

been able to better the quality of life on their reservations by using casino revenues to offer better housing, education, health care, and safety to their members.

My hope is that this commission will study Indian gambling as evenly and fairly as non-Indian gaming. If this happens then I have little doubt that the study, when completed will give Americans the information we need to better understand the positive and negative aspects of gaming in the United States.

Mr. ENSIGN. I rise in opposition to H.R. 497, the National Gambling Impact Study Commission. Although the legislation the House is considering today is a substantial improvement over previous versions, I continue to have many strong reservations with this legislation.

First and foremost, I see no reason why the Federal Government should be involved in a study of a legal, State-regulated industry. The gaming industry, like any other entertainment or tourism industry, is subject to careful review and oversight by individual States. In my State of Nevada, we can see first hand the success of a beneficial relationship between the gaming industry and its regulatory agency, the Nevada Gaming Commission. These two entities have worked together over the years in a manner that benefits everyone—the industry, the State, and the millions of tourists that visit Nevada annually. Nevada has certainly been the leader and model for other States to follow.

Second, Mr. Speaker, I believe this commission is a terrible waste of taxpayer money. The data and information the commission will collect are already available from multiple studies that have already occurred. In this time of fiscal constraint, it is ridiculous to expend Federal dollars for a duplicative study.

I continue to resist this legislation because I feel that the underlying agenda of this bill is to federally regulate and tax the industry. The gaming industry has a huge impact on the economy of Nevada and 47 other States in the country. It provides jobs and opportunities in communities that would not be available if gaming did not exist. While the proponents of this legislation may have good intentions, I will be unyielding in my commitment to ensure that the intent of this commission does not expand to prohibit this legal industry. In addition, I will work with the Speaker, Senate majority leader, and the President to ensure that we have an unbiased commission that will fairly evaluate the industry and provide a balanced report.

Mrs. VUCANOVICH. Mr. Speaker, today I rise in opposition to H.R. 497 not only because it is bad for Nevada, but because I believe it is bad for America. Again, Congress is spending more money on a study of which I question the validity. I question the wisdom of spending millions of dollars to create a new Government commission at a time when we are struggling to downsize the Government and balance our budget.

While I am pleased that efforts have been taken to limit the subpoena powers of the commission, it still baffles me why an advisory commission should hold such power. Most advisory commissions created by Congress or Federal agencies are not provided with subpoena power. This calls in question the very purpose of the gaming commission—and whether the commission can be objective.

Mr. Speaker, objective information on gaming is needed, but I thought the 104th Con-

gress was eliminating the Washington-knows-best syndrome. This bill just gives that syndrome more fuel for the fire. Gaming has always been a State responsibility, and many States have addressed the issues relating to gaming in a responsible manner. Getting the Federal Government involved not only infringes on States rights, but costs taxpayers money that could better be spent in education programs, health programs, or to eliminate our Federal deficit. My colleagues, you should rethink this issue and ask where you think the citizens of your State would rather spend their money. My guess—not on the gaming commission created by H.R. 497. I urge my colleagues to vote against this bill.

Mr. HYDE. Mr. Speaker, I thank the gentleman, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COBLE). The question on the motion offered by the gentleman from Illinois [Mr. HYDE] that the House suspend the rules and concur in the Senate amendment to H.R. 497.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the Senate amendment just concurred in.

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

There was no objection.

CHILD PILOT SAFETY ACT

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3267) to amend title 49, United States Code, to prohibit individuals who do not hold a valid private pilots certificate from manipulating the controls of aircraft in an attempt to set a record or engage in an aeronautical competition or aeronautical feat, and for other purposes.

The Clerk read as follows:

H.R. 3267

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 "Child Pilot Safety Act".

SEC. 2. MANIPULATION OF FLIGHT CONTROLS.

(a) IN GENERAL.—Chapter 447 of title 49, United States Code, is amended by adding at the end the following:

"§ 44724. Manipulation of flight controls

"(a) PROHIBITION.—No pilot in command of an aircraft may allow an individual who does not hold—

"(1) a valid private pilots certificate issued by the Administrator of the Federal Aviation Administration under part 61 of title 14, Code of Federal Regulations; and

"(2) the appropriate medical certificate issued by the Administrator under part 67 of such title,

to manipulate the controls of an aircraft if the pilot knows or should have known that the individual is attempting to set a record or engage in an aeronautical competition or aeronautical feat, as defined by the Administrator.

"(b) REVOCATION OF AIRMEN CERTIFICATES.—The Administrator shall issue an order revoking a certificate issued to an airman under section 44703 of this title if the Administrator finds that while acting as a pilot in command of an aircraft, the airman has permitted another individual to manipulate the controls of the aircraft in violation of subsection (a).

"(c) PILOT IN COMMAND DEFINED.—In this section, the term 'pilot in command' has the meaning given such term by section 1.1 of title 14, Code of Federal Regulations."

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following: "44724. Manipulation of flight controls."

SEC. 3. CHILDREN FLYING AIRCRAFT.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study of the impacts of children flying aircraft.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall consider the effects of imposing any restrictions on children flying aircraft on safety and on the future of general aviation in the United States.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall issue a report containing the results of the study, together with recommendations on—

(1) whether the restrictions established by the amendments made by section 2 should be modified or repealed; and

(2) whether certain individuals or groups should be exempt from any age, altitude, or other restrictions that the Administrator may impose by regulation.

(d) REGULATIONS.—As a result of the findings of the study, the Administrator may issue regulations imposing age, altitude, or other restrictions on children flying aircraft.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

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

Mr. Speaker, the Transportation and Infrastructure Committee, chaired by the gentleman from Pennsylvania [Mr. SHUSTER], reported H.R. 3267 by voice vote on June 6.

The bill was introduced on April 18 by myself, along with the chairman of the full committee, BUD SHUSTER, Aviation Subcommittee Ranking Member BILL LIPINSKI, Aviation Subcommittee Vice Chairman JERRY WELLER, the chairman of the Government Reform and Oversight Committee, BILL CLINGER, as well as JIM ROSS LIGHTFOOT, BILL PAXON, and BILL MARTINI.

Since the introduction of this legislation several other Members of the House have added their names as co-sponsors.

According to the National Transportation Safety Board, since 1964 there have been 178 accidents and incidents involving pilots 16 years of age and younger.

And, as we all know, last April, 7-year-old Jessica Dubroff attempted to become the youngest pilot to fly across the United States.

Unfortunately, Jessica, her father, and a flight instructor were killed while attempting to set this record.

Specifically, H.R. 3267 requires a private pilot license for any person attempting to break an aviation record.

The bill also requires a study to be conducted by the FAA to determine if any additional rules or guidelines should be put in place for children flying aircraft.

So, I think we have a balanced approach that focuses on the media-driven publicity stunts without imposing any additional regulations or undue restrictions on the entire aviation community.

H.R. 3267 has strong support from the general aviation community, including the Aircraft Owners and Pilots Association, the General Aviation Manufacturers Association, and the National Air Transport Association.

The bill is also supported by the Federal Aviation Administration, the Department of Transportation, and several Members from both sides of the aisle.

It is a good bill, a balanced bill, and I think it is one that will merit the support of all Members.

I might just say, Mr. Speaker, that because of the terrible tragedy of flight 800 by TWA, the attention being given to aviation safety right at this time is understandably extremely high, and the public is demanding that we take every step possible to make sure that our aviation system is as safe and secure as possible.

This bill, along with two companion bills that we will act on shortly, are judicial steps that this Congress can take and can be proud of in working to make sure that our aviation system is as safe as possible, and we will be doing additional things and holding additional hearings as we move on through the coming weeks and months.

Mr. Speaker, I urge the support of all my colleagues for H.R. 3267, and I reserve the balance of my time.

□ 1245

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

Mr. Speaker, Chairman DUNCAN and I introduced H.R. 3267 following the tragic death of 7-year-old Jessica Dubroff on April 11, 1996, while trying to set a record as the youngest pilot.

This legislation has widespread support in the aviation community because the bill allows the FAA to study whether further restrictions should be placed on children flying aircraft instead of establishing a minimum age at which a child can manipulate the controls of an aircraft in the statute. I believe that it may well be appropriate for us to establish such a minimum age, but I am willing to wait until the FAA completes its study before taking any action.

Mr. Speaker, H.R. 3267 is responsible legislation that addresses the issue without overreacting. I urge its adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], ranking member of the Committee on Transportation and Infrastructure.

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

I also strongly support the Child Pilot Safety Act, H.R. 3267. It is regrettable that we should even be here discussing such legislation, but out of necessity we are. The bill was drafted in response to a tragic accident that took the life of Jessica Dubroff, a precocious 7-year-old who was attempting to be the youngest person to manipulate the controls of an aircraft across the North American Continent.

As the committee heard in the hearings that the gentleman from Tennessee, Chairman DUNCAN, called and the ranking member, the gentleman from Illinois, Mr. LIPINSKI, participated in and help craft, we have to keep in mind that Jessica was not the pilot in command of the fatal flight. The decision to take off in foul weather was not hers. The decision to fly in aircraft that was reportedly overweight was not the child's. The decision to allow her to manipulate the controls of that aircraft at any time during that flight and prior to the tragic accident was not the child's decision. It was a decision of the pilot in command, an experienced pilot, a flight instructor who should have known better.

As we have discussed and Chairman DUNCAN and ranking member LIPINSKI have said again and again, we cannot legislate good judgment into the minds and hearts and soles of pilots, but we can erect some very strong barriers. That is what this legislation does.

To the extent that we legislate in this arena, we must legislate with the right objective in mind. The pilot in command, the flight instructor, not the child who is on board that aircraft but the pilot in command, to make that person doubly, triple aware that at all times, regardless of circumstances, regardless of societal pressures or other social pressures, they have to think first of safety. That is what this legislation does.

The child's interest in and enthusiasm for flying should be nurtured. It ought to be stimulated, as it has been from the dawn of civil aviation. For that purpose, there are junior aviation clubs all across America. The Young Eagles, I think of in my own district in Minnesota, Young Eagles Club at Mora, directed by, coached by Judy Rice, who is a very enthusiastic pilot herself, was appalled that a child would be in an aircraft under such weather conditions with the pressure of trying to create a record of flying across America for a child of that age.

The Young Eagles Clubs, the Civil Air Patrol, the Aviation Explorer

Scouts Groups, all give plenty of opportunities for young people to become enthused about aviation to become our future pilots, but never should they be exposed to such questionable and dangerous conditions as preceded that single tragic accident, nor should all those program be sacrificed because of one tragic accident.

I believe that, as a result of the good judgment that Mr. LIPINSKI and Mr. DUNCAN have exercised in crafting this legislation, that it is unlikely that flight instructors will participate in any such questionable record setting activities in the future. Again, we are not trying to legislate good judgment, but we are trying to send up very strong signals to the flying public and to the most experienced of instructors, instructor core throughout this country, stop, take stock, think carefully; lives are in your hands.

I commend the gentleman from Illinois, and I commend the gentleman from Tennessee for this legislation. I urge its passage.

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

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

I simply want to say that I appreciate very much the cooperation, the consideration given to me in crafting this bill by the gentleman from Tennessee, Chairman DUNCAN. I want to congratulate the staff on the Republican side and the Democratic side for working on this and coming up with this legislation. I salute them all. I urge passage of this bill.

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

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

Let me simply in closing echo the words of the gentleman from Illinois [Mr. LIPINSKI]. If there is any other subcommittee in this Congress where there is a better relationship between the ranking member and the chairman, I would like to know about it. The Subcommittee on Aviation has a history of working together in a very bipartisan way.

Sometimes all the publicity is given to our divisions up here, and people do not realize that on many important pieces of legislation the Members on both sides of the aisle work well together. I think this is in part due to a close relationship that I have with my ranking member, Mr. LIPINSKI, but also it is a tribute to the ranking member of the full committee, the gentleman from Minnesota, Mr. OBERSTAR, who served for many years as the chairman of this subcommittee and who is recognized in this Congress and is often referred to as Mr. Aviation.

I appreciate the work that they have done on this bill and the comments they have made. I think we have a good bill. It is a bill that will correct the abuses without overreaching.

I urge passage of this bill.

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

The SPEAKER pro tempore (Mr. COBLE). The question is on the motion offered by the gentleman from Tennessee [Mr. DUNCAN] that the House suspend the rules and pass the bill, H.R. 3267.

The question was taken.

Mr. DUNCAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

AIRLINE PILOT HIRING AND SAFETY ACT OF 1996

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3536) to amend title 49, United States Code, to require an air carrier to request and receive certain records before allowing an individual to begin service as a pilot, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3536

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 "Airline Pilot Hiring and Safety Act of 1996".

SEC. 2. EMPLOYMENT INVESTIGATIONS OF PILOTS.

(a) *IN GENERAL.*—Chapter 447 of title 49, United States Code, is amended by redesignating section 44723 as section 44724 and by inserting after section 44722 the following:

"§ 44723. Preemployment review of prospective pilot records

"(a) *PILOT RECORDS.*—

"(1) *IN GENERAL.*—Before allowing an individual to begin service as a pilot, an air carrier shall request and receive the following information:

"(A) *FAA RECORDS.*—From the Administrator of the Federal Aviation Administration, information pertaining to the individual that is maintained by the Administrator concerning—

"(i) current airman certificates (including airman medical certificates) and associated type ratings, including any limitations thereon; and

"(ii) summaries of legal enforcement actions which have resulted in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title and which have not been subsequently overturned.

"(B) *AIR CARRIER RECORDS.*—From any air carrier (or the trustee in bankruptcy for the air carrier) that has employed the individual at any time during the 5-year period preceding the date of the employment application of the individual—

"(i) records pertaining to the individual that are maintained by an air carrier (other than records relating to flight time, duty time, or rest time) under regulations set forth in—

"(I) section 121.683 of title 14, Code of Federal Regulations;

"(II) paragraph (A) of section VI, appendix I, part 121 of such title;

"(III) paragraph (A) of section IV, appendix J, part 121 of such title;

"(IV) section 125.401 of such title; and

"(V) section 135.63(a)(4) of such title; and

"(ii) other records pertaining to the individual that are maintained by the air carrier concerning—

"(I) the training, qualifications, proficiency, or professional competence of the individual, in-

cluding comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

"(II) any disciplinary action relating to the training, qualifications, proficiency, or professional competence of the individual which was taken by the air carrier with respect to the individual and which was not subsequently overturned by the air carrier; and

"(III) any release from employment or resignation, termination, or disqualification with respect to employment.

"(C) *NATIONAL DRIVER REGISTER RECORDS.*—From the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual in accordance with section 30305(b)(7) of this title.

"(2) *5-YEAR REPORTING PERIOD.*—A person is not required to furnish a record in response to a request made under paragraph (1) if the record was entered more than 5 years before the date of the request, unless the information is about a revocation or suspension of an airman certificate or motor vehicle license that is still in effect on the date of the request.

"(3) *REQUIREMENT TO MAINTAIN RECORDS.*—The Administrator and each air carrier (or the trustee in bankruptcy for the air carrier) shall maintain pilot records described in paragraph (1) for a period of at least 5 years.

"(4) *WRITTEN CONSENT FOR RELEASE.*—Neither the Administrator nor any air carrier may furnish a record in response to a request made under paragraph (1) (A) or (B) without first obtaining the written consent of the individual whose records are being requested.

"(5) *DEADLINE FOR PROVISION OF INFORMATION.*—A person who receives a request for records under paragraph (1) shall furnish, on or before the 30th day following the date of receipt of the request (or on or before the 30th day following the date of obtaining the written consent of the individual in the case of a request under paragraph (1) (A) or (B)), all of the records maintained by the person that have been requested.

"(6) *RIGHT TO RECEIVE NOTICE AND COPY OF ANY RECORD FURNISHED.*—A person who receives a request for records under paragraph (1) shall provide to the individual whose records have been requested—

"(A) on or before the 20th day following the date of receipt of the request, written notice of the request and of the individual's right to receive a copy of such records; and

"(B) in accordance with paragraph (9), a copy of such records, if requested by the individual.

"(7) *REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.*—A person who receives a request for records under paragraph (1) or (9) may establish a reasonable charge for the cost of processing the request and furnishing copies of the requested records.

"(8) *RIGHT TO CORRECT INACCURACIES.*—An air carrier that receives the records of an individual under paragraph (1)(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before making a final hiring decision with respect to the individual.

"(9) *RIGHT OF PILOT TO REVIEW CERTAIN RECORDS.*—Notwithstanding any other provision of a law or agreement, an air carrier shall, upon written request from a pilot employed by such carrier, make available, within a reasonable time of the request, to the pilot for review any and all employment records referred to in paragraph (1)(B) pertaining to the pilot's employment.

"(10) *PRIVACY PROTECTIONS.*—

"(A) *USE OF RECORDS.*—An air carrier or employee of an air carrier that receives the records of an individual under paragraph (1) may use such records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot.

"(B) *REQUIRED ACTIONS.*—Subject to subsection (c), the air carrier or employee of an air

carrier shall take such actions as may be necessary to protect the privacy of the pilot and the confidentiality of the records, including ensuring that the information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

"(C) *INDIVIDUALS NOT HIRED.*—If the individual is not hired, the air carrier shall destroy or return the records of the individual received under paragraph (1); except that the air carrier may retain any records needed to defend its decisions not to hire the individual.

"(11) *STANDARD FORMS.*—The Administrator may promulgate—

"(A) standard forms which may be used by an air carrier to request the records of an individual under paragraph (1); and

"(B) standard forms which may be used by a person who receives a request for records under paragraph (1) to obtain the written consent of the individual and to inform the individual of the request and of the individual's right to receive a copy of any records furnished in response to the request.

"(12) *REGULATIONS.*—The Administrator may prescribe such regulations as may be necessary—

"(A) to protect the personal privacy of any individual whose records are requested under paragraph (1) and to protect the confidentiality of those records;

"(B) to preclude the further dissemination of records received under paragraph (1) by the air carrier who requested them; and

"(C) to ensure prompt compliance with any request under paragraph (1).

"(b) *LIMITATION ON LIABILITY; PREEMPTION OF STATE AND LOCAL LAW.*—

"(1) *LIMITATION ON LIABILITY.*—No action or proceeding may be brought by or on behalf of an individual who is seeking a position with an air carrier as a pilot against—

"(A) the air carrier for requesting the individual's records under subsection (a)(1);

"(B) a person who has complied with such request and in the case of a request under subsection (a)(1) (A) or (B) has obtained the written consent of the individual;

"(C) a person who has entered information contained in the individual's records; or

"(D) an agent or employee of a person described in subparagraph (A) or (B);

in the nature of an action for defamation, invasion of privacy, negligence, interference with contract, or otherwise, or under any Federal, State, or local law with respect to the furnishing or use of such records in accordance with subsection (a).

"(2) *PREEMPTION.*—No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law, regulation, standard, or other provision having the force and effect of law that prohibits, penalizes, or imposes liability for furnishing or using records in accordance with subsection (a).

"(3) *PROVISION OF KNOWINGLY FALSE INFORMATION.*—Paragraphs (1) and (2) shall not apply with respect to a person that furnishes in response to a request made under subsection (a)(1) information that the person knows is false.

"(c) *LIMITATION ON STATUTORY CONSTRUCTION.*—Nothing in this section shall be construed as precluding the availability of the records of a pilot in an investigation or other proceeding concerning an accident or incident conducted by the Secretary, the National Transportation Safety Board, or a court."

(b) *CHAPTER ANALYSIS AMENDMENT.*—The analysis for chapter 447 of such title is amended by striking

"44723. Annual report."

and inserting

"44723. Preemployment review of prospective pilot records.

"44724. Annual report."