

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."

(c) **CONFORMING AMENDMENT.**—Section 30305(b) of such title is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following:

“(7) An individual who is employed or seeking employment by an air carrier as a pilot may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the individual’s prospective employer or to the Secretary of Transportation. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 5 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.”.

(d) **CIVIL PENALTIES.**—Section 46301 of such title is amended by inserting “44723,” after “44716,” in each of subsections (a)(1)(A), (a)(2)(A), (d)(2), and (f)(1)(A)(i).

(e) **APPLICABILITY.**—The amendments made by this section shall apply to any air carrier hiring an individual as a pilot on or after the 30th day after the date of the enactment of this Act.

SEC. 3. RULEMAKING TO ESTABLISH MINIMUM STANDARDS FOR PILOT QUALIFICATIONS.

Not later than 18 months after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a notice of a proposed rulemaking to establish—

(1) minimum standards and criteria for preemployment screening tests measuring the biographical factors (psychomotor coordination), general intellectual capacity, instrument and mechanical comprehension, and physical fitness of an applicant for employment as a pilot by an air carrier; and

(2) minimum standards and criteria for pilot training facilities which will be licensed by the Administrator and which will assure that pilots trained at such facilities meet the preemployment screening standards and criteria described in paragraph (1).

SEC. 4. SHARING ARMED SERVICES RECORDS.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration, in conjunction with the Secretary of Defense, shall conduct a study to determine the relevance and appropriateness of requiring the Secretary of Defense to provide to an air carrier, upon request in connection with the hiring of an individual as a pilot, records of the individual concerning the individual’s training, qualifications, proficiency, professional competence, or terms of discharge from the Armed Forces.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

SEC. 5. MINIMUM FLIGHT TIME.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall conduct a study to determine whether current minimum flight time requirements applicable to individuals seeking employment as a pilot with an air carrier are sufficient to ensure public safety.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

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, on Thursday, June 6, the House Transportation and Infrastructure Committee reported the Airline Pilot Hiring and Safety Act, H.R. 3536, by voice vote.

H.R. 3536 will go a long way in helping the airline industry weed out poor pilots—and it will make sure that these pilots are kept out of the system.

The legislation requires airlines to share the records of pilot job applicants before they are hired.

These records include physical exams, drug tests, alcohol tests, training records, proficiency and route checks, and others. It also requires airlines to request the motor vehicle driving records of the pilot from the National Register. None of this information can be released without the pilot’s prior written approval.

Over the last 7 years, as a result of airplane accidents involving fatalities, the National Transportation Safety Board has recommended to the FAA, on at least three different occasions, that pilot performance records should be shared.

Since 1987, substandard airline pilots have contributed to several fatal plane crashes, killing hundreds of people.

Among these pilots, one failed three flight tests in 6 years, one had been fired five times for poor performance, two had substance abuse problems, and the list goes on.

The Aviation Subcommittee, of which I chair held 2 days of hearings on this issue just this past December. From those hearings there was general consensus that the sharing of pilot records should be done.

H.R. 3536 provides airlines near total immunity from defamation lawsuits. The only exception would be if the airline knowingly places false information about a pilot in his or her record.

As I have said on several occasions, I believe that 99.9 percent of the pilots who fly today are very good pilots. But, unfortunately, some poor pilots have fallen through the cracks.

Again, on a bipartisan basis, we worked to craft a bill that I feel confident every Member of the House can support.

H.R. 3536 has several cosponsors from both sides of the aisle. It is also supported by the chairman of the full committee, Mr. SHUSTER, as well as the ranking members of both the full committee and the Aviation Subcommittee, Mr. OBERSTAR and Mr. LIPINSKI.

It is a good bill, a bipartisan bill, and it will help our make our safe aviation system even safer. I urge Members to support its passage.

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

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

Mr. Speaker, I rise in strong support of H.R. 3536, the Airline Pilot Hiring and Safety Act.

This bill will require an airline to obtain the records of a pilot from the pilot’s previous employer before hiring that pilot. I think it’s clear to all of us why this makes sense. We learned from a 1994 crash in which the pilot flying that aircraft had been forced out by another carrier because of poor performance. At the hearing the Aviation Sub-

committee held on this issue that December, there was virtually unanimous agreement that a system needed to be set up for airlines to share pilot records which protected the rights of both the carriers and the pilots.

After considerable effort and through the leadership of Chairman DUNCAN, we have found the appropriate balance. Neither the carriers nor the pilots love this bill. But in the spirit of compromise we have found a middle ground which I believe best serves the interests of the flying public.

I do want to thank Chairman DUNCAN and Chairman SHUSTER for working so closely with our side on this legislation. They have been very receptive to improvements we have suggested and the end result is a bill that we can all support.

Mr. Speaker, I urge support for this important safety legislation.

□ 1300

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

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. HEINEMAN], one of the main people in this Congress who is the biggest mover and shaker on this particular piece of legislation. He has been in on this from the very beginning and deserves a great deal of credit for this legislation.

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

Mr. HEINEMAN. Mr. Speaker, today I rise in strong support of H.R. 3536, the Duncan-Heineman Airline Pilot Hiring Safety Act.

Mr. Speaker, on December 13, 1994, tragedy struck commuter Flight 3379. What began as a routine commuter flight from Greensboro, NC to the Raleigh-Durham International Airport—in my own congressional district—sadly turned to tragedy.

On that evening, the pilot of Flight 3379 attempted to land his twin engine commuter plane in the fog and rain, but because of a tragic miscalculation, the plane began spinning out of control and crashed on a hillside near the airport.

That disaster took the lives of the pilot, his copilot, and 13 of 20 passengers. Federal investigators learned that the crash was a result of pilot error. To make matters worse, the pilot of Flight 3379 had a history of similar pilot errors, and in fact he had been recommended for dismissal by another airline which previously employed him. His questionable training records from that previous airline were not available to his new employer when he was hired.

As USA Today reported:

“If [the pilot’s] training records had been shared, 15 people might not have died on December 13, 1994, when a [commuter] plane crashed near Raleigh-Durham, N.C.”

To quote further from the article:

“The FAA does not require airlines to verify flight experience; to check FAA records

for accidents, violations, warnings or fines, or to check for criminal records." (USA Today, September 26, 1995).

Mr. Speaker, on the 1-year anniversary of this terrible crash, as the families of the victims struggled to make sense of the tragedy, I introduced legislation to make sure that this kind of accident would never happen again. I testified before the House Aviation Subcommittee, and in the following months, I worked closely with my good friend, Aviation Subcommittee Chairman JOHN DUNCAN, to develop the bipartisan legislation before us today.

This bill, the "Duncan-Heinenman Airline Pilot Hiring Safety Act" will require airlines that are preparing to hire a new pilot request certain safety records, some of which are maintained by the FAA, and many of which are maintained by the airlines themselves.

This bill provides some necessary protections from lawsuits for airlines that share safety records as required by law. The bill also gives pilots the opportunity to check the accuracy of any records and requires that pilots give their written approval before records are released.

Mr. Speaker, this is a good bill, a bipartisan bill that will go a long way toward making our airlines even safer. I want to thank Aviation Subcommittee Chairman JOHN DUNCAN and Transportation Committee and Infrastructure Chairman BUD SHUSTER for their invaluable help in developing this critically needed legislation and bringing it to the floor. I also want to commend Representative JIM OBERSTAR, the ranking member of the Transportation Committee, and Representative WILLIAM LIPINSKI, the ranking member of the Aviation Subcommittee for their hard work in helping to craft this bipartisan bill.

I urge Members to support H.R. 3536.

Mr. LIPINSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], Mr. Aviation.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for those very kind remarks.

Mindful of Adlai Stevenson's injunction that it is all right to hear praise of oneself as long as they do not inhale it, the two aviation leaders in this Congress are the gentleman from Tennessee, the chairman of the subcommittee, and the gentleman from Illinois [Mr. LIPINSKI], ranking members of the subcommittee, and I am very grateful for the splendid work they have done in carrying on the bipartisan tradition of our subcommittee on aviation.

This legislation plugs a hole in the aviation safety system to insure that we take every step to make that system as safe as it can possibly be. Again our two leaders on this aviation subcommittee have worked in a bipartisan fashion, very carefully and with great legislative craftsmanship to address, as the gentleman from Illinois [Mr. LIPINSKI] well put it, a measure and an issue

that does not please either the pilot community or the airline community. It will please, and it should please, the traveling public.

This is an issue that we have dealt with in the aviation subcommittee over a period of 3 or 4 years, drawing upon a recommendation several times issued by the National Transportation Safety Board that the transfer of training and employment records of pilots should be done and should be made available from one airline to another airline when a pilot is being considered for employment, changing employees, and it should seem like a very straightforward and simple action. But in fact it is not. It has taken us quite a long time to get to this point.

It is actually a very thorny thicket of issues that requires a balance of interests while insuring that the safety benefits of transferring those records are achieved, and the issues that have arisen over a period of several years are privacy for the pilots, liability for pilots and for airlines, the employer employee relationship. But I think all of those questions are met very responsibly and very effectively in this legislation.

The National Transportation Safety Board has found in a number of accident investigations that the pilot involved had been dismissed from previous employers for poor performance. But that history, those records, Mr. Speaker, were not known to the current employer. Had it been known, the pilot who caused or contributed to such accidents would not have been hired, in all likelihood, or at least the airline doing hiring would have been able to know about the background and do further checks and do further investigation of the qualifications of that applicant, and in some situations, very likely, accidents could have been avoided.

I expect that upon enactment and enforcement of this legislation, that another category of accidents will be eliminated, specifically accidents caused by pilots who have previously been judged to be such poor pilots that they had to be terminated by their airline employer.

The chairman has thoroughly described how the bill establishes a system of record sharing with protections for pilots. The gentleman from Illinois [Mr. LIPINSKI] has elaborated on it. But I just want to emphasize how important it is that the pilots have the ability to correct their records, that they will know under this legislation when their record are being transferred and that they will have the ability to seek damages against a person in their former employer airline who may falsify a pilot's records. Those are very important privacy and personal protections for pilots. They were right to be concerned about those matters. Our committee has been right to address those issues and has addressed them very effectively and soundly in this legislation.

Section 3 of the bill directs a rule-making to establish new minimum

standards for pilot qualifications, another issue that pilots were concerned about. Hiring in the airline industry is very cyclical, given the economics of aviation. When there is low demand for travel, there is low demand for pilots. Airlines can be choosy about who they select, and they can and do pick pilots with more experience and more training. When demand is high, the airlines, on simple supply and demand purposes, hire pilots for less stringent criteria.

This bill will require the initiation of a regulatory proceeding to determine the appropriate standards, to screen pilots for psychomotor coordination, general intellectual capacity, instrument and mechanical comprehension, physical fitness.

The bill will also establish minimum standards for pilot training facilities to ensure that pilots will meet the new preemployment standards.

The bill also requires a study of whether existing minimum flight time requirements are sufficient to ensure safety in today's increasingly sophisticated and complicated aircraft.

This bill is far greater than just transfer of records and the very important issue of one airline knowing a pilot's complete history. It sets standards for a range of issues that I just described, it will elevate the whole quality of airmanship in today's highly complicated pilot and cockpit environment, and I think this legislation, I say to my two colleagues, does a great service to the traveling public and to all of aviation for the future. It is a quantum leap forward, and I commend both the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI] on the splendid job they have done in bringing this matter forward. I urge its enactment, and I hope the other body will act quickly upon it.

Mr. DUNCAN. Mr. Speaker, I have no additional speakers at this time, and I reserve the balance of my time.

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

I am going to conclude here, and I simply want to make a couple of points.

First, when the gentleman from Tennessee [Mr. DUNCAN] and I referred to the gentleman from Minnesota [Mr. OBERSTAR] as Mr. Aviation, there is no jest in that whatsoever. We all sincerely believe that he knows more about aviation than any person we have run into in this country or in any country in the world. So we do not in any way, shape, or form make light of that. We are bestowing upon him a title that we all sincerely believe.

Second, I want to make the point that this bill really was a very difficult bill to work out a reasonable compromise on. We had the pilots on one side, the air carriers on another side, and I salute the chairman for his steady hand in bringing us to an outstanding compromise.

But, in all honesty, on this particular piece of legislation I salute the staff

members on both sides who had to put up with the arguments coming forth from the pilots and from the carriers, and I know that that was no easy job listening to them repeatedly, and for the legislation that they developed along with the Members of the committee I strongly salute them.

So once again I say I support this bill enthusiastically, and I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume to simply echo the remarks of the ranking member, the gentleman from Illinois [Mr. LIPINSKI]. In fact, a few minutes ago I whispered to Dave Schaffer, our very fine staff director for the subcommittee, that I thought many people watching the discussion on the Child Pilot Safety Act and the Airline Pilot Hiring and Safety Act, these 2 bills, would not fully realize that if we had gone too far in either direction on either one of these bills, we could have turned either or both of these bills into something very, very controversial, and instead everyone has worked together in a very bipartisan and a very cordial fashion to fashion legislation that I think merits the support of all of our colleagues. And I, too, like Mr. LIPINSKI, want to thank the staff for some outstanding work on these two bills, and also thank once again the gentleman from Illinois [Mr. LIPINSKI] and the gentleman from Minnesota [Mr. OBERSTAR], and I urge passage of this bill.

Mr. TRAFICANT. Mr. Speaker, as a member of the Transportation and Infrastructure Subcommittee on Aviation, I rise in strong support of H.R. 3536.

Over the past 8 years, there have been eight commercial airplane crashes—all but one on small airlines. According to the National Transportation Safety Board, five of these crashes are attributable to pilot error. In at least four of these fatal accidents, the employing airline was not aware that the pilots had documented histories of poor performance with other airlines that had employed them.

One of these crashes occurred on December 13, 1994, when American Eagle flight 3379 on route from Greensboro, NC to Raleigh-Durham crashed four miles short of the runway while attempting an instrument controlled landing in poor weather conditions. Thirteen passengers and the two crew members were killed.

The pilot, Capt. Mike Hillis, was hired by American Eagle just 4 days after he was forced to quit by his previous employer because of poor piloting skills. American Eagle had no knowledge of his prior poor performance ratings.

One of the passengers who died on flight 3379 was William Gibson of Kernersville, NC. Mr. Gibson's mom, Mary Ann Gibson and his sister, Susan Gibson Berson, testified before the Aviation subcommittee last December. The Gibsons are residents of Warren, OH in my congressional district. Mary Ann's husband, Howard Gibson, passed away on January 20. Howard was also here when his wife testified. I can't think of a more fitting tribute to this beautiful family than to get this legislation enacted into law.

According to the NTSB, the probable cause of the American Eagle flight 3379 accident was pilot error. American Eagle failed to identify, document, monitor, and remedy deficiencies in pilot performance and training.

While the FAA requires airlines to conduct security checks of pilot applicants, there is no FAA requirement to verify flight experience, determine an applicant's safety/enforcement history, pilot training and performance in the pilot's previous position, or any criminal or driving history.

H.R. 3536 requires an airline to obtain the records of a pilot from the pilot's previous employer before hiring that pilot. The bill requires airlines to keep pilot records for up to 5 years, and allows pilots full access to their records and notice of whenever records are being provided. The bill also provides immunity to airlines unless the airline knowingly lies about the pilot's record.

I would like to note for the record that the airline pilots have raised some legitimate concerns about this bill. They argue that many pilot training records are subjective, and requiring record sharing and background checks will result in the sanitization of pilot records to protect pilots' careers. This, they argue, would have the effect of making the system less safe.

While I understand the pilots' concerns, I believe the bill before strikes a reasonable balance between safety and privacy. And the bill does directly address another concern the pilot's raised by requiring the FAA to issue a proposed rule within 18 months establishing minimum standards for pilot qualifications.

The airline pilots are right on target when they note that one way to address the safety issue is for the FAA to standardize and tighten pilot hiring standards.

I would also repeat that the bill allows pilots to sue airlines if an airline lied about a pilot. The bill also includes clear language safeguarding the privacy of pilot records.

On balance, this is a good bill and I urge all Members to support it.

Mr. LAZIO of New York. Mr. Speaker, I rise in strong support of the Airline Pilot Hiring and Safety Act, H.R. 3536, which we are considering today. This bill requires an airline to perform a background check on a pilot before that individual can be hired. It also requires the FAA to establish minimum standards for pilot qualifications, and work with the Department of Defense to determine if military pilot records should be available to civilian airlines seeking to hire former military pilots. Privacy safeguards are incorporated into the bill.

Without question, the vast majority of airline pilots are well-qualified individuals with impeccable records. Nevertheless, pilot error occurs and there have been accidents because the pilot's flying history was not known to the current employer. A tragic case in point was the American Eagle flight 3379 crash on December 13, 1994 near Raleigh-Durham Airport. This accident took the lives of the 15 people, including my Long Island constituent, Kelly Ciulla. The National Transportation Safety Board found that pilot error was the probable cause. Disturbingly, the pilot has a history of poor performance with errors similar to those that contributed to this crash and was forced to quit his previous job with another airline because of his poor piloting skills. However, American Eagle was not aware of the pilot's flight record because this information is not traditionally shared among the airlines.

Following investigations involving pilot error, the NTSB has repeatedly recommended that the Federal Aviation Administration require substantive background checks on pilot applicants, but the agency has failed to do so. The consequences have been tragic and needlessly so.

The airlines must know that their pilots are highly qualified, and the flying public deserves no less. At the request of Kelly Ciulla's mother, Maureen Ryan, I cosponsored a similar bill introduced by Congressman HEINEMAN in whose congressional district the flight 3379 crash occurred. H.R. 3536 before us today has evolved from the bill. Requiring pilot background checks is purely common sense and not without precedent in other industries. The railroads, trucking companies, defense contractors, and many school districts follow this practice when they hire an employee.

I commend the leadership for bringing this H.R. 3536 to the floor, and I urge my colleagues to support this long overdue legislation that will save lives.

Mr. DUNCAN. 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. 3536, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

□ 1315

NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS OF 1996

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3159) to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3159

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 "National Transportation Safety Board Amendments of 1996".

SEC. 2. TERMS OF OFFICE.

(a) IN GENERAL.—Section 1111(d) of title 49, United States Code, is amended by striking the third sentence and inserting the following: "The term of office of the Chairman shall be 4 years and the term of the Vice Chairman shall be 2 years."

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to persons designated as Chairman of the National Transportation Safety Board after the date of the enactment of this Act.

SEC. 3. FOREIGN INVESTIGATIONS.

Section 1114 of title 49, United States Code, is amended—

(1) in subsection (a) by striking "(b) and (c)" and inserting "(b), (c), and (e)"; and