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).

□ 1215

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.