

SA 3639. Mr. KAINÉ (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3464 submitted by 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 rule-making.

CELEBRATING THE 144TH ANNIVERSARY OF ARBOR DAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 417, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 417) celebrating the 144th anniversary of Arbor Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 417) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

ORDERS FOR TUESDAY, APRIL 12, 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, April 12; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, and with the Democrats controlling the first half and the majority controlling the final half; finally, that following morning business, the Senate resume consideration of H.R. 636.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAINES). Without objection, it is so ordered.

AMERICA'S SMALL BUSINESS TAX RELIEF ACT OF 2015—Continued

AMENDMENTS NOS. 3476, AS MODIFIED; 3492, AS MODIFIED; 3500; 3526; 3535; 3621; 3620; 3633; 3534; 3623; AND 3567 TO AMENDMENT NO. 3464

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate resume consideration of H.R. 636 and that the following amendments be called up and reported by number: Cassidy amendment No. 3476, as modified; Inhofe amendment No. 3492, as modified; Hoeven amendment No. 3500; Flake amendment No. 3526; Cotton amendment No. 3535; Nelson amendment No. 3621; Booker amendment No. 3620; Nelson amendment No. 3633; Cantwell amendment No. 3534; Whitehouse amendment No. 3623; and Cochran amendment No. 3567.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendments by number.

The senior assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for others, proposes amendments numbered 3476, as modified; 3492, as modified; 3500; 3526; 3535; 3621; 3620; 3633; 3534; 3623; and 3567 en bloc to amendment No. 3464.

The amendments are as follows:

AMENDMENT NO. 3476, AS MODIFIED

(Purpose: To authorize certain flights by Stage 2 airplanes)

At the end of title V, add the following:

SEC. 5032. AUTHORIZATION OF CERTAIN FLIGHTS BY STAGE 2 AIRPLANES.

(a) IN GENERAL.—Notwithstanding section 47534 of title 49, United States Code, not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a pilot program to permit the operator of a Stage 2 airplane to operate that airplane in nonrevenue service into not more than four medium hub airports or nonhub airports if—

(1) the airport—

(A) is certified under part 139 of title 14, Code of Federal Regulations;

(B) has a runway that—

(i) is longer than 8,000 feet and not less than 200 feet wide; and

(ii) is load bearing with a pavement classification number of not less than 38; and

(C) has a maintenance facility with a maintenance certificate issued under part 145 of such title; and

(2) the operator of the Stage 2 airplane operates not more than 10 flights per month using that airplane.

(b) TERMINATION.—The regulations required by subsection (a) shall terminate on the earlier of—

(1) the date that is 10 years after the date of the enactment of this Act; or

(2) the date on which the Administrator determines that no Stage 2 airplanes remain in service.

(c) DEFINITIONS.—In this section:

(1) MEDIUM HUB AIRPORT; NONHUB AIRPORT.—The terms "medium hub airport" and "nonhub airport" have the meanings given those terms in section 40102 of title 49, United States Code.

(2) STAGE 2 AIRPLANE.—The term "Stage 2 airplane" has the meaning given that term in section 91.851 of title 14, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

AMENDMENT NO. 3492, AS MODIFIED

(Purpose: Relating to the operation of unmanned aircraft systems by owners and operators of critical infrastructure)

On page 84, between lines 10 and 11, insert the following:

"(f) OPERATION BY OWNERS AND OPERATORS OF CRITICAL INFRASTRUCTURE.—

"(1) IN GENERAL.—Any application process established under subsection (a) shall allow for a covered person to apply to the Administrator to operate an unmanned aircraft system to conduct activities described in paragraph (2)—

"(A) beyond the visual line of sight of the individual operating the unmanned aircraft system; and

"(B) operation during the day or at night.

"(2) ACTIVITIES DESCRIBED.—The activities described in this paragraph that a covered person may use an unmanned aircraft system to conduct are the following:

"(A) Activities for which compliance with current law or regulation can be accomplished by the use of manned aircraft, including—

"(i) conducting activities to ensure compliance with Federal or State regulatory, permit, or other requirements, including to conduct surveys associated with applications for permits for new pipeline or pipeline systems construction or maintenance or rehabilitation of existing pipelines or pipeline systems; or

"(ii) conducting activities relating to ensuring compliance with—

"(I) the requirements of part 192 or 195 of title 49, Code of Federal Regulations; or

"(II) any Federal, State, or local governmental or regulatory body or industry best practice pertaining to the construction, ownership, operation, maintenance, repair, or replacement of covered facilities.

"(B) Activities to inspect, repair, construct, maintain, or protect covered facilities, including to respond to a pipeline, pipeline system, or electric energy infrastructure incident, or in response to or in preparation for a natural disaster, man-made disaster, severe weather event, or other incident beyond the control of the covered person that may cause material damage to a covered facility.

"(3) DEFINITIONS.—In this subsection:

"(A) COVERED FACILITY.—The term 'covered facility' means a pipeline, pipeline system, electric energy generation, transmission, or distribution facility (including renewable electric energy), oil or gas production, refining, or processing facility, or other critical infrastructure.

"(B) COVERED PERSON.—The term 'covered person' means a person that—

"(i) owns or operates a covered facility;

"(ii) is the sponsor of a covered facility project;

"(iii) is an association of persons described by clause (i) or (ii) and is seeking programmatic approval for an activity in accordance with this subsection; or

"(iv) is an agent of any person described in clause (i), (ii), or (iii).