NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3756. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3757. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3758. Mr. TESTER (for himself and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3759. Mr. BLUMENTHAL (for himself, Mr. LEAHY, Mr. MARKEY, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3760. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3761. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3762. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3763. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3764. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3765. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3766. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3767. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3768. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3769. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3770. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3771. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3772. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3773. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3774. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3775. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3776. Mr. BLUMENTHAL (for himself and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3777. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3778. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3779. Mr. CORNYN (for himself, Mr. FLAKE, Mr. HELLER, and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3780. Mr. NELSON submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3781. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3782. Ms. KLOBUCHAR (for herself and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3783. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3784. Mr. PERDUE submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3785. Mr. WARNER (for himself and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3786. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3787. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table.

SA 3788. Mr. INHOFE (for Mr. CASEY) proposed an amendment to the bill H.R. 1493, to protect and preserve international cultural property at risk due to political instability, armed conflict, or natural or other disasters, and for other purposes.

TEXT OF AMENDMENTS

SA 3685. Mr. HELLER (for himself and Mr. REID) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5037. EXPANSION OF ALLOWABLE COSTS UNDER PORT OF ENTRY PARTNERSHIP PILOT PROGRAM.

(a) IN GENERAL.—Section 559(e)(3) of the Department of Homeland Security Appropriations Act, 2014 (division F of Public Law 113–76; 6 U.S.C. 211 note) is amended—

(1) by amending subparagraph (B) to read as follows:

''(B) FOR CERTAIN COSTS.—The authority found in this subsection may only be used at U.S. Customs and Border Protection-serviced air ports of entry to enter into reimbursable fee agreements for—

''(i) salaries and expenses of not more than 5 full-time equivalent U.S. Customs and Border Protection officers;

''(ii) costs incurred by U.S. Customs and Border Protection for the payment of overtime to employees;

''(iii) the salaries and expenses of individuals employed by U.S. Customs and Border Protection to support U.S. Customs and Border Protection officers in performing law enforcement functions at ports of entry, including primary and secondary processing of passengers; and

''(iv) other costs incurred by U.S. Customs and Border Protection relating to services described in paragraph (2), such as temporary placement or permanent relocation of such individuals.''; and

(2) by striking subparagraph (D).

(b) TRANSITION RULE.—The Commissioner of U.S. Customs and Border Protection may modify a reimbursable fee agreement entered into under section 559 of the Department of Homeland Security Appropriations Act, 2014 (division F of Public Law 113–76; 6 U.S.C. 211 note), as in effect on the day before the date of the enactment of this Act, to include costs specified in subsection (e)(3)(B) of that section, as amended by subsection (a).

SEC. 5038. EXPANSION OF ALLOWABLE COSTS UNDER CERTAIN REIMBURSABLE SERVICES AGREEMENTS.

(a) IN GENERAL.—Section 560(g) of the Department of Homeland Security Appropriations Act, 2013 (division D of Public Law 113–6; 127 Stat. 380) is amended to read as follows:

''(g) The authority found in this section may be used only at U.S. Customs and Border Protection-serviced air ports of entry to enter into reimbursable fee agreements for—

''(1) salaries and expenses of not more than 5 full-time equivalent U.S. Customs and Border Protection officers;

''(2) costs incurred by U.S. Customs and Border Protection for payment of overtime to employees;

''(3) the salaries and expenses of individuals employed by U.S. Customs and Border Protection to support U.S. Customs and Border Protection officers in performing law enforcement functions at ports of entry, including primary and secondary processing of passengers; and

''(4) other costs incurred by U.S. Customs and Border Protection relating to U.S. Customs and Border Protection services, such as temporary placement or permanent relocation of such individuals.''.

(b) TRANSITION RULE.—The Commissioner of U.S. Customs and Border Protection may modify a reimbursable fee agreement entered into under section 560 of the Department of Homeland Security Appropriations Act, 2013 (division D of Public Law 113–6; 127 Stat. 378), as in effect on the day before the date of the enactment of this Act, to include costs specified in subsection (g) of that section, as amended by subsection (a).

SA 3686. Mr. KAINE (for himself, Mr. WARNER, and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. OBSTRUCTION EVALUATION AERONAUTICAL STUDIES.

The Secretary of Transportation may implement the policy set forth in the notice of proposed policy entitled ''Proposal To Consider the Impact of One Engine Inoperative Procedures in Obstruction Evaluation Aeronautical 7 Studies'' published by the Department of Transportation on April 28, 2014 (79 Fed. Reg. 23300), only if the policy is adopted pursuant to a notice and comment rulemaking.

SA 3687. Mr. KAINE submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, line 8, strike ''an inspection or other investigation'' and insert ''an accident finding, inspection, or other investigation''.

On page 159, line 17, strike ''an inspection or other investigation'' and insert ''an accident finding, inspection, or other investigation''.

Strike section 5013.

SA 3688. Mr. FRANKEN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXTENSION OF ADVANCED BIOFUEL TAX INCENTIVES.

(a) EXTENSION OF SECOND GENERATION BIOFUEL PRODUCER CREDIT.—

(1) IN GENERAL.—Section 40(b)(6)(J)(i) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2017'' and inserting ''January 1, 2020''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to qualified second generation biofuel production after the date of the enactment of this Act.

(b) EXTENSION OF SPECIAL ALLOWANCE FOR SECOND GENERATION BIOFUEL PLANT PROPERTY.—

(1) IN GENERAL.—Section 168(l)(2)(D) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2017'' and inserting ''January 1, 2020''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

(c) EXTENSION OF EXCISE TAX INCENTIVES FOR ALTERNATIVE FUELS.—

(1) IN GENERAL.—Section 6426 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (d)(5), by striking ''December 31, 2016'' and inserting ''December 31, 2019'', and

(B) in subsection (e)(3), by striking ''December 31, 2016'' and inserting ''December 31, 2019''.

(2) PAYMENTS.—Section 6427(e)(6)(C) of such Code is amended by striking ''December 31, 2016'' and inserting ''December 31, 2019''.

(3) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to fuel sold or used after the date of the enactment of this Act.

(d) EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—

(1) IN GENERAL.—Section 30C(g) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2016'' and inserting ''December 31, 2019''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

SA 3689. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INVESTMENT TAX CREDIT FOR COMMUNITY WIND PROJECTS HAVING GENERATION CAPACITY OF NOT MORE THAN 20 MEGAWATTS.

(a) SHORT TITLE.—This section may be cited as the ''Distributed and Community Wind Energy Act''.

(b) IN GENERAL.—Paragraph (4) of section 48(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) IN GENERAL.—The term 'qualified small wind energy property' means—

''(i) property which uses a qualifying small wind turbine to generate electricity, or

''(ii) property which uses 1 or more wind turbines with an aggregate nameplate capacity of more than 100 kilowatts but not more than 20 megawatts.'',

(2) by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

''(C) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to prevent improper division of property to attempt to meet the limitation under subparagraph (A)(ii).'', and

(3) in subparagraph (D), as redesignated by paragraph (2), by striking ''December 31, 2016'' and inserting ''December 31, 2021''.

(c) DENIAL OF PRODUCTION CREDIT.—Paragraph (1) of section 45(d) of the Internal Revenue Code of 1986 is amended by striking the period at the end and inserting ''or any facility which is a qualified small wind energy property described in section 48(c)(4)(A)(ii) with respect to which the credit under section 48 is allowable.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SA 3690. Mr. NELSON submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 1305. AIRPORT VEHICLE EMISSIONS.

Section 40117(a)(3)(G) is amended to read as follows:

''(G) A project to reduce emissions under subchapter I of chapter 471 or to use cleaner burning conventional fuels, or for acquiring for use at a commercial service airport vehicles or ground support equipment that include low-emission technology or use cleaner burning fuels, or if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a), a project to retrofit any such vehicles or equipment that are powered by a diesel or gasoline engine with emission control technologies certified or verified by the Environmental Protection Agency to reduce emissions, if such project would be able to receive emission credits for the project from the governing State or Federal environmental agency as described in section 47139.''.

SA 3691. Mr. MARKEY (for himself, Mr. BLUMENTHAL, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REGULATIONS PROHIBITING THE IMPOSITION OF FEES THAT ARE NOT REASONABLE AND PROPORTIONAL TO THE COSTS INCURRED.

(a) DEFINITIONS.—In this section:

(1) AIR CARRIER.—The term ''air carrier'' means any air carrier that holds an air carrier certificate under section 41101 of title 49, United States Code.

(2) INTERSTATE AIR TRANSPORTATION.—The term ''interstate air transportation'' has the meaning given that term in section 40102 of title 49, United States Code.

(b) REGULATIONS REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Transportation shall prescribe regulations—

(1) prohibiting an air carrier from imposing fees described in subsection (c) that are unreasonable or disproportional to the costs incurred by the air carrier; and

(2) establishing standards for assessing whether such fees are reasonable and proportional to the costs incurred by the air carrier.

(c) FEES DESCRIBED.—The fees described in this subsection are—

(1) any fee for a change or cancellation of a reservation for a flight in interstate air transportation;

(2) any fee relating to checked baggage to be transported on a flight in interstate air transportation; and

(3) any other fee imposed by an air carrier relating to a flight in interstate air transportation.

(d) CONSIDERATIONS.—In establishing the standards required by subsection (b)(2), the Secretary shall consider—

(1) with respect to a fee described in subsection (c)(1) imposed by an air carrier for a change or cancellation of a flight reservation—

(A) any net benefit or cost to the air carrier from the change or cancellation, taking into consideration—

(i) the ability of the air carrier to anticipate the expected average number of cancellations and changes and make reservations accordingly;

(ii) the ability of the air carrier to fill a seat made available by a change or cancellation;

(iii) any difference in the fare likely to be paid for a ticket sold to another passenger for a seat made available by the change or cancellation, as compared to the fare paid by the passenger who changed or canceled the passenger's reservation; and

(iv) the likelihood that the passenger changing or cancelling the passenger's reservation will fill a seat on another flight by the same air carrier;

(B) the costs of processing the change or cancellation electronically; and

(C) any related labor costs;

(2) with respect to a fee described in subsection (c)(2) imposed by an air carrier relating to checked baggage—

(A) the costs of processing checked baggage electronically; and

(B) any related labor costs; and

(3) any other considerations the Secretary considers appropriate.

(e) UPDATED REGULATIONS.—The Secretary shall update the standards required by subsection (b)(2) not less frequently than once every 3 years.

SA 3692. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AUTHORITY FOR LAW ENFORCEMENT OFFICERS AND EXPLOSIVE DETECTION CANINES AT AIRPORTS.

(a) IN GENERAL.—The Administration of the Transportation Security Administration shall require that the air transportation security program required by section 44903(c)(1) of title 49, United States Code, for each covered airport include the following:

(1) Beginning not more than 30 days after the date of the enactment of this Act, that a State or local law enforcement officer is stationed not more than 300 feet from each passenger screening checkpoint at each covered airport.

(2) Beginning not more than 180 days after the date of the enactment of this Act, that an explosives detection canine team of a State or local law enforcement agency is assigned to each terminal at each covered airport.

(b) TECHNICAL SUPPORT.—The Administrator of the Transportation Security Administration shall provide technical and other support to State or local law enforcement agencies providing the personnel described in paragraph (1) or (2) of subsection (a).

(c) DEFINITIONS.—In this section:

(1) CATEGORY I AIRPORT.—The term ''Category I airport'' means an airport subject to the security program requirements of section 1542.103(a) of title 49, Code of Federal Regulations (or similar successor regulation), where the aircraft operator or foreign air carrier is subject to section 1544.101(a)(1) or 1546.101(a) of such title (or similar successor regulation) and the number of annual enplanements is 5,000,000 or more and the number of international enplanements is 1,000,000 or more.

(2) CATEGORY X AIRPORT.—The term ''Category X airport'' means an airport subject to the security program requirements of section 1542.103(a) of title 49, Code of Federal Regulations (or similar successor regulation), where the aircraft operator or foreign air carrier is subject to section 1544.101(a)(1) or 1546.101(a) of such title (or similar successor regulation) and the number of annual enplanements—

(A) is 1,250,000 or more and less than 5,000,000; or

(B) is 5,000,000 or more but the number of annual international enplanements is less than 1,000,000.

(3) COVERED AIRPORT.—The term ''covered airport'' means a Category X airport or a Category I airport.

(d) FUNDING.—Out of funds made available to the Transportation Security Administration for fiscal year 2016, $20,000,000 shall be available for State and local law enforcement agencies, as a transfer of funds, to train, certify, and utilize explosives detection canines.

SA 3693. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

Subtitle G—Arm All Pilots Act

SEC. 2701. SHORT TITLE.

This subtitle may be cited as the ''Arm All Pilots Act of 2016''.

SEC. 2702. FACILITATION OF AND LIMITATIONS ON TRAINING OF FEDERAL FLIGHT DECK OFFICERS.

(a) IMPROVED ACCESS TO TRAINING FACILITIES.—Section 44921(c)(2)(C)(ii) is amended—

(1) by striking ''The training of'' and inserting the following:

''(I) IN GENERAL.—The training of''; and

(2) by adding at the end the following:

''(II) ACCESS TO TRAINING FACILITIES.—Not later than 180 days after the date of the enactment of the Arm All Pilots Act of 2016, the Secretary shall—

''(aa) designate 5 additional firearms training facilities located in various regions of the United States for Federal flight deck officers relative to the number of such facilities available on the day before such date of enactment;

''(bb) designate firearms training facilities approved before such date of enactment for recurrent training of Federal flight deck officers as facilities approved for initial training and certification of pilots seeking to be deputized as Federal flight deck officers; and

''(cc) designate additional firearms training facilities for recurrent training of Federal flight deck officers relative to the number of such facilities available on the day before such date of enactment.''.

(b) FIREARMS REQUALIFICATION FOR FEDERAL FLIGHT DECK OFFICERS.—Section 44921(c)(2)(C)(iii) is amended—

(1) by striking ''The Under Secretary shall'' and inserting the following:

''(I) IN GENERAL.—The Secretary shall'';

(2) in subclause (I), as designated by paragraph (1), by striking ''the Under Secretary'' and inserting ''the Secretary, but not more frequently than once every 6 months,''; and

(3) by adding at the end the following:

''(II) USE OF FACILITIES FOR REQUALIFICATION.—The Secretary shall allow a Federal flight deck officer to requalify to carry a firearm under the program through training at a private or government-owned gun range certified to provide firearm requalification training.

''(III) SELF-REPORTING.—The Secretary shall determine that a Federal flight deck officer has met the requirements to requalify to carry a firearm under the program if—

''(aa) the officer reports to the Secretary that the officer has participated in a sufficient number of hours of training to requalify to carry a firearm under the program; and

''(bb) the administrator of the facility at which the officer conducted the requalification training verifies that the officer participated in that number of hours of training.''.

(c) LIMITATIONS ON TRAINING.—Section 44921(c)(2) is amended by adding at the end the following:

''(D) LIMITATIONS ON TRAINING.—

''(i) INITIAL TRAINING.—The Secretary may require—

''(I) initial training of not more than 5 days for a pilot to be deputized as a Federal flight deck officer;

''(II) the pilot to be physically present at the training facility for not more than 2 days of such training; and

''(III) not more than 3 days of such training to be in the form of certified online training administered by the Department of Homeland Security.

''(ii) RECURRENT TRAINING.—The Secretary may require—

''(I) recurrent training of not more than 2 days, not more frequently than once every 5 years, for a pilot to maintain deputization as a Federal flight deck officer;

''(II) the pilot to be physically present at the training facility for a full-day training session for not more than one day of such training; and

''(III) not more than one day of such training to be in the form of certified online training administered by the Department of Homeland Security.''.

(d) OTHER MEASURES TO FACILITATE TRAINING.—Section 44921(e) is amended—

(1) by striking ''Pilots participating'' and inserting the following:

''(1) IN GENERAL.—Pilots participating''; and

(2) by adding at the end the following:

''(2) FACILITATION OF TRAINING.—

''(A) TIME OFF FOR TRAINING.—An air carrier shall permit a Federal flight deck officer or a pilot seeking to be deputized as a Federal flight deck officer to, in consultation with the air carrier, take a reasonable amount of leave from work to participate in initial and recurrent training for the program. An air carrier shall not be obligated to provide such an officer or pilot compensation for such leave.

''(B) PRACTICE AMMUNITION.—At the request of a Federal flight deck officer, the Secretary shall provide to the officer sufficient practice ammunition to conduct at least one practice course every month.''.

SEC. 2703. CARRIAGE OF FIREARMS BY FEDERAL FLIGHT DECK OFFICERS.

(a) GENERAL AUTHORITY.—Section 44921(f) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(2) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The Secretary shall authorize a Federal flight deck officer to carry a firearm while engaged in providing air transportation or intrastate air transportation. The authority provided to a Federal flight deck officer under this paragraph includes the authority to carry a firearm—

''(A) on the officer's body, loaded, and holstered;

''(B) when traveling to a flight duty assignment, throughout the duty assignment, and when traveling from a flight duty assignment to the officer's home or place where the officer is residing when traveling; and

''(C) in the passenger cabin and while traveling in a cockpit jump seat.

''(2) CONCEALED CARRY.—A Federal flight deck officer shall make reasonable efforts to keep the officer's firearm concealed when in public.

''(3) PURCHASE OF FIREARM BY OFFICER.—Notwithstanding subsection (c)(1), a Federal flight deck officer may purchase a firearm and carry that firearm aboard an aircraft of which the officer is the pilot in accordance with this section if the firearm is of a type that may be used under the program.''.

(b) CARRIAGE OF FIREARMS ON INTERNATIONAL FLIGHTS.—Paragraph (5) of section 44921(f), as redesignated by subsection (a)(1), is amended to read as follows:

''(5) CARRYING FIREARMS OUTSIDE UNITED STATES.—

''(A) IN GENERAL.—In consultation with the Secretary of State, the Secretary may take such action as may be necessary to ensure that a Federal flight deck officer may carry a firearm in a foreign country whenever necessary to participate in the program.

''(B) CONSISTENCY WITH FEDERAL AIR MARSHAL PROGRAM.—Notwithstanding standard 4.7.7 of Annex 17 to the Convention on International Civil Aviation, done at Chicago December 7, 1944, and entered into force April 4, 1947 (TIAS 1591), the Secretary shall work to make policies relating to the carriage of firearms on flights in foreign air transportation by Federal flight deck officers consistent with the policies of the Federal air marshal program for carrying firearms on such flights.''.

(c) CARRIAGE OF FIREARM IN PASSENGER CABIN.—

(1) RULE OF CONSTRUCTION.—Section 44921 is amended by adding at the end the following:

''(l) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a Federal flight deck officer to place a firearm in a locked container, or in any other manner render the firearm unavailable, when the cockpit door is opened.''.

(2) CONFORMING REPEAL.—Section 44921(b)(3) is amended—

(A) by striking subparagraph (G); and

(B) by redesignating subparagraphs (H) through (N) as subparagraphs (G) through (M), respectively.

(d) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall—

(1) prescribe regulations on the proper storage of firearms when a Federal flight deck officer is at home or where the officer is residing when traveling; and

(2) revise the procedural requirements established under section 44921(b)(1) of title 49, United States Code, to implement the amendments made by subsection (c).

SEC. 2704. PHYSICAL STANDARDS FOR FEDERAL FLIGHT DECK OFFICERS.

Section 44921(d)(2) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and by moving such clauses, as so redesignated, 2 ems to the right;

(2) by striking ''A pilot is'' and inserting the following:

''(A) IN GENERAL.—A pilot is''; and

(3) by adding at the end the following:

''(B) CONSISTENCY WITH REQUIREMENTS FOR CERTAIN MEDICAL CERTIFICATES.—In establishing standards under subparagraph (A)(ii), the Secretary may not establish medical or physical standards for a pilot to become a Federal flight deck officer that are inconsistent with or more stringent than the requirements of the Federal Aviation Administration for the issuance of a first- or second-class airman medical certificate under part 67 of title 14, Code of Federal Regulations (or any corresponding similar regulation or ruling).''.

SEC. 2705. TRANSFER OF FEDERAL FLIGHT DECK OFFICERS FROM INACTIVE TO ACTIVE STATUS.

Section 44921(d) is amended by adding at the end the following:

''(5) TRANSFER FROM INACTIVE TO ACTIVE STATUS.—A pilot deputized as a Federal flight deck officer who moves to inactive status for less than 5 years may return to active status after completing one program of recurrent training described in subsection (c).''.

SEC. 2706. FACILITATION OF SECURITY SCREENING OF FEDERAL FLIGHT DECK OFFICERS.

Section 44921, as amended by section 2703(c)(1), is further amended by adding at the end the following:

''(m) FACILITATION OF SECURITY SCREENING OF FEDERAL FLIGHT DECK OFFICERS.—

''(1) ELIGIBILITY FOR EXPEDITED SCREENING.—The Administrator of the Transportation Security Administration shall allow a Federal flight deck officer to be screened through the crew member identity verification program of the Transportation Security Administration (commonly known as the 'Known Crew Member program') when entering the sterile area of an airport.

''(2) PROHIBITION ON PAPERWORK.—The Secretary may not require a Federal flight deck officer to fill out any forms or paperwork when entering the sterile area of an airport.

''(3) STERILE AREA DEFINED.—In this subsection, the term 'sterile area' has the meaning given that term in section 1540.5 of title 49, Code of Federal Regulations (or any corresponding similar regulation or ruling).''.

SEC. 2707. TECHNICAL CORRECTIONS.

Section 44921, as amended by this subtitle, is further amended—

(1) in subsection (a), by striking ''Under Secretary of Transportation for Security'' and inserting ''Secretary of Homeland Security'';

(2) in subsection (d)(4), by striking ''may,'' and inserting ''may'';

(3) in subsection (i)(2), by striking ''the Under Secretary may'' and inserting ''may'';

(4) in subsection (k)—

(A) by striking paragraphs (2) and (3); and

(B) by striking ''APPLICABILITY'' and all that follows through ''This section'' and inserting ''APPLICABILITY.—This section'';

(5) by adding at the end the following:

''(n) DEFINITIONS.—In this section:

''(1) PILOT.—The term 'pilot' means an individual who has final authority and responsibility for the operation and safety of the flight or any other flight deck crew member.

''(2) ALL-CARGO AIR TRANSPORTATION.—The term 'air transportation' includes all-cargo air transportation.''; and

(6) by striking ''Under Secretary'' each place it appears and inserting ''Secretary''.

SEC. 2708. REFUNDS OF CERTAIN SECURITY SERVICE FEES FOR AIR CARRIERS WITH FEDERAL FLIGHT DECK OFFICERS ON ALL FLIGHTS.

Section 44940 is amended by adding at the end the following:

''(j) REFUND OF FEES FOR AIR CARRIERS WITH FEDERAL FLIGHT DECK OFFICERS ON ALL FLIGHTS.—From fees received in a fiscal year under subsection (a)(1), each air carrier that certifies to the Secretary of Homeland Security that all flights operated by the air carrier have on board a pilot deputized as a Federal flight deck officer under section 44921 shall receive an amount equal to 10 percent of the fees collected under subsection (a)(1) from passengers on flights operated by that air carrier in that fiscal year.''.

SEC. 2709. TREATMENT OF INFORMATION ABOUT FEDERAL FLIGHT DECK OFFICERS AS SENSITIVE SECURITY INFORMATION.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall revise section 15.5(b)(11) of title 49, Code of Federal Regulations, to classify information about pilots deputized as Federal flight deck officers under section 44921 of title 49, United States Code, as sensitive security information in a manner consistent with the classification of information about Federal air marshals.

SEC. 2710. REGULATIONS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall prescribe such regulations as may be necessary to carry out this Act and the amendments made by this Act.

SA 3694. Mr. KAINE submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

On page 234, line 9, insert '', aviation safety engineers,'' after ''specialists''.

SA 3695. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of

1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, line 14, insert '', except those operated for news gathering activities protected by the First Amendment to the Constitution of the United States'' after ''system''.

SA 3696. Mr. REED submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle A of title II, add the following:

SEC. 2144. PROHIBITION ON OPERATION OF UNMANNED AIRCRAFT CARRYING A WEAPON.

(a) IN GENERAL.—Chapter 463 of title 49, United States Code, is amended by adding at the end the following:

''§ 46320. Prohibition on operation of unmanned aircraft carrying a weapon

''(a) IN GENERAL.—A person shall not operate an unmanned aircraft with a weapon attached to, installed on, or otherwise carried by the aircraft.

''(b) PENALTIES.—A person who violates subsection (a)—

''(1) shall be liable to the United States Government for a civil penalty of not more than $27,500; and

''(2) may be fined under title 18, imprisoned for not more than 5 years, or both.

''(c) NONAPPLICATION TO PUBLIC AIRCRAFT.—This section does not apply to public aircraft.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of the Administrator with respect to manned or unmanned aircraft.

''(e) DEFINITIONS.—In this section:

''(1) UNMANNED AIRCRAFT.—The term 'unmanned aircraft' has the meaning given that term in section 44801.

''(2) WEAPON.—The term 'weapon'—

''(A) means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury; and

''(B) includes a firearm or destructive device (as those terms are defined in section 921 of title 18).''.

(b) CONFORMING AMENDMENT.—Section 46301(d)(2) of such title is amended, in the first sentence, by inserting ''section 46320,'' before ''or section 47107(b)''.

(c) CLERICAL AMENDMENT.—The analysis for chapter 463 of such title is amended by inserting after the item relating to section 46319 the following:

''46320. Prohibition on operation of unmanned aircraft carrying a weapon.''.

SA 3697. Mr. REED submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REIMBURSEMENT FOR AIRPORT SECURITY PROJECTS.

Paragraph (3) of section 44923(h) is amended to read as follows:

''(3) DISCRETIONARY GRANTS.—

''(A) IN GENERAL.—Of the amount made available under paragraph (1) for a fiscal year, up to $ 50,000,000 shall be used to make discretionary grants, including other transaction agreements for airport security improvement projects, with priority given to small hub airports and nonhub airports.

''(B) REIMBURSEMENT.—For each fiscal year, of the amount available under paragraph (1), up to $20,000,000 shall be made available for reimbursement to airports that have incurred eligible costs under section 1604(b)(2) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 121 Stat. 481).''.

SA 3698. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROMOTION OF EXIT LANE BREACH CONTROL TECHNOLOGY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term ''Administration'' means the Transportation Security Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Administration.

(3) EXIT LANE BREACH CONTROL TECHNOLOGY.—The term ''exit lane breach control technology'' refers to any automated system, or series of systems, designed to monitor exit points from an airport sterile area.

(4) STERILE AREA.—The term ''sterile area'' has the meaning given that term in section 1540.5 of title 49, Code of Federal Regulations (or any corresponding similar regulation or ruling)

(b) STANDARDS AND REQUIREMENTS.—

(1) INITIAL REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall develop standards and requirements for the use of exit lane breach control technology at airports.

(2) QUALIFIED PRODUCT LIST.—The Administrator shall establish, publically post, and maintain a qualified product list of exit land breach control technology that shall includes all previously-approved systems.

(c) BENEFITS FOR AIRPORTS USING EXIT LANE BREACH CONTROL TECHNOLOGY.—

(1) ELIGIBILITY FOR BENEFITS.—If an airport deploys, on a nonreimbursable basis, exit lane breach control technology that satisfies the standards and requirements developed under subsection (b) and the deployment results in the need for fewer employees of the Administration to monitor exit points from an airport sterile area, the airport's Federal security director may reallocate such employees to other transportation security missions, including passenger screening, within that airport if the Administrator certifies that the reallocation will not negatively impact the security of that airport.

(2) NO LOSS OF ADMINISTRATION EMPLOYEES.—

(A) IN GENERAL.—The Administrator may not decrease, under the Staffing Allocation Model, any successor allocation process, or any other circumstances, the number of employees of the Administration assigned to an airport that deploys, on a nonreimbursable basis, exit lane breach control technology that satisfies the standards and requirements developed under subsection (b) on the basis that the deployment results in the need for fewer such employees to provide security for sterile areas of the airport.

(B) MINIMUM STAFFING LEVELS.—Subject to subparagraph (C), if an airport is eligible for the Administrator to reallocate employees under paragraph (1), the Administrator—

(i) shall determine the minimum number of full-time equivalent employees of the Administration required for that airport prior to the deployment of the exit lane breach control technology; and

(ii) may not allocate a number of employees of the Administration for that airport for any year that is less than such minimum number.

(C) WAIVER OF MINIMUM STAFFING LEVELS.—If the Administrator has determined a minimum number of full-time equivalent employees of the Administration required for an airport under subparagraph (B)(i), the Administrator may only allocate a number of employees of the Administration for that airport that is less than such minimum number if the total passenger count for that airport in any 6-month period declines more than 5 percent compared to the same 6-month period during the preceding calendar year.

(D) NOTIFICATION TO CONGRESS.—The Administrator shall notify the appropriate committees of Congress, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives not less than 45 days prior to making an allocation authorized under subparagraph (C).

(d) RESPONSIBILITY FOR MONITORING PASSENGER EXIT POINTS.—If an airport is eligible for the Administrator to reallocate employees under subsection (c)(1), the Administrator shall have met the responsibility of the Administration to monitor passenger exit points required by subsection (n) of section 44903 of title 49, United States Code.

SA 3699. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROMOTION OF EXIT LANE BREACH CONTROL TECHNOLOGY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term ''Administration'' means the Transportation Security Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Administration.

(3) EXIT LANE BREACH CONTROL TECHNOLOGY.—The term ''exit lane breach control technology'' refers to any automated system, or series of systems, designed to monitor exit points from an airport sterile area.

(4) STERILE AREA.—The term ''sterile area'' has the meaning given that term in section 1540.5 of title 49, Code of Federal Regulations (or any corresponding similar regulation or ruling)

(b) STANDARDS AND REQUIREMENTS.—

(1) INITIAL REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall develop standards and requirements for the use of exit lane breach control technology at airports.

(2) QUALIFIED PRODUCT LIST.—The Administrator shall establish, publically post, and maintain a qualified product list of exit land breach control technology that shall includes all previously-approved systems.

(c) BENEFITS FOR AIRPORTS USING EXIT LANE BREACH CONTROL TECHNOLOGY.—

(1) ELIGIBILITY FOR BENEFITS.—If an airport deploys, on a nonreimbursable basis, exit lane breach control technology that satisfies the standards and requirements developed under subsection (b) and the deployment results in the need for fewer employees of the Administration to monitor exit points from an airport sterile area, the airport's Federal security director may reallocate such employees to other transportation security missions, including passenger screening, within that airport if the Administrator certifies that the reallocation will not negatively impact the security of that airport.

(2) NO LOSS OF ADMINISTRATION EMPLOYEES.—

(A) IN GENERAL.—The Administrator may not decrease, under the Staffing Allocation Model, any successor allocation process, or any other circumstances, the number of employees of the Administration assigned to an airport that deploys, on a nonreimbursable basis, exit lane breach control technology that satisfies the standards and requirements developed under subsection (b) on the basis that the deployment results in the need for fewer such employees to provide security for sterile areas of the airport.

(B) MINIMUM STAFFING LEVELS.—Subject to subparagraph (C), if an airport is eligible for the Administrator to reallocate employees under paragraph (1), the Administrator—

(i) shall determine the minimum number of full-time equivalent employees of the Administration required for that airport prior to the deployment of the exit lane breach control technology; and

(ii) may not allocate a number of employees of the Administration for that airport for any year that is less than such minimum number.

(C) WAIVER OF MINIMUM STAFFING LEVELS.—If the Administrator has determined a minimum number of full-time equivalent employees of the Administration required for an airport under subparagraph (B)(i), the Administrator may only allocate a number of employees of the Administration for that airport that is less than such minimum number if the total passenger count for that airport in any 6-month period declines more than 5 percent compared to the same 6-month period during the preceding calendar year.

(D) NOTIFICATION TO CONGRESS.—The Administrator shall notify the appropriate committees of Congress, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives not less than 45 days prior to making an allocation authorized under subparagraph (C).

(d) RESPONSIBILITY FOR MONITORING PASSENGER EXIT POINTS.—If an airport is eligible for the Administrator to reallocate employees under subsection (c)(1), the Administrator shall have met the responsibility of the Administration to monitor passenger exit points required by subsection (n) of section 44903 of title 49, United States Code.

SA 3700. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 1305. AIRPORT VEHICLE EMISSIONS.

Section 40117(a)(3)(G) is amended to read as follows:

''(G) A project to reduce emissions under subchapter I of chapter 471 or to use cleaner burning conventional fuels, or for acquiring for use at a commercial service airport vehicles or ground support equipment that include low-emission technology or use cleaner burning fuels, or, if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a), a project to retrofit any such vehicles or equipment that are powered by a diesel or gasoline engine with emission control technologies certified or verified by the Environmental Protection Agency to reduce emissions, if such project would be able to receive emission credits for the project from the governing State or Federal environmental agency as described in section 47139.''.

At the end of title V, add the following:

SEC. 5037. REDUCTION OF ENERGY CONSUMPTION, EMISSIONS, AND NOISE FROM CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall establish a research program related to reducing civilian aircraft energy use, emissions, and source noise with equivalent safety through grants or other measures, which shall include cost-sharing authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) ESTABLISHMENT OF CONSORTIUM.—

(1) DESIGNATION AS CONSORTIUM.—The Administrator shall designate, using a competitive process, one or more institutions or entities described in paragraph (2), to be known as a ''Government led Consortium for Continuous Lower Energy, Emissions, and Noise'' or ''CLEEN'', to perform research in accordance with this section.

(2) PARTICIPATION.—The Administrator shall include educational and research institutions or private sector entities that have existing facilities and experience for developing and testing noise, emissions, and energy reduction engine and aircraft technology, and developing alternative fuels, in the research program required by subsection (a) to fulfill the performance objectives specified in subsection (c).

(3) COORDINATION MECHANISMS.—In conducting the research program required by subsection (a), the consortium designated under paragraph (1) shall—

(A) coordinate its activities with the Department of Agriculture, the Department of Defense, the Department of Energy, the National Aeronautics and Space Administration, and other relevant Federal agencies; and

(B) consult on a regular basis with the Commercial Aviation Alternative Fuels Initiative.

(c) PERFORMANCE OBJECTIVES.—Not later than January 1, 2021, the Administrator shall seek to ensure that the research program required subsection (a) supports the following objectives for civil subsonic airplanes:

(1) Certifiable aircraft technology that reduces aircraft fuel burn 40 percent relative to year 2000 best-in-class in-service aircraft.

(2) Certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 70 percent over the International Civil Aviation Organization standard adopted in 2011.

(3) Certifiable aircraft technology that reduces noise levels by 32 decibels cumulatively, relative to the Stage 4 standard, or reduces the noise contour area in absolute terms.

(4) The feasibility of use of drop-in alternative jet fuels in aircraft and engine systems, including successful demonstration and quantification of benefits, advancement of fuel testing capability, and support for fuel evaluation.

(d) CERTIFIABLE DEFINED.—In this section, the term ''certifiable'' means the technology has been demonstrated to Technology Readiness Level 6 or 7, and there are no foreseen issues that would prevent certification to existing standards.

SEC. 5038. RESEARCH PROGRAM ON ALTERNATIVE JET FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.

Section 911 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 44504 note) is amended—

(1) in subsection (a), by striking ''to assist in'' and inserting ''with the objective of accelerating'';

(2) in subsection (c)(1)(B), by inserting ''and ability to prioritize researchable constraints'' after ''with experience''; and

(3) by adding at the end the following:

''(e) COLLABORATION AND REPORT.—

''(1) COLLABORATION.—The Administrator, in coordination with the Administrator of NASA, the Secretary of Energy, and the Secretary of Agriculture, shall continue research and development activities into the development and deployment of jet fuels described in subsection (a).

''(2) REPORT.—Not later than 180 days after the date of the enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Administrator, in coordination with the Administrator of NASA, the Secretary of Energy, and the Secretary of Agriculture, and after consultation with the heads of other relevant agencies, shall submit to Congress a joint plan to carry out the research described in subsection (a).''.

SA 3701. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5037. REDUCTION OF ENERGY CONSUMPTION, EMISSIONS, AND NOISE FROM CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall establish a research program related to reducing civilian aircraft energy use, emissions, and source noise with equivalent safety through grants or other measures, which shall include cost-sharing authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) ESTABLISHMENT OF CONSORTIUM.—

(1) DESIGNATION AS CONSORTIUM.—The Administrator shall designate, using a competitive process, one or more institutions or entities described in paragraph (2), to be known as a ''Government led Consortium for Continuous Lower Energy, Emissions, and Noise'' or ''CLEEN'', to perform research in accordance with this section.

(2) PARTICIPATION.—The Administrator shall include educational and research institutions or private sector entities that have existing facilities and experience for developing and testing noise, emissions, and energy reduction engine and aircraft technology, and developing alternative fuels, in the research program required by subsection (a) to fulfill the performance objectives specified in subsection (c).

(3) COORDINATION MECHANISMS.—In conducting the research program required by subsection (a), the consortium designated under paragraph (1) shall—

(A) coordinate its activities with the Department of Agriculture, the Department of Defense, the Department of Energy, the National Aeronautics and Space Administration, and other relevant Federal agencies; and

(B) consult on a regular basis with the Commercial Aviation Alternative Fuels Initiative.

(c) PERFORMANCE OBJECTIVES.—Not later than January 1, 2021, the Administrator shall seek to ensure that the research program required subsection (a) supports the following objectives for civil subsonic airplanes:

(1) Certifiable aircraft technology that reduces aircraft fuel burn 40 percent relative to year 2000 best-in-class in-service aircraft.

(2) Certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 70 percent over the International Civil Aviation Organization standard adopted in 2011.

(3) Certifiable aircraft technology that reduces noise levels by 32 decibels cumulatively, relative to the Stage 4 standard, or reduces the noise contour area in absolute terms.

(4) The feasibility of use of drop-in alternative jet fuels in aircraft and engine systems, including successful demonstration and quantification of benefits, advancement of fuel testing capability, and support for fuel evaluation.

(d) CERTIFIABLE DEFINED.—In this section, the term ''certifiable'' means the technology has been demonstrated to Technology Readiness Level 6 or 7, and there are no foreseen issues that would prevent certification to existing standards.

SEC. 5038. RESEARCH PROGRAM ON ALTERNATIVE JET FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.

Section 911 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 44504 note) is amended—

(1) in subsection (a), by striking ''to assist in'' and inserting ''with the objective of accelerating'';

(2) in subsection (c)(1)(B), by inserting ''and ability to prioritize researchable constraints'' after ''with experience''; and

(3) by adding at the end the following:

''(e) COLLABORATION AND REPORT.—

''(1) COLLABORATION.—The Administrator, in coordination with the Administrator of NASA, the Secretary of Energy, and the Secretary of Agriculture, shall continue research and development activities into the development and deployment of jet fuels described in subsection (a).

''(2) REPORT.—Not later than 180 days after the date of the enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Administrator, in coordination with the Administrator of NASA, the Secretary of Energy, and the Secretary of Agriculture, and after consultation with the heads of other relevant agencies, shall submit to Congress a joint plan to carry out the research described in subsection (a).''.

SA 3702. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, after line 24, add the following:

(d) FEDERAL AGENCY COORDINATION TO ENHANCE THE PUBLIC HEALTH AND SAFETY CAPABILITIES OF PUBLIC UNMANNED AIRCRAFT SYSTEMS.—The Administrator shall assist and enable, without undue interference, Federal civilian government agencies that operate unmanned aircraft systems within civil-controlled airspace, in operationally deploying and integrating sense and avoid capabilities, as necessary to operate unmanned aircraft systems safely and effectively within the National Air Space.

SA 3703. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle A of title II, add the following:

SEC. 2144. SPECIAL USE AIRSPACE AND MILITARY TRAINING ROUTES.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration and the Secretary of Defense shall submit to Congress a comprehensive assessment of the risk to military aircraft of civil unmanned aircraft systems operating in or transiting special use airspace or military training routes.

SA 3704. Mrs. FEINSTEIN (for herself, Mr. TILLIS, Mr. BLUMENTHAL, Mr. PERDUE, Mr. LEE, and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2152.

SA 3705. Mrs. BOXER (for herself, Ms. KLOBUCHAR, Ms. CANTWELL, Mr. BLUMENTHAL, Mr. MARKEY, Mrs. SHAHEEN, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MODIFICATION OF FINAL RULE RELATING TO FLIGHTCREW MEMBER DUTY AND REST REQUIREMENTS FOR PASSENGER OPERATIONS TO APPLY TO ALL-CARGO OPERATIONS.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Transportation shall modify the final rule specified in subsection (b) so that the flightcrew member duty and rest requirements under that rule apply to flightcrew members in all-cargo operations conducted by air carriers in the same manner as those requirements apply to flightcrew members in passenger operations conducted by air carriers.

(b) FINAL RULE SPECIFIED.—The final rule specified in this subsection is the final rule of the Federal Aviation Administration—

(1) published in the Federal Register on January 4, 2012 (77 Fed. Reg. 330); and

(2) relating to flightcrew member duty and rest requirements.

(c) APPLICABILITY OF RULEMAKING REQUIREMENTS.—The requirements of section 553 of title 5, United States Code, shall not apply to the modification required by subsection (a).

SA 3706. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 5003.

SA 3707. Mr. MORAN (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

On page 180, line 26, strike the period and insert the following: ''or the acceptance or validation by the FAA of a certificate or design approval of a foreign authority.''.

SA 3708. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

On page 226, strike lines 1 through 11, and insert the following:

(3) UNDEVELOPED DEFINED.—For purposes of paragraph (1)(F), the term ''undeveloped'' means a defined geographic area where the Administrator determines low-flying aircraft are operated on a routine basis, such as low-lying forested areas with predominate tree cover under 200 feet and pasture and range land.

(4) OTHER DEFINITIONS.—The Administrator shall define such other terms as may be necessary to carry out this section.

(e) DATABASE.—The Administrator shall—

(1) develop a database that contains the location and height of each covered tower;

(2) keep the database current to the extent practicable;

(3) ensure that any proprietary information in the database is protected from disclosure in accordance with law; and

(4) ensure that, by virtue of accessing the database, users will be deemed to agree and acknowledge—

(A) that the information will be used for aviation safety purposes only; and

(B) not to disclose any such information regardless of whether the information is marked or labeled as proprietary or with a similar designation.

SA 3709. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2153(a) and insert the following:

(a) IN GENERAL.—Small unmanned aircraft systems may use spectrum for wireless control link, tracking, diagnostics, payload communication, and collaborative-collision avoidance, such as vehicle-to-vehicle communication, and other uses, consistent with the Communications Act of 1934 (47 U.S.C. 151 et seq.), Federal Communications Commission rules, and the safety-of-life determination made by the Federal Aviation Administration, and through voluntary commercial arrangements with service providers, whether they are operating within a UTM system under section 2138 of this Act or outside such a system.

SA 3710. Mr. JOHNSON (for himself, Mr. LEAHY, Ms. MURKOWSKI, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5037. JURISDICTION OVER OFFENSES COMMITTED BY CERTAIN UNITED STATES PERSONNEL STATIONED IN CANADA.

(a) SHORT TITLE.—This section may be cited as the ''Promoting Travel, Commerce, and National Security Act of 2016''.

(b) AMENDMENT.—Chapter 212A of title 18, United States Code, is amended—

(1) in the chapter heading, by striking ''**TRAFFICKING IN PERSONS**''; and

(2) by adding after section 3272 the following:

''§ 3273. Offenses committed by certain United States personnel stationed in Canada in furtherance of border security initiatives

''(a) IN GENERAL.—Whoever, while employed by the Department of Homeland Security or the Department of Justice and stationed or deployed in Canada pursuant to a treaty, executive agreement, or bilateral memorandum in furtherance of a border security initiative, engages in conduct (or conspires or attempts to engage in conduct) in Canada that would constitute an offense for which a person may be prosecuted in a court of the United States had the conduct been engaged in within the United States or within the special maritime and territorial jurisdiction of the United States shall be fined or imprisoned, or both, as provided for that offense.

''(b) DEFINITION.—In this section, the term 'employed by the Department of Homeland Security or the Department of Justice' means—

''(1) being employed as a civilian employee, a contractor (including a subcontractor at any tier), or an employee of a contractor (or a subcontractor at any tier) of the Department of Homeland Security or the Department of Justice;

''(2) being present or residing in Canada in connection with such employment; and

''(3) not being a national of or ordinarily resident in Canada.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Part II of title 18, United States Code, is amended—

(1) in the table of chapters, by striking the item relating to chapter 212A and inserting the following:

''212A. Extraterritorial jurisdiction over certain offenses ..... 3271'';

and

(2) in the table of sections for chapter 212A, by inserting after the item relating to section 3272 the following:

''3273. Offenses committed by certain United States personnel stationed in Canada in furtherance of border security initiatives.''.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to infringe upon or otherwise affect the exercise of prosecutorial discretion by the Department of Justice in implementing this provision.

SA 3711. Mrs. GILLIBRAND (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5032. LIMITATIONS ON OPERATING CERTAIN AIRCRAFT NOT COMPLYING WITH STAGE 4 NOISE LEVELS.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:

''§ 47535. Limitations on operating certain aircraft not complying with stage 4 noise levels

''(a) REGULATIONS.—Not later than December 31, 2017, the Secretary of Transportation, in consultation with the International Civil Aviation Organization, shall issue regulations to establish minimum standards for civil turbojets to comply with stage 4 noise levels.

''(b) GENERAL RULE.—The Secretary shall issue regulations to, except as provided in section 47529—

''(1) establish a timeline by which increasing percentages of the total number of civil turbojets with a maximum weight of more than 75,000 pounds operating to or from airports in the United States comply with the stage 4 noise levels established under subsection (a), beginning not later than December 31, 2022; and

''(2) require that 100 percent of such turbojets operating after December 31, 2037, to or from airports in the United States comply with the stage 4 noise levels.

''(c) FOREIGN-FLAG AIRCRAFT.—

''(1) INTERNATIONAL STANDARDS.—The Secretary shall request the International Civil Aviation Organization to add to its Work Programme the consideration of international standards for the phase-out of aircraft that do not comply with stage 4 noise levels.

''(2) ENFORCEMENT.—The Secretary shall enforce the requirements of this section with respect to foreign-flag aircraft only to the extent that such enforcement is consistent with United States obligations under international agreements.

''(d) ANNUAL REPORT.—Beginning with calendar year 2020—

''(1) each air carrier shall submit to the Secretary an annual report on the progress the carrier is making toward complying with the requirements of this section and regulations issued to carry out this section; and

''(2) the Secretary shall submit to Congress an annual report on the progress being made toward that compliance.

''(e) NOISE RECERTIFICATION TESTING NOT REQUIRED.—

''(1) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed to require the noise certification testing of a civil turbojet that has been retrofitted to comply with or otherwise already meets the stage 4 noise levels established under subsection (a).

''(2) MEANS OF DEMONSTRATING COMPLIANCE WITH STAGE 4 NOISE LEVELS.—The Secretary shall specify means for demonstrating that an aircraft complies with stage 4 noise levels without requiring noise certification testing.

''(f) NONADDITION RULE.—

''(1) IN GENERAL.—Except as provided in paragraph (2) and section 47530, a person may operate a civil jet aircraft with a maximum weight of more than 75,000 pounds that is imported into the United States after December 31, 2020, only if the aircraft—

''(A) complies with the stage 4 noise levels; or

''(B) was purchased by the person importing the aircraft into the United States under a legally binding contract entered into before January 1, 2021.

''(2) EXCEPTION.—The Secretary of Transportation may provide for an exception from paragraph (1) to permit a person to obtain modifications to an aircraft to meet the stage 4 noise levels.

''(3) AIRCRAFT DEEMED NOT IMPORTED.—For purposes of this subsection, an aircraft shall be deemed not to have been imported into the United States if the aircraft—

''(A) was owned on January 1, 2021, by—

''(i) a corporation, trust, or partnership organized under the laws of the United States, a State, or the District of Columbia;

''(ii) an individual who is a citizen of the United States; or

''(iii) an entity that is owned or controlled by a corporation, trust, or partnership described in clause (i) or an individual described in clause (ii); and

''(B) enters the United States not later than 6 months after the expiration of a lease agreement (including any extension of such an agreement) between an owner described in subparagraph (A) and a foreign air carrier.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 475 of such title is amended by inserting after the item relating to section 47534 the following:

''47535. Limitations on operating certain aircraft not complying with stage 4 noise levels.''.

SEC. 5033. STANDARDS FOR ISSUANCE OF NEW TYPE CERTIFICATES.

(a) APPLICABILITY OF STAGE 5 NOISE STANDARDS TO CIVIL JETS WITH A MAXIMUM WEIGHT OF MORE THAN 121,254 POUNDS.—On and after December 31, 2017, the Secretary of Transportation may not issue a new type certificate for a civil jet with a maximum weight of

more than 121,254 pounds for which an application was received after the date of the enactment of this Act, unless the person applying for the type certificate demonstrates that the civil jet complies with stage 5 noise levels.

(b) APPLICABILITY OF STAGE 5 NOISE STANDARDS TO ALL CIVIL JETS.—On and after December 31, 2020, the Secretary may not issue a new type certificate for any civil jet for which an application was received after the date of the enactment of this Act, unless the person applying for the type certificate demonstrates that the civil jet complies with stage 5 noise levels.

SA 3712. Mrs. GILLIBRAND (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5023. HELICOPTER NOISE ABATEMENT.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a final rule setting forth guidelines and regulations relating to stringency standards for Stage 3 noise levels for helicopters that—

(1) create a requirement to retrofit existing helicopters to comply with Stage 3 noise levels as prescribed in subpart H of part 36 of title 14, Code of Federal Regulations; and

(2) require the retirement of helicopters not in compliance with Stage 3 noise levels by December 31, 2024.

(b) EXEMPTIONS.—Helicopters utilized for medical purposes or governmental functions (as defined in section 1.1 of title 14, Code of Federal Regulations) shall be exempt from the guidelines and regulations required by subsection (a).

(c) STAGE 3 NOISE LEVELS DEFINED.—In this section, the term ''Stage 3 noise level'' has the meaning given that term in section 36.1 of title 14, Code of Federal Regulations.

SA 3713. Mrs. GILLIBRAND (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5023. MINIMUM ALTITUDES FOR HELICOPTERS OVER POPULATED AREAS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall establish a process for evaluating—

(1) whether minimum altitude requirements for helicopter routes over populated areas can be safely set for the purpose of reducing noise effects on the surrounding community; and

(2) in the case of routes for which minimum altitudes cannot be safely set, whether those routes should be otherwise modified, restricted, or eliminated due to excessive noise effects.

(b) PUBLIC ENGAGEMENT.—In establishing the process required by subsection (a), the Administrator shall—

(1) review and respond to requests made by States, political subdivisions of States, other elected officials, and community organizations to evaluate specific helicopter routes to reduce noise; and

(2) provide a means for the public to participate in the process.

SA 3714. Ms. HEITKAMP (for herself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, between lines 2 and 3, insert the following:

''(b) ASSISTANCE BY FEDERAL UNMANNED AIRCRAFT SYSTEMS.—The Secretary shall include, in the guidance regarding the operation of public unmanned aircraft systems required by subsection (a), guidance with respect to allowing unmanned aircraft systems owned or operated by a Federal agency to assist Federal, State, local, or tribal law enforcement organizations in conducting law enforcement activities in the national airspace system.

SA 3715. Ms. HEITKAMP submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, line 15, insert after ''unmanned aircraft'' the following: '', including in circumstances in which there has been significant experience operating the associated unmanned aircraft within a country with which the United States maintains a trusted aviation relationship''.

SA 3716. Ms. CANTWELL (for herself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REQUIREMENT FOR LAW ENFORCEMENT OFFICERS AND EXPLOSIVE DETECTION CANINES AT AIRPORTS.

(a) REQUIREMENT.—The Administration of the Transportation Security Administration shall require that the air transportation security program required by section 44903(c)(1) of title 49, United States Code, for each covered airport include the following:

(1) Beginning not more than 30 days after the date of the enactment of this Act, that a State or local law enforcement officer is stationed not more than 300 feet from each passenger screening checkpoint at each covered airport.

(2) Beginning not more than 180 days after the date of the enactment of this Act, that an explosives detection canine team of a State or local law enforcement agency is assigned to each terminal at each covered airport.

(b) TECHNICAL SUPPORT.—The Administrator of the Transportation Security Administration shall provide technical and other support to State or local law enforcement agencies providing the personnel described in paragraph (1) or (2) of subsection (a).

(c) COVERED AIRPORT DEFINED.—In this section, the term ''covered airport'' means the 25 airports in the United States with the highest numbers of passengers enplaned each year.

(d) FUNDING.—Out of funds made available to the Transportation Security Administration for fiscal year 2016, $20,000,000 shall be available for State and local law enforcement agencies, as a transfer of funds, to train, certify, and utilize explosives detection canines.

SA 3717. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

SEC. 3124. SERVICE LEVEL STANDARDS FOR PASSENGER SCREENING AND DATA PROCESSING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall direct the Administrator of the Transportation Security Administration and the Commissioner of U.S. Customs and Border Protection to set service level standards for the processing of passengers in air transportation and associated electronic travel data.

(b) SECURITY SCREENING.—Section 44901 is amended by adding at the end the following:

''(m) SERVICE LEVEL STANDARDS.—

''(1) IN GENERAL.—The physical screening of passengers and their property, while in federally controlled areas, and screening of electronic travel data, shall be performed in accordance with service level standards established by the Administrator of the Transportation Security Administration and agreed to by the Aviation Security Advisory Committee.

''(2) REQUIREMENTS FOR STANDARDS.—The service level standards established under paragraph (1) shall provide for—

''(A) a 10-minute maximum wait time for 99 percent of all passengers as measured in 15-minute periods each calendar day;

''(B) a 5-minute maximum wait time for 95 percent of all passengers as measured in 15-minute periods each calendar day;

''(C) 98 percent passenger satisfaction with screening processes as measured by customer satisfaction surveys;

''(D) 99 percent passenger satisfaction with the cleanliness and hygiene of the screening area;

''(E) 98 percent of responses to submissions of electronic passenger data returned within 4 seconds; and

''(F) 95 percent of all calls to the Transportation Security Administration's resolution desk answered within 30 seconds.

''(3) SUSPENSION OF STANDARDS.—The Secretary of Homeland Security may suspend the standards established under paragraph (1) for reasons of national emergency for not more than 30 days and shall report the circumstances for suspension to Congress not later than 90 days after suspending such standards.''.

(c) REVISED CUSTOMS REGULATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall revise section 122.49(a) of title 19, Code of Federal Regulations, as in effect on the day before the date of the enactment of this Act, to require that the screening of passenger and crew manifests be performed in accordance with service level standards established by the Commissioner of U.S. Customs and Border Protection and agreed to by the U.S. Customs and Border Protection User Fee Advisory Committee.

(2) REQUIREMENTS FOR STANDARDS.—The service level standards established pursuant to paragraph (1) shall provide for—

(A) 98 percent of responses to submissions of electronic passenger data to be completed within 4 seconds;

(B) 95 percent of all calls to any resolution desk to be answered within 30 seconds;

(C) 95 percent of all advance passenger information submitted via interactive batch-style manifest submissions to be returned within 3 minutes;

(D) 95 percent of all data submissions requiring manual resolution by U.S. Customs and Border Protection to be provided within 5 minutes; and

(E) 99.7 uptime for all passenger information processing systems.

(3) SUSPENSION OF STANDARDS.—The Secretary may suspend the standards established pursuant to paragraph (1) for reasons of national emergency for not more than 30 days and shall report the circumstances for suspension to Congress not later than 90 days after suspending such standards.

(d) AMENDMENT TO CUSTOMS LAWS.—Section 3061 of the Revised Statutes (19 U.S.C. 482) is amended by adding at the end the following:

''(c) SEARCHES AT PORTS OF ENTRY.—

''(1) IN GENERAL.—Search of passengers pursuant to subsection (a) at service ports and ports of entry (as listed in section 101.3 of title 19, Code of Federal Regulations (or any corresponding similar regulations or ruling)), shall be performed in accordance with service level standards established by the Commissioner of U.S. Customs and Border Protection and agreed to by the U.S. Customs and Border Protection User Fee Advisory Committee.

''(2) REQUIREMENTS FOR STANDARDS.—The service level standards established under paragraph (1) shall provide for—

''(A) 95 percent of all persons not requiring more than normal inspection to be processed and cleared within 30 minutes of disembarkation;

''(B) a 15-minute average queue dwell time between entering the secondary inspection area and commencing an initial interview with a U.S. Customs and Border Protection secondary inspector; and

''(C) 98 percent of all requests for capture of biometric data for visitors to the United States at the primary inspection booth to be completed within 15 seconds.

''(3) SUSPENSION OF STANDARDS.—The Secretary of Homeland Security may suspend the standards established under paragraph (1) for reasons of national emergency for not more than 30 days and shall report the circumstances for suspension to Congress not later than 90 days after suspending such standards.''.

SA 3718. Mr. CARPER (for himself, Mr. SCHUMER, Mr. WYDEN, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXTENSION OF ENERGY CREDIT FOR OTHER ENERGY PROPERTY.

(a) QUALIFIED FUEL CELL PROPERTY.—Section 48(c)(1)(D) of the Internal Revenue Code of 1986 is amended by striking ''for any period after December 31, 2016'' and inserting ''the construction of which does not begin before January 1, 2022''.

(b) QUALIFIED MICROTURBINE PROPERTY.—Section 48(c)(2)(D) of such Code is amended by striking ''for any period after December 31, 2016'' and inserting ''the construction of which does not begin before January 1, 2022''.

(c) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48(c)(3)(A)(iv) of such Code is amended by striking ''which is placed in service before January 1, 2017'' and inserting ''the construction of which begins before January 1, 2022''.

(d) QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(c)(4)(C) of such Code is amended by striking ''for any period after December 31, 2016'' and inserting ''the construction of which does not begin before January 1, 2022''.

(e) THERMAL ENERGY PROPERTY.—Section 48(a)(3)(A)(vii) of such Code is amended by striking ''periods ending before January 1, 2017'' and inserting ''property the construction of which begins before January 1, 2022''.

(f) PHASEOUT OF 30 PERCENT CREDIT RATE FOR FUEL CELL AND SMALL WIND ENERGY PROPERTY.—Subsection (a) of section 48 of such Code is amended by adding at the end the following new paragraph:

''(7) PHASEOUT FOR QUALIFIED FUEL CELL PROPERTY AND QUALIFIED SMALL WIND ENERGY PROPERTY.—In the case of qualified fuel cell property or qualified small wind energy property, the construction of which begins before January 1, 2022, the energy percentage determined under paragraph (2) shall be equal to—

''(A) in the case of any property the construction of which begins after December 31, 2019, and before January 1, 2021, 26 percent, and

''(B) in the case of any property the construction of which begins after December 31, 2020, and before January 1, 2022, 22 percent.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SA 3719. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

On page 298, between lines 19 and 20, insert the following:

(3) choices that consumers have in choosing an air carrier based on change, cancellation, and baggage fees in large, medium, and small markets; and

(4) the potential effect on availability of air service if change, cancellation, or baggage fees were regulated by the Federal Government.

SA 3720. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

On page 116, strike line 21 and all that follows through page 117, line 6, and insert the following:

''(a) PROHIBITION.—Any person who operates an aircraft and, in doing so, knowingly or recklessly interferes with firefighting, law enforcement, or emergency response activities, shall be subject to the penalties provided under subsections (b) and (c).

''(b) CRIMINAL PENALTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), whoever commits or attempts to commit an offense under subsection (a) shall be fined under title 18, imprisoned for not more than 5 years, or both.

''(2) SERIOUS BODILY INJURY OR DEATH.—Whoever attempts to cause, or knowingly or recklessly causes, serious bodily injury or death during the commission of an offense under subsection (a) shall be fined under title 18, imprisoned for any term of years or for life, or both.

''(c) CIVIL PENALTY.—Whoever operates an aircraft as described in subsection (a) is liable to the United States for a civil penalty of not more than $20,000.

SA 3721. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2138 and insert the following:

SEC. 2138. UNMANNED AIRCRAFT SYSTEMS TRAFFIC MANAGEMENT.

(a) RESEARCH PLAN FOR UTM DEVELOPMENT.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall develop a research plan for unmanned aircraft systems traffic management (referred to in this section as ''UTM'') development.

(2) REQUIREMENTS.—In developing the research plan under paragraph (1), the Administrator shall—

(A) identify research goals related to—

(i) operational parameters related to altitude, geographic coverage, classes of airspace, and critical infrastructure;

(ii) avionics capability requirements or standards;

(iii) operator identification and authentication requirements and capabilities;

(iv) communication protocols with air traffic control facilities that will not interfere with existing responsibility to deconflict manned aircraft in the national airspace system;

(v) collision avoidance requirements;

(vi) separation standards for manned and unmanned aircraft;

(vii) spectrum needs; and

(viii) provision of traffic position information and weather through a traffic information service to operators of unmanned aircraft systems;

(B) evaluate options for the administration and management structure for the traffic management of low altitude operations of small unmanned aircraft systems;

(C) ensure the plan is consistent with the broader Federal Aviation Administration regulatory and operational framework encompassing all unmanned aircraft systems operations expected to be authorized in the national airspace system; and

(D) ensure the plan utilizes existing surveillance networks and services provided under the surveillance and broadcast services program, augmented as necessary with additional surveillance assets to provide additional low altitude coverage.

(3) ASSESSMENT.—The research plan under paragraph (1) shall include an assessment of—

(A) the ability to allow near-term small unmanned aircraft system operations without need of an automated UTM system;

(B) the full range of operational capability any automated UTM system should possess;

(C) the operational characteristics and metrics that would drive incremental adoption of automated capability and procedures consistent with a rising aggregate community demand for service for low altitude operations of small unmanned aircraft systems;

(D) the integration points for small unmanned aircraft system traffic management with the existing national airspace system planning and traffic management systems; and

(E) the ability of a common air traffic surveillance platform to provide situational awareness for beyond-line-of-sight operations.

(4) DEADLINES.—The Administrator shall—

(A) initiate development of the research plan not later than 90 days after the date of enactment of this Act; and

(B) not later than 180 days after the date of enactment of this Act—

(i) complete the research plan;

(ii) submit the research plan to the appropriate committees of Congress; and

(iii) publish the research plan on the Federal Aviation Administration's Web site.

(b) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 120 days after the date the research plan under subsection (a) is submitted under paragraph (4)(B) of that subsection, the Administrator of the Federal Aviation Administration shall coordinate with the Administrator of the National Aeronautics and Space Administration and the small unmanned aircraft systems industry to develop operational concepts and top-level system requirements for a UTM system pilot program, consistent with subsection (a).

(2) USE OF CENTER OF EXCELLENCE AND TEST SITES.—In developing and carrying out the pilot program under this subsection, the Administrator shall, to the maximum extent practicable, leverage the capabilities of and utilize the Center of Excellence for Unmanned Aircraft Systems and the test sites (as defined by section 44801 of title 49, United States Code, as added by section 2121).

(3) SOLICITATION.—The Administrator shall issue a solicitation for operational prototype systems that meet the necessary objectives for use in a pilot program to demonstrate, validate, or modify, as appropriate, the requirements developed under paragraph (1).

(c) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—Not later than 270 days after the date the pilot program under subsection (b) is complete, the Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, and in consultation with the head of each relevant Federal agency, shall develop a comprehensive plan for the deployment of UTM systems in the national airspace.

(2) SYSTEM REQUIREMENTS.—The comprehensive plan under paragraph (1) shall include requirements or standards consistent with established or planned rulemaking for, at a minimum—

(A) the flight of small unmanned aircraft systems in controlled and uncontrolled airspace;

(B) communications, as applicable—

(i) among small unmanned aircraft systems;

(ii) between small unmanned aircraft systems and manned aircraft operating in the same airspace; and

(iii) between small unmanned aircraft systems and air traffic control as considered necessary;

(C) air traffic management for small unmanned aircraft systems operations; and

(D) networked air traffic surveillance.

(d) SYSTEM IMPLEMENTATION.—Based on the comprehensive plan under subsection (c), including the requirements under paragraph (2) of that subsection, and the pilot program under subsection (b), the Administrator shall determine the operational need and implementation schedule for evolutionary use of automation support systems to separate and deconflict manned and unmanned aircraft systems.

SA 3722. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. CUBAN IMMIGRANTS.

(a) SHORT TITLE.—This section may be cited as the ''Cuban Immigrant Work Opportunity Act of 2016''.

(b) CERTAIN CUBANS INELIGIBLE FOR REFUGEE ASSISTANCE.—

(1) IN GENERAL.—Title V of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended—

(A) in the title heading, by striking ''**CUBAN AND**'';

(B) in section 501—

(i) by striking ''Cuban and'' each place such phrase appears;

(ii) in subsection (d), by striking ''Cuban or''; and

(iii) in subsection (e)—

(I) in paragraph (1)—

(aa) by striking ''Cuban/'' and

(bb) by striking ''Cuba or''; and

(II) in paragraph (2), by striking ''Cuba or''.

(2) CONFORMING AMENDMENTS.—

(A) PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.—Section 403(b)(1)(D) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(b)(1)(D)) is amended, by striking ''a Cuban'' and all that follows and inserting ''an eligible participant (as defined in section 101(3) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note)).''.

(B) OMNIBUS EDUCATION RECONCILIATION ACT OF 1981.—Section 543(a)(2) of the Omnibus Education Reconciliation Act of 1981 (title V of Public Law 97–35) is amended by striking ''a Cuban-Haitian entrant'' and inserting ''a Haitian entrant''.

(C) IMMIGRATION AND NATIONALITY ACT.—Section 245A(h)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(2)(A)) is amended by striking ''a Cuban'' and all that follows and inserting ''an eligible participant (as defined in section 101(3) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note)).''.

(3) APPLICABILITY.—The amendments made by this subsection shall only apply to nationals of Cuba who enter the United States on or after the date of the enactment of this Act.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Social Security Administration shall submit a report to Congress that describes the methods by which the provision described in section 416.215 of title 20, Code of Federal Regulations, is being enforced.

SA 3723. Ms. MURKOWSKI (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

On page 84, between lines 13 and 14, insert the following:

''(f) SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS AND OPERATIONS IN THE ARCTIC.—

''(1) IN GENERAL.—Notwithstanding any other provision of this chapter, and not later than 180 days after the date of the enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Secretary shall determine if certain unmanned aircraft systems may operate safely in the Arctic beyond the limitations of the notice of proposed rulemaking relating to operation and certification of small unmanned aircraft systems (80 Fed. Reg. 9544), including operation of such systems beyond the visual line of sight of the operator.

''(2) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.—In making the determination required by paragraph (1), the Secretary shall determine, at a minimum—

''(A) which types of unmanned aircraft systems, if any, as a result of their size, weight, speed, operational capability, proximity to airports and populated areas, and operation beyond visual line of sight do not create a hazard to users of the airspace over the Arctic or the public or pose a threat to national security;

''(B) which beyond-line-of-sight operations provide extraordinary public benefit justifying safe accommodation of the operations while minimizing restrictions on manned aircraft operations; and

''(C) whether a certificate of waiver, certificate of authorization, or airworthiness certification under section 44704 is required for the operation of unmanned aircraft systems identified under subparagraph (A).

''(3) REQUIREMENTS FOR SAFE OPERATION.—If the Secretary determines under this subsection that certain unmanned aircraft systems may operate safely in the Arctic beyond the visual line of sight of the operator, the Secretary shall establish requirements for the safe equipage and operation of such aircraft systems while minimizing the effect on manned aircraft operations.''.

SA 3724. Ms. MURKOWSKI (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased

expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MODIFICATION OF EXCISE TAX EXEMPTION FOR SMALL AIRCRAFT ON ESTABLISHED LINES.

(a) IN GENERAL.—Section 4281 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a), by striking ''6,000 pounds or less'' and inserting ''12,500 pounds or less'', and

(2) by striking subsection (c) and inserting the following:

''(c) ESTABLISHED LINE.—For purposes of this section, an aircraft shall not be considered as operated on an established line if operated under an authorization to conduct on-demand operations in common carriage pursuant to section 119.21(a)(5) of title 14, Code of Federal Regulations, as in effect on the date of the enactment of the Federal Aviation Administration Reauthorization Act of 2016.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after the date of the enactment of this Act.

SA 3725. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5037. AUTHORIZATION OF AIR CARRIERS TO PROVIDE SERVICE BETWEEN THE UNITED STATES AND CUBA FOR CITIZENS OF OTHER COUNTRIES WITH ITINERARIES THAT BEGIN AND END OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Notwithstanding any other provision of law, an air carrier providing permissible scheduled service between the United States and Cuba pursuant to a frequency allocation by the Department of Transportation may carry passengers who are citizens of countries other than the United States or Cuba and their accompanied baggage to or from Cuba to the same extent as the air carrier would be authorized to carry those passengers to any other destination, provided that the ticketed itinerary for those passengers begins and ends outside the United States.

(b) CITIZENSHIP.—An air carrier may rely on the passport presented by the passenger in determining the citizenship of the passenger under subsection (a).

(c) REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the President shall prescribe regulations to implement this section.

SA 3726. Ms. CANTWELL (for herself, Mrs. MURRAY, and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 5009 and insert the following:

SEC. 5009. INTERFERENCE WITH AIR CARRIER EMPLOYEES.

(a) IN GENERAL.—Section 46503 is amended by inserting after ''to perform those duties'' the following '', or who assaults an air carrier customer representative in an airport, including a gate or ticket agent, who is performing the duties of the representative or agent,''.

(b) CONFORMING AMENDMENT.—Section 46503 is amended in the section heading by inserting ''**or air carrier customer representatives**'' after ''**screening personnel**''.

(c) CLERICAL AMENDMENT.—The analysis for chapter 465 is amended by striking the item relating to section 46503 and inserting the following:

''46503. Interference with security screening personnel or air carrier customer representatives.''.

SA 3727. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. RESEARCH PROGRAM ON ALTERNATIVE JET FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.

Section 911 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 44504 note) is amended—

(1) in subsection (a), by striking ''to assist in'' and inserting ''with the objective of accelerating'';

(2) in subsection (c)(1)(B), by inserting ''and ability to prioritize researchable constraints'' after ''with experience''; and

(3) by adding at the end the following:

''(e) COLLABORATION AND REPORT.—

''(1) COLLABORATION.—The Administrator, in coordination with the Administrator of NASA, the Secretary of Energy, and the Secretary of Agriculture, shall continue research and development activities into the development and deployment of jet fuels described in subsection (a).

''(2) REPORT.—Not later than 180 days after the date of the enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Administrator, in coordination with the Administrator of NASA, the Secretary of Energy, and the Secretary of Agriculture, and after consultation with the heads of other relevant agencies, shall submit to Congress a joint plan to carry out the research described in paragraph (1).''.

SA 3728. Ms. CANTWELL (for herself, Mrs. MURRAY, Mr. BLUMENTHAL, and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

On page 198, strike lines 3 through 11, and insert the following:

(b) CONTENTS.—In revising the regulations under subsection (a), the Administrator shall ensure that a flight attendant scheduled to a duty period of 14 hours or less is given a scheduled rest period of at least 10 consecutive hours and that such rest period is not reduced under any circumstances.

SA 3729. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following.

(3) PENALTIES FOR VIOLATIONS OF CITIZENSHIP CONTROL REQUIREMENTS.—Section 46301(a), as amended by paragraph (1), is further amended—

(A) in paragraph (1)(A), by inserting ''(except as provided in paragraph (7))'' after ''chapter 411''; and

(B) by adding at the end the following:

''(7) PENALTIES FOR VIOLATIONS OF CITIZENSHIP CONTROL REQUIREMENTS.—(A) A person that controls an air carrier required to hold a certificate under section 41101(a) or to be exempted from such requirement under section 40109 and is not a citizen of the United States—

''(i) shall be liable to the United States Government for a civil penalty of not more than $25,000 for each day or each flight during which the person is not in compliance with section 41101(a) or 40109, as applicable (or of not more than $1,100 for each such day or such flight if the person is an individual or small business concern and the controlled air carrier is also a small business concern);

''(ii) shall not be jointly and severally liable for any civil penalty imposed pursuant to paragraph (1) on the air carrier under such unlawful control;

''(iii) shall be deemed to have engaged in unfair and deceptive practices and unfair methods of competition in violation of section 41712; and

''(iv) shall be jointly and severally liable, together with the air carrier operating under such unlawful control, to pay restitution to any air carrier subject to such unfair and deceptive practices and unfair methods of competition as ordered by the Secretary of Transportation.

''(B) The Secretary of Transportation is authorized to consider any amounts paid in restitution as a mitigating factor when imposing a civil penalty under this paragraph.

''(C) Any aircraft operated by an air carrier that is not a citizen of the United States shall be prohibited from operating within the United States until any civil penalty or restitution imposed pursuant to this paragraph has been satisfied.''.

SA 3730. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ENFORCEMENT OF CERTIFICATE REQUIREMENTS.

(a) CIVIL ACTIONS AUTHORIZED.—Section 46101(a) is amended by adding at the end the following:

''(5)(A) If a complaint filed under this subsection alleges that an air carrier required to hold a certificate under section 41101(a) or

exempted from such requirement under section 40109 is not a citizen of the United States, and the Secretary of Transportation, the Under Secretary for Policy, or the Administrator of the Federal Aviation Administration dismisses the complaint without a hearing or fails to resolve the complaint on the merits within 180 days after such complaint is filed, the complainant may bring a civil action against the air carrier in a district court of the United States pursuant to section 46108.

''(B) A civil action authorized under subparagraph (A) shall not be subject to dismissal or stay on the grounds that administrative remedies have not been exhausted or that the action is subject to the primary jurisdiction of the Federal Aviation Administration.

''(C) Nothing in this paragraph may be construed to require a person to file a complaint pursuant to paragraph (1) before bringing a civil action pursuant to section 46108.''.

(b) REMEDIES.—Section 46108 is amended—

(1) by striking ''An interested person'' and inserting the following:

''(a) IN GENERAL.—An interested person'';

(2) in subsection (a), as designated, by striking ''of this title'' and all that follows and inserting ''or to enforce the terms of an exemption issued under section 40109.''; and

(3) by adding at the end the following:

''(b) DEFENDANTS.—A person that controls an air carrier required to hold a certificate under section 41101(a) or exempted from such requirement under section 40109 may be named as a defendant in an action under this section if such person is not a citizen of the United States.

''(c) LIABILITY.—A person described in subsection (b)—

''(1) shall be jointly and severally liable for any damages suffered by a citizen of the United States as a result of the person's failure to comply with section 41101(a); and

''(2) shall be subject to injunctive relief.

''(d) VENUE.—A civil action under this section may be brought in the judicial district in which any defendant does business or in the judicial district in which the violation occurred.''.

(c) PENALTIES FOR VIOLATIONS OF CITIZENSHIP CONTROL REQUIREMENTS.—Section 46301(a), as amended by section 2133(b)(1), is further amended—

(1) in paragraph (1)(A), by inserting ''(except as provided in paragraph (7))'' after ''chapter 411''; and

(2) by adding at the end the following:

''(7) PENALTIES FOR VIOLATIONS OF CITIZENSHIP CONTROL REQUIREMENTS.—(A) A person that controls an air carrier required to hold a certificate under section 41101(a) or to be exempted from such requirement under section 40109 and is not a citizen of the United States—

''(i) shall be liable to the United States Government for a civil penalty of not more than $25,000 for each day or each flight during which the person is not in compliance with section 41101(a) or 40109, as applicable (or of not more than $1,100 for each such day or such flight if the person is an individual or small business concern and the controlled air carrier is also a small business concern);

''(ii) shall be jointly and severally liable for any civil penalty imposed pursuant to paragraph (1) on the air carrier under such unlawful control;

''(iii) shall be deemed to have engaged in unfair and deceptive practices and unfair methods of competition in violation of section 41712; and

''(iv) shall be jointly and severally liable, together with the air carrier operating under such unlawful control, to pay restitution to any air carrier subject to such unfair and deceptive practices and unfair methods of competition as ordered by the Secretary of Transportation.

''(B) The Secretary of Transportation is authorized to consider any amounts paid in restitution as a mitigating factor when imposing a civil penalty under this paragraph.

''(C) Any aircraft operated by an air carrier that is not a citizen of the United States shall be prohibited from operating within the United States until any civil penalty or restitution imposed pursuant to this paragraph has been satisfied.''.

SA 3731. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, add the following:

PART V—SAFE OPERATION OF UNMANNED AIRCRAFT SYSTEMS

SEC. 2171. SHORT TITLE.

This part may be cited as the ''Safety for Airports and Firefighters by Ensuring Drones Refrain from Obstructing Necessary Equipment Act of 2016'' or the ''SAFE DRONE Act of 2016''.

SEC. 2172. CRIMINAL PENALTY FOR OPERATING DRONES IN CERTAIN LOCATIONS.

(a) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

''§ 40A. Operating drones in certain locations

''(a) OFFENSE.—It shall be unlawful for a person to knowingly operate a drone in a restricted area without proper authorization from the Federal Aviation Administration.

''(b) EXCEPTION.—Subsection (a) shall not apply to operations conducted for purposes of firefighting or emergency response by a Federal, State, or local unit of government (including any individual conducting such operations pursuant to a contract or other agreement entered into with the unit).

''(c) REGULATIONS.—Not later than 90 days after the date of the enactment of this section, the Attorney General shall, by regulation, establish penalties for a violation of this section that the Attorney General determines are reasonably calculated to provide a deterrent to operating drones in restricted areas, which may include a term of imprisonment.

''(d) DEFINITIONS.—In this section—

''(1) the term 'drone' has the meaning given the term 'unmanned aircraft' in section 44801 of title 49;

''(2) the terms 'large hub airport', 'medium hub airport', and 'small hub airport' have the meanings given those terms in section 47102 of title 49; and

''(3) the term 'restricted area' means—

''(A) within a 2-mile radius of a small hub airport, medium hub airport, or large hub airport;

''(B) within 2 miles of the outermost perimeter of an ongoing firefighting operation involving the Department of Agriculture or the Department of the Interior; or

''(C) in an area that is subject to a temporary flight restriction issued by the Administrator of the Federal Aviation Administration.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by adding at the end the following new item:

''40A. Operating drones in certain locations.''.

SA 3732. Mr. BOOKER (for himself, Mr. DAINES, and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IV, insert the following:

SEC. 4118. SENSE OF CONGRESS ON THE NEXT GENERATION AIR TRANSPORTATION SYSTEM.

It is the sense of Congress that—

(1) the Next Generation Air Transportation System (known as ''NextGen'') could, if properly implemented, provide much needed modernization of air traffic technologies to meet the future needs of the national airspace;

(2) once fully implemented, advancements from implementation of the Next Generation Air Transportation System could result in billions of dollars of economic benefits to air carriers and the travel industry;

(3) the Next Generation Air Transportation System has the potential to improve air traffic management by—

(A) improving weather forecasting;

(B) enhancing safety;

(C) creating more flexible spacing and sequencing of aircraft;

(D) reducing air traffic separation; and

(E) reducing congestion;

(4) improvements to air traffic management through the implementation of the Next Generation Air Transportation System will provide benefits—

(A) to the flying public, such as reduced delays, reduced wait times, more direct flights, and an overall enhanced flying experience; and

(B) to commercial air carriers, such as fuel cost savings, lower operational costs, and improved customer satisfaction; and

(5) fully and swiftly implementing the Next Generation Air Transportation System should remain a top priority for the United States to maximize the efficiency of the airspace system of the United States, maintain a competitive advantage, and remain a global leader in aviation.

SA 3733. Mr. HOEVEN (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle A of title II, add the following:

SEC. 2144. EXEMPTION FOR THE OPERATION OF CERTAIN UNMANNED AIRCRAFT AT TEST SITES.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and without the opportunity for prior public notice and comment, the Administrator shall grant an exemption for the operation of unmanned aircraft systems for any non-hobby, non-recreational, and non-commercial purpose under the oversight of an unmanned aircraft system test site to all persons that meet the terms, conditions, and limitations described in subsection (b) for

the exemption. All such operations of unmanned aircraft systems shall be conducted in accordance with a certificate of waiver or authorization issued to the unmanned aircraft system test site by the Administrator.

(b) TERMS, CONDITIONS, AND LIMITATIONS.—

(1) IN GENERAL.—The exemption granted under subsection (a) or any amendment to that exemption—

(A) shall, at a minimum, exempt the operator of an unmanned aircraft system from the provisions of parts 21, 43, 61, and 91 of title 14, Code of Federal Regulations, that are applicable only to civil aircraft or civil aircraft operations;

(B) may contain such other terms, conditions, and limitations as the Administrator may deem necessary in the interest of aviation safety or the efficiency of the national airspace system; and

(C) shall require a person, before initiating an operation under the exemption, to provide written notice to the unmanned aircraft system test site overseeing the operation, in a form and manner specified by the Administrator, that states, at a minimum, that the person has read, understands, and will comply with all terms, conditions, and limitations of the exemption and applicable certificates of waiver or authorization.

(2) TRANSMISSION TO FEDERAL AVIATION ADMINISTRATION.—The unmanned aircraft system test site overseeing an operation shall transmit to the Federal Aviation Administration copies of all notices under paragraph (1)(C) relating to the operation in a form and manner specified by the Administrator.

(c) NO AIRWORTHINESS OR AIRMAN CERTIFICATE REQUIRED.—

(1) IN GENERAL.—Notwithstanding paragraph (1), (2)(A), or (3) of section 44711(a) of title 49, United States Code, the Administrator may allow a person may operate, or employ an airman who operates, an unmanned aircraft system for any non-hobby or non-recreational purpose under the oversight of an unmanned aircraft system test site without an airman certificate and without an airworthiness certificate for the aircraft if the operations of the unmanned aircraft system meet all terms, limitations, and conditions of an exemption issued under subsection (a) and of a certificate of waiver or authorization issued to the unmanned aircraft system test site by the Administrator.

(2) PILOT CERTIFICATION EXEMPTION.—If the Secretary proposes, under this section, to require an operator of an unmanned aircraft system to hold an airman certificate or a medical certificate, or to have a minimum number of hours operating a manned aircraft, the Secretary shall set forth the reasoning for such proposal and seek public notice and comment before imposing any such requirements.

(d) DATA AVAILABLE FOR CERTIFICATE OF AIRWORTHINESS.—The Administrator shall accept data collected or developed as a result of an operation of an unmanned aircraft system conducted under the oversight of an unmanned aircraft system test site pursuant to an exemption issued under subsection (a) for consideration in an application for an airworthiness certificate for the unmanned aircraft system.

(e) SUNSET.—The exemption issued under subsection (a), and any amendment to that exemption, shall cease to be valid on the date of the termination of the unmanned aircraft system test site program under section 332(c) of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

(f) RULES OF CONSTRUCTION AND PROCEDURE.—

(1) IN GENERAL.—The issuance of an exemption under subsection (a), the issuance of a certificate of waiver or authorization (including the issuance of a certificate of waiver or authorization to an unmanned aircraft test site), the amendment of such an exemption or certificate, the imposition of a term, condition, or limitation on such an exemption or certificate, and any other activity carried out by the Federal Aviation Administration under this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code; and

(B) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(2) SAVINGS PROVISIONS.—Nothing in this section shall be construed to—

(A) affect the issuance of a rule by or any other activity of the Secretary of Transportation or the Administrator under any other provision of law; or

(B) invalidate an exemption granted or certificate of waiver or authorization issued by the Administrator before the date of the enactment of this Act.

(g) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) AIRMAN CERTIFICATE.—The term ''airman certificate'' means an airman certificate issued under section 44703 of title 49, United States Code.

(3) CERTIFICATE OF WAIVER OR AUTHORIZATION.—The term ''certificate of waiver or authorization'' means an authorization issued by the Federal Aviation Administration for the operation of aircraft in deviation from a rule or regulation and includes the terms, conditions, and limitations of the authorization.

(4) UNMANNED AIRCRAFT; UNMANNED AIRCRAFT SYSTEM.—The terms ''unmanned aircraft'' and ''unmanned aircraft system'' have the meanings given those terms in section 44801 of title 49, United States Code, as added by section 2121.

(5) UNMANNED AIRCRAFT SYSTEM TEST SITE.—The term ''unmanned aircraft system test site'' means an entity designated to operate a test site, as defined by section 44801of title 49, United States Code, as added by section 2121.

SA 3734. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle A of title II, insert the following:

SEC. _____. COLLABORATION BETWEEN FEDERAL AVIATION ADMINISTRATION AND DEPARTMENT OF DEFENSE ON UNMANNED AIRCRAFT SYSTEMS.

(a) COLLABORATION BETWEEN FEDERAL AVIATION ADMINISTRATION IN DEPARTMENT OF DEFENSE REQUIRED.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration and the Secretary of Defense shall collaborate on developing ground-based sense and avoid (GBSAA) and airborne sense and avoid (ABSAA) capabilities for unmanned aircraft systems (UAS).

(2) ELEMENTS.—The collaboration required by paragraph (1) shall include the following:

(A) Assisting the Administrator in safely integrating unmanned aircraft systems and manned aircraft in the national airspace system.

(B) Building upon Air Force and Department of Defense experience to speed the development of civil standards, policies, and procedures for expediting unmanned aircraft systems integration.

(C) Assisting in the development of civil unmanned aircraft airworthiness certification, development of airborne and ground-based sense and avoid capabilities for unmanned aircraft systems, and research and development on unmanned aircraft systems, especially with respect to matters involving human factors, information assurance, and security.

(b) PARTICIPATION BY FEDERAL AVIATION ADMINISTRATION IN DEPARTMENT OF DEFENSE ACTIVITIES.—

(1) IN GENERAL.—The Administrator may participate and provide assistance for participation in test and evaluation efforts of the Department of Defense, including the Air Force, relating to ground-based sense and avoid and airborne sense and avoid capabilities for unmanned aircraft systems.

(2) PARTICIPATION THROUGH CENTERS OF EXCELLENCE AND TEST SITES.—Participation under paragraph (1) may include provision of assistance through the Unmanned Aircraft Systems Center of Excellence and Unmanned Aircraft Systems Test Sites.

SA 3735. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5037. LIMITATION ON DISCRETION OF U.S. CUSTOMS AND BORDER PROTECTION TO SPEND FEES.

Notwithstanding any other provision of law, any amounts collected as fees by the Commissioner of U.S. Customs and Border Protection shall be deposited in the general fund of the Treasury and shall be available to U.S. Customs and Border Protection only as provided for in advance in an appropriations Act.

SA 3736. Mr. WARNER (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, line 11, insert '', or commercial operators operating under contract with a public entity,'' after ''systems''.

SA 3737. Mr. KIRK (for himself and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. UNFAIR AND DECEPTIVE PRACTICES AND UNFAIR METHODS OF COMPETITION.

Section 41712 is amended—

(1) in subsections (a) and (b), by striking ''air carrier, foreign air carrier, or ticket agent'' each place that term appears and inserting ''air carrier or foreign air carrier''; and

(2) in subsection (c), by striking ''ticket agent,''.

SA 3738. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5037. MODIFICATIONS TO PILOT PROGRAM ON PRIVATE OWNERSHIP OF AIRPORTS.

(a) SUPPORT FOR ESSENTIAL PREDEVELOPMENT ACTIVITIES.—Section 47134 is amended by adding at the end the following:

''(n) PREDEVELOPMENT GRANTS.—There are authorized to be appropriated, out of funds available to the Federal Aviation Administration, $15,000,000 for purposes of making grants to airports, in an amount not to exceed $750,000 per grant, to carry out predevelopment activities relating to the pilot program under this section, subject to such terms and conditions as the Secretary, in consultation with the Administrator, may reasonably require.''.

(b) AUTHORIZATION OF ENTITIES PARTIALLY OWNED BY PUBLIC AGENCIES TO PARTICIPATE IN PILOT PROGRAM.—Subsection (a) of such section is amended by striking ''public agency'' and inserting ''person owned solely by a public agency''.

(c) INCREASE IN PARTICIPATION OF CERTAIN AIRPORTS.—Subsection (d)(2) of such section is amended by striking ''more than 1 application submitted by an airport'' and inserting ''more than 3 applications submitted by airports''.

SA 3739. Mr. ROUNDS (for himself and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIRLINE TRANSPORT PILOT CERTIFICATE REQUIREMENTS.

Subsection (d) of section 217 of the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Public Law 111–216; 49 U.S.C. 44701 note) is amended by striking ''courses,'' and inserting ''courses and courses offered by certificated air carriers,''.

SA 3740. Ms. HIRONO (for herself and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

Section 40122(g)(2)(B) is amended—

(1) by inserting ''3304(f),'' before ''3308-3320''; and

(2) by inserting ''3330a, 3330b, 3330c, and 3330d,'' before ''relating''.

SA 3741. Ms. HIRONO (for herself, Mr. DAINES, and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 339, strike line 24, and all that follows through page 340, line 5, and insert the following:

(c) APPLICATION.—The amendments made by this section shall apply with respect to any employee of the Federal Aviation Administration or the Transportation Security Administration hired on or after the date that is 1 year after the date of enactment of this Act.

(d) POLICIES AND PROCEDURES.—Not later than 270 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration and the Administrator of the Transportation Security Administration shall

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SA 3742. Ms. HIRONO (for herself, Ms. MURKOWSKI, Mr. SCHATZ, and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXCEPTIONS TO RESTRUCTURING OF PASSENGER FEE.

(a) IN GENERAL.—Section 44940(c) is amended—

(1) in paragraph (1), by striking ''Fees imposed'' and inserting ''Except as provided in paragraph (2), fees imposed'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) EXCEPTIONS.—Fees imposed under subsection (a)(1) may not exceed $2.50 per enplanement, and the total amount of such fees may not exceed $5.00 per one-way trip, for passengers—

''(A) boarding to an eligible place under subchapter II of chapter 417 for which essential air service compensation is paid under that subchapter; or

''(B) on flights, including flight segments, between 2 or more points in Hawaii or 2 or more points in Alaska.''.

(b) IMPLEMENTATION OF FEE EXCEPTIONS.—The Secretary of Homeland Security shall implement the fee exceptions under the amendments made by subsection (a)—

(1) beginning on the date that is 30 days after the date of the enactment of this Act; and

(2) through the publication of notice of the fee exceptions in the Federal Register, notwithstanding section 9701 of title 31, United States Code, and the procedural requirements of section 553 of title 5, United States Code.

SA 3743. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5037. LIABILITY PROTECTION FOR VOLUNTEER PILOTS WHO FLY FOR THE PUBLIC BENEFIT.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds the following:

(A) Many volunteer pilots fly for the public benefit for nonprofit organizations and provide valuable services to communities and individuals in need.

(B) In each calendar year volunteer pilots and the nonprofit organizations those pilots fly for provide long-distance, no-cost transportation for tens of thousands of people during times of special need. Flights provide patient and medical transport, disaster relief, and humanitarian assistance, and conduct other charitable missions that benefit the public.

(C) Such nonprofit organizations have supported the homeland security of the United States by providing volunteer pilot services during and following disasters and during other times of national emergency.

(D) Most other kinds of volunteers are protected from liability by the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.), but volunteer pilots are not.

(2) PURPOSES.—The purposes of this section are, by amending the Volunteer Protection Act of 1997—

(A) to extend the protection of that Act to volunteer pilots;

(B) to promote the activities of volunteer pilots and the nonprofit organizations those pilots fly for in providing flights for the public benefit; and

(C) to sustain and enhance the availability of the services that such pilots and nonprofit organizations provide, including—

(i) transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis;

(ii) flights for humanitarian and charitable purposes; and

(iii) other flights of compassion.

(b) LIABILITY PROTECTION FOR PILOTS THAT FLY FOR PUBLIC BENEFIT.—Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively; and

(2) in subsection (a), by striking ''subsections (b) and (d)'' and inserting ''subsections (b), (c), and (e)''; and

(3) by inserting after subsection (a) the following:

''(b) LIABILITY PROTECTION FOR PILOTS THAT FLY FOR PUBLIC BENEFIT.—Except as provided in subsections (c) and (e), no volunteer of a volunteer pilot nonprofit organization that arranges flights for public benefit shall be liable for harm caused by an act or omission of the volunteer on behalf of the organization if, at the time of the act or omission, the volunteer—

''(1) was operating an aircraft in furtherance of the purpose of, and acting within the

scope of the volunteer's responsibilities on behalf of, the nonprofit organization;

''(2) was properly licensed and insured for the operation of the aircraft;

''(3) was in compliance with all requirements of the Federal Aviation Administration for recent flight experience; and

''(4) did not cause the harm through willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer.''.

SA 3744. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3110 and insert the following:

SEC. 3110. REFUNDS FOR OTHER FEES THAT ARE NOT HONORED BY A COVERED AIR CARRIER.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Transportation shall promulgate regulations that require each covered air carrier to promptly provide a refund to a passenger, upon request, of any ancillary fees paid by the passenger for a service, as defined and disclosed by the air carrier, that, except as provided in subsection (b), the passenger does not receive, including on the passenger's scheduled flight or, if the flight is rescheduled, a subsequent replacement itinerary.

(b) EXCEPTIONS.—

(1) VOLUNTARY CHANGES IN ITINERARY.—Subsection (a) shall not apply if a passenger does not receive a service described in that subsection because the passenger voluntarily chose to make changes to the passenger's flight itinerary.

(2) EXTRAORDINARY CIRCUMSTANES.—An air carrier is not required to provide a refund under subsection (a) with respect to a fee for a service if the carrier is prevented from provide the service by extraordinary circumstances that could not have been avoided by the air carrier even if all reasonable measures had been taken.

SA 3745. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 5023 and insert the following:

SEC. 5023. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF INTERNATIONAL AIR CARRIER ALLIANCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of certain cooperative agreements between United States air carriers and non-United States air carriers (referred to in this section as ''alliances'') that—

(1) have been created pursuant to section 41309 of title 49, United States Code; and

(2) have been exempted from antitrust laws (as defined in the first section of the Clayton Act (15 U.S.C. 12)) pursuant to section 41308 of title 49, United States Code.

(b) SCOPE.—In conducting the study under subsection (a), the Comptroller General shall assess—

(1) the public benefits to consumers of alliances and the consequences of alliances, if any, to competition, pricing, and new entry into markets served by alliances;

(2) the representations made by air carriers to the Secretary of Transportation for the necessity of an antitrust exemption;

(3) the Department of Transportation's expectations of public benefits resulting from alliances, including whether such expected benefits were actually achieved;

(4) the Department of Transportation's role in the approval and monitoring of alliances;

(5) whether there has been sufficient transparency in the approval of alliances, including opportunities for public review and feedback;

(6) the role of the Department of Justice in the oversight of alliances;

(7) whether there are alternatives to antitrust immunity that could be conferred that would also produce public benefits; and

(8) the level of competition between alliances.

(c) RECOMMENDATIONS.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress the results of the study conducted under subsection (a).

SA 3746. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3109 and insert the following:

SEC. 3109. REFUNDS FOR DELAYED BAGGAGE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Transportation shall issue final regulations to require a covered air carrier to promptly provide a refund to a passenger, upon request, in the amount of any applicable ancillary fees paid by the passenger if the air carrier has charged the passenger an ancillary fee for checked baggage and, except as provided in subsection (b), the air carrier fails to deliver the checked baggage to the passenger within 24 hours of the time of arrival of the passenger at the passenger's destination.

(b) EXCEPTION.—An air carrier is not required to provide a refund under subsection (a) with respect to checked baggage if the air carrier is prevented from delivering checked baggage by the time specified in subsection (a) by extraordinary circumstances that could not have been avoided by the air carrier even if all reasonable measures had been taken.

Strike section 3110 and insert the following:

SEC. 3110. REFUNDS FOR OTHER FEES THAT ARE NOT HONORED BY A COVERED AIR CARRIER.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Transportation shall promulgate regulations that require each covered air carrier to promptly provide a refund to a passenger, upon request, of any ancillary fees paid by the passenger for a service, as defined and disclosed by the air carrier, that, except as provided in subsection (b), the passenger does not receive, including on the passenger's scheduled flight or, if the flight is rescheduled, a subsequent replacement itinerary.

(b) EXCEPTIONS.—

(1) VOLUNTARY CHANGES IN ITINERARY.—Subsection (a) shall not apply if a passenger does not receive a service described in that subsection because the passenger voluntarily chose to make changes to the passenger's flight itinerary.

(2) EXTRAORDINARY CIRCUMSTANES.—An air carrier is not required to provide a refund under subsection (a) with respect to a fee for a service if the carrier is prevented from provide the service by extraordinary circumstances that could not have been avoided by the air carrier even if all reasonable measures had been taken.

Strike section 5023 and insert the following:

SEC. 5023. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF INTERNATIONAL AIR CARRIER ALLIANCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of certain cooperative agreements between United States air carriers and non-United States air carriers (referred to in this section as ''alliances'') that—

(1) have been created pursuant to section 41309 of title 49, United States Code; and

(2) have been exempted from antitrust laws (as defined in the first section of the Clayton Act (15 U.S.C. 12)) pursuant to section 41308 of title 49, United States Code.

(b) SCOPE.—In conducting the study under subsection (a), the Comptroller General shall assess—

(1) the public benefits to consumers of alliances and the consequences of alliances, if any, to competition, pricing, and new entry into markets served by alliances;

(2) the representations made by air carriers to the Secretary of Transportation for the necessity of an antitrust exemption;

(3) the Department of Transportation's expectations of public benefits resulting from alliances, including whether such expected benefits were actually achieved;

(4) the Department of Transportation's role in the approval and monitoring of alliances;

(5) whether there has been sufficient transparency in the approval of alliances, including opportunities for public review and feedback;

(6) the role of the Department of Justice in the oversight of alliances;

(7) whether there are alternatives to antitrust immunity that could be conferred that would also produce public benefits; and

(8) the level of competition between alliances.

(c) RECOMMENDATIONS.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress the results of the study conducted under subsection (a).

At the end of title V, add the following:

SEC. 5037. LIABILITY PROTECTION FOR VOLUNTEER PILOTS WHO FLY FOR THE PUBLIC BENEFIT.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds the following:

(A) Many volunteer pilots fly for the public benefit for nonprofit organizations and provide valuable services to communities and individuals in need.

(B) In each calendar year volunteer pilots and the nonprofit organizations those pilots fly for provide long-distance, no-cost transportation for tens of thousands of people during times of special need. Flights provide patient and medical transport, disaster relief, and humanitarian assistance, and conduct other charitable missions that benefit the public.

(C) Such nonprofit organizations have supported the homeland security of the United States by providing volunteer pilot services during and following disasters and during other times of national emergency.

(D) Most other kinds of volunteers are protected from liability by the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.), but volunteer pilots are not.

(2) PURPOSES.—The purposes of this section are, by amending the Volunteer Protection Act of 1997—

(A) to extend the protection of that Act to volunteer pilots;

(B) to promote the activities of volunteer pilots and the nonprofit organizations those pilots fly for in providing flights for the public benefit; and

(C) to sustain and enhance the availability of the services that such pilots and nonprofit organizations provide, including—

(i) transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis;

(ii) flights for humanitarian and charitable purposes; and

(iii) other flights of compassion.

(b) LIABILITY PROTECTION FOR PILOTS THAT FLY FOR PUBLIC BENEFIT.—Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively; and

(2) in subsection (a), by striking ''subsections (b) and (d)'' and inserting ''subsections (b), (c), and (e)''; and

(3) by inserting after subsection (a) the following:

''(b) LIABILITY PROTECTION FOR PILOTS THAT FLY FOR PUBLIC BENEFIT.—Except as provided in subsections (c) and (e), no volunteer of a volunteer pilot nonprofit organization that arranges flights for public benefit shall be liable for harm caused by an act or omission of the volunteer on behalf of the organization if, at the time of the act or omission, the volunteer—

''(1) was operating an aircraft in furtherance of the purpose of, and acting within the scope of the volunteer's responsibilities on behalf of, the nonprofit organization;

''(2) was properly licensed and insured for the operation of the aircraft;

''(3) was in compliance with all requirements of the Federal Aviation Administration for recent flight experience; and

''(4) did not cause the harm through willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer.''.

SA 3747. Mr. INHOFE (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 2321. AVIATION RULEMAKING COMMITTEE FOR PILOT REST AND DUTY REGULATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall convene an aviation rulemaking committee to review pilot rest and duty regulations under part 135 of title 14, Code of Federal Regulations.

(b) COMPOSITION.—The aviation rulemaking committee convened under subsection (a) shall consist of members appointed by the Administrator, including—

(1) applicable representatives of industry;

(2) a pilot labor organization exclusively representing a minimum of 1,000 pilots who are covered by—

(A) part 135 of title 14, Code of Federal Regulations; and

(B) subpart K of part 91 of such title; and

(3) aviation safety experts with specific knowledge of flight crewmember education and training requirements relating to part 135 of such title.

(c) MATTERS TO BE ADDRESS.—In reviewing the pilot rest and duty regulations under part 135 of title 14, Code of Federal Regulations, the aviation rulemaking committee shall consider the following:

(1) Recommendations of aviation rulemaking committees convened before the date of the enactment of this Act.

(2) Accommodations necessary for small businesses.

(3) Scientific data derived from aviation-related fatigue and sleep research.

(4) Data gathered from aviation safety reporting programs.

(5) The need to accommodate diversity of operations conducted under part 135 of such title.

(6) Such other matters as the Administrator considers appropriate.

(d) REPORT AND NOTICE OF PROPOSED RULEMAKING.—The Administrator shall—

(1) not later than 24 months after the date of the enactment of this Act, submit to the appropriate committees of Congress a report based on the findings of the aviation rulemaking committee convened under subsection (a); and

(2) not later than 12 months after submitting the report required under paragraph (1), issue a notice of proposed rulemaking consistent with any consensus recommendations reached by the aviation rulemaking committee.

SA 3748. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3109 and insert the following:

SEC. 3109. REFUNDS FOR DELAYED BAGGAGE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Transportation shall issue final regulations to require a covered air carrier to promptly provide a refund to a passenger, upon request, in the amount of any applicable ancillary fees paid by the passenger if the air carrier has charged the passenger an ancillary fee for checked baggage and, except as provided in subsection (b), the air carrier fails to deliver the checked baggage to the passenger within 24 hours of the time of arrival of the passenger at the passenger's destination.

(b) EXCEPTION.—An air carrier is not required to provide a refund under subsection (a) with respect to checked baggage if the air carrier is prevented from delivering checked baggage by the time specified in subsection (a) by extraordinary circumstances that could not have been avoided by the air carrier even if all reasonable measures had been taken.

SA 3749. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 2320. INCREASED PENALTIES FOR UNFAIR AND DECEPTIVE AIRFARE ADVERTISING PRACTICES.

Section 46301(a) is amended by adding at the end the following:

''(7) PENALTY FOR VIOLATIONS OF UNFAIR AND DECEPTIVE AIRFARE ADVERTISING PRACTICES.—Notwithstanding paragraph (1), the maximum civil penalty assessed on a person for an unfair or deceptive practice in violation of section 41712 and described in section 399.84 of title 14, Code of Federal Regulations (or any corresponding similar regulation or ruling), shall be—

''(A) $55,000; or

''(B) if the person is an individual or small business concern, $2,500.''.

SA 3750. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 2502, add the following:

(d) PROHIBITION ON CERTIFICATION OF A FOREIGN REPAIR STATION IN A COUNTRY THAT HAS REPEATEDLY PROVIDED SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.—The Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of title 14, Code of Federal Regulations, in any country designated as a country that has repeatedly provided support for acts of international terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 4605(j)), section 40 of the Arms Export Control Act (22 U.S.C. 2780), or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

SA 3751. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 2502, add the following:

(d) CERTIFICATION OF FOREIGN REPAIR STATIONS SUSPENSION.—The Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of title 14, Code of Federal Regulations, beginning on the date that is—

(1) 1 year after the date of the enactment of this Act, if the final rule required by subsection (b)(2) has not been issued; or

(2) 180 days after such date of enactment, if the requirements of subsection (c) have not been fully carried out.

SA 3752. Ms. AYOTTE (for herself and Ms. HEITKAMP) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself

and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NORTHERN BORDER SECURITY REVIEW.

(a) SHORT TITLE.—This section may be cited as the ''Northern Border Security Review Act''.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on Commerce, Science, and Transportation of the Senate;

(E) the Committee on Homeland Security of the House of Representatives;

(F) the Committee on Appropriations of the House of Representatives;

(G) the Committee on the Judiciary of the House of Representatives; and

(H) the Committee on Energy and Commerce of the House of Representatives.

(2) NORTHERN BORDER.—The term ''Northern Border'' means the land and maritime borders between the United States and Canada.

(c) NORTHERN BORDER THREAT ANALYSIS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a Northern Border threat analysis that includes—

(A) current and potential terrorism and criminal threats posed by individuals and organized groups seeking—

(i) to enter the United States through the Northern Border; or

(ii) to exploit border vulnerabilities on the Northern Border;

(B) improvements needed at and between ports of entry along the Northern Border—

(i) to prevent terrorists and instruments of terrorism from entering the United States; and

(ii) to reduce criminal activity, as measured by the total flow of illegal goods, illicit drugs, and smuggled and trafficked persons moved in either direction across to the Northern Border;

(C) gaps in law, policy, cooperation between State, tribal, and local law enforcement, international agreements, or tribal agreements that hinder effective and efficient border security, counter-terrorism, anti-human smuggling and trafficking efforts, and the flow of legitimate trade along the Northern Border; and

(D) whether additional U.S. Customs and Border Protection preclearance and preinspection operations at ports of entry along the Northern Border could help prevent terrorists and instruments of terror from entering the United States.

(2) ANALYSIS REQUIREMENTS.—For the threat analysis required under paragraph (1), the Secretary of Homeland Security shall consider and examine—

(A) technology needs and challenges;

(B) personnel needs and challenges;

(C) the role of State, tribal, and local law enforcement in general border security activities;

(D) the need for cooperation among Federal, State, tribal, local, and Canadian law enforcement entities relating to border security;

(E) the terrain, population density, and climate along the Northern Border; and

(F) the needs and challenges of Department facilities, including the physical approaches to such facilities.

(3) CLASSIFIED THREAT ANALYSIS.—To the extent possible, the Secretary of Homeland Security shall submit the threat analysis required under paragraph (1) in unclassified form. The Secretary may submit a portion of the threat analysis in classified form if the Secretary determines that such form is appropriate for that portion.

SA 3753. Mr. HOEVEN (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STATE PRIORITIZATION OF DISPATCH OF AIR AMBULANCE SERVICE PROVIDERS.

(a) AUTHORITY.—Notwithstanding any other provision of law or regulation, including section 41713 of title 49, United States Code, a State may enact or enforce a law, regulation, or other provision having the force and effect of law that creates a primary and secondary call list of air ambulance service providers in the State for distribution to emergency response entities and personnel to prioritize the dispatch of air ambulance serve providers. Prioritization may be based on—

(1) participation in health insurance provider networks in the State; or

(2) participation in mediation for reimbursement of out-of-network emergency services.

(b) CONSTRUCTION.—Except as specifically provided in subsection (a), nothing in this section may be construed as limiting the applicability or otherwise modifying any aviation safety, aviation operations, or other requirement of title 49, United States Code.

SA 3754. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5032. ADDITIONAL BEYOND-PERIMETER SLOT EXEMPTIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) IN GENERAL.—Notwithstanding sections 49104(a)(5), 49109, and 41714 of title 49, United States Code, not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall, by order, grant to an air carrier described in subsection (b) 2 exemptions from the requirements of subparts K, S, and T of part 93 of title 14, Code of Federal Regulations, to enable that air carrier to provide air transportation on routes between Ronald Reagan Washington National Airport and an airport described in subsection (c).

(b) AIR CARRIER DESCRIBED.—An air carrier described in this subsection is an air carrier that, as of January 1, 2016—

(1) is not a limited incumbent air carrier at Ronald Reagan Washington National Airport; and

(2) utilitizes 4 exemptions from the requirements of subparts K, S, and T of part 93 of title 14, Code of Federal Regulations, to operate flights between Ronald Reagan Washington National Airport and an airport described in subsection (c).

(c) AIRPORTS DESCRIBED.—An airport described in this subsection is a large hub airport that is between 1840 and 1855 great circle miles from Ronald Reagan Washington National Airport.

(d) LIMITATION ON AIRCRAFT SIZE.—An air carrier may not operate a flight using an exemption granted under subsection (a) using a multi-aisle or widebody aircraft.

(e) EXEMPTIONS NOT TRANSFERRABLE.—In accordance with section 41714(j) of title 49, United States Code, an exemption granted under subsection (a) to an air carrier may not be bought, sold, leased, or otherwise transferred by the air carrier.

(f) DEFINITIONS.—In this section:

(1) AIR TRANSPORTATION; LARGE HUB AIRPORT.—The terms ''air transportation'' and ''large hub airport'' have the meanings given those terms in section 40102 of title 49, United States Code.

(2) LIMITED INCUMBENT AIR CARRIER.—The term ''limited incumbent air carrier'' has the meaning given that term in section 41714 of title 49, United States Code.

SA 3755. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FLIGHT NOISE IMPACT AND POTENTIAL REMEDIATION STUDY.

(a) STUDY.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States, in consultation with State and local governments, air carriers, general aviation, airports and air traffic controllers, and where applicable local resident advisory committees, shall initiate a study of the Federal Aviation Administration (FAA) Next Generation Air Transportation System's impact on the human environment in the vicinity of large-hub airports and selected medium-hub airports located in densely populated areas.

(2) CONTENTS.—The study under subsection (a) shall include—

(A) an analysis regarding the statistical relationship of discrete noise-related complaints in communities located near large-hub airports and selected medium-hub airports located in densely populated areas to changes in noise exposure since the implementation of the Next Generation Air Transportation System and to absolute levels of noise exposure experienced by those registering noise complaints;

(B) an analysis of the decrease in noise experienced by communities through the development of Performance Based Navigation Procedures;

(C) recommendations for processes to track and measure those impacts or benefits, if appropriate;

(D) a review and evaluation of the FAA's current policies and abilities to respond and address noise concerns;

(E) an evaluation of the human environment and health impacts of changes in flight

traffic in these communities including issues related to aircraft noise and pollution, including potential trade-offs between noise and carbon dioxide or emissions associated with air quality;

(F) an analysis of the processes used to determine how Next Generation Air Transportation System flight paths could be altered to mitigate the noise caused by these flights and for assessing any carbon dioxide or air quality emissions trade-offs attendant to such altered flight paths;

(G) recommendations on the best and most cost-effective approaches to address increased noise complaints associated with the Next Generation Air Transportation System; and

(H) such other issues as the Comptroller considers appropriate.

(b) REPORT.—Upon completion of the study under subsection (a), the Comptroller General shall submit to Congress a report on the results of the study conducted under subsection (a), including the Comptroller General's findings, conclusions, and recommendations.

SA 3756. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF CONGRESS THAT CLIMATE CHANGE IS REAL.

(a) FINDINGS.—Congress finds the following:

(1) There is scientific consensus based on sound scientific evidence that climate change is occurring due to increases in carbon dioxide and other greenhouse gases in the atmosphere and that human activity has caused a significant increase in the amount of these greenhouse gases.

(2) Scientific measurement shows that the concentration of carbon dioxide in the atmosphere ranged from 170 to 300 parts per 1,000,000 for at least 800,000 years, which is 4 times as long as the species Homo sapiens has existed, but, in measurements taken at the Mauna Loa Observatory in each of the 2 years preceding the date of enactment of this Act, exceeded 400 parts per 1,000,000.

(3) Transportation emissions accounted for approximately 28 percent of total carbon dioxide emissions in the United States in 2012, with emissions from the aviation sector representing about 12 percent of transportation emissions in the United States.

(4) Commercial-only aviation emissions in the United States are projected to grow by almost 25 percent by 2030.

(5) Climate change diminishes the efficiency of fixed-wing and rotary-wing aircraft by increasing the likelihood of takeoff weight restrictions due to warmer ground level air reducing the lift force on the wings.

(6) Climate change increases the likelihood of clear-air turbulence, which already injures hundreds of passengers and causes structural damage to aircraft.

(7) The 2015 primer of the Federal Aviation Administration entitled ''Aviation Emissions, Impacts & Mitigation'' acknowledges that ''emissions associated with commercial aviation . . . degrade not only air quality but also the broader climate,'' and will hurt the health and welfare of society.

(8) The scientific consensus about climate change and the findings from the Federal Aviation Administration support the conclusions that—

(A) climate change poses a challenge to the growing national aviation industry of the United States; and

(B) aviation activities have a measurable effect on climate.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) climate change is real and human activity is significantly contributing to climate change;

(2) the scientific consensus on climate change and the findings of the national aviation community that climate change poses real challenges to the growing aviation industry of the United States are not products of a hoax or deception perpetrated on the people of the United States; and

(3) reducing greenhouse gas emissions and adapting to the effects of climate change is in the national interest of the United States.

SA 3757. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AMOUNTS PAID FOR AIRCRAFT MANAGEMENT SERVICES.

(a) IN GENERAL.—Subsection (e) of section 4261 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) AMOUNTS PAID FOR AIRCRAFT MANAGEMENT SERVICES.—

''(A) IN GENERAL.—No tax shall be imposed by this section or section 4271 on any amounts paid by an aircraft owner for aircraft management services related to—

''(i) maintenance and support of the aircraft owner's aircraft; or

''(ii) flights on the aircraft owner's aircraft.

''(B) AIRCRAFT MANAGEMENT SERVICES.—For purposes of subparagraph (A), the term 'aircraft management services' includes assisting an aircraft owner with administrative and support services, such as scheduling, flight planning, and weather forecasting; obtaining insurance; maintenance, storage and fueling of aircraft; hiring, training, and provision of pilots and crew; establishing and complying with safety standards; or such other services necessary to support flights operated by an aircraft owner.

''(C) LESSEE TREATED AS AIRCRAFT OWNER.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'aircraft owner' includes a person who leases the aircraft other than under a disqualified lease.

''(ii) DISQUALIFIED LEASE.—For purposes of clause (i), the term 'disqualified lease' means a lease from a person providing aircraft management services with respect to such aircraft (or a related person (within the meaning of section 465(b)(3)(C)) to the person providing such services), if such lease is for a term of 31 days or less.

''(D) PRO RATA ALLOCATION.—If any amount paid to a person represents in part an amount paid for services not described in subparagraph (A), the tax imposed by subsection (a), if applicable to such amount, shall be applied to such payment on a pro rata basis.''.

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

SA 3758. Mr. TESTER (for himself and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, line 9, strike ''Section 47109(a)(5)'' and insert the following:

(a) GRANDFATHER RULE.—Section 47109(c)(2) is amended by inserting ''or nonprimary commercial service airport that is'' after ''primary non-hub airport''.

(b) MULTI-PHASED CONSTRUCTION PROJECT.—Section 47109(a)(5)

SA 3759. Mr. BLUMENTHAL (for himself, Mr. LEAHY, Mr. MARKEY, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

SEC. 3124. PRIVATE RIGHT OF ACTION FOR DISCRIMINATION CLAIMS AGAINST AIR CARRIERS.

Section 41705 is amended—

''(d) CIVIL ACTION.—

''(1) IN GENERAL.—Any person aggrieved by a violation by an air carrier of this section or a regulation prescribed under this section may, not later than 2 years after the date of the violation, bring a civil action in the district court of the United States in the district in which the person resides, in the district in which the principal place of business of the air carrier is located, or in the district in which the violation occurred.

''(2) RELIEF.—In a civil action brought under paragraph (1) in which the plaintiff prevails—

''(A) the plaintiff may obtain equitable and legal relief, including compensatory and punitive damages; and

''(B) the court shall award reasonable attorney's fees, reasonable expert fees, and the costs of the action to the plaintiff.

''(3) NO REQUIREMENT FOR EXHAUSTION OF REMEDIES.—Any person aggrieved by a violation by an air carrier of this section or a regulation prescribed under this section is not required to exhaust administrative complaint procedures before filing a civil action under paragraph (1).

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to invalidate or limit other Federal or State laws affording to people with disabilities greater legal rights or protections than those granted in this section.''.

SA 3760. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

SEC. 3124. MODIFICATION OF DEFINITION OF DISABILITY FOR DISCRIMINATION CLAIMS AGAINST AIR CARRIERS.

Section 41705(a) is amended to read as follows:

''(a) IN GENERAL.—In providing air transportation, an air carrier, including (subject to section 40105(b)) any foreign air carrier, may not discriminate against an individual on the basis of disability, as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).''.

SA 3761. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5037. REGULATIONS RELATING TO E-CIGARETTES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall, in coordination and consultation with the Administrator of the Federal Aviation Administration—

(1) finalize the interim final rule of the Pipeline and Hazardous Materials Safety Administration issued October 30, 2015, pertaining to e-cigarettes; and

(2) expand that rule to prohibit the carrying of battery-powered portable electronic smoking devices in checked baggage and in carry-on baggage.

(b) DEFINITION.—In this section, the term ''battery-powered portable electronic smoking devices'' means e-cigarettes, e-cigs, e-cigars, e-pipes, e-hookahs, personal vaporizers, and electronic nicotine delivery systems.

SA 3762. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

SEC. 3124. IMPROVING AIRLINE COMPETITIVENESS.

(a) FINDINGS.—Congress makes the following findings:

(1) The people of the United States and the United States economy depend on a strong and competitive passenger air transportation industry to move people and goods in the fastest, most efficient manner.

(2) In a global economy, air carriers connect the people of the United States with the rest of the world. A strong air transportation industry is essential to the ability of the United States to compete in the international marketplace.

(3) A strong air transportation industry depends on competition between a number of air carriers servicing a variety of routes for domestic and international travelers, at both the national and local levels.

(4) Important stakeholders contribute to, and are dependent on, a robust air transportation industry, including—

(A) business and leisure travelers;

(B) the tourism sector;

(C) shippers;

(D) State and local governments and port authorities;

(E) aircraft manufacturers; and

(F) domestic and foreign air carriers.

(5) As a result of the consolidation of United States air carriers, there has been a precipitous decline in the number of major passenger air carriers in the United States.

(6) In the past few years, the air transportation industry has become increasingly concentrated. In 2015, the top 4 major air carriers accounted for 80 percent of passenger air traffic in the United States.

(7) The continued success of a deregulated air carrier system requires actual competition to encourage all participants in the industry to provide high quality service at competitive fares.

(8) Further consolidation among air carriers threatens to leave the industry without sufficient competition to ensure that the people of the United States share in the benefits of a well-functioning air transportation industry.

(b) ESTABLISHMENT OF NATIONAL COMMISSION TO ENSURE ALL AMERICANS HAVE ACCESS TO AND BENEFIT FROM A STRONG AND COMPETITIVE AIR TRANSPORTATION INDUSTRY.—There is established a Commission, which shall be known as the ''National Commission to Ensure All Americans Have Access to and Benefit from a Strong and Competitive Air Transportation Industry'' (referred to in this section as the ''Commission'').

(c) FUNCTIONS.—

(1) STUDY.—The Commission shall conduct a study of the passenger air transportation industry, with priority given to issues specified in subsection (d).

(2) POLICY RECOMMENDATIONS.—Based on the results of the study conducted under paragraph (1), the Commission shall recommend to the President and to Congress the adoption of policies that will—

(A) achieve the national goal of a strong and competitive air carrier system and facilitate the ability of the United States to compete in the global economy;

(B) provide robust levels of competition and air transportation at reasonable fares in cities of all sizes;

(C) provide a stable work environment for employees of air carriers;

(D) account for the interests of different stakeholders that contribute to, and are dependent on, the air transportation industry; and

(E) provide appropriate levels of protection for consumers, including access to information to enable consumer choice.

(d) SPECIFIC ISSUES TO BE ADDRESSED.—In conducting the study under subsection (c)(1), the Commission shall investigate—

(1) the current state of competition in the air transportation industry, how the structure of that competition is likely to change during the 5-year period beginning on the date of the enactment of this Act, whether that expected level of competition will be sufficient to secure the consumer benefits of air carrier deregulation, and the effects of—

(A) air carrier consolidation and practices on consumers, including the competitiveness of fares and services and the ability of consumers to engage in comparison shopping for air carrier fees;

(B) airfare pricing policies, including whether reduced competition artificially inflates ticket prices;

(C) the level of competition as of the date of the enactment of this Act on the travel distribution sector, including online and traditional travel agencies and intermediaries;

(D) economic and other effects on domestic air transportation markets in which 1 or 2 air carriers control the majority of available seat miles;

(E) the tactics used by incumbent air carriers to compete against smaller, regional carriers, or inhibit new or potential new entrant air carriers into a particular market; and

(F) the ability of new entrant air carriers to provide new service to underserved markets;

(2) the legislative and administrative actions that the Federal Government should take to enhance air carrier competition, including changes that are needed in the legal and administrative policies that govern—

(A) the initial award and the transfer of international routes;

(B) the allocation of gates and landing rights, particularly at airports dominated by 1 air carrier or a limited number of air carriers;

(C) frequent flier programs;

(D) the rights of foreign investors to invest in the domestic air transportation marketplace;

(E) the access of foreign air carriers to the domestic air transportation marketplace;

(F) the taxes and user fees imposed on air carriers;

(G) the responsibilities imposed on air carriers;

(H) the bankruptcy laws of the United States and related rules administered by the Department of Transportation as such laws and rules apply to air carriers;

(I) the obligations of failing air carriers to meet pension obligations;

(J) antitrust immunity for international air carrier alliances and the process for approving such alliances and awarding that immunity;

(K) competition of air carrier codeshare partnerships and joint ventures; and

(L) constraints on new entry into the domestic air transportation marketplace;

(3) whether the policies and strategies of the United States in international air transportation are promoting the ability of United States air carriers to achieve long-term competitive success in international air transportation markets, and to secure the benefits of robust competition, including—

(A) the general negotiating policy of the United States with respect to international air transportation;

(B) the desirability of multilateral rather than bilateral negotiations with respect to international air transportation;

(C) whether foreign countries have developed the necessary infrastructure of airports and airways to enable United States air carriers to provide the service needed to meet the demand for air transportation between the United States and those countries;

(D) the desirability of liberalization of United States domestic air transportation markets; and

(E) the impediments to access by foreign air carriers to routes to and from the United States;

(4) the effect that air carrier consolidation has had on business and leisure travelers, and travel and tourism more broadly; and

(5) the effect that air carrier consolidation has had on—

(A) employment and economic development opportunities of localities, particularly small and mid-size localities; and

(B) former hub airports, including the positive and negative consequences of routing air traffic through hub airports.

(e) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 21 members, of whom—

(A) 7 shall be appointed by the President;

(B) 4 shall be appointed by the Speaker of the House of Representatives;

(C) 3 shall be appointed by the minority leader of the House of Representatives;

(D) 4 shall be appointed by the majority leader of the Senate; and

(E) 3 shall be appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—Members appointed pursuant to paragraph (1) shall be appointed from among United States citizens who bring knowledge of, and informed insights into, aviation, transportation, travel, and tourism policy.

(B) REPRESENTATION.—Members appointed pursuant to paragraph (1) shall be appointed in a manner so that at least 1 member of the Commission represents the interests of each of the following:

(i) The Department of Transportation.

(ii) The Department of Justice.

(iii) Legacy, networked air carriers.

(iv) Non-legacy air carriers.

(v) Air carrier employees.

(vi) Large aircraft manufacturers.

(vii) Ticket agents not part of an Internet-based travel company.

(viii) Large airports.

(ix) Small or mid-size airports with commercial service.

(x) Shippers.

(xi) Consumers.

(xii) General aviation.

(xiii) Local governments or port authorities that operate commercial airports.

(xiv) Internet-based travel companies.

(xv) The travel and tourism industry.

(xvi) Global distribution systems.

(xvii) Corporate business travelers.

(3) TERMS.—Members shall be appointed for the life of the Commission.

(4) CHAIRMAN.—The Chairman of the Commission shall be elected by the members of the Commission.

(5) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(6) TRAVEL EXPENSES.—Members shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) STAFF.—The Commission may appoint and fix the pay of such personnel as the Commission considers appropriate.

(g) STAFF OF FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist the Commission in carrying out its duties under this section.

(h) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(i) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any Federal agency information (other than information required by any provision of law to be kept confidential by that agency) that is necessary for the Commission to carry out its duties under this section. Upon the request of the Commission, the head of such agency shall furnish such nonconfidential information to the Commission.

(j) REPORT.—Not later than 180 days after the date on which initial appointments of members to the Commission are made under subsection (e)(1), and after a public comment period of not less than 30 days, the Commission shall submit a report to the President and Congress that—

(1) describes the activities of the Commission;

(2) includes recommendations made by the Commission under subsection (c)(2); and

(3) contains a summary of the comments received during the public comment period.

(k) TERMINATION.—The Commission shall terminate on the date that is 180 days after the date of the submission of the report under subsection (j). Upon the submission of such report, the Commission shall deliver all records and papers of the Commission to the Administrator of General Services for deposit in the National Archives.

SA 3763. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

On page 206, between lines 8 and 9, insert the following:

(c) JOINT TASK FORCE.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this Act, the Administrator, in coordination with the Attorney General, the Secretary of Homeland Security, the head of the Federal agency authorized to regulate the use of laser pointers, and any other appropriate Federal stakeholders, shall establish a joint task force (referred to in this section as the ''Laser Pointer Safety Task Force'') to address dangers from laser pointers by establishing a coordinated response to mitigate the threat of laser pointers aimed at aircraft.

(2) REPRESENTATION.—The Administrator shall appoint a representative of the Federal Aviation Administration to lead the Laser Pointer Safety Task Force, which shall also includes representatives of the Department of Justice, the Department of Homeland Security, the Federal agency authorized to regulate the use of laser pointers, and any other appropriate Federal stakeholder.

(3) PUBLIC EDUCATION CAMPAIGN.—The Laser Pointer Safety Task Force shall develop a public education campaign to inform the public of the dangers of pointing a laser at aircraft.

(4) INCIDENT DETECTION AND REPORTING.—The Laser Pointer Safety Task Force shall develop methods for—

(A) encouraging the reporting of incidents of laser pointers aimed at an aircraft; and

(B) assess what technology could be used to enhance the detection of such incidents and to protect pilots from such incidents.

(5) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Laser Pointer Safety Task Force shall submit a report to Congress that describes its efforts under this subsection and includes recommendations for further measures needed to prevent or respond to the use of laser pointers against aircraft.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the Laser Pointer Safety Task Force to carry out the objectives set forth in this subsection.

SA 3764. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

On page 197, beginning on line 14, strike ''first- or second-class airman'' and insert ''first-, second-, or third-class airman''.

SA 3765. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle F of title II and insert the following:

Subtitle F—Exemption From Medical Certification Requirements

SEC. 2601. REPORTING BY PILOTS EXEMPT FROM MEDICAL CERTIFICATION REQUIREMENTS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall require any pilot who is exempt from medical certification requirements to submit, not less frequently than once every 180 days, a report to the Department of Transportation that—

(1) identifies the pilot's status as an active pilot; and

(2) includes a summary of the pilot's recent flight hours.

SEC. 2602. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ASSESSING EFFECT ON PUBLIC SAFETY OF EXEMPTION FOR SPORT PILOTS FROM REQUIREMENT FOR A MEDICAL CERTIFICATE.

Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that assesses the effect of section 61.23(c)(ii) of title 14, Code of Federal Regulations (permitting a person to exercise the privileges of a sport pilot certificate without holding a medical certificate), on public safety since 2004.

SA 3766. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

On page 258, after line 25, add the following:

(m) RULEMAKING ESTABLISHING MINIMUM LIABILITY INSURANCE LEVELS FOR PILOTS.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking to establish minimum levels of liability insurance for any pilot covered under this section.

SA 3767. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which

was ordered to lie on the table; as follows:

On page 59, line 12, strike ''A violation'' and insert the following:

(a) PRIVATE RIGHT OF ACTION AGAINST UNFAIR AND DECEPTIVE PRACTICES.—Section 41712 is amended by adding at the end the following:

''(d) PRIVATE RIGHT OF ACTION.—

''(1) IN GENERAL.—Any person aggrieved by an action prohibited under this section may file a civil action for damages and injunctive relief in any Federal district court or State court located in the State in which—

''(A) the unlawful action is alleged to have been committed; or

''(B) the aggrieved person resides.

''(2) ENFORCEMENT BY A STATE.—The attorney general of any State, as parens patriae, may bring a civil action to enforce the provisions of this section in—

''(A) any district court of the United States in that State; or

''(B) any State court that is located in that State and has jurisdiction over the defendant.''.

(b) VIOLATION OF A PRIVACY POLICY.—A violation

SA 3768. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

On page 279, line 7, strike ''Not later than'' and insert the following:

(a) NO PREEMPTION OF CONSUMER PROTECTION CLAIMS.—Section 41713(b)(4) is amended by adding at the end the following:

''(D) NO PREEMPTION OF CONSUMER PROTECTION CLAIMS.—Nothing in subparagraphs (A) through (C) may be construed—

''(i) to preempt, displace, or supplant any action for civil damages or injunctive relief based on a State consumer protection statute; or

''(ii) to restrict the authority of any government entity, including a State attorney general, from bringing a legal claim on behalf of the citizens of such State.''.

(b) SUPPLEMENTAL NOTICE OF PROPOSED RULEMAKING.—Not later than

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SA 3769. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

On page 222, between lines 2 and 3, insert the following:

SEC. 2321. CABIN AIR QUALITY TECHNOLOGY.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate research and development work on effective air cleaning and sensor technology for the engine and auxiliary power unit for bleed air supplied to the passenger cabin and flight deck of a pressurized aircraft.

(b) TECHNOLOGY REQUIREMENTS.—The technology developed under subsection (a) shall be capable of—

(1) removing oil-based contaminants from the bleed air supplied to the passenger cabin and flight deck; and

(2) detecting and recording oil-based contaminants in the bleed air fraction of the total air supplied to the passenger cabin and flight deck.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit a report to Congress that describes the results of the research and development work carried out under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 3770. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5032. DIVERSIONS TO BRADLEY INTERNATIONAL AIRPORT.

The Administrator of the Federal Aviation Administration shall coordinate with the operator of Bradley International Airport, Windsor Locks, Connecticut, to develop and implement a plan for irregular operations that result in aircraft being diverted to the airport to ensure that the airport is not adversely affected.

SA 3771. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

SEC. 3124. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON BAGGAGE FEES.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report assessing—

(1) the extent to which baggage fees imposed by air carriers have led to—

(A) increased security costs at airports, as reflected by the need for more security screening officials and security screening equipment; and

(B) economic disruption, such as requiring passengers to spend increased time waiting in line instead of pursuing more worthwhile, productive pursuits; and

(2) whether any increased costs have been borne disproportionately by taxpayers instead of air carriers.

SA 3772. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 112, strike line 18 and all that follows through page 113, line 5, and insert the following

''(a) PROHIBITION.—Beginning on the date that is 90 days after the date of publication of the guidance under subsection (b)(1), it shall be unlawful for any person to introduce or deliver for introduction into interstate commerce any unmanned aircraft manufactured unless a safety statement is attached to the unmanned aircraft or accompanying the unmanned aircraft in its packaging.

''(b) SAFETY STATEMENT.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Administrator of the Federal Aviation Administration shall issue guidance for implementing this section.

SA 3773. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (a) of section 3114 add the following:

(5) by adding after subsection (d), as redesignated, the following:

''(e) REPORTING REQUIREMENT.—Upon receipt of any complaint, an air carrier shall send the content of the complaint to the Aviation Consumer Protection Division of the Department of Transportation.''.

SA 3774. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

On page 286, strike lines 5 through 19, and insert the following:

(1) each covered air carrier to disclose to a consumer any ancillary fees, including the baggage fee, cancellation fee, change fee, ticketing fee, and seat selection fee of that covered air carrier in a standardized format; and

(2) notwithstanding the manner in which information regarding the fees described in paragraph (1) is collected, each ticket agent to disclose to a consumer such fees of a covered air carrier in the standardized format described in paragraph (1).

(b) REQUIREMENTS.—The regulations under subsection (a) shall require that each disclosure—

(1) if ticketing is done on an Internet Web site or other online service—

(A) be prominently displayed to the consumer through a link on the homepage of the covered air carrier or ticket agent and prior to the point of purchase; and

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SA 3775. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal

Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

SEC. 3124. UNFAIR OR DECEPTIVE PRACTICES RELATING TO TRAVEL INSURANCE.

Section 2 of the Act of the Act of March 9, 1945 (59 Stat. 33, chapter 20; 15 U.S.C. 1012) is amended by adding at the end the following:

''(c) Notwithstanding subsections (a) and (b), the Secretary of Transportation may investigate, and take action under section 41712(a) of title 49, United States Code, with respect to, unfair or deceptive practices and unfair methods of competition with respect to insurance relating to travel in air transportation.''.

SA 3776. Mr. BLUMENTHAL (for himself and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3124. REGULATIONS RELATING TO DISCLOSURE OF FLIGHT DATA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall prescribe regulations prohibiting an air carrier from limiting the access of consumers to information relating to schedules, fares, and fees for flights in passenger air transportation.

(b) AIR CARRIER DEFINED.—In this section, the term ''air carrier'' means an air carrier or foreign air carrier, as those terms are defined in section 40102 of title 49, United States Code.

SA 3777. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

On page 201, between lines 20 and 21, insert the following:

''(3) the existence and utility of the National Human Trafficking Resource Center.

SA 3778. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

After section 2307, insert the following:

SEC. 2307A. TRAINING ON HUMAN TRAFFICKING FOR ADDITIONAL AIR CARRIER PERSONNEL.

(a) IN GENERAL.—Each air carrier shall provide ticket counter agents, gate agents, and other personnel of such air carrier whose duties include regular interaction with passengers training on recognizing and responding to victims and potential victims of human trafficking. Such training shall be in addition to any other training provided by an air carrier to such personnel.

(b) DEFINITION.—In this section, the term ''air carrier'' means a person, including a commercial enterprise, that has been issued an air carrier operating certificate under section 44705 of title 49, United States Code.

SA 3779. Mr. CORNYN (for himself, Mr. FLAKE, Mr. HELLER, and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—CROSS-BORDER TRADE ENHANCEMENT ACT OF 2016

SEC. __01. SHORT TITLE.

This title may be cited as the ''Cross-Border Trade Enhancement Act of 2016''.

SEC. __02. REPEAL AND TRANSITION PROVISION.

(a) REPEAL.—Subject to subsections (b) and (c), section 560 of the Department of Homeland Security Appropriations Act, 2013 (division D of Public Law 113–6; 127 Stat. 378) and section 559 of the Department of Homeland Security Appropriations Act, 2014 (division F of Public Law 113–76; 6 U.S.C. 211 note) are repealed.

(b) AGREEMENTS IN EFFECT.—Notwithstanding subsection (a), nothing in this Act may be construed as affecting in any manner an agreement entered into pursuant to section 560 of the Department of Homeland Security Appropriations Act, 2013 (division D of Public Law 113–6; 127 Stat. 378) or section 559 of the Department of Homeland Security Appropriations Act, 2014 (division F of Public Law 113–76; 6 U.S.C. 211 note) that is in effect on the day before the date of the enactment of this Act, and any such agreement shall continue to have full force and effect on and after such date.

(c) PROPOSED AGREEMENTS.—Notwithstanding subsection (a), nothing in this Act may be construed as affecting in any manner a proposal accepted for consideration by U.S. Customs and Border Protection pursuant to section 559 of the Department of Homeland Security Appropriations Act, 2014 (division F of Public Law 113–76; 6 U.S.C. 211 note) that was accepted prior to the date of the enactment of this Act.

SEC. __03. DEFINITIONS.

In this title:

(1) ADMINISTRATION.—The term ''Administration'' mean the General Services Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' mean the Administrator of the Administration.

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of U.S. Customs and Border Protection.

(4) DONATION AGREEMENT.—The term ''donation agreement'' means an agreement made under section __05(a).

(5) FEE AGREEMENT.—The term ''fee agreement'' means an agreement made by the Commissioner under section __04(a)(1).

(6) PERSON.—The term ''person'' means—

(A) an individual;

(B) a corporation, partnership, trust, estate, association, or any other private or public entity;

(C) a Federal, State, or local government;

(D) any subdivision, agency, or instrumentality of a Federal, State, or local government; or

(E) any other governmental entity.

(7) RELEVANT COMMITTEES OF CONGRESS.—The term ''relevant committees of Congress'' means—

(A) the Committee on Appropriations, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Appropriations, the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. __04. AUTHORITY TO ENTER INTO FEE AGREEMENTS FOR THE PROVISION OF CERTAIN SERVICES OF U.S. CUSTOMS AND BORDER PROTECTION.

(a) FEE AGREEMENTS.—

(1) AUTHORITY FOR FEE AGREEMENTS.—Notwithstanding section 13031(e) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(e)) and section 451 of the Tariff Act of 1930 (19 U.S.C. 1451), the Commissioner may, upon the request of any person, enter into an agreement with that person under which—

(A) U.S. Customs and Border Protection will provide the services described in paragraph (4) at a port of entry or any other facility where U.S. Customs and Border Protection provides or will provide services;

(B) such person will remit a fee imposed under subsection (b) to U.S. Customs and Border Protection in an amount equal to the full costs incurred or that will be incurred in providing such services; and

(C) any additional facilities at which U.S. Customs and Border Protection services are performed or deemed necessary for the provision of services under an agreement entered into under this section shall be provided, maintained, and equipped by such person, without additional cost to the Federal Government, in accordance with U.S. Customs and Border Protection specifications.

(2) CRITERIA.—The Commissioner shall establish criteria for entering into a partnership under paragraph (1) that include the following:

(A) Selection and evaluation of potential partners.

(B) Identification and documentation of roles and responsibilities between U.S. Customs and Border Protection, General Services Administration, and private and government partners.

(C) Identification, allocation, and management of explicit and implicit risks of partnering between U.S. Customs and Border Protection, General Services Administration, and private and government partners.

(D) Decision-making and dispute resolution processes in partnering arrangements.

(E) Criteria and processes for U.S. Customs and Border Protection to terminate agreements if private or government partners are not meeting the terms of such a partnership, including the security standards established by U.S. Customs and Border Protection.

(3) PUBLICATION.—The Commissioner shall make publicly available the criteria established under paragraph (2), and shall notify the relevant committees of Congress not less than 15 days prior to the publication of the criteria and any subsequent changes to such criteria.

(4) SERVICES DESCRIBED.—Services described in this paragraph are any services related to, or in support of, customs, agricultural processing, border security, or inspection-related immigration matters provided by an employee or contractor of U.S. Customs and Border Protection at ports of entry or any other facility where U.S. Customs and Border Protection provides or will provide services.

(5) MODIFICATION OF PRIOR AGREEMENTS.—The Commissioner, at the request of a person who has previously entered into an agreement with U.S. Customs and Border Protection for the reimbursement of fees in effect on the date of enactment of this Act, may modify such agreement to implement any provisions of this title.

(6) LIMITATION.—The Commissioner may not enter into a reimbursable fee agreement under this subsection if such agreement would unduly and permanently impact services funded in this Act or any appropriations Act, or provided from any account in the Treasury of the United States derived by the collection of fees.

(7) NUMERICAL LIMITATIONS.—Except as provided in paragraphs (8) and (9), there shall be no limit to the number of fee agreements that may be entered into by the Commissioner.

(8) AUTHORITY FOR NUMERICAL LIMITATIONS.—

(A) RESOURCE AVAILABILITY.—If the Commissioner finds that resource or allocation constraints would prevent U.S. Customs and Border Protection from fulfilling, in whole or in part, requests for services under the terms of existing or proposed fee agreements, the Commissioner shall impose annual limits on the number of new fee agreements.

(B) ANNUAL REVIEW.—If the Commissioner limits the number of new fee agreements under this paragraph, the Commissioner shall annually evaluate and reassess such limits and publish the results of such evaluation and affirm any such limits that shall remain in effect in a publicly available format.

(9) NUMERICAL LIMITATIONS AT AIR PORTS OF ENTRY.—

(A) IN GENERAL.—The Commissioner may not enter into more than 10 fee agreements per year to provide U.S. Customs and Border Protection services at air ports of entry.

(B) CERTAIN COSTS.—A fee agreement for U.S. Customs and Border Protection services at an air port of entry may only provide for the reimbursement of—

(i) salaries and expenses of not more than 5 full-time equivalent U.S. Customs and Border Protection officers;

(ii) costs incurred by U.S. Customs and Border Protection for the payment of overtime to employee;

(iii) the salaries and expenses of employees of U.S. Customs and Border Protection to support U.S. customs and Border Protection officers in performing law enforcement functions at air ports of entry, including primary and secondary processing of passengers; and

(iv) other costs incurred by U.S. Customs and Border Protection relating to services described in paragraph (2), such as temporary placement or permanent relocation of such employees.

(C) PRECLEARANCE.—The authority in the section may not be used to enter into new preclearance agreements or initiate the provision of U.S. Customs and Border Protection services outside of the United States.

(10) PORT OF ENTRY SIZE CONSIDERATION.—If the number of fee agreement proposals that meet the eligibility criteria established in paragraph (2) exceed the number of fee agreements that the Commissioner is permitted by law to enter into, then the Commissioner shall—

(A) ensure that each fee agreement proposal is given equal consideration regardless of the size of the port of entry; and

(B) report to the relevant committees of Congress on the number of fee agreement proposals that the Commissioner did not enter into due to legal restrictions on the number of fee agreements that the Commissioner is permitted to enter into.

(11) DENIED APPLICATION.—If the Commissioner denies a proposal for a fee agreement, the Commission shall provide the person who submitted the proposal a detailed justification for the denial.

(12) CONSTRUCTION.—Nothing in this section may be construed—

(A) to require a person entering into a fee agreement to cover costs that are otherwise the responsibility of the U.S. Customs and Border Protection or any other agency of the Federal Government and are not incurred, or expected to be incurred, to cover services specifically covered by an agreement entered into under authorities provided by this title; or

(B) to unduly and permanently reduce the responsibilities or duties of U.S. Customs and Border Protection to provide services at ports of entry that have been authorized or mandated by law and are funded in any appropriation Act or from any accounts in the Treasury of the United States derived by the collection of fees.

(13) JUDICIAL REVIEW.—Decisions of the Commissioner under this subsection are in the discretion of the Commissioner and not subject to judicial review.

(b) FEE.—

(1) IN GENERAL.—A person who enters into a fee agreement shall pay a fee pursuant to such agreement in an amount equal to the full cost of U.S. Customs and Border Protection—

(A) of the salaries and expenses of individuals employed or contracted by U.S. Customs and Border Protection to provide such services; and

(B) of other costs incurred by U.S. Customs and Border Protection related to providing such services, such as temporary placement or permanent relocation of employees.

(2) ADVANCE PAYMENT.—The Commissioner, with approval from a person requesting services of U.S. Customs and Border Protection services pursuant to a fee agreement, may accept the fee for services prior to providing such services.

(3) OVERSIGHT OF FEES.—The Commissioner shall develop a process to oversee the activities for which fees are charged pursuant to a fee agreement that includes the following:

(A) A determination and report on the full cost of providing services, including direct and indirect costs, as well as a process, through consultation with affected parties and other interested stakeholders, for increasing such fees as necessary.

(B) The establishment of a periodic remittance schedule to replenish appropriations, accounts or funds, as necessary.

(C) The identification of costs paid by such fees.

(4) DEPOSIT OF FUNDS.—Amounts collected pursuant to a fee agreement shall—

(A) be deposited as an offsetting collection;

(B) remain available until expended, without fiscal year limitation; and

(C) be credited to the applicable appropriation, account, or fund for the amount paid out of that appropriation, account, or fund for—

(i) any expenses incurred or to be incurred by U.S. Customs and Border Protection in providing such services; and

(ii) any other costs incurred by U.S. Customs and Border Protection relating to such services.

(5) TERMINATION BY THE COMMISSIONER.—

(A) IN GENERAL.—The Commissioner shall terminate the services provided pursuant to a fee agreement with a person that, after receiving notice from the Commissioner that a fee imposed under the fee agreement is due, fails to pay such fee in a timely manner.

(B) EFFECT OF TERMINATION.—At the time services are terminated pursuant to subparagraph (A), all costs incurred by U.S. Customs and Border Protection which have not been paid, will become immediately due and payable.

(C) INTEREST.—Interest on unpaid fees will accrue based on the quarterly rate(s) established under sections 6621 and 6622 of the Internal Revenue Code of 1986.

(D) PENALTIES.—Any person that fails to pay any fee incurred under a fee agreement in a timely manner, after notice and demand for payment, shall be liable for a penalty or liquidated damage equal to 2 times the amount of such fee.

(E) AMOUNT COLLECTED.—Any amount collected pursuant to a fee agreement shall be deposited into the account specified under paragraph (4) and shall be available as described therein.

(F) RETURN OF UNUSED FUNDS.—The Commissioner shall return any unused funds collected under a fee agreement that is terminated for any reason, or in the event that the terms of such agreement change by mutual agreement to cause a reduction of U.S. Customs and Border Protections services. No interest shall be owed upon the return of any unused funds. (i)

(6) TERMINATION BY THE SPONSOR.—Any person who has previously entered into an agreement with U.S. Customs and Border Protection for the reimbursement of fees in effect on the date of enactment of this Act, or under the provisions of this Act, may request that such agreement make provision for termination at the request of such person upon advance notice, the length and terms of which shall be negotiated between such person and U.S. Customs and Border Protection.

(c) ANNUAL REPORT AND NOTICE TO CONGRESS.—The Commissioner shall—

(1) submit to the relevant committees of Congress an annual report that identifies each fee agreement made during the previous year; and

(2) not less than 15 days before entering into a fee agreement, notify the members of Congress that represent the State or district in which the affected port or facility is located.

(d) MODIFICATION OF EXISTING REPORTS TO CONGRESS.—Section 907(b) of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114–125) is amended—

(1) in paragraph (3), by striking ''or'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(5) the program for entering into reimbursable fee agreements for the provision of U.S. Customs and Border Protection services established by the Cross-Border Trade Enhancement Act of 2016.''.

(e) EFFECTIVE PERIOD.—The authority for the Commission to enter into new fee agreements shall be in effect until September 30, 2025. Any fee agreement entered into prior to that date shall remain in effect under the terms of that fee agreement.

SEC. __05. AUTHORITY TO ENTER INTO AGREEMENTS TO ACCEPT DONATIONS FOR PORTS OF ENTRY.

(a) AGREEMENTS AUTHORIZED.—

(1) COMMISSIONER.—The Commissioner, in collaboration with the Administrator as provided under subsection (f), may enter into an agreement with any person to accept a donation of real or personal property, including

monetary donations, or nonpersonal services, for activities in subsection (b) at a new or existing land, sea, or air port of entry, or any facility or other infrastructure at a location where U.S. Customs and Border Protection performs or will be performing inspection services within the United States.

(2) ADMINISTRATOR.—Where the Administrator owns or leases a new or existing land port of entry, facility, or other infrastructure at a location where U.S. Customs and Border Protection performs or will be performing inspection services, the Administrator, in collaboration with the Commissioner, may enter into an agreement with any person to accept a donation of real or personal property, including monetary donations, or nonpersonal services, at that location for activities set forth in subsection (b).

(b) USE.—A donation made under a donation agreement may be used for activities related to construction, alteration, operation or maintenance, including expenses related to—

(1) land acquisition, design, construction, repair, and alteration;

(2) furniture, fixtures, equipment, and technology, including installation and the deployment thereof; and

(3) operation and maintenance of the facility, infrastructure, equipment, and technology.

(c) LIMITATION ON MONETARY DONATIONS.—Any monetary donation accepted pursuant to a donation agreement may not be used to pay the salaries of employees of U.S. Customs and Border Protection who perform inspection services.

(d) TRANSFER.—

(1) AUTHORITY TO TRANSFER.—Donations accepted by the Commissioner or the Administrator under a donation agreement may be transferred between U.S. Customs and Border Protection and the Administration.

(2) NOTIFICATION.—Prior to executing a transfer under this subsection, the Commissioner or Administrator shall notify a person that entered into the donation agreement of an intent to transfer the donated property or services.

(e) TERM OF DONATION AGREEMENT.—The term of a donation agreement may be as long as is required to meet the terms of the agreement.

(f) ROLE OF ADMINISTRATOR.—The Administrator's role, involvement, and authority under this section is limited with respect to donations made at new or existing land ports of entry, facilities, or other infrastructure owned or leased by the Administration.

(g) EVALUATION PROCEDURES.—

(1) REQUIREMENTS FOR PROCEDURES.—Not later than 180 days after the date of enactment, the Commissioner, in consultation with the Administrator as appropriate, shall issue procedures for evaluating proposals for donation agreements.

(2) AVAILABILITY.—The procedures issued under paragraph (1) shall be made available to the public.

(3) COST-SHARING ARRANGEMENTS.—In issuing the procedures under paragraph (1), the Commissioner, in consultation with the Administration, shall evaluate the use of authorities provided under this section to enter into cost-sharing or reimbursement agreements with eligible persons and determine whether such agreements may improve facility conditions or inspection services at new or existing land, sea, or air ports of entry.

(h) DETERMINATION AND NOTIFICATION.—

(1) IN GENERAL.—Not later than 60 days after receiving a proposal for a donation agreement, the Commissioner, and Administrator if applicable, shall notify the person that submitted the proposal as to whether it is complete or incomplete.

(2) INCOMPLETE PROPOSALS.—If the Commissioner, and Administrator if applicable, determines that a proposal is incomplete, the person that submitted the proposal shall be notified and provided with—

(A) a detailed description of all specific information or material that is needed to complete review of the proposal; and

(B) allow the person to resubmit the proposal with additional information and material described under subparagraph (A) to complete the proposal.

(3) COMPLETE APPLICATIONS.—Not later than 180 days after receiving a completed and final proposal for a donation agreement, the Commissioner, and Administrator if applicable, shall—

(A) make a determination whether to deny or approve the proposal; and

(B) notify the person that submitted the proposal of the determination.

(4) CONSIDERATIONS.—In making the determination under paragraph (3)(A), the Commissioner, and Administrator if applicable, shall consider—

(A) the impact of the proposal on reducing wait times at that port of entry or facility and other ports of entry on the same border;

(B) the potential of the proposal to increase trade and travel efficiency through added capacity; and

(C) the potential of the proposal to enhance the security of the port of entry or facility.

(i) SUPPLEMENTAL FUNDING.—Any property, including monetary donations and nonpersonal services, donated pursuant to a donation agreement may be used in addition to any other funds, including appropriated funds, property, or services made available for the same purpose.

(j) RETURN OF DONATION.—If the Commissioner or the Administrator does not use the property or services donated pursuant to a donation agreement, such donated property or services shall be returned to the person that made the donation.

(k) INTEREST PROHIBITED.—No interest may be owed on any donation returned to a person under this subsection.

(l) PROHIBITION ON CERTAIN FUNDING.—The Commissioner and the Administrator may not, with respect to an agreement authorized under this section, obligate or expend amounts in excess of amounts that have been appropriated pursuant to any appropriations Act for purposes specified in the agreement or otherwise made available for any of such purposes.

(m) ANNUAL REPORT AND NOTICE TO CONGRESS.—The Commissioner, in collaboration with the Administrator if applicable, shall—

(1) submit to the relevant committees of Congress an annual report that identifies each donation agreement made during the previous year; and

(2) not less than 15 days before entering into a donation agreement, notify the members of Congress that represent the State or district in which the affected port or facility is located.

(n) RULE OF CONSTRUCTION.—Except as otherwise provided in this section, nothing in this section may be construed as affecting in any manner the responsibilities, duties, or authorities of U.S. Customs and Border Protection or the Administration.

(o) EFFECTIVE PERIOD.—The authority for the Commission or the Administrator to enter into new donation agreements shall be in effect until September 30, 2025. Any donation agreement entered into prior to that date shall remain in effect under the terms of that donation agreement.

SA 3780. Mr. NELSON submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the, end of section 2154, add the following:

(d) SAVINGS CLAUSE.—[Nothing in this section shall prohibit the Administrator from authorizing the owner of a fixed site facility to operate an aircraft, including a UAS, over its own property/Nothing in this section may be construed as prohibiting the Administrator from authorizing an owner of a fixed site facility to operate an aircraft, including an unmanned aircraft system, over, under, or within a specified distance from that fixed site facility].

SA 3781. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

SEC. 2406. COMPLETION OF CERTAIN PROJECTS BY STATE DEPARTMENTS OF TRANSPORTATION.

With respect to a proposed construction or alteration for which notice to the Federal Aviation Administration is required under section 77.9 of title 14, Code of Federal Regulations, upon receiving such notice, the Administrator of the Federal Aviation Administration shall allow a State department of transportation to carry out such construction or alteration, and shall not require an aeronautical study under section 77.27 of such title, if such State department of transportation—

(1) has appropriate engineering expertise to perform the construction or alteration; and

(2) complies with applicable Federal Aviation Administration standards for the construction or alteration.

SA 3782. Ms. KLOBUCHAR (for herself and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORT ON CONSPICUITY NEEDS FOR SURFACE VEHICLES OPERATING ON THE AIRSIDE OF AIR CARRIER SERVED AIRPORTS.

(a) STUDY REQUIRED.—The Administrator of the Federal Aviation Administration shall perform a study of the need for the Federal Aviation Administration to prescribe conspicuity standards for surface vehicles operating on the airside of the categories of airports that air carriers serve as specified in subsection (b).

(b) COVERED AIRPORTS.—The study required by subsection (a) shall cover, at a minimum, one large hub airport, one medium hub airport and one small hub airport, as those terms are defined in section 40102 of title 49, United States Code.

(c) REPORT TO CONGRESS.—Not later than July 1, 2017, the Administrator shall submit to the appropriate committees of Congress a report setting forth the results of the study required by subsection (a), including such recommendations as the Administrator considers appropriate regarding the need for the Administration to prescribe conspicuity standards as described in subsection (a).

SA 3783. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MODIFICATION OF REQUIREMENT UNDER CERTAIN FEDERAL AVIATION ADMINISTRATION PROGRAMS TO BUY GOODS PRODUCED IN UNITED STATES.

Subparagraph (A) of section 50101(d)(3) is amended to read as follows:

''(A) the cost of components and subcomponents produced in the United States—

''(i) for fiscal years 2017 and 2018, is more than 60 percent of the cost of all components of the facility or equipment;

''(ii) for fiscal years 2019 and 2020, is more than 65 percent of the cost of all components of the facility or equipment; and

''(iii) for fiscal year 2021 and each fiscal year thereafter, is more than 70 percent of the cost of the facility or equipment; and''.

SA 3784. Mr. PERDUE submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle A of title I and insert the following:

Subtitle A—Funding of FAA Programs

SEC. 1001. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) AUTHORIZATION.—Section 48103(a) is amended by striking ''section 47505(a)(2), and carrying out noise compatibility programs under section 47504(c) $3,350,000,000 for each of fiscal years 2012 through 2015 and $2,652,083,333 for the period beginning on October 1, 2015, and ending on July 15, 2016'' and inserting ''section 47505(a)(2), carrying out noise compatibility programs under section 47504(c), for an airport cooperative research program under section 44511, for Airports Technology-Safety research, and Airports Technology-Efficiency research, $3,350,000,000 for fiscal year 2016 and $3,750,000,000 for each of fiscal years 2017 and 2018''.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended in the matter preceding paragraph (1) by striking ''July 15, 2016'' and inserting ''September 30, 2018''.

SEC. 1002. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) $2,855,241,025 for fiscal year 2016.

''(2) $2,862,020,524 for fiscal year 2017.

''(3) $2,901,601,229 for fiscal year 2018.''.

SEC. 1003. FAA OPERATIONS.

(a) IN GENERAL.—Section 106(k)(1) is amended by striking subparagraphs (A) through (E) and inserting the following:

''(A) $9,910,009,314 for fiscal year 2016;

''(B) $10,025,361,111 for fiscal year 2017; and

''(C) $10,103,780,622 for fiscal year 2018.''.

(b) AUTHORIZED EXPENDITURES.—Section 106(k)(2) is amended by striking ''for fiscal years 2012 through 2015'' each place it appears and inserting ''for fiscal years 2016 through 2018''.

(c) AUTHORITY TO TRANSFER FUNDS.—Section 106(k)(3) is amended by striking ''2012 through 2015 and for the period beginning on October 1, 2015, and ending on July 15, 2016'' and inserting ''2016 through 2018''.

SEC. 1004. FAA RESEARCH AND DEVELOPMENT.

Section 48102 is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''44511-44513'' and inserting ''44512-44513''; and

(ii) by striking ''and, for each of fiscal years 2012 through 2015, under subsection (g)'';

(B) in paragraph (8), by striking ''; and'' and inserting a semicolon; and

(C) by striking paragraph (9) and inserting the following:

''(9) $166,000,000 for fiscal year 2016;

''(10) $169,000,000 for fiscal year 2017; and

''(11) $171,000,000 for fiscal year 2018.''; and

(2) in subsection (b), by striking paragraph (3).

SEC. 1005. FUNDING FOR AVIATION PROGRAMS.

(a) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—Section 48114(a)(1)(A) is amended to read as follows:

''(A) IN GENERAL.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year under sections 48101, 48102, 48103, and 106(k)—

''(i) shall in each of fiscal years 2016 through 2018, be equal to the sum of—

''(I) 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

''(II) the actual level of receipts plus interest credited to the Airport and Airway Trust Fund for the second preceding fiscal year minus the total amount made available for obligation from the Airport and Airway Trust Fund for the second preceding fiscal year; and

''(ii) may be used only for the aviation investment programs listed in subsection (b)(1).''.

(b) ENFORCEMENT OF GUARANTEES.—Section 48114(c)(2) is amended by striking ''2016'' and inserting ''2018''.

SEC. 1006. EXTENSION OF EXPIRING AUTHORITIES.

(a) MARSHALL ISLANDS, MICRONESIA, AND PALAU.—Section 47115(j) is amended by striking ''2015 and for the period beginning on October 1, 2015, and ending on July 15, 2016,'' and inserting ''2018''.

(b) EXTENSION OF COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.—Section 47141(f) is amended by striking ''July 15, 2016'' and inserting ''September 30, 2018''.

(c) INSPECTOR GENERAL REPORT ON PARTICIPATION IN FAA PROGRAMS BY DISADVANTAGED SMALL BUSINESS CONCERNS.—

(1) IN GENERAL.—For each of fiscal years 2016 through 2018, the Inspector General of the Department of Transportation shall submit to Congress a report on the number of new small business concerns owned and controlled by socially and economically disadvantaged individuals, including those owned by veterans, that participated in the programs and activities funded using the amounts made available under this Act.

(2) NEW SMALL BUSINESS CONCERNS.—For purposes of paragraph (1), a new small business concern is a small business concern that did not participate in the programs and activities described in paragraph (1) in a previous fiscal year.

(3) CONTENTS.—The report shall include—

(A) a list of the top 25 and bottom 25 large and medium hub airports in terms of providing opportunities for small business concerns owned and controlled by socially and economically disadvantaged individuals to participate in the programs and activities funded using the amounts made available under this Act;

(B) the results of an assessment, to be conducted by the Inspector General, on the reasons why the top airports have been successful in providing such opportunities; and

(C) recommendations to the Administrator of the Federal Aviation Administration and Congress on methods for other airports to achieve results similar to those of the top airports.

(d) EXTENSION OF PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.—Section 822(k) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47141 note) is amended by striking ''July 15, 2016'' and inserting ''September 30, 2018''.

SA 3785. Mr. WARNER (for himself and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

On page 238, after line 23, add the following:

SEC. 2507. USE OF FEDERAL FACILITIES FOR AVIATION TESTING.

(a) FINDINGS.—Congress makes the following findings:

(1) Wallops Flight Facility is an important Federal research and test site that supports the National Aeronautics and Space Administration (referred to in this section as ''NASA'' and other Federal and non-Federal entities through the conduct of hazardous rocket and aviation-based missions, including the launch and recovery of experimental space vehicles and aircraft being developed for NASA, the Department of Defense, and private industry.

(2) The designation of restricted airspace provides the Wallops Flight Facility with critical capability to safely conduct the missions described in paragraph (1) by protecting public and private aircraft from the hazards associated with such missions.

(3) Although Wallops Flight Facility has been working with the Federal Aviation Administration to extend its restricted airspace in order to meet the national needs of its programs for more than 5 years, and has been in a formal application process for more than 2 years, Federal Aviation Administration officials have not yet approved such an extension.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that—

(1) it is in the public interest to make full use of Federal facilities, including facilities operated by NASA, to support aviation testing and operations;

(2) Federal regulations governing the use of restricted airspace to support the activities described in paragraph (1) should be continually reviewed to ensure that such regulations support such activities; and

(3) it is imperative that updates and changes sought by Federal agencies to support hazardous rocket and aviation-based missions are evaluated and resolved by the Federal Aviation Administration as expeditiously as possible.

(c) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration, after considering the interagency and public comments received over the course of the review described in subsection (a)(3), shall issue a rule regarding the requested extension of restricted airspace surrounding Wallops Flight Facility.

SA 3786. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 2154, add the following:

(d) Savings Clause.—Nothing in this section may be construed as prohibiting the Administrator from authorizing an owner of a fixed site facility to operate an aircraft, including an unmanned aircraft system, over, under, or within a specified distance from that fixed site facility.

SA 3787. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION A—ECONOMIC FREEDOM ZONES

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Economic Freedom Zones Act of 2016''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

SEC. 2. DEFINITIONS.

In this division:

(1) CITY.—The term ''city'' means any unit of general local government that is classified as a municipality by the United States Census Bureau, or is a town or township as determined jointly by the Director of the Office of Management and Budget and the Secretary.

(2) COUNTY.—The term ''county'' means any unit of local general government that is classified as a county by the United States Census Bureau.

(3) ELIGIBLE ENTITY.—The term ''eligible entity'' means a municipality or a zip code.

(4) MUNICIPALITY.—The term ''municipality'' has the meaning given that term in section 101(40) of title 11, United States Code.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(6) ZIP CODE.—The term ''zip code'' means any area or region associated with or covered by a United States Postal zip code of not less than 5 digits.

TITLE I—PROHIBITION OF FEDERAL GOVERNMENT BAILOUTS

SEC. 101. PROHIBITION OF FEDERAL GOVERNMENT BAILOUTS.

(a) DEFINITIONS.—In this section—

(1) the term ''credit rating'' has the meaning given that term in section 3(a)(60) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(60));

(2) the term ''credit rating agency'' has the meaning given that term in section 3(a)(61) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(61));

(3) the term ''Federal assistance'' means the use of any advances from the Federal Reserve credit facility or discount window that is not part of a program or facility with broad-based eligibility under section 13(3)(A) of the Federal Reserve Act (12 U.S.C. 343(3)(A)), Federal Deposit Insurance Corporation insurance, or guarantees for the purpose of—

(A) making a loan to, or purchasing any interest or debt obligation of, a municipality;

(B) purchasing the assets of a municipality;

(C) guaranteeing a loan or debt issuance of a municipality; or

(D) entering into an assistance arrangement, including a grant program, with an eligible entity;

(4) the term ''insolvent'' means, with respect to an eligible entity, a financial condition such that the eligible entity—

(A) has any debt that has been given a credit rating lower than a ''B'' by a nationally recognized statistical rating organization or a credit rating agency;

(B) is not paying its debts as they become due, unless such debts are the subject of a bona fide dispute; or

(C) is unable to pay its debts as they become due; and

(5) the term ''nationally recognized statistical rating organization'' has the meaning given that term in section 3(a)(62) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(62)).

(b) PROHIBITION OF FEDERAL GOVERNMENT BAILOUTS.—

(1) PROHIBITION OF FEDERAL ASSISTANCE.—Notwithstanding any other provision of law, no Federal assistance may be provided to an eligible entity (other than the assistance provided for in this division for an area that is designated as an Economic Free Zone).

(2) PROHIBITION OF FINANCIAL ASSISTANCE TO BANKRUPT OR INSOLVENT ELIGIBLE ENTITIES.—Except as provided in paragraph (1), the Federal Government may not provide financial assistance—

(A) to a municipality that is a debtor under chapter 9 of title 11, United States Code; or

(B) to a municipality that is insolvent.

TITLE II—DESIGNATION OF ECONOMIC FREEDOM ZONES (EFZ)

SEC. 201. ELIGIBILITY REQUIREMENTS FOR ECONOMIC FREEDOM ZONE STATUS.

(a) DESIGNATION OF MUNICIPALITIES AS ECONOMIC FREEDOM ZONES.—

(1) IN GENERAL.—An eligible entity that is a municipality may be designated by the Secretary as an Economic Freedom Zone if the municipality—

(A) meets the requirements under section 109(c) of title 11, United States Code;

(B) is at risk of insolvency, as determined under paragraph (2);

(C) has been subject to receivership by the State within the last 3 years;

(D) has been a debtor under chapter 9 of title 11, United States Code within the last 3 years; or

(E) has been subject to a financial advisory board, emergency manager, or similar entity that—

(i) has arisen from the legislative or executive authority of the State; and

(ii) exercises significant financial control over the finances of the entity within the last 3 years.

(2) AT RISK OF INSOLVENCY.—A municipality is at risk of insolvency if—

(A) an independent actuarial firm that has been engaged by the municipality and that does not have a conflict of interest with the municipality, including any previous relationship with the municipality, as determined by the Secretary—

(i) determines that the municipality is insolvent (as defined in section 101(a)(4) of title 11, United States Code); and

(ii) submits its analysis regarding the insolvency of the municipality to the Secretary; and

(B) the Secretary has reviewed and approved the determination of insolvency by the actuarial firm.

(b) DESIGNATION OF COUNTIES, CITIES, AND ZIP CODES AS ECONOMIC FREEDOM ZONES.—

(1) IN GENERAL.—An eligible entity may be designated by the Secretary as an Economic Freedom Zone if the eligible entity—

(A) is a county or city that—

(i) is located in a non-metropolitan statistical area (as defined by the Director of the Office of Management and Budget); and

(ii) meets the requirements under paragraph (2); or

(B) is a zip code that meets the requirements under paragraph (2).

(2) LOW ECONOMIC AND HIGH POVERTY AREA.—

(A) IN GENERAL.—An eligible entity shall be eligible for designation as an Economic Freedom Zone under paragraph (1) if the eligible entity is designated by the Secretary as a low economic or high poverty area under subparagraph (B).

(B) DESIGNATION AS LOW ECONOMIC AND HIGH POVERTY AREA.—The Secretary, after reviewing supporting data as determined appropriate, shall designate an eligible entity as a low economic or high poverty area if—

(i) the State or local government with jurisdiction over the eligible entity certifies that—

(I) the eligible entity is one of pervasive poverty, unemployment, and general distress;

(II) the average rate of unemployment within such eligible entity during the most recent 3-month period for which data is available is at least 1.5 times the national unemployment rate for the period involved;

(III) during the most recent 3-month period, at least 30 percent of the residents of the eligible entity have incomes below the national poverty level; or

(IV) at least 70 percent of the residents of the eligible entity have incomes below 80 percent of the median income of households within the jurisdiction of the local government (as determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974); and

(ii) the Secretary determines that such a designation is appropriate.

(c) REFUSAL TO GRANT STATUS.—The Secretary may refuse to designate an eligible entity as an Economic Freedom Zone if the Secretary determines that any requirement under this division, including any requirement under subsection (a)(2), has not been satisfied.

SEC. 202. APPLICATION AND DURATION OF DESIGNATION.

(a) APPLICATION.—The Secretary shall develop procedures to enable an eligible entity to submit to the Secretary an application for designation as an Economic Freedom Zone under this title.

(b) DURATION.—The designation by the Secretary of an eligible entity as a Economic Freedom Zone shall be for a period of 10 years.

TITLE III—FEDERAL TAX INCENTIVES

SEC. 301. TAX INCENTIVES RELATED TO ECONOMIC FREEDOM ZONES.

(a) IN GENERAL.—Chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

"Subchapter Z—Economic Freedom Zones

''PART I—TAX INCENTIVES

''PART II—DEFINITIONS

"PART I—TAX INCENTIVES

"SEC. 1400V–1. ECONOMIC FREEDOM ZONE INDIVIDUAL FLAT TAX.

''(a) IN GENERAL.—In the case of any individual whose principal residence (within the meaning of section 121) is located in an Economic Freedom Zone for the taxable year, in lieu of the tax imposed by section 1, there shall be imposed a tax equal to 5 percent of the taxable income of such taxpayer. For purposes of this title, the tax imposed by the preceding sentence shall be treated as a tax imposed by section 1.

''(b) JOINT RETURNS.—In the case of a joint return under section 6013, subsection (a) shall apply so long as either spouse has a principal residence (within the meaning of section 121) in an Economic Freedom Zone for the taxable year.

''(c) ALTERNATIVE MINIMUM TAX NOT TO APPLY.—The tax imposed by section 55 shall not apply to any taxpayer to whom subsection (a) applies.

"SEC. 1400V–2. ECONOMIC FREEDOM ZONE CORPORATE FLAT TAX.

''(a) IN GENERAL.—In the case of any corporation located in an Economic Freedom Zone for the taxable year, in lieu of the tax imposed by section 11, there shall be imposed a tax equal to 5 percent of the taxable income of such corporation. For purposes of this title, the tax imposed by the preceding sentence shall be treated as a tax imposed by section 11.

''(b) LIMITATION.—Subsection (a) shall not apply to any corporation for any taxable year if the adjusted gross income of such corporation for such taxable year exceeds $500,000,000.

''(c) LOCATED.—For purposes of this section, a corporation shall be considered to be located in an Economic Freedom Zone if—

''(1) not less than 10 percent of the total gross income of such corporation is derived from the active conduct of a trade or business within an Economic Freedom Zone, or

''(2) at least 25 percent of the employees of such corporation are residents of an Economic Freedom Zone.

''(d) ALTERNATIVE MINIMUM TAX NOT TO APPLY.—The tax imposed by section 55 shall not apply to any taxpayer to whom subsection (a) applies.

"SEC. 1400V–3. ZERO PERCENT CAPITAL GAINS RATE.

''(a) EXCLUSION.—Gross income shall not include qualified capital gain from the sale or exchange of—

''(1) any Economic Freedom Zone asset held for more than 5 years, or

''(2) any real property located in an Economic Freedom Zone.

''(b) ECONOMIC FREEDOM ZONE ASSET.—For purposes of this section—

''(1) IN GENERAL.—The term 'Economic Freedom Zone asset' means—

''(A) any Economic Freedom Zone business stock,

''(B) any Economic Freedom Zone partnership interest, and

''(C) any Economic Freedom Zone business property.

''(2) ECONOMIC FREEDOM ZONE BUSINESS STOCK.—

''(A) IN GENERAL.—The term 'Economic Freedom Zone business stock' means any stock in a domestic corporation if—

''(i) such stock is acquired by the taxpayer, before the date on which such corporation no longer qualifies as an Economic Freedom Zone business due to the lapse of 1 or more Economic Freedom Zones, at its original issue (directly or through an underwriter) solely in exchange for cash,

''(ii) as of the time such stock was issued, such corporation was an Economic Freedom Zone business (or, in the case of a new corporation, such corporation was being organized for purposes of being an Economic Freedom Zone business), and

''(iii) during substantially all of the taxpayer's holding period for such stock, such corporation qualified as an Economic Freedom Zone business.

''(B) REDEMPTIONS.—A rule similar to the rule of section 1202(c)(3) shall apply for purposes of this paragraph.

''(3) ECONOMIC FREEDOM ZONE PARTNERSHIP INTEREST.—The term 'Economic Freedom Zone partnership interest' means any capital or profits interest in a domestic partnership if—

''(A) such interest is acquired by the taxpayer, before the date on which such partnership no longer qualifies as an Economic Freedom Zone business due to the lapse of 1 or more Economic Freedom Zones, from the partnership solely in exchange for cash,

''(B) as of the time such interest was acquired, such partnership was an Economic Freedom Zone business (or, in the case of a new partnership, such partnership was being organized for purposes of being an Economic Freedom Zone business), and

''(C) during substantially all of the taxpayer's holding period for such interest, such partnership qualified as an Economic Freedom Zone business.

A rule similar to the rule of paragraph (2)(B) shall apply for purposes of this paragraph.

''(4) ECONOMIC FREEDOM ZONE BUSINESS PROPERTY.—

''(A) IN GENERAL.—The term 'Economic Freedom Zone business property' means tangible property if—

''(i) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after the date on such taxpayer qualifies as an Economic Freedom Zone business and before the date on which such taxpayer no longer qualifies as an Economic Freedom Zone business due to the lapse of 1 or more Economic Freedom Zones,

''(ii) the original use of such property in the Economic Freedom Zone commences with the taxpayer, and

''(iii) during substantially all of the taxpayer's holding period for such property, substantially all of the use of such property was in an Economic Freedom Zone business of the taxpayer.

''(B) SPECIAL RULE FOR BUILDINGS WHICH ARE SUBSTANTIALLY IMPROVED.—

''(i) IN GENERAL.—The requirements of clauses (i) and (ii) of subparagraph (A) shall be treated as met with respect to—

''(I) property which is substantially improved by the taxpayer before the date on which such taxpayer no longer qualifies as an Economic Freedom Zone business due to the lapse of 1 or more Economic Freedom Zones, and

''(II) any land on which such property is located.

''(ii) SUBSTANTIAL IMPROVEMENT.—For purposes of clause (i), property shall be treated as substantially improved by the taxpayer only if, during any 24-month period beginning after the date on which the taxpayer qualifies as an Economic Freedom Zone business additions to basis with respect to such property in the hands of the taxpayer exceed the greater of—

''(I) an amount equal to the adjusted basis of such property at the beginning of such 24-month period in the hands of the taxpayer, or

''(II) $5,000.

''(5) TREATMENT OF ECONOMIC FREEDOM ZONE TERMINATION.—Except as otherwise provided in this subsection, the termination of the designation of the Economic Freedom Zone shall be disregarded for purposes of determining whether any property is an Economic Freedom Zone asset.

''(6) TREATMENT OF SUBSEQUENT PURCHASERS, ETC.—The term 'Economic Freedom Zone asset' includes any property which would be an Economic Freedom Zone asset but for paragraph (2)(A)(i), (3)(A), or (4)(A)(i) or (ii) in the hands of the taxpayer if such property was an Economic Freedom Zone asset in the hands of a prior holder.

''(7) 5-YEAR SAFE HARBOR.—If any property ceases to be an Economic Freedom Zone asset by reason of paragraph (2)(A)(iii), (3)(C), or (4)(A)(iii) after the 5-year period beginning on the date the taxpayer acquired such property, such property shall continue to be treated as meeting the requirements of such paragraph; except that the amount of gain to which subsection (a) applies on any sale or exchange of such property shall not exceed the amount which would be qualified capital gain had such property been sold on the date of such cessation.

''(c) ECONOMIC FREEDOM ZONE BUSINESS.—For purposes of this section, the term 'Economic Freedom Zone business' means any enterprise zone business (as defined in section 1397C), determined—

''(1) after the application of section 1400(e),

''(2) by substituting '80 percent' for '50 percent' in subsections (b)(2) and (c)(1) of section 1397C, and

''(3) by treating only areas that are Economic Freedom Zones as an empowerment zone or enterprise community.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) QUALIFIED CAPITAL GAIN.—Except as otherwise provided in this subsection, the

term 'qualified capital gain' means any gain recognized on the sale or exchange of—

''(A) a capital asset, or

''(B) property used in the trade or business (as defined in section 1231(b)).

''(2) CERTAIN GAIN NOT QUALIFIED.—The term 'qualified capital gain' shall not include any gain attributable to periods before the date on which the a business qualifies as an Economic Freedom Zone business or after the date that is 4 years after the date on which such business no longer qualifies as an Economic Freedom Zone business due to the lapse of 1 or more Economic Freedom Zones.

''(3) CERTAIN GAIN NOT QUALIFIED.—The term 'qualified capital gain' shall not include any gain which would be treated as ordinary income under section 1245 or under section 1250 if section 1250 applied to all depreciation rather than the additional depreciation.

''(4) INTANGIBLES NOT INTEGRAL PART OF ECONOMIC FREEDOM ZONE BUSINESS.—In the case of gain described in subsection (a)(1), the term 'qualified capital gain' shall not include any gain which is attributable to an intangible asset which is not an integral part of an Economic Freedom Zone business.

''(5) RELATED PARTY TRANSACTIONS.—The term 'qualified capital gain' shall not include any gain attributable, directly or indirectly, in whole or in part, to a transaction with a related person. For purposes of this paragraph, persons are related to each other if such persons are described in section 267(b) or 707(b)(1).

''(e) SALES AND EXCHANGES OF INTERESTS IN PARTNERSHIPS AND S CORPORATIONS WHICH ARE ECONOMIC FREEDOM ZONE BUSINESSES.—In the case of the sale or exchange of an interest in a partnership, or of stock in an S corporation, which was an Economic Freedom Zone business during substantially all of the period the taxpayer held such interest or stock, the amount of qualified capital gain shall be determined without regard to—

''(1) any gain which is attributable to an intangible asset which is not an integral part of an Economic Freedom Zone business, and

''(2) any gain attributable to periods before the date on which the a business qualifies as an Economic Freedom Zone business or after the date that is 4 years after the date on which such business no longer qualifies as an Economic Freedom Zone business due to the lapse of 1 or more Economic Freedom Zones.

''SEC. 1400V–4. REDUCED PAYROLL TAXES.

''(a) IN GENERAL.—

''(1) EMPLOYEES.—The rate of tax under 3101(a) (including for purposes of determining the applicable percentage under sections 3201(a) and 3211(a)(1)) shall be 4.2 percent for any remuneration received during any period in which the individual's principal residence (within the meaning of section 121) is located in an Economic Freedom Zone.

''(2) EMPLOYERS.—

''(A) IN GENERAL.—The rate of tax under section 3111(a) (including for purposes of determining the applicable percentage under sections 3221(a)) shall be 4.2 percent with respect to remuneration paid for qualified services during any period in which the employer is located in an Economic Freedom Zone.

''(B) QUALIFIED SERVICES.—For purposes of this section, the term 'qualified services' means services performed—

''(i) in a trade or business of a qualified employer, or

''(ii) in the case of a qualified employer exempt from tax under section 501(a) of the Internal Revenue Code of 1986, in furtherance of the activities related to the purpose or function constituting the basis of the employer's exemption under section 501 of such Code.

''(C) LOCATION OF EMPLOYER.—For purposes of this paragraph, the location of an employer shall be determined in the same manner as under section 1400V–2(c).

''(3) SELF-EMPLOYED INDIVIDUALS.—The rate of tax under section 1401(a) shall be 8.40 percent any taxable year in which such individual was located (determined under section 1400V–2(c) as if such individual were a corporation) in an Economic Freedom Zone.

''(b) TRANSFERS OF FUNDS.—-

''(1) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the application of subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

''(2) TRANSFERS TO SOCIAL SECURITY EQUIVALENT BENEFIT ACCOUNT.—There are hereby appropriated to the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in revenues to the Treasury by reason of the application of paragraphs (1) and (2) of subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Account had such amendments not been enacted.

''(3) COORDINATION WITH OTHER FEDERAL LAWS.—For purposes of applying any provision of Federal law other than the provisions of the Internal Revenue Code of 1986, the rate of tax in effect under section 3101(a) shall be determined without regard to the reduction in such rate under this section.

''SEC. 1400V–5. INCREASE IN EXPENSING UNDER SECTION 179.

''(a) IN GENERAL.—In the case of an Economic Freedom Zone business, for purposes of section 179—

''(1) the limitation under section 179(b)(1) shall be increased by the lesser of—

''(A) 200 percent of the amount in effect under such section (determined without regard to this section), or

''(B) the cost of section 179 property which is Economic Freedom Zone business property placed in service during the taxable year, and

''(2) the amount taken into account under section 179(b)(2) with respect to any section 179 property which is Economic Freedom Zone business property shall be 50 percent of the cost thereof.

''(b) ECONOMIC FREEDOM ZONE BUSINESS PROPERTY.—For purposes of this section, the term 'Economic Freedom Zone business property' has the meaning given such term under section 1400V–3(b)(4), except that for purposes of subparagraph (A)(ii) thereof, if property is sold and leased back by the taxpayer within 3 months after the date such property was originally placed in service, such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback.

''(c) RECAPTURE.—Rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified zone property which ceases to be used in an empowerment zone by an enterprise zone business.

''PART II—DEFINITIONS

''Sec. 1400V–6. Economic Freedom Zone.

''SEC. 1400V–6. ECONOMIC FREEDOM ZONE.

''For purposes of this subchapter, the term 'Economic Freedom Zone' means any area which is an Economic Freedom Zone under title II of the Economic Freedom Zone Act.''.

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 1 of such Code is amended by inserting after the item relating to subchapter Y the following new item:

''SUBCHAPTER Z—ECONOMIC FREEDOM ZONES''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE IV—FEDERAL REGULATORY REDUCTIONS

SEC. 401. SUSPENSION OF CERTAIN LAWS AND REGULATIONS.

(a) ENVIRONMENTAL PROTECTION AGENCY.—For each area designated as an Economic Freedom Zone under this division, the Administrator of the Environmental Protection Agency shall not enforce, with respect to that Economic Freedom Zone, and the Economic Freedom Zone shall be exempt from compliance with—

(1) part D of the Clean Air Act (42 U.S.C. 7501 et seq.) (including any regulations promulgated under that part);

(2) section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342);

(3) sections 139, 168, 169, 326, and 327 of title 23, United States Code;

(4) section 304 of title 49, United States Code; and

(5) sections 1315 through 1320 of Public Law 112–141 (126 Stat. 549).

(b) DEPARTMENT OF THE INTERIOR.—

(1) WILD AND SCENIC RIVERS.—For each area designated as an Economic Freedom Zone under this division, the Secretary of the Interior shall not enforce, with respect to that Economic Freedom Zone, and the Economic Freedom Zone shall be exempt from compliance with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

(2) NATIONAL HERITAGE AREAS.—For the period beginning on the date of enactment of this Act and ending on the date on which an area is removed from designation as an Economic Freedom Zone, any National Heritage Area located within that Economic Freedom Zone shall not be considered to be a National Heritage Area and any applicable Federal law (including regulations) relating to that National Heritage Area shall not apply.

TITLE V—EDUCATIONAL ENHANCEMENTS

SEC. 501. EDUCATIONAL OPPORTUNITY TAX CREDIT.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section:

''SEC. 25E. CREDIT FOR QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.

''(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified elementary and secondary education expenses of an eligible student.

''(b) LIMITATION.—The amount taken into account under subsection (a) with respect to any student for any taxable year shall not exceed $5,000.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—The term 'qualified elementary and secondary education expenses' has the meaning given such term under section 530(b)(3).

''(2) ELIGIBLE STUDENT.—The term 'eligible student' means any student who—

''(A) is enrolled in, or attends, any public, private, or religious school (as defined in section 530(b)(3)(B)), and

''(B) whose principal residence (within the meaning of section 123) is located in an Economic Freedom Zone.

''(3) ECONOMIC FREEDOM ZONE.—The term 'Economic Freedom Zone' means any area which is an Economic Freedom Zone under title II of the Economic Freedom Zone Act.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Credit for qualified elementary and secondary education expenses.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made in taxable years beginning after the date of the enactment of this Act.

SEC. 502. SCHOOL CHOICE THROUGH PORTABILITY.

(a) IN GENERAL.—Subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) is amended by adding at the end the following:

''SEC. 1128. SCHOOL CHOICE THROUGH PORTABILITY.

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—Notwithstanding sections 1124, 1124A, and 1125 and any other provision of law, and to the extent permitted under State law, a State educational agency may allocate grant funds under this subpart among the local educational agencies in the State based on the formula described in paragraph (2).

''(2) FORMULA.—A State educational agency may allocate grant funds under this subpart for a fiscal year among the local educational agencies in the State in proportion to the number of eligible children enrolled in public schools served by the local educational agency and enrolled in State-accredited private schools within the local educational agency's geographic jurisdiction, for the most recent fiscal year for which satisfactory data are available, compared to the number of such children in all such local educational agencies for that fiscal year.

''(b) ELIGIBLE CHILD.—

''(1) IN GENERAL.—In this section, the term 'eligible child' means a child—

''(A) from a family with an income below the poverty level, on the basis of the most recent satisfactory data published by the Department of Commerce; and

''(B) who resides in an Economic Freedom Zone as designated under title II of the Economic Freedom Zones Act of 2016 .

''(2) CRITERIA OF POVERTY.—In determining the families with incomes below the poverty level for the purposes of paragraph (2), a State educational agency shall use the criteria of poverty used by the Census Bureau in compiling the most recent decennial census.

''(3) IDENTIFICATION OF ELIGIBLE CHILDREN.—On an annual basis, on a date to be determined by the State educational agency, each local educational agency that receives grant funding in accordance with subsection (a) shall inform the State educational agency of the number of eligible children enrolled in public schools served by the local educational agency and enrolled in State-accredited private schools within the local educational agency's geographic jurisdiction.

''(c) DISTRIBUTION TO SCHOOLS.—Each local educational agency that receives grant funding under subsection (a) shall distribute such funds to the public schools served by the local educational agency and State-accredited private schools with the local educational agency's geographic jurisdiction—

''(1) based on the number of eligible children enrolled in such schools; and

''(2) in the manner that would, in the absence of such Federal funds, supplement the funds made available from the non-Federal resources for the education of pupils participating in programs under this part, and not to supplant such funds.''.

(b) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 1127 the following:

''Sec. 1128. School choice through portability.''.

SEC. 503. SPECIAL ECONOMIC FREEDOM ZONE VISAS.

(a) DEFINITIONS.—In this section:

(1) ABANDONED; DILAPIDATED.—The terms ''abandoned'' and ''dilapidated'' shall be defined by the States in accordance with the provisions of this division.

(2) FULL-TIME EMPLOYMENT.—The term ''full-time employment'' means employment in a position that requires at least 35 hours of service per week at any time, regardless of who fills the position.

(b) PURPOSE.—The purpose of this section is to facilitate increased investment and enhanced human capital in Economic Freedom Zones through the issuance of special regional visas.

(c) AUTHORIZATION.—The Secretary of Homeland Security, in collaboration with the Secretary of Labor, may issue Special Economic Freedom Zone Visas, in a number determined by the Governor of each State, in consultation with local officials in regions designated by the Secretary of Treasury as Economic Freedom Zones, to authorize qualified aliens to enter the United States for the purpose of—

(1) engaging in a new commercial enterprise (including a limited partnership)—

(A) in which such alien has invested, or is actively in the process of investing, capital in an amount not less than the amount specified in subsection (d); and

(B) which will benefit the region designated as an Economic Freedom Zone by creating full-time employment of not fewer than 5 United States citizens, aliens lawfully admitted for permanent residence, or other immigrants lawfully authorized to be employed in the United States (excluding the alien and the alien's immediate family);

(2) engaging in the purchase and renovation of dilapidated or abandoned properties or residences (as determined by State and local officials) in which such alien has invested, or is actively in the process of investing, in the ownership of such properties or residences; or

(3) residing and working in an Economic Freedom Zone.

(d) EFFECTIVE PERIOD.—A visa issued to an alien under this section shall expire on the later of—

(1) the date on which the relevant Economic Freedom Zone loses such designation; or

(2) the date that is 5 years after the date on which such visa was issued to such alien.

(e) CAPITAL AND EDUCATIONAL REQUIREMENTS.—

(1) NEW COMMERCIAL ENTERPRISES.—Except as otherwise provided under this section, the minimum amount of capital required to comply with subsection (c)(1)(A) shall be $50,000.

(2) RENOVATION OF DILAPIDATED OR ABANDONED PROPERTIES.—An alien is not in compliance with subsection (c)(2) unless the alien—

(A) purchases a dilapidated or abandoned property in an Economic Freedom Zone; and

(B) not later than 18 months after such purchase, invests not less than $25,000 to rebuild, rehabilitate, or repurpose the property.

(3) VERIFICATION.—A visa issued under subsection (c) shall not remain in effect for more than 2 years unless the Secretary of Homeland Security has verified that the alien has complied with the requirements described in subsection (c).

(4) EDUCATION AND SKILL REQUIREMENTS.—An alien is not in compliance with subsection (c)(3) unless the alien possesses—

(A) a bachelor's degree (or its equivalent) or an advanced degree;

(B) a degree or specialty certification that—

(i) is required for the job the alien will be performing; and

(ii) is specific to an industry or job that is so complex or unique that it can be performed only by an individual with the specialty certification;

(C)(i) the knowledge required to perform the duties of the job the alien will be performing; and

(ii) the nature of the specific duties is so specialized and complex that such knowledge is usually associated with attainment of a bachelor's or higher degree; or

(D) a skill or talent that would benefit the Economic Freedom Zone.

(f) ADDITIONAL PROVISIONS.—

(1) GEOGRAPHIC LIMITATION.—An alien who has been issued a visa under this section is not permitted to live or work outside of an Economic Freedom Zone.

(2) RESCISSION.—A visa issued under this section shall be rescinded if the visa holder resides or works outside of an Economic Freedom Zone or otherwise fails to comply with the provisions of this section.

(3) OTHER VISAS.—An alien who has been issued a visa under this section may apply for any other visa for which the alien is eligible in order to pursue employment outside of an Economic Freedom Zone.

(g) ADJUSTMENT OF STATUS.—The Secretary of Homeland Security may adjust the status of an alien who has been issued a visa under this section to that of an alien lawfully admitted for permanent residence, without numerical limitation, if the alien—

(1) has fully complied with the requirements set forth in this section for at least 5 years;

(2) submits a completed application to the Secretary; and

(3) is not inadmissible to the United States based on any of the factors set forth in section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

SEC. 504. ECONOMIC FREEDOM ZONE EDUCATIONAL SAVINGS ACCOUNTS.

(a) IN GENERAL.—Part VIII of subchapter F of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 530A. ECONOMIC FREEDOM ZONE EDUCATIONAL SAVINGS ACCOUNTS.

''(a) IN GENERAL.—Except as provided in this section, an Economic Freedom Zone educational savings account shall be treated for purposes of this title in the same manner as a Coverdell education savings account.

''(b) DEFINITIONS.—For purposes of this section—

''(1) ECONOMIC FREEDOM ZONE EDUCATIONAL SAVINGS ACCOUNT.—The term 'Economic Freedom Zone educational savings account' means a trust created or organized in the United States exclusively for the purpose of paying the qualified education expenses (as defined in section 530(b)(2)) of an individual who is the designated beneficiary of the trust (and designated as an Economic Freedom Zone educational saving account at the time created or organized) and who is a qualified individual at the time such trust is established, but only if the written governing instrument creating the trust meets the following requirements:

''(A) No contribution will be accepted—

''(i) unless it is in cash,

''(ii) after the date on which such beneficiary attains age 25, or

''(iii) except in the case of rollover contributions, if such contribution would result in aggregate contributions for the taxable year exceeding $10,000.

''(B) No contribution shall be accepted at any time in which the designated beneficiary is not a qualified individual.

''(C) The trust meets the requirements of subparagraphs (B), (C), (D), and (E) of section 530(b)(1).

The age limitations in subparagraphs (A)(ii), subparagraph (E) of section 530(b)(1), and paragraphs (5) and (6) of section 530(d), shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary).

''(2) QUALIFIED INDIVIDUAL.—The term 'qualified individual' means any individual whose principal residence (within the meaning of section 121) is located in an Economic Freedom Zone (as defined in section 1400V–6).

''(c) DEDUCTION FOR CONTRIBUTIONS.—

''(1) IN GENERAL.—There shall be allowed as a deduction under part VII of subchapter B of this chapter an amount equal to the aggregate amount of contributions made by the taxpayer to any Economic Freedom Zone educational savings account during the taxable year.

''(2) LIMITATION.—The amount of the deduction allowed under paragraph (1) for any taxpayer for any taxable year shall not exceed $40,000.

''(3) NO DEDUCTION FOR ROLLOVER CONTRIBUTIONS.—No deduction shall be allowed under paragraph (1) for any rollover contribution described in section 530(d)(5).

''(d) OTHER RULES.—

''(1) NO INCOME LIMIT.—In the case of an Economic Freedom Zone educational savings account, subsection (c) of section 530 shall not apply.

''(2) CHANGE IN BENEFICIARIES.—Notwithstanding paragraph (6) of section 530(b), a change in the beneficiary of an Economic Freedom Zone education savings account shall be treated as a distribution unless the new beneficiary is a qualified individual.''.

(b) CLERICAL AMENDMENT.—The table of sections for part VIII of subchapter F of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 530A. Economic Freedom Zone educational savings accounts.''.

TITLE VI—COMMUNITY ASSISTANCE AND REBUILDING

SEC. 601. NONAPPLICATION OF DAVIS-BACON.

The wage rate requirements of subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the ''Davis-Bacon Act''), shall not apply with respect to any area designated as an Economic Freedom Zone under this division.

SEC. 602. ECONOMIC FREEDOM ZONE CHARITABLE TAX CREDIT.

(a) IN GENERAL.—Section 170 is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(o) ELECTION TO TREAT CONTRIBUTIONS FOR ECONOMIC FREEDOM ZONE CHARITIES AS A CREDIT.—

''(1) IN GENERAL.—In the case of an individual, at the election of the taxpayer, so much of the deduction allowed under subsection (a) (determined without regard to this subsection) which is attributable to Economic Freedom Zone charitable contributions—

''(A) shall be allowed as a credit against the tax imposed by this chapter for the taxable year, and

''(B) shall not be allowed as a deduction for such taxable year under subsection (a).

Any amount allowable as a credit under this subsection shall be treated as a credit allowed under subpart A of part IV of subchapter A for purposes of this title.

''(2) AMOUNT ATTRIBUTABLE TO ECONOMIC FREEDOM ZONE CHARITABLE CONTRIBUTIONS.—For purposes of paragraph (1)—

''(A) IN GENERAL.—In any case in which the total charitable contributions of a taxpayer for a taxable year exceed the contribution base, the amount of Economic Freedom Zone charitable contributions taken into account under paragraph (1) shall be the amount which bears the same ratio to the total charitable contributions made by the taxpayer during such taxable year as the amount of the deduction allowed under subsection (a) (determined without regard to this subsection and after application of subsection (b)) bears to the total charitable contributions made by the taxpayer for such taxable year.

''(B) CARRYOVERS.—In the case of any contribution carried from a preceding taxable year under subsection (d), such amount shall be treated as attributable to an Economic Freedom Zone charitable contribution in the amount that bears the same ratio to the total amount carried from preceding taxable years under subsection (d) as the amount of Economic Freedom Zone charitable contributions not allowed as a deduction under subsection (a) (other than by reason of this subsection) for the preceding 5 taxable year bears to total amount carried from preceding taxable years under subsection (d).

''(3) ECONOMIC FREEDOM ZONE CHARITABLE CONTRIBUTION.—The term 'Economic Freedom Zone charitable contribution' means any contribution to a corporation, trust, or community chest fund, or foundation described in subsection (c)(2), but only if—

''(A) such entity is created or organized exclusively for—

''(i) religious purposes,

''(ii) educational purposes, or

''(iii) any of the following charitable purposes: providing educational scholarships, providing shelters for homeless individuals, or setting up or maintaining food banks,

''(B) the primary mission of such entity is serving individuals in an Economic Freedom Zone,

''(C) the entity maintains accountability to residents of such Economic Freedom Zone through their representation on any governing board of the entity or any advisory board to the entity, and

''(D) the entity is certified by the Secretary for purposes of this subsection.

Such term shall not include any contribution made to an entity described in the preceding sentence after the date in which the designation of the Economic Freedom Zone serviced by such entity lapses.

''(4) ECONOMIC FREEDOM ZONE.—The term 'Economic Freedom Zone' means any area which is an Economic Freedom Zone under title II of the Economic Freedom Zone Act.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE VII—STATE AND COMMUNITY POLICY RECOMMENDATIONS

SEC. 701. SENSE OF THE SENATE CONCERNING POLICY RECOMMENDATIONS.

It is the sense of the Senate that State and local governments should review and adopt the following policy recommendations:

(1) PENSION REFORM.—State and local governments should—

(A) implement reforms to address any fiscal shortfall in public pension funding, including utilizing accrual accounting methods, such as those reforms undertaken by the private sector pension funds; and

(B) restructure and renegotiate any public pension fund that is deemed to be insolvent or underfunded, including adopting defined contribution retirement systems.

(2) TAXES.—State and local governments should reduce jurisdictional tax rates below the national average in order to help facilitate capital investment and economic growth, particularly in combination with the provisions of this division.

(3) EDUCATION.—State and local governments should adopt school choice options to provide children and parents more educational choices, particularly in impoverished areas.

(4) COMMUNITIES.—State and local governments should adopt right-to-work laws to allow more competitiveness and more flexibility for businesses to expand.

(5) REGULATIONS.—State and local governments should streamline the regulatory burden on families and businesses, including streamlining the opportunities for occupational licensing.

(6) ABANDONED STRUCTURES.—State and local governments should consider the following options to reduce or fix areas with abandoned properties or residences:

(A) In the case of foreclosures, tax notifications should be sent to both the lien holder (if different than the homeowner) and the homeowner.

(B) Where State constitutions permit, property tax abatement or credits should be provided for individuals who purchase or invest in abandoned or dilapidated properties.

(C) Non-profit or charity demolition entities should be permitted or encouraged to help remove abandoned properties.

(D) Government or municipality fees and penalties should be limited, and be proportional to the outstanding tax amount and the ability to pay.

(E) The sale of tax liens to third parties should be reviewed, and where available, should prohibit the selling of tax liens below a certain threshold (for example the prohibition of the sale of tax liens to third parties under $1,000).

SA 3788. Mr. INHOFE (for Mr. CASEY) proposed an amendment to the bill H.R. 1493, to protect and preserve international cultural property at risk due to political instability, armed conflict, or natural or other disasters, and for other purposes; as follows:

On page 19, line 16, strike ''and advance''.

On page 20, line 6, insert after ''research institutions'' the following: '', and participants in the international art and cultural property market''.

On page 20, line 8, strike ''and advance''.

On page 22, line 9, insert after ''2602)'' the following: '', including the requirements under subsection (a)(3) of that section''.

On page 26, line 25, strike ''and''.

On page 27, between lines 4 and 5, insert the following:

(E) actions undertaken to promote the legitimate commercial and non-commercial exchange and movement of cultural property; and

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AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 13, 2016, at 9:30 a.m., in room SD–406 of the