

104TH CONGRESS
2D SESSION

H. R. 4312

To revitalize the tourism industry and to provide airport security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 1996

Mr. MCCOLLUM introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Commerce, Ways and Means, the Judiciary, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To revitalize the tourism industry and to provide airport security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tourism Revitalization
5 and Airport Security Act of 1996”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) Tourism is a vital industry to the United
2 States, providing employment and growth to all
3 parts of the country.

4 (2) Tourism promotes a greater appreciation of
5 our Nation’s natural treasures.

6 (3) International tourism promotes increased
7 cultural understanding among people of nations.

8 (4) The United States is currently at a com-
9 petitive disadvantage in the international tourism
10 market.

11 (5) The Federal Government can play a promi-
12 nent role in ensuring the future growth of tourism.

13 **TITLE I—ENSURING TRAVELER**
14 **SAFETY**

15 **SEC. 101. INTERIM DEPLOYMENT OF COMMERCIALY**
16 **AVAILABLE EXPLOSIVE DETECTION EQUIP-**
17 **MENT.**

18 Section 44913(a) of title 49, United States Code, is
19 amended—

20 (1) by redesignating paragraph (3) as para-
21 graph (4); and

22 (2) by inserting after paragraph (2) the follow-
23 ing new paragraph (3):

24 “(3) Until such time as the Administrator de-
25 termines that equipment certified under paragraph

1 (1) of this subsection is commercially available and
2 has successfully completed operational testing as
3 provided in 49 United States Code 44913(a)(1), the
4 Administrator shall facilitate the deployment of com-
5 mercially available explosive detection devices that
6 the Administrator approves and determines will en-
7 hance aviation security significantly. The Adminis-
8 trator shall require that equipment deployed under
9 this paragraph be replaced by equipment certified
10 under paragraph (1) when equipment certified under
11 paragraph (1) becomes commercially available.”.

12 **SEC. 102. AUTHORITY FOR CRIMINAL HISTORY RECORDS**

13 **CHECKS.**

14 Section 44936(a)(1) of title 49, United States Code.
15 is amended—

16 (1) by striking “(1)” and inserting “(1)(A)”;

17 (2) by redesignating subparagraphs (A) and
18 (B) as clauses (i) and (ii), respectively; and

19 (3) by adding at the end the following:

20 “(B) The Administrator shall require by regula-
21 tion that an employment investigation (including a
22 criminal history record check in cases in which the
23 employment investigation reveals a gap in employ-
24 ment of 12 months or more that the individual does
25 not satisfactorily account for) be conducted for indi-

1 individuals who will be responsible for screening pas-
2 sengers or property under this chapter and their su-
3 pervisors.”.

4 **SEC. 103. AUDIT OF PERFORMANCE OF BACKGROUND**
5 **CHECKS FOR CERTAIN PERSONNEL.**

6 Section 44936(a) of title 49, United States Code, is
7 amended by adding at the end the following:

8 “(3) The Administrator shall provide for the
9 periodic audit of criminal history record checks con-
10 ducted under paragraph (1) of this subsection.”.

11 **SEC. 104. PERFORMANCE STANDARDS FOR AIRPORT SECU-**
12 **RITY PERSONNEL.**

13 Section 44935(a) of title 49, United States Code, is
14 amended—

15 (1) by striking “and” at the end of paragraph
16 (4); and

17 (2) by adding at the end the following:

18 “(6) performance standards for airport and air-
19 line security personnel, including counter personnel;
20 and

21 “(7) guidelines for encouraging the retention of
22 security personnel responsible for passengers and
23 cargo.”

1 **SEC. 105. PASSENGER PROFILING.**

2 The Federal Aviation Administration, the Secretary
3 of Transportation, the intelligence community, and the law
4 enforcement community should continue to assist air car-
5 riers in developing computer-assisted passenger profiling
6 programs.

7 **SEC. 106. AUTHORITY TO USE CERTAIN FUNDS FOR AIR-**
8 **PORT SECURITY PROGRAMS AND ACTIVITIES.**

9 (a) **AUTHORITY TO USE FUNDS.**—Notwithstanding
10 any other provision of law, funds referred to in subsection
11 (b) may be used to expand and enhance air transportation
12 security programs and other activities at airports (includ-
13 ing the improvement of facilities and the purchase and de-
14 ployment of equipment) to ensure the safety and security
15 of passengers and other persons involved in air travel.

16 (b) **COVERED FUNDS.**—The following funds may be
17 used under subsection (a):

18 (1) Project grants made under subchapter 1 of
19 chapter 471 of title 49, United States Code.

20 (2) Passenger facility fees collected under sec-
21 tion 40117 of title 49, United States Code.

22 **SEC. 107. ASSESSMENT OF CARGO.**

23 (a) **IN GENERAL.**—The Administrator of the Federal
24 Aviation Administration shall, in consultation with the ap-
25 propriate Federal agencies, review—

1 (1) the oversight by the Federal Aviation Ad-
2 ministration of inspections of shipments of mail and
3 cargo by domestic and foreign air carriers;

4 (2) the need for additional security measures
5 with respect to such inspections; and

6 (3) the adequacy of inspection and screening of
7 cargo on passenger air carriers.

8 (b) LEGISLATIVE PROPOSALS.—The President shall
9 submit relevant legislative proposals to Congress, as may
10 be required.

11 **SEC. 108. ASSIGNMENT OF FBI AGENTS TO HIGH-RISK AIR-**
12 **PORTS.**

13 Section 44904 of title 49, United States Code, is
14 amended by adding at the end the following:

15 “(d) RESPONSIBILITY OF FBI AGENTS TO AREAS OF
16 HIGH-RISK AIRPORTS.—The Director of the Federal Bu-
17 reau of Investigation shall assure that agents of the Fed-
18 eral Bureau of Investigation who are assigned to an area
19 where there are airports that are determined to be high-
20 risk airports shall, jointly with the Federal Aviation Ad-
21 ministration, carry out periodic threat and vulnerability
22 assessments of security every 3 years, or more frequently,
23 as necessary, at such airports.”.

1 **SEC. 109. SUPPLEMENTAL SCREENING.**

2 Section 44903(c) of title 49, United States Code, is
3 amended by adding at the end of the following new para-
4 graph:

5 “(3) USE OF DOGS IN SCREENING.—

6 “(A) IN GENERAL.—The law enforcement
7 presence and capability required under para-
8 graph (1) shall include a requirement that the
9 operator of each major airport use dogs or
10 other appropriate animals to supplement exist-
11 ing equipment used for screening passengers
12 and cargo for plastic explosives and other de-
13 vices or materials which may be used in aircraft
14 piracy. If the Administrator determines that the
15 requirements of the preceding sentence will not
16 significantly enhance the safety and security of
17 passengers and other persons involved in air
18 travel, the Administrator may modify such re-
19 quirements as appropriate. At the discretion of
20 the Administrator, the use of dogs at an airport
21 may be deemed as compliance with section
22 449913(a)(3) of this title.

23 “(B) MAJOR AIRPORT DEFINED.—In this
24 paragraph, the term ‘major airport’ means an
25 airport that is one of the largest 50 airports in
26 the United States, as determined by the num-

1 ber of passenger enplanements in calendar year
2 1995.”.

3 **SEC. 110. SUPPLEMENTAL EXPLOSIVE DETECTION.**

4 Section 44913(b) of title 49, United States Code, is
5 amended to read as follows:

6 “(b) SUPPLEMENTAL EXPLOSIVE DETECTION.—

7 “(1) GRANTS.—The Secretary shall make
8 grants for expenses of training and evaluation of
9 dogs for the explosive detection K–9 team training
10 program for the purpose of detecting explosives at
11 airports and aboard aircraft. Not later than 180
12 days after the date of the enactment of the Aviation
13 Security Improvement Act of 1996, the Secretary
14 shall extend such program to the largest 50 airports
15 in the United States, as determined by the number
16 of passenger enplanements in calendar year 1995.

17 “(2) FUNDING.—There is authorized to be ap-
18 propriated from the Trust Fund for carrying out
19 paragraph (1) such sums as may be necessary for
20 fiscal years beginning after September 30, 1996.
21 Such funds shall remain available until expended.”.

22 **SEC. 111. ENHANCED SECURITY FOR SMALL AIRPLANES**

23 Not later than 60 days after the date of the enact-
24 ment of this Act, the Administrator shall initiate a rule-
25 making to revise section 108.5 and 108.7 of 14 C.F.R.

1 with respect to airplanes having a passenger seating con-
2 figuration of less than 61 to enhance the safety and secu-
3 rity of air travel in such airplanes.

4 **SEC. 112. CIVIL AVIATION SECURITY REVIEW COMMISSION.**

5 (a) **ESTABLISHMENT.**—There is established a com-
6 mission to be known as the Civil Aviation Security Review
7 Commission (hereinafter in this section referred to as the
8 “Commission”).

9 (b) **FUNCTIONS.**—The Commission shall conduct a
10 comprehensive review of aviation security. Matters to be
11 studied by the Commission shall include the following:

12 (1) A review of the advisability of transferring
13 responsibilities of air carriers under Federal law for
14 security activities conducted on-site at airports to
15 airport operators or to appropriate entities inde-
16 pendent of air carriers.

17 (2) A review of whether baggage match require-
18 ments should be imposed on air carriers providing
19 interstate air transportation and how baggage match
20 can be accomplished to enhance the safety and secu-
21 rity of domestic air travel.

22 (3) A review of the cost and advisability of re-
23 quiring hardened cargo containers as a way to en-
24 hance aviation security and reduce the required sen-
25 sitivity of bomb detection equipment.

1 (c) MEMBERSHIP.—The Commission shall be com-
2 posed of 13 members, appointed from persons knowledge-
3 able about civil aviation in the United States and who are
4 specifically qualified by training and experience to perform
5 the duties of the Commission, as follows:

6 (1) 3 members appointed by the Secretary of
7 Transportation, in consultation with the Secretary of
8 the Treasury.

9 (2) 10 members appointed by Congress as fol-
10 lows:

11 (A) 1 member appointed by each of the
12 chairman and ranking minority member of the
13 Committee on Transportation and Infrastruc-
14 ture of the House of Representatives.

15 (B) 1 member appointed by each of the
16 chairman and ranking minority member of the
17 Committee on Appropriations of the House of
18 Representatives.

19 (C) 1 member appointed by each of the
20 chairman and ranking minority member of the
21 Committee on Commerce, Science, and Trans-
22 portation of the Senate.

23 (D) 1 member appointed by each of the
24 chairman and ranking minority member of the
25 Committee on Appropriations of the Senate.

1 (E) 1 member appointed by each of the
2 chairman and ranking minority member of the
3 Committee on Ways and Means of the House of
4 Representatives.

5 (d) RESTRICTION ON APPOINTMENT OF CURRENT
6 AVIATION EMPLOYEES.—A member appointed under sub-
7 section (c)(1) may not be an employee of an airline, air-
8 port, aviation union, or aviation trade association at the
9 time of appointment or while serving on the Commission.

10 (e) TIMING OF APPOINTMENTS.—The appointing au-
11 thorities shall make their appointments to the Commission
12 not later than 30 days after the date of the enactment
13 of this Act.

14 (f) CHAIRMAN.—In consultation with the Secretary
15 of Transportation, the Speaker of the House of Represent-
16 atives and the majority leader of the Senate shall des-
17 ignate a chairman and vice chairman from among the
18 members of the Commission not later than 30 days after
19 appointment of the last member to the Commission.

20 (g) PERIOD OF APPOINTMENT AND VACANCIES.—
21 Members shall be appointed for the life of the Commission,
22 and any vacancy on the Commission shall not affect its
23 powers but shall be filled in the same manner, and by the
24 same appointing authority, as the original appointment.

1 (h) QUORUM.—A majority of the members of the
2 Commission shall constitute a quorum to conduct busi-
3 ness, but the Commission may establish a lesser number
4 for conducting hearings scheduled by the Commission.

5 (i) POWERS OF THE COMMISSION.—

6 (1) HEARINGS.—The Commission may hold
7 such hearings, sit and act at such times and places,
8 administer such oaths, take such testimony, and re-
9 ceive such evidence as the Commission considers ad-
10 visable to carry out its duties.

11 (2) INFORMATION FROM FEDERAL AGENCIES.—

12 The Commission may secure directly from any Fed-
13 eral department or agency such information or docu-
14 ments as the Commission considers necessary to
15 carry out its duties, unless the head of such depart-
16 ment or agency advises the chairman of the Com-
17 mission, in writing, that such information is con-
18 fidential and that its release to the Commission
19 would jeopardize aviation safety, the national secu-
20 rity, or pending criminal investigations.

21 (3) DETAIL OF GOVERNMENT EMPLOYEES.—

22 Any Federal Government employee may be detailed
23 to the Commission without reimbursement, and such
24 detail shall be without interruption or loss of civil
25 service status or privilege.

1 (4) TRAVEL AND PER DIEM.—Members and
2 staff of the Commission shall be paid travel ex-
3 penses, including per diem in lieu of subsistence,
4 when away from his or her usual place of residence,
5 in accordance with section 5703 of title 5, United
6 States Code.

7 (j) FINAL REPORT.—Not later than 1 year after the
8 date of the appointment of the last member to the Com-
9 mission under subsection (c), the Commission shall submit
10 to Congress and the Administrator a final report on the
11 findings of the Commission with corresponding rec-
12 ommendations. Included with this report shall be the inde-
13 pendent audit required under subsection (j).

14 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
15 hereby authorized to be appropriated \$2,400,000 for ac-
16 tivities of the Commission to remain available until ex-
17 pended.

18 **SEC. 113. TEST OF IGRIS SYSTEMS FOR EXPLOSIVE DETEC-**
19 **TION.**

20 (a) IN GENERAL.—The Administrator of the Federal
21 Aviation Administration shall conduct a test under section
22 44913(a) of title 49, United States Code, to assess the
23 performance of inelastic gamma ray imaging and spectros-
24 copy systems in the detection of explosive materials.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated for fiscal years beginning
3 after September 30, 1996, \$6,000,000 to carry out sub-
4 section (a).

5 **SEC. 114. STUDY OF BOMB CONTAINMENT TECHNOLOGIES.**

6 (a) IN GENERAL.—The Secretary of Transportation
7 shall conduct a study of the effectiveness of bomb blast
8 containment technologies in aircraft luggage and cargo
9 holds.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated for fiscal years beginning
12 after September 30, 1996, \$20,000,000 to carry out sub-
13 section (a).

14 **SEC. 115. SENSE OF CONGRESS CONCERNING BAG MATCH**
15 **SYSTEMS.**

16 It is the sense of Congress that, although airport se-
17 curity is a top priority, thorough studies of the bag match
18 system of security for flights in air transportation need
19 to be conducted before implementation of the system on
20 any widespread basis. Such studies should include an as-
21 sessment of the need for the system, the effectiveness of
22 the system, the projected impact of the system on air pas-
23 senger volume, the projected impact of the system on the
24 number of delays in aircraft arrivals and departures, and

1 the projected impact of the system on the number of
2 ticketed air passengers who miss flights.

3 **TITLE II—TOURISM PROMOTION**

4 **SEC. 201. NATIONAL TOURISM BOARD.**

5 (a) ESTABLISHMENT.—There is established the Na-
6 tional Tourism Board to—

7 (1) utilize a private-public partnership for trav-
8 el and tourism policymaking;

9 (2) develop a national travel and tourism strat-
10 egy for increasing travel and tourism to and within
11 the United States;

12 (3) advise the President, the Congress, and the
13 travel and tourism industry on the implementation
14 of such national strategy and on other matters af-
15 fecting travel and tourism; and

16 (4) provide guidance to the National Tourism
17 Organization established under section 202.

18 (b) COMPOSITION.—The Board shall consist of 36
19 members appointed by the President as follows—

20 (1) 27 members shall be appointed from indi-
21 viduals who represent all the ranges of the travel
22 and tourism industry;

23 (2) 6 members shall be appointed from State,
24 regional, and Federal agencies related to travel and
25 tourism;

1 (3) 1 member shall be appointed from the Sen-
2 ate and 1 member shall be appointed from the
3 House of Representatives; and

4 (4) a chairman shall be appointed by and with
5 the advice of the Senate.

6 In making appointments to the Board, the President shall
7 take into account recommendations made by organizations
8 representing the travel and tourism industry. The chair-
9 man shall be accountable to the President and the Con-
10 gress for the operations of the Board.

11 (c) TERMS.—The members and chairman of the
12 Board shall be appointed for terms of 3 years, except that
13 of the members first appointed—

14 (1) 12 members shall be appointed for a term
15 of 1 year;

16 (2) 12 members shall be appointed for a term
17 of 2 years; and

18 (3) 11 members and the chairman shall be ap-
19 pointed for a term of 3 years,

20 as determined by the President as of the date of the first
21 appointments. A member may be reappointed to serve on
22 the Board.

23 (d) AUTHORITY.—

24 (1) NON-FEDERAL STATUS.—The Board is not
25 a Federal agency and is not subject to any Federal

1 law, including the Federal Advisory Commission Act
2 and personnel and budget laws.

3 (2) EXECUTIVE DIRECTOR.—The chairman of
4 the Board may appoint an executive director and es-
5 tablish the compensation and the duties of the exec-
6 utive director.

7 (3) MEETINGS.—The Board shall meet at least
8 semi-annually. The meetings shall be open to the
9 public and appropriate notice shall be given for the
10 meeting dates.

11 (4) COMPENSATION AND EXPENSES.—The
12 chairman and members of the Board shall serve
13 without compensation but may be compensated for
14 expenses incurred in carrying out the duties of the
15 Board.

16 (5) TESTIMONY, REPORTS, AND SUPPORT.—The
17 Board may present testimony to the Congress and to
18 legislatures of the States and issue reports on its
19 findings and recommendations.

20 (6) CONTRIBUTIONS.—The Board may accept
21 financial contributions from the private sector to
22 cover the expenses of the Board.

23 **SEC. 202. NATIONAL TOURISM ORGANIZATION.**

24 (a) ESTABLISHMENT.—There is established with a
25 Federal charter the National Tourism Organization. The

1 Organization shall be a not-for-profit organization. The
2 Organization is not a Federal agency and shall not be sub-
3 ject to any Federal law.

4 (b) DUTIES.—The Organization shall—

5 (1) seek to, and work for, an increase in the
6 share of the United States in the global tourism
7 market;

8 (2) implement the national travel and tourism
9 strategy developed by the National Tourism Board
10 under section 201(a)(2);

11 (3) operate travel and tourism promotion pro-
12 grams outside the United States in partnership with
13 the travel and tourism industry in the United
14 States;

15 (4) conduct market research necessary for ef-
16 fective promotion of the travel and tourism market;

17 (5) establish a Travel-Tourism Data Bank, col-
18 lect international market data for the Bank, and dis-
19 seminate such data to the travel and tourism indus-
20 try in the United States; and

21 (6) promote United States travel and tourism
22 at international trade shows.

23 (c) BOARD OF DIRECTORS.—The Organization shall
24 be governed by a Board of Directors (hereinafter in this
25 section “Board”), which shall have 45 members. The

1 Board shall be accountable to the National Tourism Board
2 for the operations of the Organization. The President shall
3 appoint the initial members of the Board, taking into ac-
4 count recommendations made by organizations represent-
5 ing the travel and tourism industry so that all the ranges
6 of the travel and tourism industry are represented on the
7 Board. By majority vote, members of the Board shall se-
8 lect one member to be chairman and shall adopt bylaws,
9 policies, and procedures to govern the duties of the chair-
10 man, the term of service of members of the Board, the
11 functioning of the Board, and the operations of the Orga-
12 nization. The Board shall appoint new members to fill any
13 vacancy on the Board.

14 (d) STAFF.—The Board shall appoint a president of
15 the Organization and such other staff as the Board deter-
16 mines is necessary. The Board shall establish the duties
17 of the staff and set the compensation of the staff. The
18 president of the Organization shall serve as a member of
19 the Trade Promotion Coordinating Committee.

20 (e) FUNDING.—The Organization may accept finan-
21 cial contributions. Within one year of the date of the en-
22 actment of this Act, the Board shall develop a plan for
23 long-term financing and, if necessary, make recommenda-
24 tions to the Congress and the President for legislation.

1 **SEC. 203. UNITED STATES GOVERNMENT COOPERATION.**

2 (a) SECRETARY OF STATE.—The Secretary of State
3 shall—

4 (1) place a priority on implementing rec-
5 ommendations by the National Tourism Board; and

6 (2) cooperate with the National Tourism Orga-
7 nization in carrying out its duties.

8 (b) DIRECTOR OF THE UNITED STATES INFORMA-
9 TION AGENCY.—The Director of the United States Infor-
10 mation Agency shall—

11 (1) place a priority on implementing rec-
12 ommendations by the National Tourism Board; and

13 (2) cooperate with the National Tourism Orga-
14 nization in carrying out its duties.

15 **SEC. 204. TRANSITION FROM THE UNITED STATES TRAVEL**
16 **AND TOURISM ADMINISTRATION.**

17 (a) STAFF.—The President may transfer up to 25
18 members of the staff of the United States Travel and
19 Tourism Administration established under section 301 of
20 the International Travel Act of 1961 (22 U.S.C. 2124)
21 to the Foreign Service or the Commercial Service for 2
22 years. Such staff members shall assist the Organization
23 in its start-up activities.

24 (b) FILES AND OTHER RESOURCES.—The files and
25 other nonfinancial resources of the United States Travel

1 and Tourism Administration are transferred to the United
2 States Foreign and Commercial Service.

3 **SEC. 205. TRADE PROMOTION COORDINATING COMMITTEE.**

4 Section 2312 of the Export Enhancement Act of
5 1988 (15 U.S.C. 4727) is amended—

6 (1) in subsection (c) by adding at the end
7 thereof:

8 “(6) reflect recommendations by the National
9 Tourism Board.”; and

10 (2) in paragraph (d)(1) by striking “and” in
11 “(L)”, by redesignating “(M)” as “(N)”, and by in-
12 serting the following:

13 “(M) the President of the National Tour-
14 ism Organization; and”.

15 **SEC. 206. DEFINITIONS.**

16 For purposes of this title, the term “Organization”
17 means the National Tourism Organization established
18 under section 202.

19 **TITLE III—FACILITATING**
20 **TRAVEL**

21 **SEC. 301. GENERAL REVENUE PORTION OF MOTOR FUEL**
22 **EXCISE TAX REVENUES TO BE DEPOSITED**
23 **INTO APPROPRIATE TRUST FUND.**

24 (a) INCREASED HIGHWAY TRUST FUND DEPOS-
25 ITS.—

1 (1) Paragraph (4) of section 9503(b) of the In-
2 ternal Revenue Code of 1986 (relating to certain ad-
3 ditional taxes not transferred to Highway Trust
4 Fund) is amended to read as follows:

5 “(4) CERTAIN TAXES NOT TRANSFERRED TO
6 HIGHWAY TRUST FUND.—For purposes of para-
7 graphs (1) and (2), there shall not be taken into ac-
8 count the taxes imposed by—

9 “(A) section 4041(d),

10 “(B) section 4081 to the extent attrib-
11 utable to the rate specified in section
12 4081(a)(2)(B), or

13 “(C) section 4041 or 4081 to the extent
14 attributable to fuel used in a train.”

15 (2) Subparagraph (B) of section 40(e)(1) of
16 such Code is amended by striking “during which the
17 Highway Trust Fund financing rate under section
18 4081(a)(2) is not in effect” and inserting “during
19 which the rates of tax specified in section
20 4081(a)(2)(A) are not in effect”.

21 (3) The last sentence of subparagraph (A) of
22 section 9503(c)(2) of such Code is amended by strik-
23 ing “by taking into account only the Highway Trust
24 Fund financing rate applicable to any fuel” and in-
25 serting “by taking into account only the portion of

1 the taxes which are deposited into the Highway
2 Trust Fund”.

3 (4) Section 9503 of such Code is amended by
4 striking subsection (f).

5 (b) INCREASED AIRPORT AND AIRWAY TRUST FUND
6 DEPOSITS.—

7 (1) Subsection (b) of section 9502 of such Code
8 is amended—

9 (A) by striking “(to the extent of 15 cents
10 per gallon)” in paragraph (2), and

11 (B) by striking “(to the extent attributable
12 to the Airport and Airway Trust Fund financ-
13 ing rate)” in paragraph (3) and inserting
14 “(other than to the extent attributable to the
15 Leaking Underground Storage Tank Trust
16 Fund financing rate)”.

17 (2) Section 9502 of such Code is amended by
18 striking subsection (f).

19 (c) INCREASED INLAND WATERWAYS TRUST FUND
20 DEPOSITS.—Paragraph (2) of section 4042(b) of such
21 Code is amended by striking subparagraph (C) and by
22 striking subparagraph (A) and inserting the following new
23 subparagraph:

24 “(A) The Inland Waterways Trust Fund
25 financing rate is 24.3 cents per gallon.”

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxes imposed after the date
3 of the enactment of this Act.

4 **SEC. 302. REPEAL OF SCHEDULED INCREASE IN TAX ON**
5 **FUEL USED IN COMMERCIAL AVIATION.**

6 (a) IN GENERAL.—The first sentence of section
7 4092(b) of the Internal Revenue Code of 1986 (relating
8 to exemptions) is amended by striking “is attributable
9 to—” and all that follows and inserting “is attributable
10 to the Leaking Underground Storage Tank Trust Fund
11 financing rate imposed by such section.”

12 (b) CONFORMING AMENDMENTS.—

13 (1) Paragraph (4) of section 6427(l) of such
14 Code is amended by striking “is attributable to—”
15 and all that follows and inserting “is attributable to
16 the Leaking Underground Storage Tank Trust Fund
17 financing rate imposed by such section.”

18 (2) Section 13245 of the Omnibus Budget Rec-
19 onciliation Act of 1993 is hereby repealed.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect on September 30, 1995.

1 **SEC. 303. RESTORATION OF DEDUCTION FOR BUSINESS**
2 **MEALS AND ENTERTAINMENT AND FOR**
3 **TRAVEL EXPENSES OF SPOUSES AND OTHERS**
4 **ACCOMPANYING THE TAXPAYER ON BUSI-**
5 **NESS.**

6 (a) RESTORATION OF DEDUCTION FOR BUSINESS
7 MEALS AND ENTERTAINMENT.—

8 (1) GENERAL RULE.—Paragraph (1) of section
9 274(n) of the Internal Revenue Code of 1986 (relat-
10 ing to only 50 percent of meal and entertainment ex-
11 penses allowed as deduction) is amended by striking
12 “50 percent” and inserting “100 percent”.

13 (2) CONFORMING AMENDMENT.—The sub-
14 section heading for section 274(n) of such Code is
15 amended by striking “50” and inserting “100”.

16 (3) EFFECTIVE DATE.—The amendments made
17 by this subsection shall apply to taxable years begin-
18 ning after December 31, 1995.

19 (b) REPEAL OF SPECIAL LIMITATION ON DEDUCTION
20 FOR TRAVEL EXPENSES OF SPOUSES, ETC.—

21 (1) IN GENERAL.—Subsection (m) of section
22 274 of such Code is amended by striking paragraph
23 (3).

24 (2) EFFECTIVE DATE.—The amendment made
25 by this subsection shall apply to amounts paid or in-
26 curred after December 31, 1995.

1 **SEC. 304. DEDUCTION FOR PROMOTION OF TOURISM IN**
2 **THE UNITED STATES.**

3 (a) IN GENERAL.—Section 162 of the Internal Reve-
4 nue Code of 1986 (relating to trade or business expenses)
5 is amended by redesignating subsection (o) as subsection
6 (p) and by inserting after subsection (n) the following new
7 subsection:

8 “(o) EXPENSES PROMOTING TOURISM IN THE UNIT-
9 ED STATES.—In the case of a taxpayer engaged in a trade
10 or business, there shall be allowed as a deduction under
11 this section any amount paid or incurred to promote tour-
12 ism to the United States by individuals who are not resi-
13 dents of the United States. The preceding sentence shall
14 apply only to amounts which are not otherwise allowable
15 as a deduction under this chapter.”

16 (b) EFFECTIVE DATE.—The amendment made by
17 this section shall apply to amounts paid or incurred after
18 the date of the enactment of this Act.

19 **SEC. 305. DEDUCTION ALLOWED FOR CONVENTIONS ON**
20 **FOREIGN-FLAGGED CRUISE SHIPS.**

21 (a) IN GENERAL.—The first sentence of paragraph
22 (2) of section 274(h) of the Internal Revenue Code of
23 1986 (relating to attendance at conventions, etc.) is
24 amended by striking “business and that—” and all that
25 follows and inserting “business.”

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to cruises beginning after the date
3 of the enactment of this Act.

4 **SEC. 306. REAUTHORIZATION OF THE AIRLINE TICKET TAX.**

5 (a) IN GENERAL.—Sections 4261(g) and 4271(d) of
6 the Internal Revenue Code of 1986 are each amended by
7 striking “January 1, 1997” and inserting “January 1,
8 2002”.

9 (b) TRANSFERS TO AIRPORT AND AIRWAY TRUST
10 FUND.—Section 9502 of such Code is amended—

11 (1) in subsection (b), by striking “January 1,
12 1997” each place it appears and inserting “January
13 1, 2002”; and

14 (2) in subsection (f), by striking “December 31,
15 1996” and inserting “December 31, 2001”.

16 **SEC. 307. SENSE OF CONGRESS RELATING TO AIRLINE AC-**
17 **CESSIBILITY TO JAPAN.**

18 It is the sense of Congress that the Secretary of the
19 Department of Transportation, in conjunction with the
20 United States Trade Representative, should work to
21 amend the 1952 bilateral agreement involving airline ac-
22 cessibility to and from Japan. The new agreement should
23 include increased access by airlines based in the United
24 States.

1 **TITLE IV—IMPROVEMENT OF**
2 **VISA PROGRAMS AND ISSUANCE**

3 **SEC. 401. VISA WAIVER PROGRAM.**

4 (a) **ELIMINATION OF JOINT ACTION REQUIRE-**
5 **MENT.**—Section 217 of the Immigration and Nationality
6 Act (8 U.S.C. 1187) is amended—

7 (1) in subsection (a), by striking “Attorney
8 General and the Secretary of State, acting jointly”
9 and inserting “Attorney General, in consultation
10 with the Secretary of State”;

11 (2) in subsection (c)(1), by striking “Attorney
12 General and the Secretary of State acting jointly”
13 and inserting “Attorney General, in consultation
14 with the Secretary of State,”; and

15 (3) in subsection (d), by striking “Attorney
16 General and the Secretary of State, acting jointly,”
17 and inserting “Attorney General, in consultation
18 with the Secretary of State,”.

19 (b) **EXTENSION OF PROGRAM.**—Section 217(f) of the
20 Immigration and Nationality Act (8 U.S.C. 1187(f)) is
21 amended by striking “1996” and inserting “2002.”.

22 (c) **DURATION AND TERMINATION OF DESIGNATION**
23 **OF PILOT PROGRAM COUNTRIES.**—

1 (1) IN GENERAL.—Section 217(g) of the Immi-
2 gration and Nationality Act (8 U.S.C. 1187(g)) is
3 amended to read as follows:

4 “(g) DURATION AND TERMINATION OF DESIGNA-
5 TION.—

6 “(1) IN GENERAL.—

7 “(A) DETERMINATION AND NOTIFICATION
8 OF DISQUALIFICATION RATE.—Upon determina-
9 tion by the Attorney General that a pilot pro-
10 gram country’s disqualification rate is 2 percent
11 or more, the Attorney General shall notify the
12 Secretary of State.

13 “(B) PROBATIONARY STATUS.—If the pro-
14 gram country’s disqualification rate is greater
15 than 2 percent but less than 3.5 percent, the
16 Attorney General shall place the program coun-
17 try in probationary status for a period not to
18 exceed 2 full fiscal years following the year in
19 which the determination under subparagraph
20 (A) is made.

21 “(C) TERMINATION OF DESIGNATION.—
22 Subject to paragraph (3), if the program coun-
23 try’s disqualification rate is 3.5 percent or
24 more, the Attorney General shall terminate the
25 country’s designation as a pilot program coun-

1 try effective at the beginning of the second fis-
2 cal year following the fiscal year in which the
3 determination under subparagraph (A) is made.

4 “(2) TERMINATION OF PROBATIONARY STA-
5 TUS.—

6 “(A) IN GENERAL.—If the Attorney Gen-
7 eral determines at the end of the probationary
8 period described in paragraph (1)(B) that the
9 program country placed in probationary status
10 under such paragraph has failed to develop a
11 machine-readable passport program as required
12 by section (c)(2)(C), or has a disqualification
13 rate of 2 percent or more, the Attorney General
14 shall terminate the designation of the country
15 as a pilot program country. If the Attorney
16 General determines that the program country
17 has developed a machine-readable passport pro-
18 gram and has a disqualification rate of less
19 than 2 percent, the Attorney General shall re-
20 designate the country as a pilot program coun-
21 try.

22 “(B) EFFECTIVE DATE.—A termination of
23 the designation of a country under subpara-
24 graph (A) shall take effect on the first day of
25 the first fiscal year following the fiscal year in

1 which the determination under such subpara-
2 graph is made. Until such date, nationals of the
3 country shall remain eligible for a waiver under
4 subsection (a).

5 “(3) NONAPPLICABILITY OF CERTAIN PROVI-
6 SIONS.—Paragraph (1)(C) shall not apply unless the
7 total number of nationals of a pilot program country
8 described in paragraph (4)(A) exceeds 100.

9 “(4) DEFINITION.—For purposes of this sub-
10 section, the term ‘disqualification rate’ means the
11 percentage which—

12 “(A) the total number of nationals of the
13 pilot program country who were—

14 “(i) excluded from admission or with-
15 drew their application for admission during
16 the most recent fiscal year for which data
17 are available; and

18 “(ii) admitted as nonimmigrant visi-
19 tors during such fiscal year and who vio-
20 lated the terms of such admission; bears to

21 “(B) the total number of nationals of such
22 country who applied for admission as non-
23 immigrant visitors during such fiscal year.”.

24 (2) TRANSITION.—A country designated as a
25 pilot program country with probationary status

1 under section 217(g) of the Immigration and Na-
2 tionality Act (as in effect on the day before the date
3 of the enactment of this Act) shall be considered to
4 be designated as a pilot program country on and
5 after such date, subject to placement in probationary
6 status or termination of such designation under such
7 section (as amended by paragraph (1)).

8 (3) CONFORMING AMENDMENT.—Section
9 217(a)(2)(B) of the Immigration and Nationality
10 Act (8 U.S.C. 1187(a)(2)(B)) is amended by strik-
11 ing “or is” through “subsection (g).” and inserting
12 a period.

13 **SEC. 402. INCREASE IN VISA PROCESSING CONSULAR PER-**
14 **SONNEL.**

15 At consular posts in Seoul, South Korea, Caracas,
16 Venezuela, Brasilia, Rio de Janeiro, and Sao Paulo,
17 Brazil, and at the American Institute in Taiwan in Taipei,
18 the Secretary of State shall increase the number of con-
19 sular personnel assigned at such locations as of October
20 1, 1997, by 25 percent above the number of consular per-
21 sonnel as of September 30, 1996, and shall maintain such
22 increase until September 30, 2001. The Secretary of State
23 shall ensure, to the maximum extent practicable, that the

- 1 increased consular personnel shall be deployed to expedite
- 2 the processing of nonimmigrant visa applications.

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