corporation Amendment Act of 2002'' received July 10, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

7807. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-399, ''Human Rights Amendment Act of 2002'' received July 10, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

7808. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-403, ''Fiscal Year 2003 Budget Support Act of 2002'' received July 10, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

7809. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule — Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture; Financial Disclosure Requirements for Interests in Revocable Inter Vivos Trusts (RIN: 3209-AA00) received June 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7810. A letter from the Acting Chair, Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D — 2002-2003 Subsistence Taking of Fish and Wildlife Regulations (RIN: 1018-AI06) received June 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7811. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Inspection Under, and Enforcement of, Coast Guard Regulations for Fixed Facilities on the Outer Continental Shelf by the Minerals Management Service [USCG-2001-9045] (RIN: 2115-AG14) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7812. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures [Docket No. 011231309-2090-03; I.D. 121301A] (RIN: 0648-AO69) received June 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7813. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Mangement Area [Docket No. 011218304-1304-01; I.D. 050802A] received June 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7814. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 011218304-1304-01; I.D. 051002A] received June 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7815. A letter from the General Counsel, National Tropical Botanical Garden, transmitting the annual audit report of the National Tropical Botanical Garden, Calendar Year 2001, pursuant to 36 U.S.C. 4610; to the Committee on the Judiciary.

7816. A letter from the Paralegal, FTA, Department of Transportation, transmitting the Department's final rule — Clean Fuels Formula Grant Program [Docket No. FTA-2001-9877] (RIN: 2132-AA64) received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7817. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations for Marine Events; Nanticoke River, Sharptown, MD [CGD05-02-013] (RIN: 2115-AE46) received June 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7818. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Regulated Navigation Area; Kill Van Kull Channel, Newark Bay Channel, South Elizabeth Channel, Elizabeth Channel, Port Newark Channel and New Jersey Pierhead Channel, New York and New Jersey [CGD01-02-069] (RIN: 2115-AA97) received June 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7819. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Tampa Bay and Crystal River, FL [COTP TAMPA -02-053] (RIN: 2115-AA97) received June 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7820. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Oil Pollution Prevention and Response; Non-Transportation-Related Onshore and Offshore Facilities [FRL-7241-5] (RIN: 2050-AC62) received July 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7821. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Extension of Test of Arbitration Procedure for Appeals [Announcement 2002-60] received June 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7822. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural and Miscellaneous [Revenue Procedure 2002-44] received June 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7823. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Imposition of Tax [Revenue Ruling 2002-34] received June 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7824. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Qualified Pension, Profit-Sharing, and Stock Bonus Plans [Revenue Ruling 2002-42] received June 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7825. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Collection of Supplemental Security Income Overpayments from Special Benefits for Certain World War II Veterans (RIN: 0960-AF53) received June 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7826. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's proposed legislation entitled, ''To authorize appropriations to the National Aeronautics and Space Administration for human space flight; science, aeronautics and technology; and Inspector General, and for other purposes''; jointly to the Committees on Science, Government Reform, the Judiciary, Ways and Means, and Small Business.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 4870. A bill to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes; with an amendment (Rept. 107–561). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4807. A bill to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Susquehanna National Wildlife Refuge (Rept. 107–562). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[Omitted from the Record of July 9, 2002]

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration. H.R. 4635 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BUYER:

H.R. 5084. A bill to amend title 38, United States Code, to improve accountability of research corporations established at Department of Veterans Affairs medical centers; to the Committee on Veterans' Affairs.

By Mr. CAMP (for himself, Mr. TANNER, Mr. FOLEY, Mr. MATSUI, Mr. BRADY of Texas, Mr. POMEROY, Mr. RAMSTAD, Mr. HAYWORTH, Mr. CRANE, Mr. ENGLISH, Mr. ROGERS of Michigan, Mr. HOEKSTRA, Mr. SCHAFFER, Mr. EHRLICH, Mr. GRAHAM, Ms. RIVERS, Mr. FORD, Mr. THOMPSON of California, Mr. BERRY, Mr. SANDLIN, Mr. MICA, Mrs. MORELLA, Mr. MCGOVERN, Mr. HASTINGS of Florida, Mr. MATHESON, Mr. SIMMONS, Mr. SHIMKUS, Mr. HAYES, Mr. COOKSEY, Mr. UPTON, Mr. GANSKE, Mr. TOM DAVIS of Virginia, Mr. HALL of Texas, Mr. TIBERI, Mr. THUNE, Mr. PICKERING, Mr. LAHOOD, and Mr. GOODE):

H.R. 5085. A bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses; to the Committee on Ways and Means.

By Mr. HAYWORTH (for himself, Mr. UDALL of Colorado, Mr. MCINNIS, Mr. STUMP, Mr. SCHAFFER, Mr. KOLBE, Mr. TANCREDO, and Mrs. WILSON of New Mexico):

H.R. 5086. A bill to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems of the interior West; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSEN of Washington:

H.R. 5087. A bill to require the Secretary of Veterans Affairs to conduct a two-year pilot project on medical care outreach for veterans in the State of Washington; to the Committee on Veterans' Affairs.

By Mr. MATSUI (for himself, Mr. GEPHARDT, Ms. PELOSI, Mr. RANGEL, Mr. NEAL of Massachusetts, and Mr. DOGGETT):

H.R. 5088. A bill to amend the Internal Revenue Code of 1986 to encourage more responsible corporate governance; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. GEPHARDT, Ms. PELOSI, Mr. CARDIN, Mr. MCNULTY, Mrs. THURMAN, Mr. STARK, Mr. MCDERMOTT, Mr. MATSUI, Mr. LEWIS of Georgia, Mr. BECERRA, Ms. SLAUGHTER, Mr. TOWNS, Mr. ENGEL, Mr. SERRANO, Mrs. MALONEY of New York, Mr. HINCHEY, Ms. VELAZQUEZ, Mr. ISRAEL, Mr. NADLER, Mr. OWENS, Mr. ACKERMAN, Mrs. LOWEY, Mr. CROWLEY, and Mr. GEORGE MILLER of California):

H.R. 5089. A bill to extend and expand the Temporary Extended Unemployment Compensation Act of 2002; to the Committee on Ways and Means.

By Mr. TIAHRT:

H.R. 5090. A bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. QUINN:

H. Res. 477. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. BERRY (for himself, Mrs. EMERSON, Mr. BROWN of Ohio, Mr. POMEROY, Mr. BOSWELL, and Mr. ALLEN):

H. Res. 478. A resolution expressing the sense of the House of Representatives with respect to implementing the Medicine Equity and Drug Safety Act of 2000; to the Committee on Energy and Commerce.

By Ms. CARSON of Indiana (for herself and Mr. LAFALCE):

H. Res. 479. A resolution providing for consideration of the bill (H.R. 3818) to protect investors by enhancing regulation of public auditors, improving corporate governance, overhauling coporate disclosure made pursuant to the securities laws, and for other purposes; to the Committee on Rules.

By Mr. PHELPS:

H. Res. 480. A resolution providing for consideration of the bill (H.R. 4098) to provide for ciminal prosecution of persons who alter or destroy evidence in certain Federal investigations or defraud investors of publicily traded securities, to disallow debts incurred in violation of securities fraud laws from being discharged in bankruptcy, to protect whistleblowers against retaliation by their employers, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

303. The SPEAKER presented a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 25 memorializing the United States Congress to increase the minimum monthly allotment for one-person and two-person households under the federal Food Stamp Program from $10 to $25 and require that the minimum be adjusted annually in accordance with changes in the federal cost-of-living; to the Committee on Agriculture.

304. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 13 memorializing the United States Congress to support and vote for the implementation of a national missile defense system; to the Committee on Armed Services.

305. Also, a memorial of the Legislature of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 229 memorializing the President and the United States Congress to reexamine the level of funding for veterans medical services in order to provide timely, high-quality service to veterans of the United States military services; to the Committee on Energy and Commerce.

306. Also, a memorial of the Legislature of the State of Michigan, relative to Senate Concurrent Resolution No. 6 memorializing the President and the Congress of the United States to support the addition of Estonia, Latvia, and Lithuania into the North Atlantic Treaty Organization; to the Committee on International Relations.

307. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 48 memorializing the United States Congress and the President of the United States to enact legislation honoring all the senior citizens of the United States by designating May 15th as National Senior Citizen's Day; to the Committee on Government Reform.

308. Also,a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 211 memorializing the United States Congress to enact the Federal Prison Industries Competition in Contracting Act; to the Committee on the Judiciary.

309. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 452 memorializing the Congress of the United States to urge the United States Coast Guard to continue to operate a cutter ship out of Charlevoix when the United States Coast Guard Cutter, Acacia is decommissioned in 2005; to the Committee on Transportation and Infrastructure.

310. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 11 memorializing the United States Congress to support, work to pass and vote for the permanent repeal of the death tax; to the Committee on Ways and Means.

311. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 12 memorializing the United States Congress to support President George W. Bush's economic security package and specifically to urge Senate Majority Leader Senator Tom Daschle to allow the economic security package to receive a vote; jointly to the Committees on Ways and Means, Education and the Workforce, and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. ABERCROMBIE, Mr. BISHOP, Mr. BOUCHER, Mr. CAPUANO, Mr. CARDIN, Mr. CONDIT, Mr. CONYERS, Mr. CROWLEY, Mr. DOYLE, Mr. FARR of California, Mr. FATTAH, Mr. FILNER, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOYER, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLECZKA, Mr. LAMPSON, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEWIS of Georgia, Ms. LOFGREN, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MORAN of Virginia, Mr. MURTHA, Mr. MALONEY of Connecticut, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. PASTOR, Mr. PETERSON of Minnesota, Mr. RAHALL, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Ms. SANCHEZ, Mr. SANDLIN, Mr. SCOTT, Mr. SPRATT, Mr. STUPAK, Mr. TOWNS, Ms. WATERS, Mr. WEINER, and Mr. WYNN.

H.R. 218: Mr. ADERHOLT.

H.R. 267: Mrs. JOHNSON of Connecticut and Mr. ETHERIDGE.

H.R. 822: Mr. HOEFFEL.

H.R. 831: Mr. THUNE and Mr. CALVERT.

H.R. 854: Mr. ENGEL and Mr. LAHOOD.

H.R. 969: Mr. SHADEGG and Mr. BARR of Georgia.

H.R. 1331: Mrs. NORTHUP and Mr. WILSON of South Carolina.

H.R. 1425: Mr. CLAY.

H.R. 1496: Mr. MCGOVERN.

H.R. 1626: Mr. PASCRELL.

H.R. 1774: Mr. SWEENEY and Mr. SMITH of New Jersey.

H.R. 1784: Mr. DAVIS of Illinois.

H.R. 2198: Mr. FATTAH.

H.R. 2373: Mr. STENHOLM, Mr. BARR of Georgia, and Mr. TERRY.

H.R. 2414: Mr. KIND.

H.R. 2484: Mr. SMITH of New Jersey.

H.R. 2702: Mr. DOOLEY of California.

H.R. 2789: Mr. BRADY of Pennsylvania, Mr. CROWLEY, Mr. UNDERWOOD, and Mrs. CHRISTENSEN.

H.R. 2931: Mr. BARCIA.

H.R. 3132: Mr. SHAYS, Mr. GILCHREST, Mr. GREEN of Texas, and Mr. AKIN.

H.R. 3321: Mrs. CUBIN.

H.R. 3333: Mr. HILLEARY and Mr. MANZULLO.

H.R. 3358: Mr. DUNCAN.

H.R. 3413: Mr. FROST and Mr. WAXMAN.

H.R. 3424: Mr. CHAMBLISS.

H.R. 3464: Mr. UDALL of Colorado and Mr. LUTHER.

H.R. 3580: Mr. FORD.

H.R. 3592: Mr. PRICE of North Carolina, Mr. MCINTYRE, Mr. DIAZ-BALART and Mr. WEXLER.

H.R. 3612: Mr. ENGEL, Mr. PALLONE, and Mr. PAYNE.

H.R. 3673: Mr. KINGSTON.

H.R. 3794: Mr. BARCIA and Mrs. THURMAN.

H.R. 3831: Mr. LARSEN of Washington and Mr. ISRAEL.

H.R. 3838: Mr. STUPAK.

H.R. 3897: Mr. BERRY, Mr. RAHALL, and Mr. BRADY of Pennsylvania.

H.R. 3912: Mr. GUTIERREZ.

H.R. 3974: Mr. HALL of Ohio.

H.R. 4029: Mr. RODRIGUEZ.

H.R. 4086: Mr. WAXMAN, Mr. MCDERMOTT, and Mr. PRICE of North Carolina.

H.R. 4098: Mr. SKELTON.

H.R. 4123: Ms. KAPTUR.

H.R. 4524: Mr. SAWYER and Mr. WAXMAN.

H.R. 4561: Mr. FARR of California, Ms. MCKINNEY, and Ms. JACKSON-LEE of Texas.

H.R. 4600: Mr. HULSHOF, Mr. BILIRAKIS, Mr. PETERSON of Pennsylvania, Mr. TAYLOR of Mississippi, Mr. TAUZIN, Mr. KENNEDY of Minnesota, Mr. SAXTON, Mr. FATTAH, and Mr. NORWOOD.

H.R. 4604: Ms. MILLENDER-MCDONALD.

H.R. 4611: Mrs. DAVIS of California.

H.R. 4643: Mr. FARR of California.

H.R. 4653: Mr. KINGSTON and Mr. KUCINICH.

H.R. 4654: Mr. SMITH of New Jersey.

H.R. 4665: Mr. SMITH of New Jersey.

H.R. 4676: Mr. PASTOR, Mr. GORDON, Mr. ROSS, Mr. UNDERWOOD, Mr. BACA, Mr. UDALL of New Mexico, Mr. PAYNE, and Mr. GEKAS.

H.R. 4691: Mr. SCHAFFER, Mr. KNOLLENBERG, Mr. PUTNAM, Mr. GRUCCI, Mr. MANZULLO, and Mr. PHELPS.

H.R. 4699: Mr. SHAYS.

H.R. 4738: Mr. ENGEL.

H.R. 4743: Mr. HASTINGS of Florida.

H.R. 4780: Ms. KILPATRICK, Mr. HASTINGS of Florida, Ms. BERKLEY, Mr. BONIOR, Ms. BROWN of Florida, Mr. PAYNE, Ms. MCKINNEY, and Mr. LEVIN.

H.R. 4798: Mr. PASCRELL.

H.R. 4822: Mr. GALLEGLY.

H.R. 4831: Mr. DEFAZIO and Mr. THOMPSON of California.

H.R. 4852: Ms. ROS-LEHTINEN.

H.R. 4857: Mrs. CAPPS, Mr. SCHIFF, Mrs. NAPOLITANO, and Ms. LEE.

H.R. 4884: Mr. CHAMBLISS.

H.R. 4939: Mr. KIRK.

H.R. 4958: Mr. HERGER.

H.R. 4963: Mr. PASCRELL, Mr. LOBIONDO, and Mr. STARK.

H.R. 4964: Mrs. MINK of Hawaii.

H.R. 4965: Mr. BROWN of South Carolina, Mr. CANNON, Mrs. EMERSON, Mr. ROGERS of Kentucky, and Mr. SCHAFFER.

H.R. 4967: Mr. STUPAK.

H.R. 4993: Ms. PELOSI, Ms. LEE, Mr. OWENS, Mr. NADLER, and Mr. FATTAH.

H.R. 5002: Mr. HOUGHTON.

H.R. 5033: Mr. PORTMAN, Mr. CANNON, Mr. SUNUNU, and Mr. GANSKE.

H.R. 5037: Mr. KUCINICH and Mr. MCGOVERN.

H.R. 5042: Mr. UDALL of Colorado, Mr. MCINNIS, and Mr. SCHAFFER.

H.R. 5044: Mr. BENTSEN.

H.R. 5047: Mr. FROST and Mrs. THURMAN.

H.R. 5050: Mr. HOEFFEL, Mr. FOLEY, and Mr. HOEKSTRA.

H.R. 5076: Mr. MCGOVERN.

H.R. 5078: Mrs. NAPOLITANO, Mr. HOEFFEL, and Mr. FOLEY.

H. Con. Res. 68: Ms. VELAZQUEZ.

H. Con. Res. 315: Mr. DEAL of Georgia.

H. Con. Res. 333: Mr. STUPAK.

H. Con. Res. 382: Mr. WAXMAN.

H. Con. Res. 385: Mr. TIERNEY and Mr. BARRETT.

H. Con. Res. 407: Mr. KNOLLENBERG.

H. Con. Res. 418: Mr. FATTAH, Mr. BALDACCI, and Mr. HOEFFEL.

H. Res. 346: Mr. HYDE.

H. Res. 410: Mr. CAPUANO, Mr. ENGEL, Mr. ABERCROMBIE, and Ms. KAPTUR.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4600: Mr. SIMMONS.

H.R. 4865: Mr. QUINN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2486

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 1: Page 2, line 24, strike ''and''.

Page 3, line 5, strike the period and insert ''; and''.

Page 3, after line 5, insert the following new paragraph:

(5) assess the long-term trends in frequency and severity of inland flooding, through research on how shifts in climate, development, and erosion patterns might make certain regions vulnerable to more continual or escalating flood damage in the future.

Page 3, lines 9 and 10, strike ''$1,150,000 for each of the fiscal years 2003 through 2007'' and insert ''$1,250,000 for each of the fiscal years 2003 through 2005, of which $100,000 for each fiscal year shall be available for competitive merit-reviewed grants to institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) to investigate and predict the long-term trends in inland flooding frequency and severity, and $1,150,000 for each of the fiscal years 2006 and 2007''.

Page 4, line 4, insert ''The National Oceanic and Atmospheric Administration shall also, not later than January 1, 2006, transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the long-term trends expected in inland flooding, the results of which shall be used in outreach activities conducted under section 2(4), especially to alert the public and builders to flood hazards.'' after ''emergency management professionals.''.