

Campos United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE (for himself, Mr. BLUMENAUER, Mr. BILIRAKIS, Ms. BERKLEY, Mr. BERMAN, Mr. BLAGOJEVICH, Mr. CROWLEY, Mr. DOYLE, Ms. ESHOO, Mr. FOSSELLA, Mr. GILMAN, Mr. HINCHAY, Mr. KNOLLENBERG, Mr. LANTOS, Ms. LEE, Mrs. MALONEY of New York, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MINK of Hawaii, Mr. PALLONE, Ms. ROS-LEHTINEN, Ms. ROYBAL-ALLARD, and Ms. WATERS):

H. Con. Res. 436. Concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece; to the Committee on International Relations.

By Mr. WYNN (for himself, Ms. GRANGER, Mr. WEXLER, Mr. WHITFIELD, Mr. HASTINGS of Florida, Mr. HOUGHTON, Mr. FALCOMA, Mr. PITTS, Mr. OXLEY, Mr. BERMAN, Mr. SKELTON, Mr. NETHERCUTT, Mr. CRAMER, Mr. DAVIS of Florida, Mrs. TAUSCHER, Mr. BURTON of Indiana, and Mr. BEREUTER):

H. Con. Res. 437. Concurrent resolution recognizing the Republic of Turkey for its cooperation in the campaign against global terrorism, for its commitment of forces and assistance to Operation Enduring Freedom and subsequent missions in Afghanistan, and for initiating important economic reforms to build a stable and prosperous economy in Turkey; to the Committee on International Relations.

By Mr. UDALL of New Mexico:

H. Res. 476. A resolution expressing the sense of the House of Representatives regarding several individuals who are being held as prisoners of conscience by the Chinese Government for their involvement in efforts to end the Chinese occupation of Tibet; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 68: Mrs. BIGGERT, Ms. MCCARTHY of Missouri, Mr. FARR of California, Mr. DEAL of Georgia, Mr. WAMP, Mr. MURTHA, Mr. RUSH, Ms. CARSON of Indiana, Mr. FORD, and Mr. AKIN.

H.R. 250: Mr. WATT of North Carolina.

H.R. 267: Mr. SCHROCK, Mr. CALVERT, Mrs. MYRICK, and Mrs. CLAYTON.

H.R. 356: Mr. LARSEN of Washington and Mr. HILLEARY.

H.R. 425: Mr. DICKS.

H.R. 548: Mr. HILLEARY.

H.R. 822: Mr. ROHRBACHER.

H.R. 953: Mr. WAXMAN.

H.R. 967: Mr. REYNOLDS.

H.R. 1073: Mr. SCOTT.

H.R. 1090: Mr. LYNCH, Mr. DIAZ-BALART, Ms. BROWN of Florida, Mr. GREENWOOD, Mr. CAPUANO, Ms. SOLIS, and Mr. WELLER.

H.R. 1184: Mr. EVANS, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. JOHN, Ms. KAPTUR, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. LATOURETTE, Mr. OBEY, Mr. REYES, Mr. SMITH of Washington, Mr. CROWLEY, Mr. SHIMKUS, Mr. DOYLE, Mr. PALLONE, Mr. BORSKI, Mr. WEXLER, Mr. MASCARA, and Mr. LEWIS of Georgia.

H.R. 1198: Mr. WAXMAN and Mr. GEKAS.

H.R. 1405: Ms. DEGETTE.

H.R. 1421: Mr. WU, Mr. KIRK, Ms. HARMAN, Mr. UDALL of New Mexico, and Mr. STEARNS.

H.R. 1522: Mr. FATTAH.

H.R. 1556: Mr. EDWARDS.

H.R. 1596: Mrs. NORTHUP.

H.R. 1598: Mr. HALL of Ohio.

H.R. 1774: Mr. WOLF.

H.R. 1862: Mr. KINGSTON and Mr. ISRAEL.

H.R. 1943: Mr. TURNER.

H.R. 1956: Mr. ABERCROMBIE.

H.R. 1983: Mrs. NORTHUP.

H.R. 2035: Mr. CONYERS.

H.R. 2290: Mr. TIBERI.

H.R. 2349: Mr. HOYER, Ms. HARMAN, Mr. STRICKLAND, Mr. KANJORSKI, and Mr. MATHE-SON.

H.R. 2483: Mr. KIND.

H.R. 2550: Mr. DAVIS of Illinois.

H.R. 2702: Mrs. THURMAN and Mr. SCOTT.

H.R. 3183: Mr. GEKAS, Mr. LAHOOD, and Ms. RIVERS.

H.R. 3238: Mr. HASTINGS of Florida.

H.R. 3337: Mr. STENHOLM.

H.R. 3491: Mr. BARR of Georgia, Mr. BACA, and Mr. KENNEDY of Minnesota.

H.R. 3626: Mr. ANDREWS.

H.R. 3831: Mr. TERRY, Mr. SOUDER, Mr. KIND, and Ms. ROS-LEHTINEN.

H.R. 3834: Mr. PASCRELL.

H.R. 3884: Mr. FILNER, Mr. THOMPSON of California, Ms. LOFGREN, and Mr. CROWLEY.

H.R. 3912: Mr. LEWIS of Georgia.

H.R. 3973: Mr. RILEY.

H.R. 3974: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COYNE, and Ms. MILLENDER-MCDONALD.

H.R. 4014: Mr. ENGEL, Mr. JENKINS, Mr. BALDACCIO, and Ms. HARMAN.

H.R. 4039: Mr. PASCRELL.

H.R. 4100: Mr. SERRANO, Ms. MILLENDER-MCDONALD, and Mr. KLECZKA.

H.R. 4483: Mr. CHAMBLISS, Mr. GEKAS, and Mr. SMITH of New Jersey.

H.R. 4620: Mr. DUNCAN, Mr. JONES of North Carolina, and Mr. GILCHREST.

H.R. 4643: Mr. LYNCH.

H.R. 4644: Mrs. CLAYTON, Mr. CLYBURN, Ms. SLAUGHTER, and Mr. FOLEY.

H.R. 4665: Mr. BRADY of Pennsylvania, Mr. HORN, Mr. WOLF, Mr. LATOURETTE, Mr. CROWLEY, Ms. LEE, and Mr. MCDERMOTT.

H.R. 4683: Mr. GILMAN and Mr. WEXLER.

H.R. 4693: Mr. BONILLA, Mr. LATHAM, and Mr. BAIRD.

H.R. 4720: Mr. STENHOLM.

H.R. 4729: Mr. KENNEDY of Rhode Island.

H.R. 4730: Mr. FATTAH, Mr. STARK, Mr. BONIOR, and Mr. SNYDER.

H.R. 4760: Mr. GORDON, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. FROST.

H.R. 4778: Mr. STRICKLAND.

H.R. 4793: Mr. ACKERMAN, Mr. WYNN, Mr. HALL of Texas, Ms. RIVERS, and Mr. GORDON.

H.R. 4803: Mr. BROWN of Ohio, Ms. NORTON, Ms. BROWN of Florida, and Mr. FALCOMA.

H.R. 4832: Ms. SLAUGHTER.

H.R. 4833: Ms. SLAUGHTER and Mr. CROWLEY.

H.R. 4839: Mr. PASCRELL.

H.R. 4840: Mr. THUNE.

H.R. 4852: Mr. FOLEY.

H.R. 4865: Mr. TOM DAVIS of Virginia and Mr. VISCLOSKEY.

H.R. 4887: Mr. CARSON of Oklahoma.

H.R. 4888: Mr. BALDACCIO and Mr. CROWLEY.

H.R. 4895: Mr. COCKSEY.

H.R. 4922: Ms. MCKINNEY.

H.R. 4937: Mr. FORD, Mr. BARRETT, Mrs. MINK of Hawaii, Ms. DELAURO, and Ms. LEE.

H.R. 4939: Mr. DOYLE.

H.R. 4951: Mrs. DAVIS of California, Ms. CARSON of Indiana, Mr. LYNCH, Ms. LEE, Mr. PHELPS, Mrs. MINK of Hawaii, and Mr. SANDERS.

H.R. 4965: Mr. BOOZMAN, Mr. LUCAS of Kentucky, Mr. HOSTETTLER, and Mr. HAYWORTH.

H.R. 4972: Mr. BALDACCIO.

H.R. 5001: Mr. LYNCH, Mr. HASTINGS of Florida, and Ms. LEE.

H.R. 5033: Mr. PETRI, Mr. HASTERT, Mrs. BONO, Mr. HASTINGS of Washington, Mr. ISSA,

Mr. TIAHRT, Mr. WELDON of Florida, and Mr. SESSIONS.

H.R. 5035: Mr. ETHERIDGE.

H.R. 5047: Mr. CAPUANO.

H.J. Res. 81: Mr. LAHOOD, Mr. CANNON, and Mr. GOODLATTE.

H.J. Res. 98: Mrs. MINK of Hawaii.

H. Con. Res. 197: Mr. JEFF MILLER of Florida and Mr. UDALL of New Mexico.

H. Con. Res. 238: Mrs. CAPITO.

H. Con. Res. 320: Ms. ROS-LEHTINEN.

H. Con. Res. 352: Mrs. CUBIN.

H. Con. Res. 362: Mr. DAVIS of Illinois and Mr. UNDERWOOD.

H. Con. Res. 380: Mr. CLYBURN.

H. Con. Res. 408: Mrs. DAVIS of California, Mr. TOWNS, Mr. MCHUGH, and Mr. SERRANO.

H. Con. Res. 409: Mr. CONYERS, Mrs. MORELLA, and Mr. OSBORNE.

H. Con. Res. 423: Mr. PENCE.

H. Con. Res. 429: Ms. BROWN of Florida, Ms. CARSON of Indiana, Mr. FATTAH, Mrs. CLAYTON, Mr. INSLEE, and Mr. SCOTT.

H. Res. 295: Mr. PHELPS.

H. Res. 393: Mr. HONDA, Mr. KLECZKA, Mrs. TAUSCHER, and Mr. ISAKSON.

H. Res. 410: Ms. SLAUGHTER.

H. Res. 469: Mr. ACKERMAN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4635

OFFERED BY: MR. BARTON OF TEXAS

AMENDMENT No. 2: Page 8, line 8, strike "may" and insert "shall".

Page 8, line 10, strike "a" and insert "any".

Page 9, strike lines 3 through 9.

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

H.R. 4635

OFFERED BY: MR. BARTON OF TEXAS

AMENDMENT No. 3: Page 12, strike line 3 and all that follows through line 21 on page 13, and insert the following:

"(2) RISK-BENEFIT DETERMINATION DECISION.—Before the last day of such 2-year period, the President, in consultation with 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 President, in consultation with the Under Secretary, determines under paragraph (2) that the risks outweigh the benefits, the President shall sign a certification ordering the Under Secretary to publish a notice in the Federal Register terminating the pilot program and explaining the reasons for the decision to terminate. The Under Secretary shall publish such notice and shall provide adequate notice of the decision to Federal flight deck officers and other individuals as necessary.

"(4) CONTINUATION OF PROGRAM.—If the President, in consultation with the Under Secretary, determines under paragraph (2) that the benefits outweigh the risks, the President shall sign a certification ordering the Under Secretary to publish a notice in the Federal Register announcing the continuation of the program. The Under Secretary shall publish such notice, continue the program in accordance with this section, and may increase the number of Federal flight deck officers participating in the program.

H.R. 4635

OFFERED BY: MR. CUNNINGHAM

AMENDMENT No. 4: Page 9, line 6, strike "2 percent" and insert "25 percent".

H.R. 4635

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 5: 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 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.

H.R. 4635

OFFERED BY: MR. HORN

AMENDMENT NO. 6: Page 15, strike line 12 and all that follows through line 4 on page 18 and insert the following:

(a) AVIATION CREWMEMBER SELF-DEFENSE DIVISION.—Subsections (a) and (b) of section 44918 of title 49, United States Code, are amended to read as follows—

"(a) IN GENERAL.—

"(1) REQUIREMENTS FOR AIR CARRIERS.—

"(A) PRESCRIPTION.—Not later than 60 days after the date of enactment of the Arming Pilots Against Terrorism Act, the Under Secretary of Transportation for Security shall prescribe detailed requirements for an air carrier cabin crew training program, and for the instructors of that program as described in subsection (b) to prepare crew members for potential threat conditions.

"(B) CONSULTATION.—In developing the requirements, the Under Secretary shall consult with appropriate law enforcement personnel who have expertise in self-defense training, security experts, terrorism experts, and representatives of air carriers and labor organizations representing individuals employed in commercial aviation.

"(2) AVIATION CREWMEMBER SELF-DEFENSE DIVISION.—

"(A) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this subparagraph, the Under Secretary shall establish an Aviation Crew Self-Defense Division within the Transportation Security Administration.

"(B) DUTIES.—The Division shall develop and administer the requirements described in this section.

"(C) DIRECTOR.—

"(i) APPOINTMENT.—The Under Secretary shall appoint a Director of the Aviation Crew Self-Defense Division who shall be the head of the Division. The Director shall report to the Under Secretary.

"(ii) SOLICITATION OF RECOMMENDATIONS.—In the selection of the Director, the Under Secretary shall solicit recommendations from law enforcement, air carriers, and labor organizations representing individuals employed in commercial aviation.

"(iii) BACKGROUND.—The Director shall have a background in self-defense training, including military or law enforcement training with an emphasis in teaching self-defense and the appropriate use force.

"(D) REGIONAL TRAINING SUPERVISORS.—Regional training supervisors shall be under the control of the Director and shall have appropriate training and experience in teaching self-defense and the appropriate use of force.

"(b) PROGRAM ELEMENTS.—

"(1) IN GENERAL.—The requirements prescribed under subsection (a) shall provide competence, and ensure retention of skills, in self-defense training that incorporates classroom and situational training that contains the following elements:

"(A) Determination of the seriousness of any occurrence.

"(B) Crew communication and coordination.

"(C) Appropriate responses to defend oneself, including hands on training, with reasonable and effective requirements on time allotment providing competence and ensuring retention of skills in the following levels of self-defense:

"(i) Awareness, deterrence, and avoidance.

"(ii) Verbalization.

"(iii) Empty hand control.

"(iv) Intermediate weapons and self-defense techniques.

"(v) Deadly force.

"(D) Use of protective devices assigned to crewmembers (to the extent such devices are approved by the Administrator of the Federal Aviation Administration or Under Secretary).

"(E) Psychology of terrorists to cope with hijacker behavior and passenger responses.

"(F) Live situational simulation joint training exercises regarding various threat conditions, including all of the elements required by this section.

"(G) Flight deck procedures or aircraft maneuvers to defend the aircraft.

"(2) PROGRAM ELEMENTS FOR INSTRUCTORS.—The requirements prescribed under subsection (a) shall contain program elements for instructors that include, at a minimum, the following:

"(A) A certification program for the instructors who will provide the training described in paragraph (1).

"(B) A requirement that no training session shall have fewer than 1 instructor for every 12 students.

"(C) A requirement that air carriers provide certain instructor information, including names and qualifications, to the Aviation Crew Member Self-Defense Division within 30 days after the requirements are prescribed under subsection (a).

"(D) Training course curriculum lesson plans and performance objectives to be used by instructors.

"(E) Written training bulletins to reinforce course lessons and provide necessary progressive updates to instructors.

"(3) RECURRENT TRAINING.—Each air carrier shall provide the training under the program every 6 months after the completion of the initial training.

"(4) INITIAL TRAINING.—Air carriers shall provide the initial training under the program within 24 months of the date of enactment of the Arming Pilots Against Terrorism Act.

"(5) COMMUNICATION DEVICES.—The requirements described in subsection (a) shall include a provision mandating that air carriers provide flight and cabin crew with a discreet, hands-free, wireless method of communicating with the flight deck."

(b) RULEMAKING; LIABILITY.—Section 44918 of such title is further amended by adding at the end the following:

"(f) RULEMAKING AUTHORITY.—Notwithstanding section 44903(i) (relating to authority to arm flight deck crew with less than-lethal weapons), not later than 180 days after the date of enactment of the Arming Pilots Against Terrorism Act, the Under Secretary, in consultation with persons described in subsection (a)(1), shall prescribe regulations requiring air carriers to—

"(1) provide adequate training in the proper conduct of a cabin search and allow adequate duty time to perform such a search; and

"(2) conduct a preflight security briefing with flight deck and cabin crew and, when available, Federal air marshals or other authorized law enforcement officials.

"(g) LIMITATION ON LIABILITY.—

"(1) AIR CARRIERS.—An air carrier 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 air carrier's training instructors or cabin crew using reasonable and necessary force in defending an aircraft of the air carrier against acts of criminal violence or air piracy.

"(2) TRAINING INSTRUCTORS AND CABIN CREW.—An air carrier's training instructors or cabin crew shall not be liable for damages in any action brought in a Federal or State court arising out of an act or omission of a training instructor or a member of the cabin crew regarding the defense of an aircraft against acts of criminal violence or air piracy unless the crew member is guilty of gross negligence or willful misconduct."

(c) CONFORMING AMENDMENTS.—Section 44918 of such title is further amended—

(1) in subsection (c)—

(A) by striking "issues the guidance" and inserting "prescribes the requirements";

(B) by striking "that guidance" and inserting "those requirements"; and

(C) by striking "guidance" the third place it appears; and

(2) in subsection (e) by striking "guidance issued" and inserting "requirements prescribed".

(d) NONLETHAL WEAPONS FOR FLIGHT ATTENDANTS.—

(1) STUDY.—The Under Secretary of Transportation for Security shall conduct a study to determine whether possession of a non-lethal weapon by a member of an air carrier's cabin crew would aid the flight deck crew 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 study.

H.R. 4635

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 7: 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)".

H.R. 4635

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 8: 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".

H.R. 4635

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 9: 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)”.

H.R. 4635

OFFERED BY: MR. MICA

AMENDMENT NO. 10: 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”.

H.R. 4635

OFFERED BY: MR. NETHERCUTT

AMENDMENT NO. 11: 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)”.

H.R. 4635

OFFERED BY: MR. NETHERCUTT

AMENDMENT NO. 12: Page 2, line 12, strike “pilot”.

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 14, line 5, strike “(j)” and insert “(i)”.

H.R. 4635

OFFERED BY: MR. STEARNS

AMENDMENT NO. 13: Page 14, line 18, strike the close quotation marks and the period.

Page 14, insert after line 18 the following:

“§ 44922. Federal cockpit 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 cockpit 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 cockpit 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 non-lethal weapon to be used by a Federal cockpit officer.

“(B) The standards and training needed to qualify and requalify as a Federal cockpit officer.

“(C) The placement of the non-lethal weapon of a Federal cockpit officer on board the aircraft to ensure both its security and its ease of retrieval in an emergency.

“(D) Analyze the risk of catastrophic failure of an aircraft as a result of the discharge of a non-lethal weapon to be used in the program into the avionics, electrical systems, or other sensitive areas of the aircraft.

“(E) 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 cockpit officer and if both pilots are Federal cockpit officers.

“(F) Procedures for ensuring that the non-lethal weapon of a Federal cockpit 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.

“(G) Interaction between a Federal cockpit officer and a Federal air marshal on board the aircraft.

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

“(I) Storage and transportation of non-lethal weapons between flights, including international flights, to ensure the security of the weapons.

“(J) Methods for ensuring that security personnel will be able to identify whether a pilot is authorized to carry a non-lethal weapon under the program.

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

“(L) 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 cockpit officer under this section at no expense to the pilot or the air carrier employing the pilot.

“(2) TRAINING.—

“(A) ELEMENTS.—The training of a Federal cockpit officer shall include, at a minimum, the following elements:

“(i) Training to ensure that the officer achieves the level of proficiency with a non-lethal weapon required under subparagraph (C)(i).

“(ii) Training to ensure that the officer maintains exclusive control over the officer's non-lethal weapon 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 non-lethal weapon.

“(B) TRAINING IN USE OF NON-LETHAL WEAPONS.—

“(i) STANDARD.—In order to be deputized as a Federal cockpit officer, a pilot must achieve a level of proficiency with a non-lethal weapon that is required by the Under Secretary.

“(ii) CONDUCT OF TRAINING.—The training of a Federal cockpit officer in the use of a non-lethal weapon may be conducted by the Under Secretary or by a training facility approved by the Under Secretary.

“(iii) REQUALIFICATION.—The Under Secretary shall require a Federal cockpit officer to requalify to carry a non-lethal weapon 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 cockpit 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 cockpit 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 cockpit officers under this section, those pi-

lots 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 cockpit officers may not exceed 1 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 cockpit 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 cockpit 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 non-lethal weapons under the program.

“(f) AUTHORITY TO CARRY NON-LETHAL WEAPONS.—

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

“(2) PREEMPTION.—Notwithstanding any other provision of Federal or State law, a Federal cockpit officer, whenever necessary to participate in the program, may carry a non-lethal weapon in any State and from one State to another State.

“(3) CARRYING NON-LETHAL WEAPONS 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 cockpit officer may carry a non-lethal weapon 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 cockpit officer may use, while the program under this section is in effect, 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 cockpit officer's use of or failure to use a non-lethal weapon.

“(2) LIABILITY OF FEDERAL COCKPIT OFFICERS.—A Federal cockpit 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 cockpit 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 cockpit 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 cockpit 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 cockpit 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 cockpit 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 cockpit 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 cockpit officer may use 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.”

Page 14, insert before line 23, the following: “44921. Federal cockpit officer program.”

H.R. 4635

OFFERED BY: MRS. TAUSCHER

AMENDMENT NO. 14: Page 5, line 5, before “between” insert “at airports”.

Page 10, after line 18 insert the following:

“(g) STORAGE OF FIREARMS.—The Under Secretary shall require that firearms carried by Federal flight deck officers in the program be stored in airports between flights and shall determine and designate the most secure locations for the storage of such firearms.”

Redesignate subsequent subsections accordingly.

H.R. 4635

OFFERED BY: MRS. TAUSCHER

AMENDMENT NO. 15: Page 6, after line 6, insert the following:

“(7) SUSPENSION OF PROGRAM.—If the Under Secretary determines as a result of an analysis under paragraph (3)(E) that there is a significant risk of the catastrophic failure of an aircraft from the discharge of a firearm, the Under Secretary may suspend the program until such actions as may be necessary to minimize such risk are taken.”.

H.R. 4635

OFFERED BY: MRS. TAUSCHER

AMENDMENT NO. 16: Page 11, strike line 1 and all that follows through “OFFICERS.—” on lines 7 and 8.

Page 11, strike lines 15 through 19.

H.R. 4635

OFFERED BY: MRS. TAUSCHER

AMENDMENT NO. 17: Page 12, line 15, after the period insert the following: “If an accidental discharge of a firearm under the pilot program results in injury or death of a passenger or crew member of a flight, the Under Secretary may terminate the pilot program by publishing in the Federal Register a notice of such termination and providing adequate notice of the decision to terminate to Federal flight deck officers and other individuals as necessary.”.

H.R. 4635

OFFERED BY: MR. THUNE

AMENDMENT NO. 18: Page 8, line 8, strike “may” and insert “shall”.

Page 8, line 10, strike “a” and insert “any”.

Page 9, strike lines 3 through 9.

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

H.R. 4635

OFFERED BY: MR. TOWNS

AMENDMENT NO. 19: Page 4, line 12, after the period, insert the following: “The analysis shall include an assessment of the potential risks of an accidental or intentional discharge of a firearm by a licensed Federal flight deck officer on an aircraft.”.

Page 14, line 4, after the period, insert the following: “The report shall include a description of any incidence involving the accidental or intentional discharge of a firearm by a Federal flight deck officer on an aircraft.”.