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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, You are our rock and salvation. You are our high tower, and we shall not be moved. Forgive us when we forget to trust You to order our steps and direct our path.

Lord, thank You for our lawmakers, who seek to fulfill Your purposes in their labors. Give them the wisdom and courage they need to glorify Your Name as they strive always to live worthy of the mercies You daily bestow. May their work be a delight as they make You the only constituent they always seek to please.

Help us all to remember that You know what is best for us; so please have Your way.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

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

The PRESIDING OFFICER (Mr. COTTON). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

FAA REAUTHORIZATION BILL

Mr. MCCONNELL. Mr. President, I have been pleased to see the progress we have made on the FAA Reauthorization Act, and I appreciate the Senators who have worked to process amendments such as those that bolster airport security. Last evening we processed another set of amendments to help make this good bill an even better one.

One such amendment, offered by Senator FLAKE, would help improve communication between the FAA and local airports in order to provide a greater say for local stakeholders in the management of the airspace near their own airports. This will benefit communities and airports across the country, including at Kentucky's own Louisville airport. I appreciate Senator FLAKE's leadership on this issue and was pleased to see this provision included in the overall bill.

I encourage Members who have ideas they think can strengthen the bill to continue working with the bill managers to move this legislation forward. Let's continue working today to take the next steps in seeing this consumer-friendly FAA reauthorization and airport security bill through to passage.

This bill contains a number of important measures to increase security in our airports and the skies. It also takes more steps to look out for airline passengers. Here is how: It will improve information about seat availability and create a standard for information on fee disclosures. It will require airlines to offer refunds to customers whose bags are lost or who have paid for services they didn't receive. It will also maintain rural access and help improve travel for passengers with disabilities.

There are some who think we should go further and reregulate the airline industry, but we know deregulation has helped make air travel more accessible and more affordable for families and business travelers to get from point A to point B. I know there are some who think Washington bureaucrats should define what constitutes a reasonable fee, but we want consumers to make that choice for themselves. That is why this bipartisan bill includes the important consumer protection provisions I mentioned earlier. We know this bipartisan legislation is a result of months of dedicated work by Chairman THUNE and his counterpart Senator NELSON. It sets new requirements for making sure customers understand what fees they could face for certain ancillary services, and then, importantly, it holds airlines accountable for delivering to consumers.

This is commonsense legislation. It is the product of Senators working across the aisle on behalf of the American people. Let's continue working together to move forward.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

FILLING THE SUPREME COURT VACANCY

Mr. REID. Mr. President, last Thursday the senior Senator from Iowa came to the floor to declare that he is feeling no pressure in blocking President Obama's Supreme Court nominee, Judge Merrick Garland. However, Senator GRASSLEY's actions paint a far different picture.

On Monday the chairman of the Judiciary Committee took to the Des

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Moines Register, the very newspaper that has pointedly and repeatedly criticized his unprecedented obstruction, but the case Senator GRASSLEY made in his op-ed only left Iowans scratching their heads. In effect, the senior Senator from Iowa said it is no big deal that we only have eight Justices on the Supreme Court. It is no big deal that our Nation's highest Court is deadlocking on important cases. With all due respect, that is the type of argument one makes knowing that logic and reason is not on your side, when you know the Constitution is not on your side.

The senior Senator from Iowa seemed to understand the Senate's responsibility to act when a Republican was in the White House. In 2006 he came to the floor and said:

A Supreme Court nomination is not a forum to fight any election. It is the time to perform one of our most important constitutional duties and decide whether a nominee is qualified to serve on the Nation's highest court.

Now he has reversed himself—and that is an understatement. From the time he allowed the Republican leader to seize control of the Judiciary Committee and dictate his actions as committee chair, Senator GRASSLEY has done everything to deflect responsibility on himself personally.

He forced his committee members to sign loyalty oaths. He tried to force the committee to do its work away from the public eye. When Democrats objected, he canceled the meeting altogether. He tried to shut down debate from the Presiding Officer's chair in the Senate, which is unprecedented. He blamed conservative Chief Justice John Roberts for politicizing the Supreme Court. These are just a few of the things.

This morning Senator GRASSLEY finally met with Judge Garland. He met in private, far away from the public eye. These are not the actions of a Senator and chairman who is confident in his decision to block the Supreme Court nominee. This is the behavior of a Senator who knows he is on the wrong side of the Constitution and wrong side of history. Wouldn't it be easier for the senior Senator from Iowa just to do his job?

NATIONAL EQUAL PAY DAY

Mr. REID. Mr. President, we are 102 days into 2016, but because of wage discrimination, working American women are still stuck in 2015. Today is National Equal Pay Day, a date that symbolizes how far into the year women must work to earn what their male counterparts earned last year for doing the very same work. That is because, on average, women make only 79 cents for every $1 their male colleagues make doing the very same job. That means our wives, daughters, and granddaughters have to work an additional 3 months and 11 days to make the same salary their male counterparts make in a single year.

This pay disparity between men and women for doing the same work is known as the wage gap and it is to our national shame. No woman should make less money than a man for doing the exact same work.

Democrats have tried repeatedly to pass Senator BARBARA MIKULSKI's Paycheck Fairness Act, which would provide women with the tools they need to close this wage gap. The Republicans have made it clear they have no intention of fighting wage discrimination. They have stonewalled Senator MIKULSKI's legislation five times in recent years—five filibusters—and when Republicans finally got around to offering legislation they claim will address this important economic issue, it is anemic and devoid of actual reform.

The bills offered by the junior Senators from New Hampshire and Nebraska are a case in point because the legislation does nothing to close loopholes employers use to justify paying discriminatory wages, it does nothing to help victims of wage discrimination recoup lost income, and it does nothing to incentivize employers to follow the law. This legislation is only designed to look good, to say they are trying to do something about this, when in fact it does nothing. Just about the only thing the Ayotte and Fischer bills actually do is make it harder for women to discuss wage discrimination at work. Their respective bills so narrowly define what a woman can and cannot say about wage discrimination that it completely ignores the reality of the situation.

Factually, many women learn of wage disparities through casual conversation at work. In the famous Lilly Ledbetter case, that is how she learned about it. They shouldn't be punished for realizing they are being discriminated against by their own employer. In short, the Ayotte and Fischer bills will not close the wage gap. Where the Republican legislation fails, the Mikulski Paycheck Fairness Act succeeds.

The Paycheck Fairness Act would help close the wage disparity by empowering women to negotiate for equal pay. This bill would give workers stronger tools to combat wage discrimination and bar retaliation against employees for discussing salary information. This legislation would help secure adequate compensation for victims of gender-based pay discrimination. These are commonsense proposals that are supported by the American people—not just women.

Later today President Obama will announce the designation of the Belmont-Paul Women's Equality National Monument, which is located a few hundred yards from where I stand. Formally known as the Sewall-Belmont House and Museum, this national monument will honor the work of the National Women's Party founder Alice Paul, who rewrote the Equal Rights Amendment. I think it is important that is done. President Obama says this designation is a reminder of the many women who have fought for equality.

As we recognize Equal Pay Day, I hope my Republican colleagues will come to their senses and address this injustice that hurts millions of American families. Working women deserve more than just a half measure from Republicans. They deserve our best efforts to right this egregious wrong, because American women deserve equal pay.

I apologize to my distinguished friend from Vermont for having him wait while Senator MCCONNELL and I were having conversations on the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the Democrats controlling the first half and the majority controlling the final half.

The PRESIDING OFFICER. The Senator from Vermont.

NATIONAL EQUAL PAY DAY

Mr. LEAHY. The distinguished Senator from Nevada owes me no apologies. I am delighted to hear what he had to say and I agree with him.

Mr. President, today we Vermonters and our neighbors, Americans across the country, are going to recognize Equal Pay Day, a day that shines a spotlight on the glaring pay disparity between men and women. The United States is often looked to as a leader in the global landscape, setting the gold standard for others to follow. Unfortunately, our country fails to lead when it comes to pay parity. American women continue to be treated unequally and unfairly in the workplace.

On average, women are only paid 79 cents to every $1 paid to men. It is somewhat better in Vermont, but there is still a disparity of 83 cents to a dollar. Over a career, this means a woman is compensated hundreds of thousands of dollars to millions of dollars less than a man with no other explanation for the disparity than their gender. This practice is unacceptable, and it runs contrary to American values.

The fight for equal pay for equal work has spanned generations and continues to impact nearly every corner of our country. From corporate boardrooms to locally owned small businesses, women have long fought for their right to be treated with the same respect and dignity as their male counterparts.

When I think of this fight, I think of Lilly Ledbetter, a person whom I greatly admire and consider a friend. She

has changed the lives of millions of Americans with her courage to stand up for equal pay. It has been nearly 9 years since five Justices on the Supreme Court ruled, by just a one-vote majority, that her pay discrimination claim was invalid—not because of the facts. She had a good pay discrimination claim, but the narrow majority said she did not file a suit against her employer within the Federally mandated time period, even though the way the employer ran things, made it so she had no way of knowing she was being discriminated against at that time. I was proud to work with Senator MIKULSKI and others to overturn this injustice. We wrote and passed the Lilly Ledbetter Fair Pay Act. This important legislation clarified the statute of limitations for filing an equal pay lawsuit regarding pay discrimination. I was proud to stand with President Obama when he signed this into law, the very first law he signed as President.

The progress achieved 7 years ago was important, but the fight for equal pay for equal work continues today. I am proud to cosponsor Senator MIKULSKI's Paycheck Fairness Act, an important bill to assure equal pay for equal work—a principle that people say they agree with but for too long has failed to be a reality.

Today women from all over Vermont will assemble at the Vermont State House. They will highlight the initiative known as Change the Story, which aims to improve the economic status of women in my State. They will note that while in Vermont women fare slightly better than the average around the country, at the current pace, the wage gap will not disappear before the year 2048. That is far too long for anybody to have to wait.

I would also point out that in Vermont, women are twice as likely to live in poverty in their senior years, when their savings amount to only one-third of that of their male counterparts.

Every year, Marcelle and I present the Vermont Women's Economic Opportunity Conference. For two decades, it has helped support women-owned businesses. It encourages good-paying, nontraditional careers. But as we prepare to mark the 20th anniversary of the Women's Economic Opportunity Conference in June, I would much prefer if we could eliminate the need for such a conference. I look forward to the day when there is no gender wage gap and when career opportunities are available to all women, but until that day comes, Marcelle and I will continue to present that conference.

Pay equality has recently received considerable attention at the international level. Why? In large part, due to the leadership of the U.S. Women's National Soccer Team. We can all recall the thrill last year when this team of world-class athletes won for a third time soccer's most coveted title, the FIFA World Cup.

I remember, and I remember my children and my grandchildren watched that thrilling victory. It was the most widely viewed women's soccer game in our Nation's history. Like so many other Americans, men and women, I took pride in their historic win. But then fans from across the world were shocked to learn that members of the U.S. women's team received only $2 million for winning the 2015 Women's World Cup, while the men's 2014 World Cup champions were awarded $35 million.

We were also astonished to learn that our 2015 world champion women's team received $7 million less than the U.S. men's team that lost in an early round of the men's 2014 World Cup. Even though this sports team made enormous amounts of money from the television rights, the women who earned those rights did not. They got paid less than the men who lost. They got paid less for winning than the men who lost.

So, as a result of this alarming inequity, I introduced a Senate resolution calling on FIFA to eliminate its discriminatory prize award structure and to award all athletes with equal prizes. It was disappointing that not a single Republican was willing to cosponsor this resolution. When I tried to get it passed to support fairness for our champion women's team, when I tried to get this passed to say that we should treat women fairly—we should treat the women athletes the same as men athletes—Senate Republicans blocked it from going forward.

As more Americans learn of this unfairness, I am hopeful that Senators will join me to support this passage and that Republicans will stop blocking it. Senators should not be afraid to be on record supporting equal pay for equal work for all athletes—in fact, equal pay for equal work for all women.

Opponents of an equal prize award structure in sports have pointed to revenue as the reason behind this gross disparity. This is unacceptable. Tennis icons such as Billie Jean King and Venus Williams did not accept these arguments; instead, they fought for equal prize awards in the face of overwhelming adversity.

Their impressive efforts led to equal prize awards at the U.S. Open Tennis championships and Wimbledon, which now provides all athletes, men and women, with the respect they deserve. So I am proud to stand in support of the U.S. Women's National Team in their fight for equal prize awards from FIFA and for equal treatment from the U.S. Soccer Federation.

The disparities that exist in these organizations are outrageous. They should be remedied immediately. They should be arranged so that men and women are treated fairly and equally. While every Democrat has supported that, I hope Republicans will stop blocking it.

As we reflect on the important meaning of Equal Pay Day, I would note that it is not just Republicans or Democrats—but all Americans across the country who should continue to join the growing movement to eliminate discrimination from the workplace. Hard-working women—our mothers, our sisters, our wives, our daughters, and our granddaughters—deserve no less.

We should pass this resolution recognizing the achievement of the U.S. Women's National Team as the Women's World Cup champions. We should pass Senator MIKULSKI's Paycheck Fairness Act, which I have proudly cosponsored. We should take these simple and straightforward steps to guarantee pay equity protections against workplace discrimination. The time for equality is now. Let's be honest. Let's stand up and say: Both men and women should be treated equally.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, as my friend, the top Democrat on the Judiciary Committee, is leaving the floor, I want to thank him so much. I think the example of women's soccer is so perfect. People do not understand this disparity. Some say that many more people follow the women's soccer than the men's. I want to thank him for his leadership on that.

I also want to say that when it comes to equal pay for equal work, you need to remember three numbers—just three numbers: 79 cents—that is one number. Remember that one and $11,000 and $400,000. OK. Remember 79 cents, $11,000, and $400,000. And 79 cents on the dollar is what the average woman makes compared to the average man. So the man makes $1; the woman makes 79 cents for the same work.

We are not talking about different jobs; we are talking about the same. It costs the average woman and her family $11,000 a year. When you add up that disparity, it is $11,000 a year. Think of what that could buy for a family. And $400,000-plus is what the penalty is for the average woman against the average man in a lifetime—$400,000. That could translate into a retirement that is not stressful.

We are going to be here later today talking about this. The Mikulski bill will resolve a lot of these problems. I hope we can get the Republicans to help us.

You know, this Senate has a rating of about 18-percent approval. Well, it is because people don't see us doing anything to help the average person. Most women work. We have not even raised the minimum wage. These Republicans fight for the wealthy few. That is the problem. We have given them a beautiful way to deal with it: Sign onto MIKULSKI's bill.

PILOT FATIGUE

Mrs. BOXER. Mr. President, this morning, in addition to these comments that I just made, I want to talk

about an amendment I am trying to get a vote on to the FAA bill, the Federal Aviation Administration bill, which is before us. This issue is another no-brainer.

Later this morning, I will meet with Captain ''Sully'' Sullenberger. I think you remember him. He was the ''Hero of the Hudson.'' He was the one who miraculously landed U.S. Airways Flight 1549 on the Hudson River on January 15, 2009. Because of his incredible skill, he saved the lives of all 155 passengers and crew.

When it comes to safety—safety, in terms of our pilots being able to think clearly and not be suffering from fatigue, who could be better than Captain Sullenberger? I am going to stand with him. I am going to explain the issue that he and I are fighting for.

I first got into this issue—which is safety standards for all pilots—in 2009 when Colgan Airlines Flight 3407 crashed into a home near Buffalo, NY, killing 50 people. After that tragic crash, Senator Snowe and I wrote legislation that updated pilot and fatigue regulations. They had been written originally in the 1940s.

Clearly, there is a lot of scientific research on what happens when you have a lack of rest. We needed to see a new rule. So, because of the efforts of Senator Snowe and me, the Department of Transportation issued a rule in 2011 to ensure adequate rest for passenger pilots, which was great.

Shockingly, they left out cargo pilots. So I am going to show you a picture of two planes—two planes. Look at those planes. They look exactly the same. They share the same airspace, the same airports, and the same runways. But guess what? Because of the disparity in this rule from the FAA, the pilots are not treated the same. Now, passenger pilots cannot fly more than 9 hours in a day, while cargo pilots have been forced to fly up to 16 hours a day. Let me say it again. The rule that came out of the FAA said: If you are a passenger pilot, you can only fly up to 9 hours a day, but if you fly a cargo plane the same size, you can fly up to 16 hours a day. How does this make sense? It is dangerous. It is dangerous. I will show you how. But our top safety board, NTSB, the National Transportation Safety Board, has made reducing pilot fatigue a priority, mentioning it is on their top 10 list of most wanted safety requirements for years.

So follow me. In 2011, we had the rule. The rule left out cargo pilots. Since then, I have been trying, along with colleagues KLOBUCHAR, CANTWELL, and others, to change this. Now, let's look at what Captain Sullenberger has said about this issue. He said it about our bill: You wouldn't want your surgeon operating on you after only 5 hours of sleep or your passenger pilot flying the airplane after only 5 hours of sleep. And you certainly wouldn't want a cargo pilot flying a large plane over your house at 3 a.m. on 5 hours of sleep, trying to find the airport and land.

They are working up to 16 hours without adequate opportunity for rest, so what we say in our amendment is simple: We want parity. We want the same periods of flying time for both pilots.

Now you say: Well, Senator BOXER, have there been any accidents? Yes. Since 1990, there have been 14 U.S. cargo plane crashes involving fatigue, including a UPS crash in Birmingham, AL, in 2013 that killed two crew members.

In that tragedy, the NTSB cited pilot fatigue as a factor. Let's listen to the pilot conversation, which was retrieved after the crash. Let's hear what those pilots, who were exhausted, said to one another. Then, if the Senate does not want to have a vote on this, I am going to stand on my feet until we do because, for sure, one of these planes is going to crash, whether it is in California or Nebraska or Arkansas or anywhere else in this Nation.

Listen to this.

Pilot 1: I mean, I don't get it. You know, it should be one level of safety for everybody.

Pilot 2: It makes no sense at all.

Pilot 1: No, it doesn't at all.

Pilot 2: And to be honest, it should be across the board. To be honest, in my opinion, whether you are flying passengers or cargo, if you are flying this time of day, you know, fatigue is definitely——

Pilot 1: Yeah, yeah, yeah.

Pilot 2: When my alarm went off, I mean, I'm thinking, I'm so tired.

Pilot 1: I know.

Well, let's look at what happened to this plane after this conversation. Just look at what happened to this plane. I think it is important that everybody look at it. It went down. It went down. Now, when that flight went down, I honestly thought: The FAA is going to change. They are going to pass a rule. They are going to make sure that all pilots get that necessary rest. But they did not. They did not. One hour after that conversation I shared with you, Mr. President, this is what happened to that plane.

This dangerous double standard risks lives in the air and on the ground, and it cannot continue. That is why our amendment and our bill, which we base the amendment on, are endorsed not only by Captain Sully but also by the Air Line Pilots Association, the Independent Pilots Association, the Coalition of Airline Pilots Associations, the Teamsters Aviation Division, and the Allied Pilots Association.

Let me just ask a rhetorical question. If we don't listen to pilots, who are in those planes, on what they need to fly safely, who on Earth are we listening to? And yet I can't get a vote on this. So far, I can't get a vote. I am hoping I will. Let people stand in the well and vote against this safety provision, and the next time there is a crash, they will answer for it. Stand up and be counted. We need a vote on this provision. One level of safety for all pilots is one level of safety for the public.

I am proud to stand with Captain Sullenberger and all the pilots in America and the organizations that represent them to say this: If this is an FAA bill, if this is the Federal aviation bill and we have all kinds of goodies and tax breaks and this and that in there—which is a whole other conversation—the least we can do is to stand up for safety. The least we can do is to stand up for safety. I will insist on a vote. I will stand on my feet until I get a vote, and I know the pilots are going to be all over this place today knocking on doors.

The American people don't think we are doing anything for them. We have the worst rating. My friends beat up on President Obama, but he has the same ratings as Ronald Reagan during his time in the same timeframe—same ratings as Ronald Reagan, their hero. We are down in the gutter with our ratings because we put special interests ahead of the people.

Now, maybe there are a few special interests that don't want to pay their pilots enough money, that don't want to give their pilots rest—too bad. They are wrong. They are jeopardizing lives on the ground. It is penny-wise and pound-foolish to have someone suffering from pilot fatigue flying over your home wherever you live in America.

All I want is a vote. I am just asking for a vote. So far, I do not have that commitment, but we are working hard. We are hoping to get it. That is why I came here today, and that is why I will be standing with Captain Sullenberger later this morning—to call for a vote to make sure that after 9 hours of flight, pilots get adequate rest—not after 16 hours—and to make sure there is parity, fairness, and equality between those flying a passenger jet and those flying a cargo jet. The fact of the matter is they share the same airspace, they fly over the same homes, and they deserve not to be exhausted as they maneuver their planes.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

NATIONAL EQUAL PAY DAY

Mrs. FISCHER. Mr. President, I rise today to discuss the issue of equal pay for equal work. Today is National Equal Pay Day, and this provides us an opportunity to talk about how we can promote policies that will make life easier and more flexible for American families. It allows us to celebrate the amazing advancements that women have made.

Women have an incredibly positive story to tell. We now hold more than half of all professional and managerial jobs, double the number since 1980. We earn over 55 percent of bachelor's degrees, run nearly 10 million small businesses, and we serve in Congress at record levels.

Some may be surprised to see a Republican speaking out to support equal

pay. My friends on the other side of the aisle have made quite an effort to politicize this issue, claiming that Republicans don't care about equal pay.

I am here to state unequivocally that is ridiculous. Equal pay for equal work is a shared American value. At its core, equal pay is about basic fairness and ensuring that every woman, just like every man, has the opportunity to build the life she chooses.

For over half a century, the Equal Pay Act and the Civil Rights Act have enabled women to make significant economic strides. Any violation of these important laws are illegal, and they should be punished to the full extent of the law. But I believe we can also go further. Congress now has the opportunity to recommit itself to this issue and ensure that these existing laws are better enforced.

Our country is stronger today because women have advanced in the workforce. There are stories of young women who start off at entry-level jobs and rise to the top of corporate ranks because someone somewhere recognized their potential. There are managers and mentors committed to their team. Men and women across the workforce are focused on cultivating strengths and providing thoughtful feedback in areas that need improvement.

Unfortunately, there are also stories of pain, discrimination, and bias. We all have friends and neighbors, sisters and mothers who were treated unfairly at some point in their careers. But silence does not foster progress. I want to help every woman and every man put a stop to unfair pay practices, and this starts by breaking the barriers to open discussion.

Few realize the extent of this problem. In 2003 the University of Pennsylvania conducted a study on how salaries are discussed in the private sector. The survey found that over one-third of private sector employers have specific rules prohibiting employees from discussing their pay with their coworkers. This was reinforced by another survey from the Institute for Women's Policy Research. Roughly half of workers reported that discussing wages and salaries is either discouraged or prohibited and/or could lead to punishment. It went on to note that pay secrecy appears to contribute to the gender gap in earnings.

These studies point to a common problem—one that is fueling anger, resentment, and fear. The American workforce is lacking protections for employees to engage in this open dialogue about their salaries. People are afraid to ask how their salary compares to their colleagues. Meanwhile, current law does not adequately protect workers against retaliation from employers who want to prevent those conversations about their compensation.

If you want to know how your salary compares to your colleagues, you should have every right to ask. This is as basic as the First Amendment. Ensuring transparency would not only make it easier for workers to recognize pay discrimination, but it would also empower them to negotiate their salaries more effectively.

Wage transparency is not a new initiative. It already enjoys support on both sides of the political spectrum. In fact, both President Obama and Hillary Clinton are in favor of it. But not all transparency is created equal. Earlier this year, the Obama administration proposed a new regulation targeting businesses with over 100 employees. The Labor Department would use this rule to require businesses to submit large amounts of data regarding race, gender, and other statistics to the Equal Employment Opportunity Commission. The administration believes this will end discrimination.

I believe this is just another government mandate that intrudes into the operations of a private business. We can't discount the burden this will put on employers and job creators, and every—every—new regulation creates a new cost. I also have real doubts that this raw data will give the administration what it is looking for. Instead, it does risk presenting a distorted picture of pay data. Moreover, it remains unclear how this information would even identify discrimination. The data does not take into account other factors, including years of experience, education level, and productivity, and they are appropriately used to determine a person's wages.

Looking at big data alone fails to tell the whole story. I am concerned that the rigid compensation structures resulting from the President's proposal could force businesses to provide employees with less flexibility, and that would deal an even greater blow to women. The same is true with the Paycheck Fairness Act. While it is very well-intentioned, it will ultimately hurt flexibility for women to form unique work arrangements, and it will undermine merit-based pay. Instead, we should be empowering both employers and employees to negotiate flexible work arrangements that best meet their individual needs.

I agree we have more work to do on equal pay, but the way we can make meaningful and lasting progress isn't through a misguided Executive action that could hurt women. To make a difference in the lives of working families, we must focus on building bipartisan consensus. I have been working hard to do just that by collaborating with my colleagues and generating support for my bill, which is known as the Workplace Advancement Act.

I believe every American worker should have the ability to discuss compensation without fear of retribution. My legislation breaks down the barriers to open dialogue, allowing employees to ask questions and gain information. Access to this information could enable workers to be their own best advocates and let them negotiate for the salaries they feel they deserve. Knowledge is power. By freely discussing their wages, workers can negotiate effectively for the pay they want.

My proposal has received the support of almost every Senate Republican and also five Democrats. But as we know all too well, in Washington anything that receives bipartisan support stalls with five words: It doesn't go far enough.

The biggest critics of this plan say that it is too modest. They claim that transparency is only the first step and that a second step would require mandates. But the truth is, meaningful change cannot happen without action, and it cannot happen, colleagues, without compromise. By its very definition, it requires both agreement and accommodation. My bill can make a real difference for American workers, and, unlike legislation that is offered by Democrats, my bill can actually pass.

Others would argue that this change is unnecessary because the right to discuss salaries is protected under existing law. While it is true that certain employees and certain conversations are protected, there is no reason why we can't apply the same freedom to all Americans. As I discussed previously, surveys suggest that over one-third of private sector companies have specific prohibitions in place.

I am encouraged by the support we have already garnered on both sides of the aisle for this bill, the straightforward update to our equal pay laws. It is achievable. We are all here to find solutions that both Republicans and Democrats can achieve for the American people. An all-or-nothing attitude—well, that only prevents progress, and it leaves us with the false choices and stereotypes that have persisted for decades.

Last week I was encouraged to hear Senator MIKULSKI and several other Democrats hold a press conference and discuss the importance of protecting workers against retaliation for discussing their salaries. I agree. Protecting workers who seek this information is a crucial step toward ensuring that women and men are compensated fairly.

With that in mind, I call on my friend from Maryland and any other Members of this body to work together on solutions to this problem. Wage transparency is an area of common ground. Democrats praised the President's Executive order in 2014, and my bill goes further: It protects more American workers. If we are going to make real, meaningful change, we are going to have to work together. We should not let raw politics stand in the way of progress for working women.

Congress has a real opportunity to make a difference for both men and women who work hard every day to provide for their families. Above all, we can help them succeed and prosper in the workforce while being secure in the knowledge they are compensated fairly for their work.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Oklahoma.

PARIS CLIMATE AGREEMENT

Mr. INHOFE. Mr. President, I think Senators THUNE and NELSON have done a great job of putting together the reauthorization bill for the FAA. It is something that should have been done some time ago. We are hoping the House will adopt what we have or something close to it because we are getting ready to do this. It is significant.

I want to mention something that people may not be aware of. This month leaders from around the world are going to meet in New York to sign the Paris climate agreement—an agreement that hinges entirely on President Obama's commitments to reduce emissions in the United States.

In Paris, he said: We commit that the United States will reduce our CO_2 emissions somewhere between 26 and 28 percent by 2025.

Of course, that is just not going to happen.

President Obama has three legacies, as his days are now numbered. One of them is to take away people's guns. We all know about Second Amendment rights. Every time something happens, they always try to restrict gun ownership. He still wants to do that. Closing Gitmo is another one. The third one we are trying to survive is his global warming program.

While the President has been working to solidify his legacy on global warming, he has chosen to ignore the reality that the United States will not keep his carbon promises. The document that will be signed on April 22—Earth Day—will soon be added to the president's stack of empty promises on global warming. This has been going on since 1997. While President Obama will undoubtedly issue a press release praising the signing as a ''historic'' event—he won't even be attending. That should be a good indication that he knows he is not going to be able to do this. He is not even going to be there.

Once again, I want to make sure the international participants are warned that the President's climate commitment lacks the support of his own government and it is going to fail. There is no question about that. I can say that because history has already repeated itself. I have been on the frontlines dating back to the failed Kyoto treaty of 1997. For over 20 years, history has been repeating itself, and I have been on the frontlines dating back to that time.

This is kind of interesting. In 1997 President Clinton and Vice President Gore went to the Kyoto convention. They signed the treaty and they thought: This is great. Everyone is going to have to do cap and trade.

They got back here, and there was a little thing called the Byrd-Hagel resolution. It passed this body 95 to 0. What did it say? It said: If you come back with the Kyoto treaty and it does one of two things, we will vote against it. That was 95 Members; there were 5 people absent that day.

They said they would not do it if two things were in it: No. 1, if it is an economic hardship on the United States of America, and No. 2, if you come back with a treaty that doesn't treat developing countries the same as developed countries. In other words, if we have to do something in the United States that China doesn't have to do, that India doesn't have to do, that Mexico doesn't have to do, then we will vote against it.

Of course, they came back with something that violated both. So there was never any possibility that it was going to pass, and it didn't. We subsequently rejected four cap-and-trade bills in the following 13 years.

This past year a bipartisan majority in both the Senate and the House spoke again when we passed two resolutions of disapproval formally rejecting President Obama's carbon regulations. There is a little thing a lot of people don't know about called the CRA, the Congressional Review Act. That means if the President tries to do something that is against the wishes of the people through their elected representatives, then you can pass a CRA—Congressional Review Act—that will reject the regulation. So we passed two resolutions formally disapproving what he was trying to do.

So I say to the 196 countries that might show up here: Don't show up anticipating that something is going to happen, because it is not. This isn't even supported by a majority of the Members of the Senate or the House. Congress has continuously shown that the American people don't want the Federal Government imposing harsh penalties like cap and trade to address the highly contested theory of man-made global warming.

The first attempt to enact cap and trade back in 2003 would have cost our economy upwards of $400 billion a year.

I say to our good friend from Alaska who is the Presiding Officer right now that every time I hear a large figure, I take the current population in my State of Oklahoma—those families who actually pay Federal income taxes—and I do the math. In this case, this would cost in the neighborhood of $3,000 per family, and of course, as I will demonstrate in just a minute, they will get nothing for that.

In 2003 the first bill that came up would have cost upwards of $400 billion. This has not been contested, and the numbers aren't much different from what the President is trying to do right now with his Clean Power Plan, which he is trying to do through regulation because he knows it won't pass as legislation.

The Clean Power Plan—the centerpiece of the President's promise to the international community that the United States will cut greenhouse gases between 26 and 28 percent by 2025—this plan, which attempts to do through regulation what the President was unable to do through legislation, stands on very shaky legal ground.

Most recently, the Supreme Court joined the chorus in signaling to the President that the President's efforts on climate change are dead on arrival. This is the U.S. Supreme Court.

I think we owe it to the 196 countries to let them know that nothing is going to happen once they get here. I think it is nice if they all want to come and tour America and spend their money, maybe take old Highway 66 down through my State of Oklahoma and see what America really looks like. I would love to have them come. But I want to make sure they know that nothing is going to happen in terms of the President's Clean Power Plan or his broader international commitments.

The Supreme Court dealt the President's legacy a major blow when it voted 5 to 4 in February to block the implementation of Obama's Clean Power Plan while it is being litigated by over 150 entities, including 27 States, including Oklahoma, which are filing a lawsuit to make sure this does not happen. So we have a majority of States in America saying: Not only do we not want it, but we are suing them to make sure it is not implemented. There are also 24 trade associations, 37 electric co-ops and 3 labor unions challenging EPA in court. They are all filing these lawsuits, so the Supreme Court comes along and says: Until these are resolved, we are going to stay the regulation.

This decision delays implementation of the rule until the next President and completely upends Obama's Paris commitments. Without the central component of his international climate agenda, achieving the promises he made in Paris is a mere pipe dream. Even with the Clean Power Plan, the United States would fail to meet 45 percent of the promised greenhouse gas emission reductions. Now, with the Supreme Court's stay on these regulations, there could be an even greater deficit. If the Clean Power Plan is overturned, the United States will miss the mark by about 60 percent. Furthermore, the litigation on the Clean Power Plan won't likely get resolved until 2018. That means the regulations will be blocked for at least the next 2 years, as the chart shows.

First, on June 2, the three-judge panel on the DC Circuit will need to hear the case. The three-judge panel will issue a decision sometime this fall, and it will almost certainly be challenged with a request for an en banc review by the entire DC Circuit. A decision from an en banc panel won't come until much later—likely by the end of the year, as we can see on the chart. This decision will almost certainly be appealed to the U.S. Supreme Court. If the Court decides to hear the case, a final decision is expected in late 2017 or 2018.

The DC Circuit has already decided to delay hearing the case on the Clean Power Plan's sister rule on carbon controls for new power plants until after the November elections, signaling little appetite for allowing this to be an easy, quick legal review of Obama's carbon mandates.

Similar to the Clean Power Plan litigation, any decision on a new source rule—new sources of power plants—would likely be appealed to the Supreme Court, with a final decision expected in 2018. Critically, the new source rule is a legal prerequisite for the Clean Power Plan, so without the new source rule, there is no Clean Power Plan.

The success of Obama's carbon mandates hinges not on just one but on two Supreme Court wins that will be decided well after he leaves office. He will be long gone. And with a new administration needing to fill a vacancy next year on the Court—who knows how that will impact or delay consideration of pending cases.

We are clearly a long way off from knowing the outcome of the President's carbon regulations. You wouldn't know that when you hear the releases that came from Paris saying this has been a great success. He made the commitment as to what kind of reductions we are going to have when he in his own mind knew for a fact that was not even a possibility.

So we are a long way from knowing the outcome of the President's carbon regulations that were written to help fulfill his pledge to international communities. But, as I said, Obama will be long gone by that time.

It is important for the 196 countries involved in the Paris climate agreement to understand what I am saying. The Congress, the courts, climate experts, and industry are all pointing to the same conclusion: President Obama's climate pledge is unattainable, and it stands no chance of succeeding in the United States. For the sake of the economic well-being of America, that is a good thing. Again, we still would welcome the 196 countries to come over here and enjoy America, but don't expect any of President Obama's climate promises to happen.

A few countries have taken note. Specifically, China and India, two of the world's largest emitters of greenhouse gas, are now second-guessing the legitimacy of Obama's commitments.

Navroz K. Dubash, a senior fellow at the Center for Policy Research in New Delhi told the New York Times that ''[the Supreme Court stay] could be the proverbial string which causes Paris to unravel.''

Zou Ji, the deputy director general of China's National Center for Climate Change Strategy and International Cooperation, also told the New York Times: ''Look, [if] the United States doesn't keep its word, why make so many demands on us?''

In another display of solidarity against Obama's climate agenda, I led 34 Senators and 171 House Members in an amicus brief filed in the DC Circuit arguing that the Clean Power Plan is illegal. The plan would cause double-digit electricity price increases in 40 States and have no impact on the environment. Further, these regulations would prevent struggling communities from accessing reliable and affordable fuel sources, which could eventually lead to poor families choosing between putting food on the table and turning the heat on in the wintertime.

Much of the focus this past year has been the Clean Power Plan and the Paris Agreement that is reliant on its success. The administration has the power generation sector in its crosshairs, but they will not stop there. We know that. We are keenly aware of Obama's war on fossil fuels—coal, oil, and natural gas.

If I don't have to be someplace in conjunction with my obligations with the Senate Armed Services Committee, I go back home every weekend. They ask questions you don't hear in Washington. They ask: Now, wait a minute, if we are reliant upon fossil fuels—coal, oil, and gas—for 85 percent of the power necessary to run this machine called America and if Obama is successful in killing coal, oil, and gas, then how are we going to run this machine called America?

That is a logical question, but not here in Washington. You don't hear that here in Washington.

The Clean Power Plan is a template for unauthorized action, and if it works for one sector, future bureaucratic agencies will use it to restructure every industrial sector in this country. The immediate threat to future generations is not climate change. The climate is always changing and will continue to do so regardless of who is in the White House.

Luckily, the American people have caught on to the President's climate charade. But don't take my word for it; just look at the polls. I can remember back when the first bills were coming out. There was the McCain-Lieberman bill in 2003, and we looked at the bill. At that time, the polls showed that global warming was either the No. 1 or No. 2 concern in America. That has all changed. A FOX News poll found just the other day that 97 percent of Americans don't care about global warming when they stack it up against terrorism, immigration, health care, and the economy. Even an ABC News/Washington Post poll from last November found that the number of Americans who believe climate change is a serious problem is on the decline. According to the Gallup poll—they have a big one every March—the Gallup poll in March of 2015 had global warming coming in dead last of environmental issues that people are concerned about. George Mason University did a poll of 4,000 TV meteorologists, and it also dispelled the President's talking point that there is 97-percent consensus among scientists that humans are driving climate change. The survey found that roughly one out of three meteorologists do not believe man is the primary cause—if, in fact, it is happening.

Overall, neither the American people nor Congress supports the President's detrimental climate change agenda and his attempt to bolster his personal legacy with empty promises.

Let me wind up and say that we welcome the international community to come over here, but with regard to the Paris Climate Agreement, nothing is going to happen.

I wish to mention a couple other things. Many countries quickly jumped on the global warming bandwagon that the United Nations was trying to sell to the world and instill an obligation to impose associated restrictions. Australia was one of the first countries to join in. They did this several years ago—until they realized what it cost, and then they came back and passed legislation taking themselves off of this so that they are no longer legally obligated to do anything about their emissions.

If you stop and think about China, every 10 days China is building a new coal-fired power plant. This is the country the president is using to justify his own climate agenda while convincing the American people China is making similar contributions to reducing greenhouse gases. The problem with this is that China admits they are going to continue to build coal-fired plants and increase emissions until the year 2030 and then they will consider reducing their emissions. We know it is not going to happen.

Lastly, I remember when Lisa Jackson was appointed by President Obama. She was his first appointment as Administrator of the EPA. I remember talking to her in a public meeting live on TV, and I asked her the question: Let's assume that one of these pieces of legislation passes on cap and trade or that through regulation they are able to do it. Is that going to have the effect of reducing overall emissions worldwide?

She said: No, because this isn't where the problem is. The problem is in China; it is in India; it is in Mexico.

In fact, you can actually say this could have the effect of increasing emissions because as we chase our manufacturing base overseas, it may go to countries like China that have lower environmental standards and will ultimately increase emissions, not decrease.

So the President's international climate commitment is not going to happen. I want to make sure people are aware of that. We wouldn't want them coming over here under the impression that something is going to happen when it is not.

EXTENSION OF MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent that morning business be extended until 12:30 p.m.

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

ORDER FOR RECESS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate recess from 12:30 p.m. to 2:15 p.m.

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

FAA REAUTHORIZATION BILL

Mr. INHOFE. Mr. President, I would yield the floor, but I don't see anyone else here.

I would like to comment on the FAA reauthorization bill. I had a couple of amendments to it, and I want to mention that both of my amendments have now been accepted. I feel very good about that. I think we are currently considering a bill that is very necessary to go ahead and get passed.

I again commend Senator THUNE and Senator NELSON for working yesterday to get through a number of important amendments that were approved by the Senate. Included in the group was an amendment I offered that would direct the FAA to establish rules to allow critical infrastructure owners and operators to use unmanned aircraft systems to carry out federally mandated patrols and to perform emergency response and preparation activities. This is one I feel very strongly about because there is a lot of controversy around drones, but we do know there are some things that have to be done—pipelines, for example. It is just as easy for a drone to do it, and it can be done in all kinds of weather.

This amendment would apply to energy infrastructure, such as oil and gas and renewable electric energy. It would apply to power utilities and telecommunications networks. It would apply to roads and bridges and water supply systems operators.

This amendment provides needed congressional direction to the FAA where there is a clear and articulable need, and I am glad it was accepted yesterday. I thank Senators BOOKER, HEITKAMP, WHITEHOUSE, MORAN, and KING for cosponsoring this amendment with me.

I want to turn to a provision that is in the base text of the FAA bill that is of particular importance to Oklahoma but impacts the entire aviation community—the commercial, military, and general aviators—and that is because it impacts air traffic controllers.

The FAA bill, which is the bill we are considering right now, includes a provision to encourage the hiring and retention of high-quality air traffic controller instructors. This is particularly important to me because the FAA Academy, which is where all the air traffic controllers are trained, is located in Oklahoma City. These instructors, who are required to have prior experience as air traffic controllers, are discouraged from working full time due to existing government regulations because they are former air traffic controllers. Without full-time instructors, we need four times as many part-time instructors to provide the needed instruction time to train for the next generation of controllers to manage the air traffic at our control towers, so that means the FAA must bear four times the cost of training new instructors. I am glad this bill will remove the government regulations that discourage full-time instructors. I thank my colleagues for working with me to address this problem.

Another one—and this is very significant. This is volunteer pilot protection. Last week I offered an amendment for consideration that supports volunteer pilots. This is a Good Samaritan law for pilots. Across the country, there are a lot of volunteer pilots. I myself have done this. I have been an active commercial pilot for 60 years. I can remember several times—once going down to an island just north of Caracas, Venezuela, that had been wiped out by a hurricane. I found 10 pilots to take down with me, medical supplies, food, and all of that.

During that time, if something had happened, even though he was a Good Samaritan—he was doing it at his own expense—he could have been sued for any number of exposures that are out there.

People are generous with their time and provide at no cost air transportation to someone in need of specialized medical treatment. We have done that before too. This amendment would provide those volunteer pilots limited liability protection as long as they follow appropriate procedures, as long as they have the required flight experience and maintain insurance. My amendment would not eliminate liability but would limit it in certain circumstances. Furthermore, volunteer pilots who do not meet all requirements or who are guilty of gross negligence or intentional misconduct don't have any protections. Furthermore, the pilots are required to maintain liability insurance to qualify for the protection.

In the 1997 Volunteer Protection Act, Congress recognized that the willingness of volunteers to offer their services is deterred by a potential for liability actions against them. I think that makes common sense. I think we all understand that. This amendment remains true to congressional intent and removes a disincentive that keeps pilots from volunteering to fly financially needy medical patients, humanitarian and charitable efforts, or other flights of compassion to save lives and to provide great benefit to the public.

Pilots are not going to get more reckless or choose to act more dangerously because they have liability protection. Pilots are already at risk, and they are a risk-adverse group because every time they fly, they take their own life in their hands—regardless of why they are flying. These pilots are acting out of the goodness of their hearts and willingness to help.

Fortunately, accidents are infrequent, and anecdotally I am told that in the past 10 to 15 years, there have been perhaps five or six lawsuits involving volunteer pilots and volunteer pilot organizations. So the problem isn't that that is actually going to happen, but it is the fact that there is a deterrent there to discourage people from doing what they want to do, what a Good Samaritan does. The volunteer pilot organizations that work to coordinate volunteer pilots do not need to maintain databases of lawsuits and the results of lawsuits precisely because they are so infrequent. If there were a lot of accidents and resulting law suits, I think it is fair to say the FAA, NTSB, and volunteer pilot organizations themselves would be investigating whether volunteer pilot activity was a safe activity to begin with.

The larger concern for volunteer pilot organizations is that pilots will not volunteer for fear of being involved in a lawsuit, which would then prevent a needy service from being provided. So it is more about what the lawyers say the potential could be, and that has a direct impact on recruitment for volunteer pilots. Looking ahead, if a pilot were ever successfully sued and his or her assets were at risk, it would be too late to act to prevent a mass exodus of volunteer pilots.

This amendment is about making sure there continues to be volunteers who are willing to provide much-needed assistance. The amendment is not agreed to yet, but it recognizes the value of volunteer pilots and their contribution to the public good. I urge my colleagues to be supportive of this effort.

In conclusion, I thank Senator THUNE for his leadership, as well as Senator NELSON, for bringing this bill to the floor. I look forward to a robust amendment process.

In fact, I encourage anyone who has an amendment to come down, present his amendment, and talk about it. One of the problems we had during the highway bill was not being able to get Members to bring their amendments down, and it ended up delaying the bill for several weeks, which was totally unnecessary. I also encourage the House to take up and pass this bill.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FLAKE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

(The remarks of Ms. HIRONO pertaining to the introduction of S. 2784 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. HIRONO. I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

NATIONAL EQUAL PAY DAY

Mr. DURBIN. Mr. President, I thank the Senator from Hawaii for her leadership on this issue, and I will be yielding the floor to the lead sponsor of today's effort.

Our Nation is built on the belief that anyone who works hard should have the opportunity to achieve the American dream. Yet there are women across this country who are doing the same job as their male colleagues and being paid less. That is why today, on National Equal Pay Day, I stand with my fellow Senators to renew our efforts to ensure equal pay for equal work.

Fifty years after the passage of the Equal Pay Act, women still only earn 79 cents on every dollar paid to a man. This wage gap is even worse for women of color. African-American women who work full time make only 60 cents for every dollar paid to white males. Hispanic women earn only 55 cents.

Women are paid less even when factors such as age, education, occupation, and work hours are taken into consideration. In nearly every occupation in our country, women's median earnings are less than their male competitors. It is no different for women in my State of Illinois. The median earning for Illinois women is $10,000 less than the median earning for men. While African-American women in Illinois make slightly more than the national average, Hispanic women are paid even less—48 cents on the dollar. Think about that. Hispanic women are making less than half the earnings of their male coworkers who have similar levels of education and do the same job. This isn't right, and it isn't fair.

The gender wage gap translates into nearly $11,000 less in median earnings for women each year and over $430,000 in lost wages over a lifetime. Now that women are the sole or primary breadwinners in 4 out of 10 families, this means less money for food, housing, and education. It is no wonder the poverty rate for female heads of households continues to be disproportionately high.

This disparity follows women into their retirement since retirement savings and Social Security are based on income earned. In Illinois, the average weekly Social Security benefit for female retirees is 77.3 percent of the average for Illinois males per week. While female retirees receive less, on average, compared to men under Social Security, women tend to live longer and spend more on medical care, forcing them to do more with less.

What would happen if we closed this wage gap? Amazing things. Sixty percent of women would earn more if they were paid the same wages as their male counterparts, nearly two-thirds of single working mothers would receive a pay increase, and the poverty rate for women would be cut in half. It would mean fewer families in poverty and fewer families would need safety net programs. Equal pay for equal work would also mean women and their families would have more to spend on basic goods and services, and that is good for our economy.

So what do we have to do to close this wage gap? We can pass the Paycheck Fairness Act introduced by my colleague Senator MIKULSKI and my friend and colleague Senator MURRAY. Employers still maintain policies that punish employees who voluntarily share salary information with coworkers. This makes it nearly impossible for employees to find out whether they are being paid fairly.

This bill would provide women the same remedies for pay discrimination as people who are subjected to discrimination based on race and national origin. It would also close loopholes in current law that still permit retaliation against workers who disclose their wages.

The Paycheck Fairness Act would build on the success of the Lilly Ledbetter Fair Pay Act, which clarified the 180-day statute of limitations for filing a lawsuit on pay discrimination that resets with each affected paycheck. This was the first bill signed into law by President Obama in 2009. The Senator from Maryland remembers that day because President Obama signed the bill, took the first pen that he used to sign it, and handed it to the Senator from Maryland.

Ms. MIKULSKI. Yes.

Mr. DURBIN. I remember that because I stood there and thought: That is entirely appropriate that a Senator who has dedicated her life to this kind of fairness and equality for women at work would receive the first pen from the first bill signed into law by this new President.

My Republican colleagues: Why aren't you with us on this issue? Don't you agree that your daughter should be paid the same as your son for doing the same work? It is a basic issue of fairness. It shouldn't have anything to do with party labels, so we invite you to join us. This should not be a partisan issue at all. Certainly for women at work, it is not partisan. It is just a matter of fairness. I urge my colleagues to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I come to the floor to join my colleagues in calling for equal pay for equal work for women.

I just left the President of the United States. He is right up the street at the Sewall-Belmont House. This is the home of the National Woman's Party in which so much organizing and strategizing took place to get women the right to vote. The President is there to declare that building a national monument to commemorate the tremendous work that was involved in getting suffrage, under the Antiquities Act, and that is his right to create that.

It is not only the building we want to preserve. It is not only the records of the battle for suffrage that we want to preserve and be able to display. It is what it stands for: the fact that women are included fully in our society.

We had to fight every single day in every single way to be able to advance ourselves. Even when the men were in Philadelphia writing the Constitution, thinking great thoughts and doing great deeds, Abigail Adams was back in New England running the family farm, keeping the family together, and she wrote John a letter saying: Don't forget the ladies because if you do, we will ferment our own revolution.

In our country, we call revolutions social movements where ordinary people organize and mobilize to accomplish great deeds to move democracy forward. It took us over 150 years to get the right to vote in 1920. We are coming up on the anniversary of suffrage, but it is not only that we got the right to vote, it is what that right to vote means. We wanted to be able to participate fully in our society. We wanted to be able to exercise our voice in terms of choosing leaders who will choose the right policies. Along the way, we have been advocating those policies.

In 1963, working with the President, who was committed to civil rights, Lyndon Johnson, the equal pay for equal work act was passed as part of a great step forward in three major civil rights bills. We thought we had settled the issue, but, no, 50 years later we have only gained 19 cents—19 cents. At that rate, it will take us until 2058 to get equal pay for equal work. That is not the way it should be. We need to make sure we eliminate the barriers and impediments that allow this to keep happening.

When we women fight for equal pay, we are often sidelined, redlined, pinkslipped, harassed, or intimidated. We are often confronted with: Why are you doing this? And then we are often harassed for doing it.

People may say: Senator BARB, didn't you take care of that when you passed the Lilly Ledbetter Fair Pay Act in 2009. The Lilly Ledbetter legislation, of which I am so proud, has kept the courthouse doors open by changing the statute of limitations, but now we need to pass legislation to end the loopholes that are often strangleholds on women getting equal pay in the first place.

I have legislation pending called the Paycheck Fairness Act. That Paycheck Fairness Act does three things. First of all, it stops retaliation for even sharing pay information in the workplace. Right now, if you ask, you are forbidden to tell, or get fired. If you ask, you are forbidden to tell, or get fired, or if you are a man working side by side with a woman and you want her to know that as a nurse, as a computer software engineer, what your pay is, and there is an opportunity, she could get fired and he could get fired. This is wrong.

We also want to stop employers from using any reason to pay women less,

such as he has a better education. Use the same education for the same job. We are willing to compete. We are out there. More women are in college. More women are Phi Beta Kappas. More women are getting ahead.

Then we heard: He has to be paid more because he is the breadwinner. What are we, crumbs? If he wins the bread, we want to be winners too. Very often it is women in the marketplace who are now either the sole breadwinner or also a significant breadwinner, and the men or the partner they love says: We want you to get equal pay for equal work as well.

So we don't want to hear: He is the breadwinner. We don't want the crumbs anymore. We want to be paid equal pay for equal work. We also want punitive damages for women who are discriminated against. Backpay alone is not a strong enough deterrent.

I want my colleagues on the other side of the aisle to know they have ideas. One of my colleagues spoke on the floor earlier today. I have such admiration for her. She is a fine Senator, and she agrees with the thrust of the press conference we had. We have faced this in the past, where we share the same goal, but we differ on means. My means, I must say, are the way forward. These means are the way forward because they solve the problems.

Of course, we will sit down and talk, have conversations, and see what we can do, but at the end of the day, we face this issue: It costs more to be a woman. Women pay more for everything. Women pay more in medical costs than men, given the same age and the same health status. Women pay a significant amount of money for childcare. Guess what. Women get charged more for dry cleaning. We have to pay more for our blouses being cleaned than men to have their shirts washed and pressed.

We are tired of being taken to the cleaners. We want equal pay for equal work. Whether we are U.S. Senators, whether we are nurses or executive assistants or others, we want equal pay for equal work.

We stand with the women's soccer team. They kick the ball around, but we are tired of being kicked around. So give us equal pay for equal work. Pass the Mikulski coeffort to get equal pay for equal work. I think we can then move forward. Why should our women go to the Olympics winning the gold, when they don't get paid the gold? So it is time for a change, time for a difference, and time for something we can do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, I wish to say a special thank-you to Senator MIKULSKI for her terrific leadership on all of this.

Today is Equal Pay Day. By the sound of it, one would think it is some sort of historic holiday commemorating the anniversary of a landmark day that our country guaranteed equal pay for women, but that is not what it is about—not even close—because in the year 2016, at a time when we have self-driving cars and computers that fit on our wrists, women still make only 79 cents for every $1 a man makes, and we are still standing in the U.S. Congress debating whether a woman should get fired for asking what the guy down the hall makes for doing exactly the same job.

So why do we recognize April 12 as Equal Pay Day? It took the average woman working from January 1 of last year until today to make as much as the average man made in 2015. That means she had to work an extra 3½ months in order to make what a man made last year, and that means, once again, she starts the year in a hole.

Equal Pay Day isn't a national day of celebration. It is a national day of embarrassment.

We hear a lot about how the economy is improving, and there is good news to point to. Unemployment is under 5 percent, GDP continues to rise, the stock market is up, but too many families across the country feel like the game is rigged against them. They work hard, they play by the rules, and they still struggle to make ends meet. Here is the thing: They are right. The game is rigged against working families, and pay discrimination is part of that.

For women, it has been a one-two punch in the gut. For decades, wages have flattened out for American workers, and for women the wage gap just compounds that problem. If we closed both the productivity wage gap and the gender wage gap from 1979 to 2014, women's median hourly wages would be 70 percent higher today.

Even though we have solid data, the Republicans in Washington refuse to act. Heck, they would rather spend their time trying to defund Planned Parenthood health clinics and cut women's access to birth control than do anything—anything at all—to give working women a raise.

So, yes, the game is rigged when women earn less than men for doing the same work. It is rigged when women can be fired for asking how much the guy down the hall makes for doing the same job. It is rigged when women have to choose between healthy pregnancies and getting their paychecks. It is rigged when women can get fired just for requesting a regular work schedule to go back to school or get a second job. It is rigged when women earn less their whole lives so that their Social Security checks are smaller and their student loans are bigger. The game is rigged against women and families, and it has to stop.

I am standing with my colleagues today. I am standing with women and friends of women all over the country to demand equal pay for equal work. It is 2016—not 1916—and it is long past time to eliminate gender discrimination in the workforce. This is about economics, but it is also about our values. It is about who we are as a people and what kind of country we are trying to build for both our sons and our daughters.

Today, we recognize Equal Pay Day, and we fight today because we don't want to have to recognize it year after year after year in the future.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I come to the floor today on Equal Pay Day to stand up and speak out about an issue that impacts women and families in every State across this great country. I rise to give voice to the fact that there is paycheck inequality for working women across this country, and it is time that we do something about it.

Working women make up over 50 percent of our workforce, and they are working harder than ever to get ahead. But far too many are barely getting by, and far too many women and children are living in poverty. In Wisconsin, the economy is lagging behind other States. Household incomes are falling and communities across our State are experiencing job loss and layoffs. In fact, recent reports have concluded that poverty in Wisconsin has reached alarming levels.

The least we can do is to level the playing field and give women a fair shot at getting ahead, because they deserve equal pay for equal work. So I am proud to join several of my colleagues today to deliver a call for action to pass the Paycheck Fairness Act.

I would like to share the story of Shannon. Shannon is a single mother of three from Two Rivers, WI. She is working hard to support her family. In order to help her family get ahead, Shannon has continued her education to advance her career as an interpreter in a school. But she faces the grim reality that women teachers are often paid less than their male counterparts.

It is not just teaching. When we look at men and women working equivalent jobs across different industries, women are making less than their male counterparts across the country. This paycheck inequality is holding women back, and it is holding our entire economy back. Closing the gender pay gap would give Shannon and her family more financial freedom to better deal with the daily issues that working moms face. Whether it is an unexpected car problem or children outgrowing their clothing and their shoes, whether it is help to pay off student loan debt or the ability to save a little bit of their paycheck to ensure that their kids have a chance for a higher education, working families across America need paycheck fairness to ensure they have a fair shot at getting ahead.

Millions of American women get up every day to work hard for that middle class dream—a good job that pays the bills, health care coverage you can rely on, a home that you can call your own,

and a secure retirement. But instead, gender discrimination in pay is holding women and their families back.

Let's pass the Paycheck Fairness Act and strengthen families and our economy by providing working women with the tools they need to close the gender pay gap. By taking action, we will show the American people our commitment to building an economy that works for everyone, not just those at the top.

Before I yield, I wish to take a moment to thank and recognize the senior Senator from Maryland, BARBARA MIKULSKI, for her tremendous leadership on this issue. It has been an honor to serve alongside such a champion for women and families, and I am looking forward to continuing this particular fight together and winning this fight together.

I thank the Presiding Officer, and I yield back.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, let me first thank Senator BALDWIN for her comments. I agree with her statement, and I am also grateful for the leadership of the senior Senator from Maryland and the leadership Senator MIKULSKI has shown on gender issues. The paycheck fairness legislation is just a recent example of her extraordinary leadership throughout her career on gender equity issues.

I particularly wanted to be here not only to say how proud I am of Senator MIKULSKI but also to state that the Paycheck Fairness Act is not about women. It is about families, about our economy, and about fairness. It is about American values. It affects everyone in America. We all should be personally engaged in making sure paycheck fairness becomes law. To this Senator, it is outrageous that a woman has to work 5 days at the same work that a man works in 4 days for the same pay. That is inherently unfair and needs to be corrected. The Paycheck Fairness Act would do that.

I note that today is Equal Pay Day, which basically reflects how long a woman has to work—basically without getting a paycheck—in order to get paid for the same amount of work as a man does in a year.

As the Presiding Officer knows, as a member of the Senate Foreign Relations Committee, this Senator has the privilege of being the ranking member on the committee. One thing we look at is how other countries deal with basic rights. One of those rights is how they treat their women. One of the barometers for determining how well a country does is how well they are treating women. If they treat women well, they are generally doing much better.

The truth of the matter is, in many cases women do better in investments than men. They invest in children, families, and economic growth, whereas men are more likely to invest in war. We see much more economic growth where women are treated fairly in other countries.

It is an important value for America. We have promoted gender equity issues in our foreign policy, our development assistance, and in our diplomacy. But for us to be effective globally, we first need to take care of our issues at home.

The Paycheck Fairness Act would do exactly that. It would deal with the issue of fairness in the workplace in America. We are not where we need to be. Everybody talks about the fact that women aren't paid as much; and that is true. But if you happen to be a minority, it is even worse. We need to take care of this for the sake of the American economy, for our values, et cetera.

This Senator has introduced legislation that would allow us to pick up the ratification of the equal rights amendment so that we could have in the Constitution of the United States fairness with no gender discrimination. This would be a lot easier. We only need three States in order to ratify it and to become a part of our Constitution. The late Justice Scalia noted accurately that there is nothing in the Constitution that requires discrimination against women; but there is nothing in the Constitution that protects discrimination based upon gender. We can do a better job with fundamental changes.

What we can do in this Congress now is to take on paycheck fairness. That can get done in this Congress and can be effective this year and can be the legacy of this Congress. I would urge my colleagues: Let's do this. We all talk about gender equity issues. With the bill that is pending on paycheck fairness, we can act and we can act now. We can make a major change in American policy that will not only be fair to women but will be fair to all Americans and allow our economy to grow.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am pleased to join my esteemed colleague from Maryland, who is here with a number of other people to talk about the need to pass the Paycheck Fairness Act to make sure that we end once and for all paycheck discrimination against women.

I think the American people believe very strongly in fairness, equal treatment, and a level playing field for everyone, because these are core American values. I think that is why people find it shocking and unacceptable that women in the United States continue to be denied equal pay for equal work.

More than half a century ago, President Kennedy signed into law the Equal Pay Act, yet today wage discrimination continues as an ugly reality across our Nation. Women earn only about 79 cents for every $1 men earn. It is a disparity that exists at all levels of education, in nearly every industry, across hundreds of occupations, from elite professionals to everyday blue-collar workers. There are complex factors that contribute to the gender pay gap, but according to a new study by the Joint Economic Committee, as much as 40 percent of the pay gap can be attributed to outright discrimination.

Probably, most people who have watched TV in the last couple of weeks have seen one particularly egregious example that has been cited, and that is the U.S. women's soccer team, whose members make only about one-quarter of what their male counterparts make. Both the women's and men's soccer teams work for the same employer, the U.S. Soccer Federation. The women's soccer team generates significantly more revenue than the men's team. It has won the Women's World Cup three times, including last year. It has been the Olympic champion four times and has been the world's top-ranked team for nearly two decades. Yet they are paid a quarter of what men make. It is hard to understand that under any circumstances except outright discrimination.

As outrageous as that case is, the wage gap is even more damaging to the 40 percent of American women who are sole or primary breadwinners in households with children, to the women who are waitresses and certified nursing assistants, and to secretaries who work at jobs where equal pay is not only about fairness but it is also about providing adequately for their families. It is about being able to afford Internet access so their kids can do their homework. It is about paying for their child's inhaler. There is a lot that women breadwinners can do with that extra $10,800 that women would earn on average if it were not for pay discrimination.

I also serve as the ranking member on the Senate's Small Business and Entrepreneurship Committee, and I have seen how similar gender gaps confront women-owned small businesses. Just as women on average are paid 21 percent less than men, a recent Commerce Department study found that the odds of businesses owned by women winning a Federal contract are about 21 percent lower than for otherwise similar companies—for male-owned enterprises.

In workplaces across America, women are speaking out more and more and are demanding equal pay. It is time for Congress to do our job as well. I know from experience that legislation can make a difference. As Governor, I signed a law to prohibit gender-based pay discrimination in New Hampshire and to require equal pay for equal work. We haven't made as much progress as I would like at this point, but at the time we signed that law, women in New Hampshire were making 69 percent of their male colleagues' wages. Today, they are making 76 percent or a little less than the national average.

Back in the early 1980s, I served on New Hampshire's Commission on the

Status of Women. I chaired a report on employment in New Hampshire. At that time, women were only making 59 cents for every dollar a man earned. The conclusion of that report was that this has an impact not just on women, but it is an impact on, of course, their whole family. It is something that their children, their husbands, and their entire family is affected by. If we can close this pay gap for women, it helps not only the women who make up two-thirds of minimum wage workers, but it helps their families. It helps pull their kids out of poverty.

We need to do more at the Federal level, and that is why I strongly support the Paycheck Fairness Act. This legislation would empower women to negotiate for equal pay, it would close loopholes that courts created in the laws that are already in place, and it would create strong incentives for employers to obey these laws.

This legislation is about basic fairness. It is about equal treatment. It is about creating a level playing field in the workplace for our daughters and our granddaughters and for every American. It also is about making sure that their spouses, their children, and their relatives benefit from making sure that they have the same access to equal pay as the men in the workplace do.

So I urge my colleagues to support the Paycheck Fairness Act. Sixteen years into the 20th century is way past time to make good on our promise of equal pay for equal work in the United States.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, we are 103 days into 2016, and on Equal Pay Day, that number takes on significant, unfortunate meaning. Women have to work 103 extra days to match what men earned last year. That is unacceptable. Workers should be paid fairly for the work they do, regardless of their gender. Closing the wage gap would help grow our economy from the middle out, not from the top down.

I am glad to be here today with my colleagues to recognize Equal Pay Day, to stand up on behalf of women across the country, and to renew our call to put an end to the wage gap. Last year, I heard from a woman named Sandy from Seattle. Right out of college, Sandy got a job at a local nonprofit. After a couple of months of work, she was just chatting with a male colleague and found out he was offered 20 percent more in salary for doing the exact same job. She thought there had been some mistake. But when she asked about it, her boss told her they could not offer her a pay raise because of budget constraints.

Sandy's story is so common. On average, women today make 79 cents for every dollar a man makes. The pay gap is even wider for women of color. That is not just unfair to women; it hurts our families, and it hurts our economy. Today, 60 percent of working families rely on wages from two earners—60 percent.

More than ever, women are likely to be the primary breadwinner for their family. Women's success in today's economy is critical to families' economic security and to our Nation's economy as a whole. We need to pass the Paycheck Fairness Act to help close the wage gap. I so appreciate Senator MIKULSKI's tremendous leadership and passion on this issue. Her Paycheck Fairness Act would make it unlawful for employers to retaliate against workers for discussing pay. It does so in a commonsense way that reflects today's reality in the workplace.

It would empower women to negotiate for equal pay. It would close significant loopholes in the Equal Pay Act. It would create strong incentives for employers to provide equal pay. Passing the Paycheck Fairness Act is a critical stop on the long list of things we can do to build our economy from the middle out and make sure our country works for all families, not just the wealthiest few.

No matter where they live, no matter their background, no matter what career they choose, on average, women earn less than their male colleagues, even women soccer players on the U.S. Women's National Team. The Women's National Team has won three World Cup titles. They have won four Olympic Gold Medals. But despite all of their success, they are not immune from the pervasive wage gap. In fact, on average as players, they earn four times less than their male counterparts. It is not just about the men. Think about the message the wage gap sends to young girls who see women valued less than men for doing the same work and, in the case of the women's soccer team, doing it so much better.

I am glad members of the women's national soccer team are taking a stand to gain equal pay for the work they do. In the Senate, we are going to keep championing the Paycheck Fairness Act to make equal pay a reality for women across the country. I look forward to an Equal Pay Day in the future that we can actually celebrate, once we finally achieve pay equity regardless of gender.

Until then, my colleagues and I are going to keep fighting on behalf of all women and families until they get the equal pay they have earned.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I am very pleased to be here with both of the Senators from Washington, one of the few States that have two Senators who are women. It is great to be here with both of them. I would also like to thank Senator BARBARA MIKULSKI for leading the effort for the Paycheck Fairness Act. She is the longest serving woman in congressional history. She has opened many doors for all of us.

When she first wrote her book about women in the Senate, it was called ''Nine and Counting.'' Well, today, our count is even higher, as there are 20 women in the Senate. She was the first woman—BARBARA MIKULSKI was—to chair the Senate Appropriations Committee. Because of her groundbreaking work in this Congress, 10 committees have either a chair or a ranking member who is a woman.

Today, as the presiding officer knows, President Obama formally dedicated a new national monument to honor women's suffrage and equal rights. I am a cosponsor of the bill to have the Sewall-Belmont House named as a national historical site. The Belmont-Paul Women's Equality National Monument is named after Alice Paul and Alva Belmont, two leaders of the National Woman's Party. It will house an extensive collection that documents the history of the movement for women's equality.

What has happened in the last decade or so? Well, in 2009, we passed the Lilly Ledbetter Fair Pay Act to make sure that workers who face pay discrimination based on gender, race, age, religion, disability, or national origin have access to the courts. In doing so, we restored the original intent of the Civil Rights Act and the Equal Pay Act.

Now it is time to prevent that pay discrimination from happening in the first place. We all know women have made big strides in our country and in our economy over the last few decades. Women are getting advanced degrees. They are starting new businesses. The Fortune 500 now has 20 women CEOs. That does not sound like much, but when you look back just a few decades, there were not any.

Yet, despite all of the progress we have made and all of the gaps that we are starting to close, women in this country still earn only around 80 cents for every dollar a man makes. When two-thirds of today's families rely all or in part on the mother's income—and in about 40 percent of families the mother is, in fact, the main bread winner—this pay gap has real consequences for American families and our entire economy.

I wanted to focus on one issue at the end here, and that is retirement savings, which are maybe not the first things you would think about when you think about a pay gap. It is probably not what our young pages think about. They don't think: Well, what about what the retirement gap? But, in fact, it is something everyone should be thinking about.

When I was the Senate chair of the Joint Economic Committee, I released

a report showing how equal pay affects women's financial security. The report showed that lower wages impact women all throughout their working lives, and these lower lifetime earnings translate to less security in retirement.

According to the JEC report, the average annual income for women age 65 and older, including pensions, private savings, and Social Security, is $11,000 less than it is for men. Social Security retirement benefits are based on a person's lifetime earnings. The average monthly benefit for female retirees is 77 percent less. The same thing goes for pensions. A woman's pension income is 53 percent that of men. Women also receive smaller pension checks from Federal, State, and local government pension plans.

Finally, a recent study showed that the average woman was able to save less than half of what the average man was able to save in an IRA. So what we have here is, first of all, women are making less to begin with. That is what we are talking about today. That means they save less and have less money in Social Security. Secondly, they live longer. That is great, but it means they are going to have less money. Then, finally, we have the fact that they are often a single breadwinner in 40 percent of households. The fact that they take time off often to have children—that is the third factor that leads to less savings.

What we should be doing is looking at how we can address the savings gap. There are ways we can address it by making it easier to save and making it easier to set up 401(k)s and IRAs and looking at the millennials and how we can respond to what is an increasingly different economy for young people. But we also can simply make sure women make the same amount as men when they do the same job.

It was the late Paul Wellstone of my State who famously said: ''We all do better when we all do better.'' I still believe that is true today and so do my colleagues who join me. We need to be focused on how we can help more women share in our economic growth and share in the American dream. I ask my colleagues to support and pass the Paycheck Fairness Act.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent to speak for up to 5 minutes.

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

Ms. CANTWELL. Mr. President, I come to the floor with my colleague from Minnesota and my colleague Senator MURRAY from Washington, along with our other colleagues who have already been here to speak about the important issue of paycheck fairness.

It is truly shameful this kind of discrimination still exists. We have heard the statistics about what the pay gap means, but literally over someone's career—over a 40-year career—a woman in my state could lose as much as $500,000 in income. An Asian American woman could lose $700,000 over a 40-year career and a Native American woman could lose as much as $900,000 over the same time period. So, yes, when women are discriminated against, it costs them and their families.

The gender pay gap issue is a family issue. Women are breadwinners too. Women today still earn only 79 cents for every $1 paid to a man. This means less food on the table, less money to buy clothing for their children, or less money for insurance premiums. What we need to do is make sure we are listening to these stories and taking action.

Here is a story from one of my constituents, Adrianna from Olympia. She said:

> In 1993, when I was in college, I was working at a restaurant. . . . This job enabled me to pay my way through school with no student loans. A young man several years younger than me with less experience was making a larger wage and I found out about it. I politely confronted the owner as to why this fellow was making more money than me. The owner was caught off guard and could give me no reason whatsoever. . . . The thing that really stuck in my craw was that the young man told me he only worked there so he could get money to gamble. . . . Of course, I had no other choice and worked 7 days a week for 5 years to get a Bachelor's degree.

Unfortunately, this story isn't unique. Wage discrimination affects a wide range of professional fields, including realtors, educators, administrators, and even CEOs. For example, male surgeons earn 37 percent more per week than their female counterparts. In real terms, that female surgeon earns $756 less per week than her male colleagues, and this adds up. And this does not apply only to high-paying, male-dominated careers: Women are 94.6 percent of all secretaries and administrative assistants. Yet they still earn only 84 percent of what their male counterparts earn per week.

My colleague Senator MURRAY brought up the U.S. Women's National Soccer Team that helped bring this issue to the forefront. Despite being more successful and attracting more viewers than the men's team, the U.S. women's soccer team still is paid 25 percent less than the men's team.

In fact, one of my constituents last week—an 11-year-old girl soccer player from Washington—asked: If I keep playing sports, am I going to get fair pay?

Young women are asking us to do our job and make sure we pass legislation that helps. That is why we commend Senator MIKULSKI for introducing the Paycheck Fairness Act and for her tireless efforts on this legislation. I am proud to be one of its cosponsors.

The Paycheck Fairness Act requires that pay be job related and not discriminate based on gender. It would strengthen the penalties for discrimination and give women the tools they need to identify and confront unfair treatment. It would make sure we recognize women are breadwinners, too, and that they get the equal pay they deserve.

That is why my colleagues are coming to the floor today to say we should pass this bill this year. We don't need to commemorate another day of what women have done for our country; women need to receive equal pay for the equal work they are doing. I thank my colleagues for helping to bring attention to this issue, and I encourage the passage of this legislation.

With that, Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:35 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AMERICA'S SMALL BUSINESS TAX RELIEF ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 636, which the clerk will report.

The bill clerk read as follows:

> A bill (H.R. 636) to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.

Pending:

> Thune/Nelson amendment No. 3464, in the nature of a substitute.
>
> Thune (for Gardner) amendment No. 3460 (to amendment No. 3464), to require the FAA Administrator to consider the operational history of a person before authorizing the person to operate certain unmanned aircraft systems.
>
> Cantwell amendment No. 3490 (to amendment No. 3464), to extend protections against physical assault to air carrier customer service representatives.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NATIONAL EQUAL PAY DAY

Mrs. GILLIBRAND. Mr. President, after another whole year, a very unfortunate milestone has once again arrived. Today is Equal Pay Day. This is

the day in 2016 when the average working woman, after all last year and the first 3 months of this year, finally earns as much money as the average man did only during last year. So if we started the clock in 2015, the average woman had to work an extra 103 days to earn the same amount of money as a man.

Imagine two people were both hired at a company. They both work hard. They have the same amount of experience and the same qualifications, but they have one very important difference: One of those workers is a man, and the other is a woman. As a result, they will not be paid the same.

Right now, on average, for every dollar a man makes, a woman makes only 79 cents. That is the average for all women. Many other groups of women have it even worse. Working mothers earn only 75 cents for every dollar working fathers make. African-American women earn just 60 cents for every dollar a white male makes. And our Latina women have it the worst. They earn just 55 cents for every dollar a white male makes. The United States of America still doesn't pay its men and women equally for the same exact work, and it is unacceptable that in the year 2016 we are still fighting to fix this basic problem.

Think about how this pay gap affects our families. More women than ever are earning their family's paycheck. Four out of every ten mothers are either the primary breadwinner of the family or the only breadwinner in their family. Because of this pay gap, their children are getting shortchanged.

We need equal pay for equal work. It shouldn't matter if you are a nurse or a lawyer or even one of the best female athletes in the world. Just a couple weeks ago, the women's national soccer team filed a Federal lawsuit against the U.S. Soccer Federation over wage discrimination. I strongly support these women, and they are doing the right thing. They are raising their voices about a serious injustice, and I urge all of my colleagues in this Chamber to listen to these women—listen to the women in their States, and listen to the women in this country that deserve equal pay for equal work. The women on our national soccer team are some of the most successful American athletes alive, and even they have to deal with this pay gap.

It is shameful and inexcusable that women are still paid less than men for the exact same work in this country. I urge everyone here to support the Paycheck Fairness Act. Let's get with the times. Let's finally make it illegal to pay our women less than our men for the very same work.

I yield the floor.

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. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I rise today to address the Senate's ongoing effort to reauthorize the Federal Aviation Administration. The bill before us today was described in the Washington Post as ''one of the most passenger-friendly FAA reauthorization bills in a generation'' thanks to its robust new consumer protections. But even more importantly, this bill includes strong new security measures that address the threat ISIS and other terrorist groups pose to airline passengers.

In the wake of the Brussels attacks, travelers are understandably nervous about the threats they face when flying, especially given terrorists' preference for targeting transportation. Here in the Senate, we are doing everything we can to address that threat. I am proud that this bill includes new protections to prevent an attack like the one in Brussels from happening at a U.S. airport.

The FAA Reauthorization Act includes the most comprehensive set of aviation security reforms since President Obama first took office. To prevent airport insiders from helping terrorists, we have included measures to improve scrutiny of individuals applying to work in secure airport areas. This is especially critical as many experts believe the bombing of a Russian passenger jet leaving Egypt had help from an aviation insider.

We have also included provisions to better safeguard public areas outside security in airports and to help reduce passenger backups. These reforms could help prevent a future attack like the one in the Brussels terminal last month, which targeted a crowd of passengers in an area where the attackers didn't even need tickets.

Because staying ahead of threats needs to be a priority, we also included additional cyber security provisions and added anti-terrorism security features for new aircraft.

The security reforms in this legislation were actually developed months ago as followups to congressional oversight, independent evaluations of agencies, and the study of existing problems. But these reforms have gained new urgency in the wake of recent attacks by ISIS. We need to constantly monitor and stay ahead of threats so that we can continue to ensure that our air transportation system is the safest in the world.

More than any other reason, I support the Federal Aviation Administration Reauthorization Act of 2016 because it will make the traveling public safer. For all of the many ways it improves our air transportation system, the provisions to keep Americans safe stand out as especially deserving of our support and as heightening the need to send this legislation on to the House.

I yield back.

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

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

NATIONAL EQUAL PAY DAY

Mr. CORNYN. Mr. President, today is Equal Pay Day. I am proud of the fact that one of our Members on this side of the aisle, Senator DEB FISCHER, is taking the lead and pointing out that this is not a partisan issue. I know people find that hard to believe here in Washington, where everything seems like a partisan issue, but the fact is, both Republicans and Democrats and the unaffiliated believe that people who perform the same work ought to be compensated in the same way. So I am proud of the work Senator FISCHER is doing.

I just wanted to make note of the fact that this is Equal Pay Day. I know some of our colleagues across the aisle maybe have a different view and think they have a better way to deal with this, but it is purely a difference in tactics, not in terms of goals, which is equal pay for equal work.

NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mr. President, yesterday I spoke about the fact that this is also Crime Victims' Week, and that is what I want to talk about now a little bit more.

There are a lot of people who come to Washington—big companies, people can hire lobbyists, lawyers, accountants, other experts—to try to make their case to Congress, but we don't have a crime victims' lobby per se. We have organizations—volunteer organizations, by and large—that try and provide a voice to the voiceless and people who need to be represented here, but the fact is, by listening to those victims of crime and to those who volunteer to help them here in the Nation's Capital, we can make a big difference in the lives of crime victims in this country.

I highlighted the Justice for Victims of Trafficking Act as an example of what we can accomplish when we get past the partisan talking points and instead focus on a common goal. I pointed out that legislation, which is the most—I think the major—the most significant human trafficking legislation passed in the last 25 years, actually broke important ground. It uses the penalties and the fines paid by people on the purchasing side of the sex slave trade to be able to fund the resources to help heal the victims, typically a girl the age of 12 to 14, somebody who has maybe run away from home, who thinks maybe they have fallen in love with somebody new, only to find themselves trapped in modern-day human slavery. We were able to pass that legislation by a vote of 99 to 0 in the Senate, and now it is the law of the land.

I mentioned yesterday that some of the provisions, including the hero program, which was designed to provide

incentives for returning veterans of the gulf war, Iraq, and Afghanistan—some of them bearing the wounds of those wars—to be able to use the skills they have acquired in the military to help go after child predators and other people who would take advantage of the most vulnerable in our society. But I wish to talk about another opportunity where I believe Congress can come together to rally behind victims and move legislation that could help save lives.

On the first day of December 2013, Kari Hunt Dunn brought her three young children to a hotel in Marshall, TX, a city east of Dallas near the border with Louisiana, to visit with her estranged husband. Sadly, this visit turned into tragedy. According to reports, Kari's estranged husband started to attack her and while he did, one of Kari's daughters did what her parents and family taught her to do in an emergency, which is to dial 911. She called for help repeatedly, but she didn't realize that, as in many hotels, first you need to dial 9 before you can dial out. So she kept dialing 911 to no avail, not recognizing that she needed to dial 9 to get an outside line. By the time help finally arrived, Kari was unresponsive and later died, leaving her three young children behind.

Obviously this is a terrible, heartwrenching story, and I wish I could say it was an isolated event, but it is made that much more tragic because the family will never know what the outcome might have been had that first 911 call actually made its way to the proper authorities.

Following her death, Kari's father Hank decided he had to do something to correct the problem so tragedies like this could hopefully become a thing of the past. This is where we have a role to play. I know some people might say: Well, there are a lot more important things for Congress to be doing than dealing with this issue, but this is something we can do. It is not partisan, and we should do it on an expedited basis.

So earlier this year, I joined with several of my colleagues, including the senior Senators from Nebraska and Minnesota, to introduce legislation called Kari's Law, a bipartisan bill that already has a companion in the House. This legislation builds on a law passed last year by the Texas legislature, and several other States have followed suit as well.

Before us we have a clearer, albeit a discrete, problem, and we have an obvious solution. This bill would ensure that people have the ability to directly call 911, even in hotels and office buildings, without having to dial an extra number. By making this simple change, we can ensure that children, like Kari's daughter, can make the call for help, to call for the assistance of law enforcement and emergency personnel to save valuable time that can make the difference between life and death and the prevention of another tragedy.

We should follow the example of States like Texas that have already done this. We could do this on a national basis. We know there are lives at stake, like Kari's, and I believe we have an obligation to act to keep tragedies like Kari's from happening again.

So as we continue to look for ways to better support victims of crime this week, I hope we will take another small step to help victims by advancing this legislation. In so many instances, they are what seem like small steps that can have tremendous ramifications.

I mentioned yesterday the reforms we have been able to do in terms of testing the rape kit backlog. It had been reported that as many as 400,000 untested rape kits are sitting in evidence lockers in police stations or perhaps in labs untested, and I talked a little bit about the fact that in Houston alone, thanks to the leadership of the then mayor and the city council, working with State and Federal authorities, they were able to eliminate the rape kit backlog testing and come up with 850 hits on the database that showed there were individuals whose DNA was tested and located on this forensic evidence that was already in this FBI background database known as CODIS. There are things we can do that may seem small but can have a dramatic impact on the lives of our constituents.

So I suggest that we don't give up and we continue to do what we can, where we can, when we can, and passing Kari's Law would be another important step in that direction.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO BEVERLY CLEARY

Mr. WYDEN. Mr. President, today Beverly Cleary, a storied and award-winning author, is going to be celebrating her 100th birthday. Throughout her 66-year career, Beverly Cleary has written more than 40 children's books, selling over 90 million copies by enchanting readers of all ages with the escapades of Ramona, Henry, Ralph S. Mouse, and so many wonderful characters. With enduring and relatable themes of adventure, adolescence, and friendship, Ms. Cleary's novels have withstood the test of time and have established their place in the pages of Oregon's cultural heritage.

Beverly Cleary was born on April 12, 1916, in McMinnville, OR. At an early age, she moved to Portland, where she developed a passion for Oregon that shines throughout the pages of her stories. For years, Beverly Cleary's characters have called Portland home, and for the countless children who grew up with her writing, Ms. Cleary's stories have been their haven. Her book series ''Ramona'' and ''Henry Huggins'' are both set in Portland and continue to serve as important threads throughout Oregon's literary fabric.

Ms. Cleary's impact on the State of Oregon and the city of Portland have not gone unnoticed. Her honors include a public K–8 school in Portland, the Beverly Cleary School, which some of my staff actually attended, and a public art installation at the Hollywood branch of the Multnomah County Library which features many of her books' neighborhood landmarks. Portland's Grant Park is home to a public sculpture garden with bronze statues of Ramona Quimby, Henry Huggins, and Ribsy.

It is Beverly Cleary's unbound passion and dedication to children's literature that have earned her numerous literary awards, including a National Book Award, a Newberry Medal, and a National Medal of Art. In 2000 the Library of Congress even named her a ''Living Legend.''

Just as original Beverly Cleary fans enjoyed reading about the lives and adventures of her characters, each new generation of young Beverly Cleary readers finds a similar connection with those same characters. Ms. Cleary's books have sparked the imagination of so many children across America, helping instill literary skills that last a lifetime.

When it comes to literacy, the importance of reading at an early age simply cannot be overstated. An early introduction to reading is one of the most significant factors influencing a child's success in school. It is linked to better speech and communication skills, improved logical thinking, and increased academic excellence. It is clear that young children who develop a love for reading have an upper hand both in the classroom and later in life.

Thanks to Ms. Cleary, generations of kids across the world can experience Oregon from a literary perspective. One would be hard-pressed to find another author who has made such a lasting impact on children's literature. So it is an enormous honor and a great personal pleasure for me to come to the Senate floor this afternoon to honor Beverly Cleary's contribution to literary history, to Oregon, and to children everywhere, and to wish her a very happy 100th birthday.

With that, Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

GOLD KING MINE SPILL

Mr. BARRASSO. Mr. President, last August several Western States and Indian tribes suffered an enormous environmental disaster. It was called the Gold King Mine spill. In this disaster, the U.S. Environmental Protection Agency caused a spill of 3 million gallons of toxic waste water into a tributary of the Animas River in Colorado.

This photograph shows the before and after. People all across the country remember this picture and the poisoning of this river by the EPA. This plume of toxic waste threatened people in Colorado, New Mexico, and Utah. It stretched to the land of the Navajo Nation and the Southern Ute Indian Tribe.

When the Indian Affairs Committee held a hearing on the Gold King Mine spill last September, we heard testimony from Russell Begaye. He is the President of the Navajo Nation, which has lands roughly the size of the State of West Virginia, a very large piece of land. President Begaye told our committee that for the Navajo people, water is sacred, and the river is life for all of us.

He said: Today, we are afraid to use the river—with an emphasis on the word ''afraid.'' The EPA caused that spill more than 8 months ago because it made crucial mistakes, critical mistakes. It failed to take basic precautions.

Well, we still have not gotten answers to some very important questions. Now that the snow in the Rocky Mountains is beginning to melt, people in this very area, in the course of this river, are worried that they are being victimized once again by the failures of the U.S. Environmental Protection Agency. They want to know if melting snow is going to stir up the lead and the mercury and the other poisons that have settled to the bottom after this poisonous spill.

They want to know if this blue river is going to turn bright yellow again. Well, next week I am chairing a hearing in Phoenix, AZ, and it is a field hearing of the Indian Affairs Committee. We are going to be looking at the Environmental Protection Agency's unacceptable response to Indian tribes. This includes inadequate handling of the Gold King Mine disaster. It includes the Agency dragging its feet on cleaning up the cold-water uranium mines across the Navajo and the Hopi reservations.

The members of these tribes deserve to hear directly from the EPA. They want answers about what is being done to fix this blunder. From what I have seen lately, I expect the Environmental Protection Agency will be doing its best to avoid giving any answer at all. When we, the Indian Affairs Committee, first invited the Agency to send a representative to this hearing to update us, they refused. It is astonishing; they refused. They said they would send written testimony instead.

I don't think the EPA understands how this works. We are holding this field hearing to do oversight on this catastrophe that the EPA caused. This is not optional for them. This is not supposed to be just another chance for the EPA to show how uncooperative and unhelpful they can be. So tomorrow the Indian Affairs Committee plans to issue a formal subpoena for the EPA Administrator, Gina McCarthy, to appear at the field hearing.

Ms. McCarthy testified last year. When she testified before our committee in Washington last September, she said that the Agency was taking—her words—''full responsibility'' for the spill. Today, the Agency will not even come and look these people in the eye. Does that sound as though it is taking ''full responsibility''?

When this disaster first happened, the EPA did not notify the Navajo Nation until a full day after the spill. After 4 days, the EPA still had not reported to the Navajo leaders that there was arsenic in the water. This disaster happened more than 8 months ago. No one—no one at the Agency has been fired. No one has even been reprimanded for their failure.

What has the EPA done? Well, here is a headline from the Wall Street Journal on Friday, April 8: ''Toxic-Spill Fears Haunt Southwest.'' In the southwestern part of the country, according to this article, it has been months since the Agency has been back to test the safety of the well water for the families near the river. Officials in New Mexico and in Utah say the EPA has failed to spearhead a comprehensive plan to manage the spring runoff or even to conduct long-term monitoring.

The States and the tribes are having to monitor the water quality themselves. Why, you ask? Well, it is because the EPA was not planning to test enough sites or provide real-time data. That is what people need. What good is the data if it is not telling people that the water they are drinking right now is safe? Why tell people that the water they drank a week ago or a month ago was contaminated? They need to know about the water today.

There are 200,000 people who drink from the river system that the EPA poisoned last summer. Why has the Environmental Protection Agency walked away from these families? Why is this Agency not taking full responsibility for making sure this mess has been cleaned up? I am not alone in asking that. This article about the ''Toxic-Spill Fears Haunt Southwest'' in the Wall Street Journal on Friday goes further.

They actually quote the State environment secretary from New Mexico, who lives there, lives on the land, and knows the situation. This is the State environment secretary. He says: The fundamental problem is, there is no engagement from the EPA. None.

This is a specific, definite, concrete, environmental disaster. It was caused by specific people at the Environmental Protection Agency. This is about a government agency failing to do its job. They took their eye off the ball. They caused this toxic spill. They still have not focused on cleaning up the mess that they caused.

Like so much in Washington, DC, the EPA has grown too big, too arrogant, too irresponsible, and too unaccountable. People in America deserve accountability. We all want a clean environment. That is not in dispute. We all know the original mission of the Environmental Protection Agency was a noble one. Somewhere along the line, this Agency lost its way. It got preoccupied with other things, and it lost sight of its real job, which is to protect the environment.

Instead, we get this. When President Begaye of the Navajo Nation testified before the Indian Affairs Committee last fall, he was very clear. This is what he said: The Navajo Nation does not trust the U.S. EPA, and we expect it to be held fully accountable. Let me repeat. The Navajo Nation does not trust the U.S. EPA. We expect it to be held fully accountable.

I think the Navajo Nation and other tribes in the West are right to not trust the EPA. They are right to expect it to be held fully accountable. That is exactly what we intend to do with this field hearing next week. Indian Country and all of America need to know if the EPA can do its job. From what they see here, they have serious, serious doubts. These people do not need a written statement. They need to hear straight from the people in charge and that means from Gina McCarthy, who is the head of the EPA.

Next Friday, April 22, is Earth Day. According to press reports, Administrator McCarthy is planning to go to New York that day for a big media event around the Paris climate change treaty. That is what she is planning for next Friday, the day of this important hearing—a day when the EPA just wants to send written testimony.

It is her preference to be in New York talking about what happened in Paris instead of going to Arizona to face the people her Agency has abandoned. That is what she thinks is more important. That is the way this administration prioritizes its activity—a photo op in New York, not meeting with the people whose lives her Agency has devastated. The director of the EPA still does not have her priorities straight. It should not have to come down to a subpoena. The Environmental Protection Agency should have done the right thing from the very beginning.

It is up to the EPA to do the right thing now. On Earth Day, of all days, we need to hear from the Administrator of the Environmental Protection Agency.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DOMESTIC STEEL INDUSTRY CRISIS

Mr. DONNELLY. Mr. President, I rise today to talk about the severity of the crisis facing our domestic steel industry. Workers are losing their jobs, families are losing their homes, and communities are suffering.

For several years our domestic industry has been under constant attack. Our steel industry is in the midst of a crisis more severe than the one experienced nearly two decades ago. Global demand for steel has not kept pace with global production. As a result, many of the global producers have come here to the United States to try to dump their steel. As a result of that, domestic producers continue to lose ground, surrendering a record-high 29 percent market share to foreign-made steel last year. The industry currently has about a 65-percent capacity utilization rate, and in Indiana we saw an 8-percent downturn in production last year.

As a Senator from Indiana—a State that accounts for one-quarter of all domestic steel capacity—I visit with steelworkers and their families to listen to their concerns about the impact of illegally traded steel flooding our market. Hoosier families are worried. Steel plants are idling, and more than 1,000 Hoosier workers have been laid off as a direct result of the illegally dumped steel that flooded our market last year. These are workers who come up to me at church on Sundays or stop by my office. They look me in the eye and ask me to explain how other nations get to produce and sell steel under a different set of rules. These workers have never asked me or anyone else for a handout; they simply ask that all parties compete on a level playing field because these Hoosier steelworkers know how valued their steel products are here and abroad.

Congress and the Obama administration must work together to not only prevent further job losses but to allow the steel industry to grow. When families face the uncertainty of a plant idling, they must prepare for the worst. All the while, small businesses that reside in communities relying on the steel industry's success suffer because families are no longer able to purchase goods and services, such as groceries and clothes and things for their home, because they are just trying to survive.

The current situation only reinforces my long-held belief that strong trade policies strengthen communities and ensure good employment for our workers, and they maintain a level playing field to foster the kind of fair competition that leads to robust markets. However, as we know all too well, such policies only work when everyone plays by the same rules.

I appreciate the work of my colleagues here in the Senate and across the Capitol in the House who have come together and worked in a bipartisan fashion to provide the administration with the significant tools they need to combat this historic influx of foreign-made steel.

As my colleagues may recall, Congress recently passed the Leveling the Playing Field Act and also the ENFORCE Act to help our steel industry investigate and better fight unfair trade practices. While there is more to be done, the administration should use these important tools we have provided to vigorously defend our domestic industry from those who willingly do not play by the rules. Strict enforcement of the law is necessary to protect our domestic industry now and to deter bad actors from abusing the system in the future.

Good, strong communities and good, strong cities like Portage and Gary and Crawfordsville and Rockport are relying on the Senate to do the right thing. We must double down on our efforts to combat the illegally traded steel coming into our market. We must do so together not only for the businesses and workers impacted by the onslaught of illegally traded steel but for the communities of children and families who have been linked for generations to the success of our Nation's steel industry. They are counting on us, and we cannot let them down.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TAXES AND THE NATIONAL DEBT

Mr. BLUNT. Mr. President, it is springtime in Missouri. Whether it is in our State that joins the Presiding Officer's State of Oklahoma or in Iowa, we are seeing trees begin to bloom. It was great to be home the 2 weeks we were home and again last weekend and see the flowering trees sort of move from north to south and, I guess, south to north. It is one of my favorite times of the year, as it is for a lot of people. Particularly during the 2 weeks we were home, we would not see the blooms of the Dogwoods, and then a couple of days later we would see them farther north in the State than we had seen them before.

People like the spring. They like the great weather, they like to get out and do things with their family—only to be reminded sometimes just how fickle the spring weather is. One thing a lot of people—including most of us—dread at this time of year, however, is that spring comes at about the same time that they have to file their taxes. That date comes this week, and if the weather is not predictable, the increasing reach of the Tax Code should be predictable and is predictable.

Ronald Reagan said that Republicans believe every day is the Fourth of July, and our friends on the other side believe every day is April the 15th. We are having the income come in now and seeing what happens with it. It is the time of year we ought to look at what is happening with the hard-earned dollars American families work for.

It is estimated that Americans will pay about $3.3 trillion in Federal taxes and about half that in State and local taxes. A total of almost $5 trillion—or 31 percent of all the national income in the country—goes to taxes. If, at various levels of government as a country, we are taking 31 percent of the money every family earns, we ought to be thinking about what happens with that and justify every penny of it. Another way of looking at it is that Missourians, and people across the country, will spend more on taxes this year than they spend on food, clothing, and housing combined.

A lot of people might ask where the taxes are coming from. After all, in 2001 and 2003 Congress cut taxes. But that doesn't seem to be the case when we pay the tax bill. While we did cut taxes as a country in 2001 and 2003, in 2009 we put a lot of taxes in place. One prime example of what happened in 2009 is the $1 trillion tax hike in the President's health care bill. Now, $1 trillion over 10 years is a lot of money. It is $100 billion a year that the government hadn't been collecting in taxes but now is.

A few years ago the Ways and Means Committee asked the Congressional Budget Office, along with the Joint Committee on Taxation, to look at what the ObamaCare taxes really meant, and they revised that estimate up. They listed 21 tax increases, including 12 tax increases on the middle class, and those 21 tax increases amounted to a $1 trillion tax hike. A few of those taxes have been delayed for a little bit. We were able to slow down the silly tax on medical devices. Whom they thought that would help when people who voted for that bill and that tax, I don't know, but an extra tax on medical devices seems unreasonable to me. I don't know a single person who ever bought a medical device because they thought they were going to have a good time with it. They bought a medical device because they thought it was necessary for their health.

Then, not only do we collect this money, not only do we collect 31 percent of all the money people work for in taxes, we see the national debt continuing to increase. The national debt held by the public stands at about $13.5 trillion, but the national debt is really closer to $19 trillion because we owe a lot of money as a country and people to the places it has been borrowed from—the Social Security trust fund—and all $19 trillion has to be paid back.

It is hard for most of us to even begin to think how much money that is, $19 trillion, but the gross domestic product—the total value of all the goods and services produced in the country—is less than that. GDP is estimated to be about $17.9 trillion.

Another way to look at the national debt is that we have managed to accumulate a national debt that is more than equal to everything the country produces in a given year. Everything Americans work to make, everything we produce—the value of not just the products we make but the goods and services we make—is now exceeded by the national debt. There is no credible economic measure that would indicate that a country is stronger if the debt is bigger than the value of what it produced as a country.

We have the debt, and then we have the deficit spending. Deficits occur when the government spends more money than it generates in revenue.

Balancing the budget two decades ago wasn't all that easy to do. It required hard choices. But we as a country were able to reach a bipartisan consensus that surpluses are preferable to deficits and that a country is far better off as a result; that a growing economy is better than a stagnant economy; and that the economy is more likely to grow if the government isn't constantly sapping, for no defensible reason, the economic opportunity of people spending their own money to advance themselves and their families forward.

One thing that every model shows is that it is easier to pay off the debt and it is easier to pay the bills of the country if you have an economy that is growing. But regulators who are out of control, and deficit spending hurts economic growth.

If we look at the first year of the Obama administration, adjusted for inflation to today's dollars, that deficit ran about $1.6 trillion. Following that, during the first term it was $1.6 trillion, then $1.4 trillion, then $1.3 trillion, and then $1.1 trillion. That sounds as if the deficit is going down, but it is $1.1 trillion over a budget that just 20 years ago was balanced. It is $1.1 trillion over a budget that a little more than a decade earlier had been a balanced budget.

If we accept this year's number, the average deficit over the last 8 years is $963 billion—right at $1 trillion—and we are borrowing that money and the $19 trillion that came before it at almost the lowest interest rate imaginable. What happens if the borrowing rate goes from where it is to, say, 5 percent? We already see that the interest on the debt is quickly becoming the third biggest government payment—Social Security, Medicare, paying the debt. Things like defending the country, a transportation system that works, health care research—all of those things are way below just the interest we would have on the debt, and that is at the lowest rate ever.

Federal borrowing is really nothing more than a tax on the future. Federal borrowing is nothing more than saying: We want to have what we want to have right now, and we are willing for somebody else to pay the bill for what we want to have right now.

As people sit down and file their taxes over the next 48 hours or so and make final calculations and look at what they made and look at what they are paying—as they have done over the last few weeks and will do over the next couple of days—it is an important time for them to talk to the people they elect to public office: What do you think you are gaining by not making the tough choices? What do you think you are gaining by not doing the things we have already agreed we need the government to do and doing those really well rather than coming up with yet another program that may or may not produce results?

The health care plan is one of those. I had a hospital group in this morning. They had done a calculation of what part of the bill people were paying with their personal money as opposed to insurance that they had to try to protect themselves against health care costs before the Affordable Care Act and what they are paying now. What they found is that before the Affordable Care Act, they were paying 10 percent of the bill with personal money. After the Affordable Care Act, the average person with insurance was paying 20 percent of the bill. So the highest, fastest growing level of debt that hospital had was people with insurance who weren't able to pay the bill because their deductible was so high.

So we managed to raise $1 trillion in taxes, insure almost no one in terms of total numbers—we still have about 30 million people who are uninsured—and in many cases, the people who are insured don't have the coverage they had before.

People need to be asking what we are doing to mortgage the future and what are we getting out of that. Just as Missourians have a responsibility to ensure that their taxes are paid by April 15, we have a responsibility to ensure that their tax dollars are wisely used or not taken from them at all.

I think the fiscal policy of the Obama administration over the last 8 years has been an irresponsible way to spend people's money. The cost-benefit analysis we asked for comes back with silly things, like we evaluate how much people worry about something or we evaluate how much people's feelings are hurt. What we ought to evaluate is what we get out of these excessive rules and regulations and regulators and inspectors that truly is a benefit as opposed to what do we get that is just one more additional burden that people are asked to pay for and, even worse than that, that then their children and grandchildren are asked to pay for by seeing this accumulated debt.

We hear from our friends on the other side that it was necessary to engage in excessive spending to keep the economy afloat following the recession—the only way to do that is for the Government to play a bigger role in the economy. And what do we have to show for that? The economy is still struggling, the recovery has been unbelievably sluggish at best, and wages are stagnant for middle-class families. Why? One of the reasons is high taxes, combined with the onslaught of red-tape, and regulators that are out of control. The policies coming out of this administration have really made any possible stimulated growth in the economy hard to find.

The challenges of getting healthy economic growth and getting our fiscal house back in order will only become more daunting as the direct and indirect costs of things like the President's health care plan accumulate. I think we ought to all commit ourselves here, as people are coming to the end of this tax-paying season, to work together, to work on both sides of the Capitol and at both ends of Pennsylvania Avenue to find solutions for an overtaxed middle class, for out-of-control spending, unsustained long-term debt and interest payments. We need a flatter, fairer, less complicated, and more competitive tax structure.

If we are going to ask the American people to send in 31 cents out of every dollar they make at all levels—some people send in a lot more and some people send in a little less, but 31 cents out of every dollar of income in the country goes to government—the government has a real obligation to see that every one of those 31 cents is spent for a good purpose or not taken from people at all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I ask unanimous consent to address the Senate as in morning hour.

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

VETERANS CHOICE ACT

Mr. MORAN. Mr. President, just a month ago, I was on the Senate floor talking about the struggles of a number of Kansas veterans as they attempted to utilize the Veterans Choice Program that Congress passed nearly 2 years ago. That program is being implemented by the U.S. Department of Veterans Affairs. We looked for many opportunities to try to provide better service, more efficient service, more timely service to our veterans, and Congress ultimately came together and passed the Veterans Choice Act.

As I indicated a month ago and numerous times on the Senate floor, that legislation, that law says if you are a veteran who can't receive the medical services you are entitled to, you have the opportunity to receive those services at a medical facility, a clinic, a physician, or a hospital at home. As an individual Senator who comes from a State as rural as most and more rural than many—and certainly as rural as the Presiding Officer's home State and the home State of the Senator from Missouri—we have a real interest in trying to make certain our veterans who live long distances from a VA hospital can access that medical care.

I thought we took great satisfaction in the passage of that legislation. I certainly did. What we have discovered since then in its implementation has been one handicap, one hurdle, one bureaucratic difficulty, and one challenge after another. While maybe it is difficult for the Department of Veterans Affairs to implement this legislation, they are the ones who ought to suffer the challenges of doing so, not the men and women who served our country.

During my conversation on the Senate floor a month ago, I talked about a number of veterans in Kansas and called them by name. One of those veterans was Michael Dabney, a Kansas veteran from Hill City, KS, in northwest Kansas, in the part of the State that I grew up in.

A piece of good news is that Mr. Dabney is eligible for the Veterans Choice Program because he lives more than 40 miles from a VA facility. So Mr. Dabney qualifies under that Veterans Choice Program, and Mr. Dabney needed surgery and elected to use the Veterans Choice Program. There is a community-based outpatient clinic hosted by the VA in Hays, which is about an hour away from his hometown. He was receiving care and treatment there. The indication was he needed the surgery, and they suggested that he travel to Wichita—another couple hundred miles—for that surgery. But Mr. Dabney suffers from PTSD and indicated that he didn't feel comfortable and capable of traveling that extra 200 miles to receive the surgery.

His primary care provider at the outpatient clinic in Hays indicated to him this: Well, you live more than 40 miles from a facility. You qualify for the Veterans Choice Act. You can have these services provided and this surgery provided at home.

Mr. Dabney elected to do that. Rather than driving another 200 miles for surgery in a city far away, he had the surgery performed at home. That seems like the way this is supposed to work. But the end result was that, according to the VA, he didn't receive preauthorization. So despite his primary care provider telling him that he qualified for the Veterans Choice Act, after getting the service at home, he then started receiving the bills for that service.

In frustration, he then contacted our office, and the folks in my office went to work. Here was an example that I thought we could be successful in solving. The record clearly indicates that his primary care provider, his VA primary care provider indicated he should utilize the Choice Act and have the services, the surgery provided at home. He did so. The VA then declined to pay for those services, and he began receiving the bills.

So we went to bat for Mr. Dabney. Despite our efforts and despite his efforts, he has been told that those bills are due to be paid by him because he didn't get preauthorization. My point today is that the Department of Veterans Affairs ought to be the Federal agency that bends over backwards to help our veterans.

I remember when the current Secretary testified before our Veterans' Affairs Committee in his confirmation hearing, and he indicated that he was going to run the Department in a way that was all focused on meeting the needs of veterans. Yet, just a few weeks ago, Mr. Dabney was told this by the VA. I don't know if they said they are sorry. They simply said: You didn't get preauthorization. You don't qualify. Those bills are your responsibility.

I am here once again trying to highlight what happened. We went to the intermediary TriWest. They thought they could help us accomplish this and get the information that Mr. Dabney acted on and that this ought to be sufficient for the VA to pay the bill. And even with their help, the results from the Department of Veterans Affairs, through their Wichita hospital, said that Mr. Dabney obviously didn't understand the rules, and, therefore, they were not going to see that his bills were paid by the VA.

This seems outrageous to me. The VA, through its employees, indicated he qualified. He relied upon that information, their assurance that he qualified, to have the surgery done at home. He is a veteran who needed surgery. He suffers from PTSD. He would be deserving of all the care, the treatment, and the consideration that could be given a man who served our country so well and suffered the consequences. Yet, despite the assurance that he should use the program, this decision was made: I am sorry, but you didn't dot the i's and cross the t's.

I ask my colleagues to help me as we work our way through the implementation of the Veterans Choice Act. It is discouraging to me—the number of veterans who tell me how disappointed they are with the Veterans Choice Act—when I thought it was such a great opportunity for their care and well-being. The end result is that many are discouraged, giving up on the Veterans Choice Act and not receiving the care and attention they need from the VA, deciding that the VA should not be their provider. The point is that we are failing them once again. We are failing them veteran by veteran, one at a time.

The consequence is that the program is still not working. You cannot not meet the needs of a veteran and then have an expectation that we have done something useful and beneficial for that veteran.

There is a discussion going on in the Veterans' Affairs Committee, and there are bills led by Senators ISAKSON and BLUMENTHAL that address many of the issues plaguing the VA, ranging from their appeals system to accountability, to remedying the problems associated with the Veterans Choice Act. I urge my colleagues not to allow this opportunity to bypass, to go away. We must take these actions. In my view, this is an example of this problem that the VA should solve on its own. They should find a way to make this work. In their absence to do so, as Members of the Senate—certainly, I, as a member of the Committee on Veterans' Affairs—we have the obligation to continue to do battle for those who battled for our freedoms and liberties.

I apologized to Mr. Dabney that he has been treated the way he has been by the Department of Veterans Affairs, by his government, and I will continue to fight on a case-by-case basis. But we do have a real opportunity as Republican and Democratic Senators to come together and agree upon a legislative solution to these and many other problems that plague us and plague our veterans.

I simply am here to make the case, hopefully to the Department of Veterans Affairs, that they should find a way to care for this man who served his country and also to ask my colleagues to work together to make certain—in whatever ways legislatively we need act to meet the needs of those who served our country—that we do so.

I thank the Presiding Officer for the opportunity to address this issue and the cause of this veteran and many others.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. AYOTTE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

FILLING THE SUPREME COURT VACANCY

Mr. GRASSLEY. Madam President, before I turn to my prepared remarks, I wish to note that the minority leader came to the floor this morning to complain, again, that the Senate is following the Biden rules on the Supreme Court vacancy.

As I have said before, there is not much that makes the minority leader more mad than when his side is forced to play by its own rules.

So, I won't dwell on his daily missives. Most us around here have grown used to it and don't pay him much mind, especially given his record of leading a Senate where even some Members of his own party were never allowed to offer a single amendment. He voted 25 times to filibuster judicial nominees—including a Supreme Court Justice, and at the time argued there is nothing in the Constitution requiring the Senate to vote on nominees.

And, of course, he will be remembered as the leader who did more damage to the Senate than any other leader in history when he invoked the so-called nuclear option in November of 2013.

''I think just from reading the cases you'll acknowledge that there's politics in legal rulings.'' That is what President Obama said last week when he visited the University of Chicago.

The President met with law students and answered their questions. They asked him about judicial nominations, including his decision to make a nomination to fill Justice Scalia's seat on the Supreme Court. His responses were revealing. I agree with President Obama that too often politics seep into legal rulings. He is right as a factual matter. In fact, I said the same thing on the Senate floor a few days before the President did.

Oddly, those on the left who were up in arms over my remarks were silent on the President's. I suppose that is because, unlike the President, I think it is a bad thing that there is politics in judicial decisionmaking these days. Politics in judicial rulings means that something other than law forms the basis of those decisions. It means the judge is reading his or her own views into the Constitution.

Unlike the President, I believe the biggest threat to public confidence in the Court is the Justices' willingness to permit their own personal politics to influence their decisions. This isn't the first time the President has talked about how he believes Justices should decide cases. He has repeatedly said they should decide cases based on something other than the Constitution and the law. His views on this subject are clear.

When Chief Justice Roberts was confirmed, then-Senator Obama said that in the really hard cases, ''the critical ingredient is supplied by what is in the judge's heart.'' In 2009, President Obama said he views ''empathy'' as an essential ingredient for Justices to possess in order to reach just outcomes. And before he made his most recent Supreme Court nomination, the President said that where ''the law is not clear,'' his nominee's decisions ''will be shaped by his or her own perspective, ethics, and judgment.'' But what is in a judge's ''heart,'' or their personal ''perspective [and] ethics'' have no place in judicial decisionmaking.

The President's idea of what is appropriate for Justices to consider is totally at odds with our constitutional system. We are a government of laws and not a government of judges. I have said before that we should have a serious public discussion about what the Constitution means and how our judges should interpret it. President Obama and I have very different views on those questions. Politics belongs to us—it is between the people and their elected representatives. It is important that judges don't get involved in politics. That is because, unlike Senators, lifetime-appointed Federal judges aren't accountable to the people in elections. It is also because when nine unelected Justices make decisions based on their own policy preferences, rather than constitutional text, they rob from the American people the ability to govern themselves. And when that happens, individual liberty pays the price.

To preserve the representative nature of our government and our constitutional system, our judges need to return to their limited role, and decide cases based on the text of the Constitution and laws that the people's representatives have passed.

President Obama last week described the justices' power as an ''enormous'' one. That is true in a sense. But the Constitution limits the Justices' power to deciding controversies in specific cases that come before them. President Reagan talked about this on the day that Chief Justice Rehnquist and Justice Scalia were sworn in. He recounted how the Founding Fathers debated the role of the judiciary during the summer of 1787. As President Reagan said, the Founders ultimately settled on ''a judiciary that would be independent and strong, but one whose power would . . . be confined within the boundaries of a written Constitution and laws.''

For decades now, the Supreme Court has been issuing opinions purportedly based on the Constitution where the Constitution itself is silent. This kind of judicial decisionmaking usurps the right of Americans to govern themselves on some of the most important issues in their lives. That is what happens, for example, when the Court ''discovers'' rights in the Constitution that aren't mentioned in its text and weren't observed when the Constitution was adopted. The same thing happens with ordinary statutes that Congress passes. If the Justices limited themselves to saying what the Constitution or statute says about the case before them, their power wouldn't be so ''enormous.'' President Obama says it is not so simple. He says the cases that really matter are the ones where there is some ambiguity in the law. In those cases, President Obama thinks a justice needs to apply ''judgment grounded in how we actually live.''

Again, I disagree. When judges ask what a law should mean, the meaning of a law will change, depending on the judge's ''life experiences'' or what judge happens to hear the case. The people lose control of what their laws say. It is not consistent with our system of self-government.

James Madison—the ''Father of the Constitution''—explained the same thing in a letter to Richard Henry Lee. He said that ''the sense,'' or meaning, ''in which the Constitution was accepted and ratified by the nation'' defines the Constitution. He said that is the only way the Constitution is legitimate. That is because, in Madison's words, ''if the meaning of the text be sought in the changeable meaning of the words composing it,'' the ''shape and attributes'' of government would change over time. And importantly, that change would occur without the people's consent. It wouldn't be consistent with the way we govern ourselves through our representatives.

That is a very different view than the President suggested in Chicago last week when he said that ambiguous cases ask a judge to consider ''how we actually live.'' In President Obama's view, the judge isn't asking what a law meant when it was passed, but what it should mean today. President Obama described this as his ''Progressive view of how the courts should operate.'' With respect to the President, it is my view that the courts shouldn't operate in a political way at all. Not a progressive one, not a moderate one, not a conservative one. Instead, in my view, the courts should operate in a constitutional way that ensures government by the people.

Again, when Chief Justice Rehnquist and Justice Scalia were sworn in, President Reagan touched on this very subject. He said that for the Founding Fathers, the question about the courts was not whether they would be liberal or conservative. The question, President Reagan said, was ''will we have government by the people?'' Judges have a role in ensuring that we have government by the people. They fulfill that role when they try to understand what a law meant—either a statute or the Constitution—when the people's representatives enacted it. If the Justices decided cases that way, there would be a lot less politics in legal rulings. Unlike the President, I think that would be healthy for our democracy. But more important, it was the understanding of those who wrote and adopted our Constitution.

I yield the floor.

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. HOEVEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HOEVEN. Madam President, I ask unanimous consent that Senator TESTER and I be allowed to engage in a colloquy for the next approximately 15 minutes.

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

Mr. HOEVEN. Madam President, I rise to encourage support for the Hoeven-Tester air ambulance relief amendment, which is legislation of importance to people living in both rural and urban communities who need urgent and timely medical care. The need for this amendment arises from the fact that Federal law preempts States from regulating air ambulance services pursuant to the Airline Deregulation Act, which was passed in 1979.

While some air ambulance providers enter into agreements with insurers, a growing number have decided to operate as out-of-network providers and practice what is known as balance billing. That means consumers, not the insurance companies, are responsible for the majority of the medical bill.

In recent years, State insurance departments have been fielding consumer complaints related to large balances left to them from charges not covered by insurance providers for air ambulance services. Patients in need of lifesaving air medical services have been

left with balances of more than $25,000 when an air medical provider opts out of agreements with insurance providers.

Let me share a couple of examples of what I am talking about with my colleagues. In one case, a young couple had a premature child who was in need of intensive care at another hospital. The couple was insured and assumed that the 1-hour helicopter flight to the other hospital was covered by their insurance. The air ambulance company presented them with a bill for almost $40,000, but because the company had not entered into an agreement with the couples' insurance company, they were reimbursed only about $15,000 of that bill, leaving them $24,000 that they needed to pay when they thought they had insurance coverage for the bill.

In another case, a woman suffered a snowmobiling accident and was airlifted off a mountain. The charge was $40,000. Her insurance paid about $15,000, and so she was responsible for the $25,000 balance to the company. Now, in that case she negotiated with the company and got it down to a balance of $13,000, but that $13,000 she then had to pay.

In a third case, a father and his daughter were airlifted from the hospital where they were to another hospital because they needed additional care. The young person's condition was deteriorating and she needed specialized care so they had to airlift her to another hospital. They had a single pilot who took them on the flight. After they returned home by car, they got a check from the insurance company for $6,800, so the insurance company paid $6,800. That left them with the balance of a bill that was almost $70,000. Again, they thought they were covered under their insurance. So my colleagues can see that this is a real concern and a real issue.

Many consumers with health insurance coverage assume these medical bills will be taken care of and don't think to ask if the air transportation company is a participating provider because obviously they are in an emergency situation. Unfortunately, as a result, after the patient has stabilized and is in recovery, they learn they will be faced with an expensive medical bill they hadn't anticipated.

In the last session of our State legislature in our State, the State legislature made an effort to address this problem in State law. What essentially the State law said was that the hospitals would have a list of providers that accept insurance as payment in full and insurance companies that do this balance billing, so then the hospital and the patient can be informed and make their decision as to the air ambulance provider. The problem is the State law was struck down in Federal court because the Airline Deregulation Act of 1978 took precedence, meaning it is a Federal issue, which we understand. Obviously, airplanes cross State lines, so we understand there is a Federal aspect to it.

Our amendment would allow hospitals to provide information so patients could determine which air ambulance providers accept the insurance payment as payment in full and which ones don't. Then hospitals could have that information available and patients could make their decisions accordingly.

It is a very simple, straightforward amendment that would allow State legislatures to make sure that information is available for patients in their State.

There are a number of organizations that are supporting this commonsense amendment, including the National Association of Insurance Commissioners, the American Health Insurance Plans, Blue Cross Blue Shield Association, American Heart Association, American Stroke Association, Consumers Union, and Families USA.

That is the legislation in a nutshell, and I have taken a minute to explain it.

Now I wish to turn to my colleague from the State of Montana and ask him—as a cosponsor of this legislation I know he has run into this problem with his constituents. So I would ask him to comment both in terms of the situations he has run into in Montana and his thoughts on how we can best address it.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, I wish to thank the Senator from North Dakota for working on this important issue that in fact speaks across this country but especially in rural America.

Senator HOEVEN and I are on the floor working this afternoon to provide a voice to those who feel the well-being of ordinary Americans is being taken advantage of. These are folks who are honest and work hard and play by the rules, but they find themselves victims of an unchecked industry with too many bad actors. That is right. They are not all bad actors, but some are. The folks who survive the fight of a lifetime are waking up the next morning only to find themselves in a new fight—a fight to keep their home and their financial well-being.

In rural America, we are seeing more and more troubling reports of families losing nearly everything to rising air ambulance bills. In my home State of Montana, over the past 10 years, we have seen more out-of-State independent and for-profit air ambulance companies in operation. These companies are moving into my State, and they are not affiliated with local hospitals. They do not always have contracts with insurance companies, and they are taking financial advantage of families who are in crisis—families who may be forced to cash out their retirement accounts, drain their life savings, and even sell their homes to cover air ambulance bills that can climb up to $100,000. This has been well-documented in the State of Montana. Occurrences of people getting billed enormous sums of money after an air ambulance trip have been well-documented.

So what is the upshot of all this? The upshot is we are a rural State. Oftentimes you can't get to a hospital in time by road, so you have to call an air ambulance. If you call the wrong one, you end up with a bill you can't pay. So people have to make literally life-and-death choices at a time when they shouldn't have to. Oftentimes, because of this experience they are saying: You know what. We are between a rock and a hard place. We will take a chance. The wife or the spouse may be purple because they can't breathe, but they say: We will take a chance. They will pile in the car and drive an hour to the hospital and hopefully they will survive. A child may come in from an accident, having potentially lost a limb, who may be bleeding profusely, but they say: We will take a chance and not call the air ambulance.

This system is broken, and it needs to be fixed. It is broken for the patients, it is broken for the providers, and right now in this country there is no tool to address it.

We have a solution. Senator HOEVEN and I have an amendment to tackle this issue and put it on the FAA bill and get it done. Our amendment would provide States the ability to decide whether they want to create rules regarding air ambulance rates and services. Right now, States are prohibited from regulating air ambulances, but families have made it clear that something must be done to prevent these companies from raking families over and collecting exorbitant bills. A one-size-fits-all solution from Washington, DC, is not the answer, and that is why the good Senator from North Dakota and I believe each State should have the opportunity to address this growing problem in their own way.

Our amendment will provide incentives for these air ambulance companies to be better neighbors, as we like to say in Montana. It will encourage them to work with local hospitals and insurance providers to ensure that the lifesaving services they provide will not cause that family to lose their home.

This amendment is supported by State officials across the Nation and by folks on both sides of the aisle.

With that, I ask Senator HOEVEN to yield for a question.

Mr. HOEVEN. Certainly.

Mr. TESTER. Why is this legislation so important to Senator HOEVEN and his constituents in North Dakota?

Mr. HOEVEN. Madam President, I would respond to the good Senator from Montana that I think we have both described the importance in terms of the costs that people may face, particularly in a time when they are in an emergency or crisis situation. It is very difficult for them already. So, look, we need to do everything we can to make sure they can get quality medical care and that they are as informed

as possible in making those decisions and trying to make those decisions easier for them, particularly at a time when they are faced with a life-threatening situation or crisis situation.

The good Senator from Montana really put his finger on it when he said that we are not asking for a Federal one-size-fits-all solution. Instead, we are saying: Let's empower the States to do what they can in terms of helping people when they are faced with this kind of emergency situation.

So if one really looks at this amendment—and we have done a fair amount of work on it with health care providers, talking to the ambulance association and others, and we will continue to work on it. But essentially we are saying: Make sure people have that information readily available so that when they are in an emergency or crisis situation, they can make a quick and good decision that fits their needs, and let the providers compete for the business.

This goes to empowering people in terms of choice and deciding what kind of care they want, and then they can make an informed decision about what they want. If they are in a situation where health insurance has to cover it, then they make that decision accordingly. If they want some other service in a particular circumstance and they are willing to pay out of pocket, then they can make that choice too.

This really is about making sure that people have the information, particularly at a critical time when they really need it, so they get the health care they need and they also have some of those—what costs they are going to face. That is what it is all about. That is true in our States, which are more rural States, but it is true in the urban States as well.

Mr. TESTER. It certainly is, and I can say that what we have heard in Montana is that there is a problem out there. We need some help.

Last summer, I had a woman by the name of Christina from Missoula, MT, who called me. She and her husband both work full time. She pays $1,000 a month for her health insurance. She was being responsible, doing everything she was supposed to do, but an emergency struck, which could happen to anybody, and her daughter needed to be airlifted to Seattle, WA.

The cost of the flight was the last thing on Christina's mind. She cared only about the health of her daughter. In the back of her mind, she knew she had health insurance, so she knew she would be OK. When Christina and her daughter returned from Seattle, they found a bill waiting for them for $85,000, a little bit less than twice the average that an American earns every year. Think about this—getting a bill from a service that you had no choice but to take and then finding out that it cost you twice as much as you make in 1 calendar year.

Unfortunately, the story of Christina is not unique. Each year, more and more Montanans have a story exactly like Christina's. That is why it is critical that we get this problem addressed through this bipartisan amendment that will provide certainty and justice for families like hers. These folks really have nowhere else to turn.

If we can get this amendment on the FAA bill—and I know we are working with the committee right now, tweaking it, trying to make it work so that people are more at ease with it—we can begin to address this issue that has haunted too many families.

I would just tell you this. I had an accident when I was young, and it wasn't the kind of accident that was life threatening. My folks had only a 15-minute drive to get to the hospital. I could tell you that if I had been a little bit more unlucky and we had put it into the 21st century and my folks would have had to get an air ambulance—which is absolutely necessary in rural America sometimes; it is necessary depending on what problem has happened—it would have put the family in a position where they literally could have lost the farm. This isn't right. This isn't what this country is about. All it takes is just a little bit of tweaking, a little bit of knowledge, a little bit of transparency, and that is what this amendment does. I think we can get this problem fixed, and it is simply the right thing to do.

I want to thank Senator HOEVEN for his leadership and his hard work on this issue.

I yield back to Senator HOEVEN.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Again, I would like to thank the Senator from Montana for joining in this bipartisan legislation and just ask that our colleagues work with us to get a good commonsense solution to solve this very urgent need.

With that, Madam President, I yield the floor.

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. HOEVEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HOEVEN. Madam President, I would like to speak in support of several amendments that I am offering to the FAA reauthorization bill.

You may recall that in 2011 some of my colleagues and I offered a bipartisan amendment to a section of the bill that called for the FAA to develop a process to integrate unmanned aerial systems, UAVs or unmanned aerial vehicles, into the NAS, the National Airspace System.

That legislation included drafting a plan to develop air traffic requirements for all unmanned aerial systems at test sites; certification and flight standards at nonmilitary UAS test sites, as well as the National Airspace System; and making sure that the U.S. integration plan is incorporated in NextGen, the administration's project to modernize the American air traffic control system.

Importantly, it also called for the agency to designate six test sites to help accelerate the NAS integration plan.

These test sites were established in December of 2013, following a competitive process that encouraged some of the very best in the fledgling field of unmanned aerial systems to apply and compete for the test sites.

I am proud to say that Grand Forks in my home State of North Dakota made the cut and is one of the premier test sites and hubs for UAS research and development in America. The work they have done there and at the other five sites across the Nation has been nothing less than remarkable, which is why I am here today to make the case for some additional amendments to help them maintain their momentum.

The first is Hoeven amendment No. 3500, which extends authorization for the six test sites for another 5 years. The previous FAA bill from 2012 authorized the test sites for 5 years, and the legislation before us extends that just an additional few months, through September 30, 2017. Our amendment would extend this authorization by an additional 5 years, through September 30, 2022.

The Northern Plains UAS Test Site in North Dakota has some important achievements to point to: supporting NASA's UAS-related research; research and testing at up to 1,200 feet across the entire State of North Dakota, far above the limits for commercial small unmanned aerial systems; nighttime UAS operations; and approval to fly multiple types of UAS in the same airspace. Nevertheless, there is plenty of work left to do in support of integrating UAS into the national airspace, and that will require investment and support from industry partners. They will be much more likely to use the FAA test sites if they can be sure those test sites will be operational beyond the end of next year.

My second amendment is Hoeven amendment No. 3538, the private aircraft exemption, which will help to expedite testing of private industry aircraft by not requiring them to lease their aircraft to the test site in order to fly.

The six UAS test sites are intended to work with the UAS industry to perform research necessary to integrate the UAS, unmanned aircraft, into the national airspace. What are we trying to achieve here? We are trying to achieve concurrent use of the NAS, national airspace. Right now we obviously have manned aircraft flying all over the United States, but where we are going is we will have manned and unmanned aircraft flying at the same time, concurrently in the national airspace. We have to make sure that is done safely. We have to make sure that we address the privacy issues.

There is a whole gamut of issues that have to be addressed to do this safely and well. That is what the test sites are developing so that we can move to that new paradigm. It is vitally important.

We fly unmanned aircraft all over the world through our military, but we have to figure out how to do that safely and well in our airspace with civilian aircraft. That involves a lot of things—commercial aviation, general aviation, and unmanned aircraft for a whole myriad of uses. This is not an easy proposition, so we have to figure it out.

If we don't do this, we will pay a huge price because right now the United States is the aviation technology leader in the world. The United States leads aviation technology globally, but if we don't figure out how to do this, somebody else will, and we can't afford to forfeit our leadership in aviation technology. We can't afford it from a military standpoint, and we can't afford it from a civilian standpoint if we are going to continue to lead in technology, job growth, the jobs of the future, and the strongest, most innovative, dynamic economy both now and in the future.

We are working on the test sites to make this happen, but currently you have to lease your aircraft to the test site. You can't just come to the test site and get approval to fly. That is what we need to change.

Currently, as I say, any private industry partner seeking to fly at a test site must first lease their unmanned aerial system—their plane or drone or whatever you want to call it, RPA, remotely piloted aircraft—they have to lease that to the test site. As a public entity, it can then clear the aircraft to operate as a public aircraft while at that test site.

The problem is that the UAS industry is understandably reluctant to release their UAS aircraft to the test site for research work and has particular concerns about losing proprietary information through the leasing process. Remember, this is the latest, greatest new technology. Companies are investing hundreds of millions and billions of dollars in this new technology. They want to keep it proprietary. They don't want to disclose it to all of their competitors. At our test site right now, we have not only Northrup Grumman but General Atomics—manufacturers of Global Hawk, Predator, and Reaper—doing this kind of research and development. They need to protect those proprietary technology developments.

Obviously this is an important issue for them as they are working to develop the aircraft of the future. My amendment would provide an exemption for the test sites to fly civil aircraft subject to whatever terms and conditions the FAA Administrator deems appropriate for public safety and subject to the terms of the certificate of authorization already granted to the test sites.

Remember, the test sites have to get approval from the FAA to fly all of these different aircraft at the test site, so the FAA has already provided that prior authority. We don't need to have the additional work of in essence making these test aircraft public aircraft. These terms govern the airspace and conditions under which the test sites can operate with unmanned aerial systems.

This amendment is common sense. Current procedures block the test sites from assisting industry in developing technology that integrates into the national airspace. This amendment would enable the test sites to perform as originally intended; that is, as a bridge between industry and the FAA to develop concurrent airspace use for unmanned aircraft, which is a key part of the future of aviation.

Test sites will have the same responsibilities for safely managing the operation of UAS under their certificate of authorization as they do today. So this is about doing things in a more efficient way without any effect on public safety.

In addition, the FAA already grants numerous exemptions on a case-by-case basis to industry partners, known as section 333 exemptions. This amendment effectively serves as a test site 333 exemption, which should help decrease demand for the FAA to press the other exemption requests, again streamlining the process, making it work.

Finally, I filed Hoeven 3543, which leverages test site and center of excellence participation in the unmanned traffic management pilot program. The underlying FAA legislation establishes an FAA-led pilot program to develop an unmanned traffic management system, which will be essential to the final goal of integrating the UAS into the national airspace. This is how we manage traffic—manned and unmanned aircraft—in the same airspace. How do we manage that safely and well?

The amendment would require the FAA Administrator to leverage to the maximum extent possible the capabilities of the FAA's UAS center of excellence and the six UAS test sites when developing and carrying out the pilot program. So we are saying to the FAA: Work with the test sites and the national center of excellence, which we have developed for unmanned aerial systems to move this technology forward.

Right now, the FAA is behind the curve. The technology is racing forward, and we have to maximize our use of these resources to make sure that we are developing UAS the right way, in a way that the public feels is safe, that respects privacy rights, and that addresses all of the different potential concerns. Again, it is about doing things right and well with this new technology.

Again, this is a commonsense amendment. The FAA should use the capabilities Congress has put at its disposal, along with its interagency and industry partners, to advance development of unmanned traffic management systems. My amendments give our UAS test sites the tools they need to stay up front, which will ultimately yield research benefits on behalf of our country.

We have all seen and read in the media about how these remarkable new aircraft are playing a big military role in the security of our Nation. They achieve military objectives without putting our men and women in uniform in harm's way. We are also seeing how they play an important role in border protection and other security operations. Less well known is their use in precision agriculture, disaster mitigation, traffic safety, building inspections, energy infrastructure monitoring, and many uses that have yet to be imagined.

The UAS industry is anxiously awaiting the approval of rules to begin operating small UAS at low altitudes. This is an important step, but it is just one step. It is limited, which is why we need the test sites for the research and development necessary to move forward. The UAS test sites and the center of excellence are in a position to stay ahead of the curve. Doing the research will enable the next phase in UAS integration from flying at night and beyond line of sight to flying higher and farther using larger aircraft.

These amendments are important for the success of an exciting and rapidly growing segment of aviation in our country. The goal is to make UAS a fully working component of not only America's larger aviation system but also of our economy. As I said, we are the world's leader in aviation technology. We must continue to forge ahead to maintain that leadership.

I will close by saying that almost all of us now have an iPhone or Android—some type of phone in our pocket. It is so much more, isn't it? It is a full-blown computer. Think back 10 years. We had no idea that we would all have these cell phones or that they would have all of these amazing capabilities. But look at how much we use it every day in our lives. Well, I make that analogy with unmanned aircraft. What is it going to look like 10 years from now? What is it going to be like? Well, we don't know yet. We don't know what all these applications and what all these uses are going to be. But what we do know is that the United States needs to be the leader in aviation technology development. That is what we are talking about with these test sites—making sure that we can do it safely and well and that we can maintain that global leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I would like to speak on an amendment I have submitted that will ensure the implementation of what is already required by statute: a biometric exit system for the United States. The law has

required a biometric—that means a fingerprint, as opposed to biographic, which is name and birth date—system that allows us to know who is coming into this country on a visa and whether they left when they were supposed to leave. It is absolutely critical to the safety of the United States. It is something the 9/11 Commission recommended as a high priority. Ten years later, when they did their Review Commission report to see how their recommendations had been carried out, they noted that one of their top concerns was the failure of Congress to complete the system.

Right now when you come into the United States, you put your hand on a screen and they clock you in biometrically, and then when you leave, there is no system that clocks you out.

It is just like going to work every day. You take one of these iPhones. It has got this place on the bottom where you put your finger. I put my thumb on it. I don't have to put in my pass code; it simply reads my fingerprint. This is done all over America. These screens are not expensive. They don't require a lot of space. It is something that should be done. It has not been done.

The first requirement for this was in 1996 through the Illegal Immigration Reform and Immigrant Responsibility Act. The requirements were largely ignored, and eventually modified until the terrorist attacks on September 11 caused us to focus again on the issue.

Congress responded by once again demanding that government implement an exit system with the passage of the USA PATRIOT Act, which stated that an entry and exit data system should be fully implemented for airports, seaports, and land border ports of entry ''with all deliberate speed and as expeditiously as practical.'' Fifteen years ago, that occurred. Congress then reiterated its demand for a biometric entry-exit system in 2002 when it passed the Enhanced Border Security and Visa Entry Reform Act. This bill required the government to install biometric readers and scanners ''at all ports of entry of the United States.'' Subsequently and consistent with the recommendations of the National Commission on Terrorist Attacks Upon the United States, Congress passed the Intelligence Reform and Terrorism Prevention Act of 2004, which mandated that the entry-exit system be biometrically based. That was 12 years ago.

Despite the relative successful implementation of a biometric entry system, the Department of Homeland Security has largely failed to implement this required biometric exit system. To date, Homeland Security has only implemented a handful of pilot programs. They have had one excuse after another, and failed to do so.

There have been some promising developments in recent months, I would note.

Of primary importance is the fact that Congress passed the Consolidated Appropriations Act of 2016. This created a dedicated source of funds for the implementation of a biometric exit system. It has been estimated that this fund will result in approximately $1 billion that will be available solely for the implementation of the biometric exit system required by law. Yet, even with this significant source of funding, the administration continues to dawdle. My amendment will end that delay and bring this matter to a close. It will complete the system that the 9/11 Commission said was essential for our national safety and security.

My amendment simply states that no funds from the FAA bill that we pass can be obligated or expended for the physical modification of existing air navigation facilities—that is, a port of entry—or of the construction of a new air navigation facility intended to be a port of entry, unless the Secretary of Homeland Security certifies that the owner or sponsor of the facility has entered into an agreement that guarantees the installation and implementation of such a facility not later than 2 years after the date of the enactment of the act. In other words, they have to complete the contract to make this system work, and then we give them 2 full years to accomplish it. That is more than enough time.

The amendment allows Customs and Border Protection officers at each airport that serves as a port of entry to create a solution that works specifically for the needs of CPB and the airport. It gives them some flexibility to work these things out. It does, however, require—finally and I hope fully—an agreement that guarantees that the system will be installed and implemented at the airport in 2 years.

These airports drag their feet. Airlines drag their feet. They do not like to be bothered about this. It is not in their priorities, but it is not going to cause them great problems. It is not going to cause the airplanes great problems.

Somebody needs to be representing the national interest around here, what is in the public interest. They don't get to undo a law passed by Congress 20 years ago that should have already been implemented years ago. It is that simple.

This deal could be done in 6 months if we had an administration that was determined to get it done. The equipment is already available all over the country. Many police officers have these screens in their cars. They arrest someone for DUI, and they make them put their hand on the screen, and it runs a check throughout the United States. They find out that someone arrested in Alabama has a warrant for murder in New York City. That is the way the system is working today all over the country. We can't make this work at an international airport to ensure people who have a limited-time visa in the United States actually leave when they are supposed to? And when we find out someone may be a terrorist or connected with some illegal enterprise or terroristic plan, we want to know if they actually left the country or are still in the country. This is something law enforcement—the FBI and Homeland Security—needs to know about.

I was told by one company that there are many competitors who would bid for this work. There are all kinds of systems out there. One manufacturer suggested we should host in the Capitol a products day and let all these companies bring in their systems so staffers and Members of Congress can go out and see what the possibilities are and erase forever this idea that this is somehow impractical, not feasible, and can't be done.

If Apple and Samsung and others can implement technology on your cell phone, on your mobile phones to access them, you can be sure the U.S. Government could work with the airports to complete a biometric exit system, as the law has long required. Such a system will not have large space requirements. U.S. Customs and Border Protection can work with the larger airports with international terminals and install physical equipment at their departure gates. CBP can work with smaller airports to deploy handheld systems at gates handling international flights.

Ultimately, all a passenger exiting the United States needs to do is place his or her hand on a simple screen or, with some devices, even just wave their hand in front of it. We had an expert tell us they have a system you don't even have to touch the screen. You can wave your hand in front of it, it reads the fingerprints, and the device will biometrically identify the passenger as the person exits.

Somebody can take your name, go to the airport, and exit the country with some sort of ID and claim they exited as you were supposed to exit, without this biometric check, because you can use any name. If they clear this screening area, they move into the boarding area. They will be allowed into the boarding area. If there is a hit because the boarder is on some no-fly list because of some danger, the passenger can be denied boarding or removed from the plane before it takes off, and their baggage can be removed from the plane. Importantly, the United States would then have a unified, automatically produced list of those who have departed on time and those who have overstayed their visas.

Colleagues, I would note we are having a huge surge in the number of people who come to this country on a visa and don't go home. It now amounts to over 40 percent of the people illegally in the country who came on a visa, promising to go home at a certain time, yet who are not going home.

We had a Democratic debate a few weeks ago when former Secretary Clinton said: Well, if you are found in the United States unlawfully you should only be deported if you have been indicted or charged with a violent felony.

How did this become the law? You are not allowed to stay in the country. You can't stay in the country if you overstay your visa. That is the law. You are deportable right there, whether you are a good person or not, and even if you never committed a traffic offense. Now we have leadership in this country so detached from law, so detached from the will of the American people, they are saying you can come in and stay for years after overstaying your visa and only be deported if you commit a violent felony.

This has to be brought to a conclusion. The American people want a lawful system of immigration—are they wrong to ask for that?—one that serves the interests of the American people, one that is worthy of a nation that validates the rule of law, or do we just give in? Do we capitulate to lawlessness, and anybody who comes and can get into our country—even for a month, presumably—and who commits a $50,000 bank fraud is not going to be deported because it is not a violent crime, even though the law says otherwise?

Let me just note that for a host of reasons the system should be based on the fingerprint system where we maintain our extensive database. There are eye systems that will read your eyes, we have systems that will read your face, but, colleagues, do not be led into that. We are not ready to do that. There is no data system that supports a face system. Let's stay with the fingerprints, as experts have told us.

Let me also note that numerous countries around the world, including New Zealand, Singapore, and Hong Kong, use a biometric system now. This is proven. There are approximately 17 countries.

Ending this failure has bipartisan support. My subcommittee—the Subcommittee on Immigration and the National Interest—held a hearing on January 20 entitled ''Why is the biometric exit traffic system still not in place?'' During the hearing, we got promises from the administration but no commitment regarding when such a system would actually be deployed.

Just a few weeks later, Secretary Johnson of Homeland Security made statements directing the Department of Homeland Security to begin implementation of the system at our airports by 2018—begin the implementation by 2018. So this is another mere promise—the kind of promises that have never resulted in the production of a system, and that uncertainty must end. The obvious missing piece is an actual completion date. This bill would create that. It is these kinds of lulling comments we have heard for all these years that have kept us from actually following through on the system.

If Congress would like to know why the American people are not happy with their leaders in Washington, this is a good example of it, a very good example. Congress promises to fix a problem, we even vote for a bill to fix it, and in this case we voted for bills to fix it, they passed and became law and require the problem to be fixed, but it doesn't happen. As decades go by, we sit by and nothing ever happens. A special interest group speaks up here and a special interest group speaks up there and somehow it never happens.

It is time to fulfill the promise and commitment to the American people. We promised the American people a system that would demonstrably improve our national security. As noted by former Commissioners on the National Commission on Terrorist Attacks Upon the United States in a report issued in 2014, ''Without exit-tracking, our government does not know when a foreign visitor admitted to the United States on a temporary basis has overstayed his or her admission. Had the system been in place before 9/11, we would have had a better chance of detecting the plotters before they struck.''

We have long known that visa overstays pose serious national security risks. A number of the hijackers on September 11 overstayed their visas. The number of visa overstays implicated in terrorism since then is certainly a significant number. A new poll came out earlier this year that indicates that three out of four Americans not only want the Obama administration to find these aliens who overstay their visas—not just the ones who have committed violent felonies—but also deport them. The same poll indicates 68 percent of Americans consider visa overstays as a ''serious national security risk,'' and 31 percent consider visa overstays as a ''very serious'' national security risk. And there is little doubt about why.

The risks to our national security are too high for us to maintain the status quo. We are having more and more people traveling by air to the United States from around the world. We simply allow them to come on a very generous basis. They commit to leaving after a given period of time. Whether it is for a vacation or a job, they then plan to return to their home country, and we need a system to know if they are complying with that. We must fulfill the promise we made to the American people and do all we can to complete this system. My amendment would do so. It would finally bring this to a conclusion because it would say to the Air Force: We have money to help you do your runways, expand your airports, and do the kinds of things you would like to, but we want this agreement in place first.

Mr. President, I understand that some on the Democratic side intend to object to calling up this amendment. It was my intention at this time to call up this amendment. I don't see any Democrat here, but I have been told that is what they want to do, and they passed that word along. So in an act of courtesy, I will not call up the amendment at this time, but we need to bring it up. Every Democratic member of my subcommittee who attended the hearing—Senators SCHUMER, FEINSTEIN, and FRANKEN—all said they favored fixing this. I think we have a bipartisan agreement if we can get a vote, but, once again, we may not be having a vote. That would be very distressing because I don't see how anybody could oppose the final completion of this much needed product.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from New Hampshire.

NATIONAL EQUAL PAY DAY

Ms. AYOTTE. Mr. President, I rise because it is Equal Pay Day, and I would like to talk about the importance of finally ending gender-based discrimination in wages. It is unfortunate that in the year 2016, this is still an issue we need to address in this country, but it is.

I had the privilege of serving as our State's first female attorney general. I think it is the right thing to do and the obvious thing to do, and under our laws this already exists—that equal pay for equal work should be the standard. All of us should be judged in the workplace by our experience, our qualifications, and our capability of doing our job and nothing else.

Women face many challenges in balancing work and family life. I know that firsthand, being the working mom of two young kids. On top of those challenges, no woman, whether she is a mother or not, should ever face gender-based pay discrimination in the workplace. Today, more than half of New Hampshire's women serve as the primary or coearner in their household. That just underscores the serious need to address this problem.

Men and women should receive equal pay for equal work. It is that simple. Your salary should be based on how you do your job. Because of that, I introduced the Gender Advancement in Pay Act, or GAP Act, along with Senators CAPITO, PORTMAN, BURR, and HELLER, and I thank my cosponsors for supporting this effort.

What we did is we built on a highly successful bipartisan pay equity law that was signed into law in my home State of New Hampshire in 2014. The GAP Act makes it clear that employers must pay men and women equal wages for equal work, without reducing the ability of employers to provide merit pay and reward merit, which all of us want. Having been the first woman attorney general, I want to give women the opportunity to outperform their male counterparts as well because I know we can.

Today, there is a patchwork of laws that govern equal pay and an employee's ability to discuss their pay without fear of retaliation, and differing court opinions have led to a situation where some employees receive protections not available to others simply based on where they live. As such, the

GAP Act is a sensible approach to updating, clarifying, and strengthening these laws.

For 20 years the Paycheck Fairness Act has been around in the Congress. It has never passed. One of the reasons, I think, was described very well in 2010 by the Boston Globe. It said that the Paycheck Fairness Act, as a whole, was too broad a solution to a complex, nuanced problem, but that a narrower bill that would stiffen some penalties and ban retaliation would be helpful. That is exactly what the GAP Act is—a bill that stiffens penalties, bans retaliation, and clarifies the law so that we can ensure we have equal pay for equal work.

In short, my bill updates the Equal Pay Act's ''factor other than sex'' clause. Currently, employers can explain away pay differentials by pointing to a number of factors. One of those was ambiguously written to be a ''factor other than sex.'' Our bill closes this loophole and clarifies that any factor other than sex must be a business-related factor, such as education, training, or experience. It makes sense; doesn't it? Why would you allow a defense of a ''factor other than sex'' that has nothing to do with your job? To me, that seems to be inviting discrimination. That is why we should clarify the law to make clear that it has to be a factor related to your job—such as education, training, or experience. This would clarify the law for employees and protect the rights of employees, and, also, employers would clearly have this provision defined.

The GAP Act also creates a penalty for willful violations. This is actually one step further than New Hampshire's bipartisan pay equity law. So it would put teeth into it, and I think that is important. Employers that knowingly act with the intent to discriminate should have to pay a penalty. What we do with the funds from this penalty is to take the funds and, rather than putting them back in the General Treasury, we are going to study the wage gap issue, make sure we have the best research on what is causing it and what is happening, and find more ways to expand opportunities for women in the workforce with better paying jobs.

The GAP Act would also promote salary transparency. According to the Institute for Women's Policy Research, about half of workers were discouraged or outright prohibited from discussing their pay with coworkers. When employees are allowed to discuss their pay, they are more likely to uncover incidents of discrimination. Yet, if I am not allowed to discuss my pay and I find a coworker who is the same situated as me yet making more money—a male counterpart—and I am not allowed to raise this because I can't discuss pay comparisons, then how am I going to raise a claim of discrimination? So we need to make it more transparent. We need to ensure that employees are allowed to discuss their pay. This will make it more likely to uncover incidents of gender-based pay discrimination.

So our bill prohibits retaliation against employees who discuss their pay, and tells employers they can't institute secret pay policies and they can't ask an employee to bargain away their right to be able to talk about their pay if they choose to.

Importantly, after getting feedback from stakeholders in our States, we made sure that provision is strong. The cosponsors of this bill reintroduced an updated version of this bill this week to ensure that there are stronger provisions for salary transparency and to make it clear that employers cannot sidestep provisions that ban retaliation against employees who discuss their pay. It prohibits pay secrecy policies that could encourage this kind of behavior.

On Equal Pay Day, today, it is very important that we all work together to do anything we can to end the gender wage gap. One of the things we should do is to stop the political posturing. Let's stop using this incredibly important issue as a political football, because legislation like the Paycheck Fairness Act has been around 20 years.

I am glad to introduce the GAP Act, because I believe this is a commonsense piece of legislation that gets at the issue by clarifying our laws in a way that benefits employees. It makes sure it is clear that if you willfully violate our laws, you are going to have to pay a penalty. We are going to take that money, and we are going to put it back into research to further help us address the pay gap. We are also going to make clear for plaintiffs that, if you want to file an EEOC claim and you also want to file an equal pay claim, we will make sure you can do both, and your rights will be protected to do both by staying the statute of limitations while the EEOC claim is going forward. This will help plaintiffs not have to litigate in two forums. This will also allow the EEOC to do their job and, if they find discrimination, to be used in an equal pay act claim. This is another important step for plaintiffs and also to clarify that those who are victims of discrimination are able to bring their rights forward.

On Equal Pay Day today, I hope we can stop making this a partisan issue and start actually passing legislation that will make a difference. In 2014 New Hampshire passed an important law. I was glad New Hampshire did that. I was glad that I could introduce what New Hampshire did here in the Senate on a bipartisan basis and build on that to introduce the GAP Act with some of my colleagues.

I hope today, on Equal Pay Day, we will take up legislation like the GAP Act and address gender-based pay discrimination. We are in 2016. I have an 11-year-old daughter. I don't want to be discussing this 20 years from now. I would like us to work on this in a serious, bipartisan manner, to address this, and to end gender-based pay discrimination once and for all, because equal pay for equal work just makes sense. It is the right thing to do, and it should be how our laws work.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. FLAKE. Mr. President, I rise to speak in support of Flake amendment No. 3556.

The amendment is simple. It simply strikes the newly added prohibition in the Visa Waiver Program on citizens of Visa Waiver Program countries who are also dual nationals of certain other countries, such as Iran, Iraq, Sudan, and Syria.

To be clear, this amendment keeps in place all other provisions added to the Visa Waiver Program to improve the security of the program, such as requiring greater information sharing. However, the dual national provision does not provide any meaningful security benefit and, instead, is a detriment to the country and the vast majority of dual nationals who provide a great benefit to the United States.

The problem with the dual national prohibition is twofold. It is both imprecise in its application, and it is difficult, if not impossible, to administer. One reason the prohibition is imprecise is because it prevents travel under the program regardless of travel history. For example, a dual national of Iran who is prohibited from using the Visa Waiver Program need not have ever been to Iran to be prohibited. In fact, there is no clear definition of who qualifies as a dual national, and it demonstrates how this prohibition is impossible to administer.

Many groups have pointed out that there is no international agreement on the rules of nationality, and that many people are dual nationals even if they do not wish to be. For example, there is no automatic way to relinquish one's Iranian nationality. It can only be accomplished if the individual is allowed to do so by the Iranian Council of Ministers and fulfills a number of requirements, including the completion of national military service. Does this sound likely or possible for an individual who has never resided in Iran?

Now, the administration has recently stated that they will determine each potential visitor's nationality on a case-by-case basis. According to them, ''the U.S. government need not recognize another country's conferral of nationality if it determines that nationality to be 'nominal.' ''

They also said ''DHS assesses whether an individual is a national of a country based on an individual's relationship to that country, such as if an individual maintains allegiance to that

country.'' However, the administration would not specify what counts as ''maintains allegiance.''

These examples show that the Visa Waiver Program is gaining nothing when it comes to actual security, and, instead, unfairly prohibits individuals' participation based on meaningless standards.

Furthermore, of greatest concern is the potential for reciprocal treatment of U.S. citizens. Just today, the European Commission asked European Union governments and European lawmakers to suggest what actions the Commission might take due to the lack of visa waivers for some EU citizens. Now, while there are a number of concerns when it comes to reciprocity, this dual nationality provision has not gone unnoticed. Specifically, the Commission stated: ''In parallel to discussing full visa reciprocity, the Commission will continue to monitor the implementation of the changes in the Visa Waiver Program.''

After expressing concerns about the negative consequences of these changes on ''bona fide EU travelers,'' the Commission invited the United States to consider the Equal Protection in Travel Act of 2016 in order to mitigate restrictions imposed on dual nationals. This amendment is that act.

I agree that we should mitigate these restrictions on dual nationals and mitigate the chances of reciprocal treatment for U.S. citizens. The U.S. passport is the most powerful in the world, and we need to ensure it remains that way. We should not threaten that status for a provision that is both imprecise and impossible to administer.

I hope we can have a vote on this amendment, and I hope my colleagues can support it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SULLIVAN. Mr. President, I rise today to speak in support of the Federal Aviation Administration reauthorization bill which is before the Senate and which we have been debating over the last week. Ensuring that our great Nation—States such as Colorado and Alaska that have important aviation industries—has a healthy and safe general aviation community and comprehensive aviation infrastructure is exactly the type of issue this Congress needs to be working on and the type that has been a top priority in previous Congresses.

In my State, aviation has a very rich history and is an incredibly important driver of our economy but also an important element of connecting the entire State. Many aspects of our lives in Alaska rely on commercial and general aviation. Living in a State of such enormous scale with numerous remote communities gives Alaskans a very deep appreciation for air travel, which in many cases provides the only means for transportation for many residents.

One of the things that is very much an honor being in the U.S. Senate is how different Senators come and describe life in their States so all Americans have a better understanding of how the entire country is knitted together, how we work together, but what unique challenges different States have.

For more than 100 communities in Alaska—including regional centers such as Bethel, Nome, Barrow, and Kotzebue—aviation is the only means of getting in or out of those communities since there are no roads. Most States don't understand that. There are no roads, no ferry service, so aviation is critical. Alaska is unique in its dependence on aviation, and we have a very busy, what we call highway of the skies. There are more pilots per capita in my State than any other State in the country. So that means everything from mail, to groceries, to baby diapers has to be flown in by plane to many communities. If someone gets sick and needs to see a doctor, oftentimes that can only be done by air. There are over 400 general aviation airports across Alaska, 250 of which are owned and operated by the State of Alaska, and that doesn't include hundreds of heliports that support mining, timber, the oil and gas industry, and others.

General aviation and aviation infrastructure are critical components of our economy and our quality of life in our State, in Alaska. It is fundamental in terms of connecting people and communities and promoting and sustaining economic development. Indeed, estimates show that the general aviation community contributes over $1 billion a year in economic activity to the State of Alaska's economy and supports over 47,000 jobs; that is 1 in 10 jobs in the entire State.

This is a very important bill. It is an important bill for the State of Alaska, but it is also an important bill for the United States of America. The FAA reauthorization bill will expire in July, and it is important to avoid the uncertainty of more short-term extensions by passing the authorization bill we have had on the floor of the Senate over the last week.

I thank Chairman THUNE and Ranking Member NELSON for all the work they have been doing night and day, really for months on this important bipartisan bill. So far the process has been a model of how the Senate should work.

Our friends in the media love to write the stories about nothing working in the U.S. Senate. I don't think so. There are a lot of important bills moving—the highway bill, the Education bill, human trafficking. Now we are looking at a bipartisan way to address a very important bill for the country; that is aviation, that is aviation infrastructure, and that is aviation security.

Let me talk about some of the substance more broadly for the country and why this bill is so important.

One aspect of the bill is the Pilot's Bill of Rights 2. Building off the success of the initial Pilot's Bill of Rights, this provision continues to make essential reforms for pilots—mostly general aviation pilots who are so important to my State—streamlining an overly burdensome medical certification process, increasing transparency and access to additional information for pilots in all the different aspects of their requirements as to being pilots in the general aviation community. There are provisions that also balance and make essential inroads toward rebalancing the relationship between the FAA and general aviation pilots.

One thing this Senate bill does not do—there has been a discussion over in the House—is it does not transfer the air traffic control services that are so important to many of our States—particularly rural States—to a private corporation.

This bill also, very importantly, strengthens safety for pilots and passengers across the country. You can't pick up the news and not see how important this issue is. From the terror attacks in Brussels, at the airport there, to the Russian flight out of Egypt that went down because of a suspected ISIS attack, to instances of criminal behavior even among U.S. airport employees, events around the world have underscored how important the need for stronger security measures for our Nation's air travel is.

What is really important is this is the Senate taking proactive action. This is not a bill on aviation security where we are reacting to some horrible tragedy, God forbid, in terms of aviation security, whether an accident or a terrorist attack at one of our airports. What we have been doing is looking at the challenges in these areas and taking proactive measures so we don't have to react when there is a terrorist attack or an accident.

So these are comprehensive airline security reforms that are some of the most important that have occurred and that we have debated in this body for over a decade. Let me list just a few of them.

The bill includes several measures for the security of passengers by improving airport employee vetting to ensure that potentially dangerous individuals don't have access to secure areas in our airports, expanding the enrollment in the TSA PreCheck Program so passengers move through security lines into more secure areas more quickly—we saw how important that was in Brussels—and enhancing security for international flights bound for the United States.

Overall, this legislation addresses a growing concern in terms of security, including the cyber security threats facing aviation and air navigation systems for our commercial airlines. The

bipartisan FAA Reauthorization Act does more for passengers and more for security than any bill, at least in the last decade. It is an important bill, it is a good bill for America, and it is a good bill for Alaska. It will advance measures to keep us safer. That is why I am supporting this bill, and I encourage my colleagues to do so as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

NATIONAL EQUAL PAY DAY

Ms. HEITKAMP. Mr. President, as we have heard all day, today is Equal Pay Day. What does that mean? That means that today is the first day women in the workforce—if we separated male and female workers—would actually get a paycheck in the year. That is pretty remarkable, and it is a disparity we have been working on for decades in this country but still have not achieved the parity that we believe is absolutely essential if we are going to be a family-friendly and forward-looking country with a growing and prosperous middle class.

I think way too often the issue of pay equity—the issue of equal pay—is characterized as a woman's issue. It is characterized as something that only elite women care about, and it is characterized as something that is not something for the government to address. Well, I am here to dispel all of those myths. I think we can only fairly say that by shortchanging women, employers are also shortchanging working families. Families need a full salary so they can put food on their table and make sure children have the medical care they deserve.

We have all heard the stark statistic that nationally women only earn 79 percent of what White, non-Hispanic males are paid. In North Dakota, the numbers are even more dramatic. The pay equity there is 71 percent. Women earn just 71 percent of what men make in my State. It is unacceptable. It is unacceptable at a time when—according to a recent study from the Pew Research Center—women are now the leading solo breadwinners in 40 percent of households. That compares to just 11 percent in 1960. It does not make sense that we are still struggling to make the same amount as men for equal work.

Additionally, in North Dakota, 74 percent of children live in households where both parents work. Both parents need to work in order to support their families. When women don't make as much as men, it doesn't just hurt them, but it hurts their children and families across the country.

What is Congress to do about this disparity? We need to pass a paycheck fairness bill. We need to make sure we have this critical piece of legislation, which responds to this concern, in our laws and in the statutes of the United States of America.

What does paycheck fairness do? It would help close the pay gap by taking critical steps to empower women to negotiate for equal pay. I can't tell you the number of times I have heard women in my State say: Well, I just didn't know I wasn't getting paid what a man was getting paid. And employers saying: Well, she didn't ask and he did. I think we need to be able to give the tools to women so they know when there is disparate treatment. We need to close the loopholes the courts have created in the law, we need to create strong incentives for employers to obey the laws that are in place, and we need to strengthen Federal outreach and enforcement efforts.

Looking at pay is only one part of the equation. We also need to pass other family-friendly policies, such as the FAMILY Act, which would establish a Federal paid leave policy.

I can only imagine what the debate was in this body when somebody came up with the idea to introduce employment insurance. I am sure there were a lot of discussions about yet another program and yet another system that would actually add to the payroll tax and add to burdens put on families.

Who today in this body would propose that we eliminate unemployment insurance? It has been a valuable transition opportunity so our workers can look for that next job without disrupting their family payment. As a person whose father was a seasonal construction worker, I know how critical that benefit was to my family when I was growing up. I know unemployment insurance frequently gave our family the ability to put food on the table in my household.

Let's talk about what happens when someone has a baby. Let's talk about what happens when someone's mom gets sick. Let's talk about what happens when we have a catastrophic illness of our own. Many people in my State—in fact, the majority of people in my State—do not have 1 day of paid leave. So their choice is to take care of their family's health conditions or to take care of their newborn child and just quit their job or go on unpaid leave and actually not receive a salary.

How many people can go on unpaid leave and not receive salary? Not a lot. What it means is that frequently when people have to transition away from work, all of a sudden that person qualifies for food stamps, qualifies for Medicaid, and qualifies for other government assistance programs. The cost to the employer for those government programs is equal to the price of a cup of coffee a week. For $1.50 a week per employee, we can provide this benefit. How do we know we can provide this benefit? Because we have States that have done it. California, which restricted their payment, I believe, to 50 percent to families who used this insurance benefit, recently upped that amount to 70 percent. This bill would put it at 66 percent.

The FAMILY Act is also a critical piece of legislation that moves our employment economy into the 21st century. It actually recognizes that women are in the workplace, and they are in the workplace for real and permanently. It recognizes that when we have family-friendly policies, we have a better workforce, we have a more economical workforce, and we have an opportunity for employers to keep their businesses.

Recently, in North Dakota, Senator GILLIBRAND and I traveled around the State talking about our paid leave policy in the FAMILY Act. We were in a small business with less than 10 employees. The owner said he would love to provide this benefit, but there was no way he could economically afford it. If anything happened to one of his employees, there would be no way he could give this benefit and also hire a temporary worker. If he had the opportunity to share that risk broadly with all small employers in the country, that shared risk would then make this benefit available to him, and he could keep his employees. He could keep those employees whom he trained, and he could make sure they were better employees when they came back because they have that benefit.

We need to understand this isn't just about the girls. This isn't just about the women of the Senate standing up. It is about a shared experience we have all had. It is a shared experience of having to choose between going home and taking care of your mother or actually feeding your family. That is not much of a choice. When we look at why people are angry in America today and why they feel like they are not getting ahead, it is because they are falling further and further behind because we aren't adopting 21st century policies, such as the FAMILY Act, equal pay for equal work, and recognizing the value of what women do.

I will close with a true story. When I was in college, between my freshman and sophomore year, I was a nanny. It was very rewarding. I loved the kids, but it was hard work and it was 24/7. After working as a nanny, I was a construction worker. Do you know why I worked construction? I was paid better and the work was not as difficult. I worked in a factory cleaning pipes, I worked on road construction, and I worked on rural water construction. Yes, that is hard work, and I was a laborer in all of those jobs. It is hard work, but none of it is as hard as taking care of children, sick people, or the elderly. Yet in America those jobs pay less.

It is time we evaluate what is happening in the workplace and what is happening to America's families so we can adopt these family-friendly policies. In fact, we need to listen to our constituents so we can have empathy for the challenges of American families. When that empathy finds its way to public policy in the halls of Congress, people will once again feel reconnected to their government.

I encourage everyone who hasn't taken a look at pay equity and hasn't yet taken a look at the FAMILY Act to

understand and appreciate what this can do for their constituents, what this can do for the American workplace, and how we can help small businesses provide the services and benefits they need to provide so they can compete in this very competitive workforce environment.

With that, I yield the floor.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 3464, AS AMENDED

Mr. MCCONNELL. Mr. President, I move to table the Thune amendment No. 3464.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

AMENDMENT NO. 3679

(Purpose: In the nature of a substitute)

Mr. MCCONNELL. Mr. President, I call up substitute amendment No. 3679.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. THUNE, proposes an amendment numbered 3679.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion for the substitute amendment to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 3679.

Mitch McConnell, Daniel Coats, Roger F. Wicker, Roy Blunt, Orrin G. Hatch, Thom Tillis, John Hoeven, Rob Portman, James Lankford, John Thune, Mike Rounds, John Cornyn, John Barrasso, Johnny Isakson, James M. Inhofe, Jerry Moran, Kelly Ayotte.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

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

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion for the bill to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 55, H.R. 636, an act to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.

Mitch McConnell, Daniel Coats, Lamar Alexander, Bob Corker, Roger F. Wicker, Orrin G. Hatch, Thom Tillis, John Hoeven, Kelly Ayotte, John Thune, Mike Rounds, Roy Blunt, John Cornyn, Pat Roberts, John Barrasso, Johnny Isakson, James M. Inhofe.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

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

AMENDMENT NO. 3680 TO AMENDMENT NO. 3679

Mr. THUNE. Mr. President, I call up amendment No. 3680.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 3680 to amendment No. 3679.

Mr. THUNE. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strike and replace section 4105)

Strike section 4105 and insert the following:

SEC. 4105. ADS-B MANDATE ASSESSMENT.

(a) ASSESSMENT.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department of Transportation shall assess—

(1) Administration and industry readiness to meet the ADS–B mandate by 2020;

(2) changes to ADS–B program since May 2010; and

(3) additional options to comply with the mandate and consequences, both for individual system users and for the overall safety and efficiency of the national airspace system, for noncompliance.

(b) REPORT.—Not later than 60 days after the date the assessment under subsection (a) is complete, the Inspector General of the Department of Transportation shall submit to the appropriate committees of Congress a. report on the progress made toward meeting the ADS–B mandate by 2020, including any recommendations of the Inspector General to carry out such mandate.

MORNING BUSINESS

THREAT TO INDONESIA'S ORANGUTANS

Mr. LEAHY. Mr. President, a December 16, 1997, New York Times article entitled ''Asia's Forest Fires, Scant Mercy for Orangutans'' described the widespread illegal logging and slash and burn agriculture that posed an existential threat to the orangutan, one of the world's only four species of great apes. It was after reading that article and speaking to scientists who had devoted their lives to saving the orangutan from extinction that I started a program in the foreign aid budget to help protect their rapidly shrinking habitat.

Orangutans live in only two places on Earth, Borneo and Sumatra, and since I first learned of the threats they are facing, the U.S. Agency for International Development has provided millions of dollars to nongovernmental organizations in Indonesia to try to ensure their survival in the wild.

Important progress has been made. Back when the program started, it was feared that the orangutan would be extinct in the wild within 15 years if nothing was done. That has not happened, but their survival is far from assured, as an article in the April 6, 2016, edition of the New York Times entitled ''Adapting to Life as Orphans, Fires and Corporate Expansion Threaten Indonesia's Orangutans,'' describes. It reminded me of what had sparked my attention 20 years ago and how much more there is yet to do.

Orangutans and humans share 97 percent of the same DNA. They are extraordinarily intelligent animals and physically far stronger than humans, but today, like all species, their survival depends on humans.

The Indonesian Government has taken steps to change people's attitudes toward orangutans, so they are recognized as deserving of protection, not as pests to be killed or captured and kept as pets. In many ways, the orangutan is or could be Indonesia's equivalent of China's Giant Pandas which are protected and admired around the world.

Among the biggest threat to orangutans today is the palm oil industry, which is responsible for the destruction of huge areas of tropical forest where orangutans live. The fires used to clear the forest for the planting of palm oil trees has caused havoc on the environment and public health, contributing not only to the destruction of species but widespread drought.

The New York Times describes this increasingly precarious situation. I want to quote a few passages from that article:

''The blazes destroyed more than 10,000 square miles of forests, blanketing large parts of Southeast Asia in a toxic haze for weeks, sickening hundreds of thousands of people and, according to the World Bank, causing $16 billion in economic losses.''

''They also killed at least nine orangutans, the endangered apes native to the rain forests of Borneo and Sumatra. More than 100, trapped by the loss of habitat, had to be relocated. Seven orphans, including five infants, were rescued and taken to rehabilitation centers here.''

''Indonesia has approved palm oil concessions on nearly 15 million acres of peatlands over the last decade; burning peat emits high levels of carbon dioxide and is devilishly hard to extinguish.''

''Multinational palm oil companies, pulp and paper businesses, the plantations that sell to them, farmers and even day laborers all contribute to the problem.''

''While it is against Indonesian law to clear plantations by burning, enforcement is lax. The authorities have

opened criminal investigations against at least eight companies in connection with last year's fires, but there has yet to be a single high-profile case to get to court.''

''The government in Jakarta, the capital, has recently banned the draining and clearing of all peatland for agricultural use, and it has ordered provincial governments to adopt better fire suppression methods. But it has not publicly responded to calls for better prevention, such as cracking down on slash-and-burn operations by large palm oil companies.''

It would be an unforgiveable tragedy if any species of great apes were to become extinct in the wild. They are all endangered—gorillas, chimpanzees, bonobos, and orangutans. We need to do whatever is necessary to build international support for protecting these animals, and to help countries like Indonesia enforce its laws to stop the destruction of tropical forests on which these and so many other species depend.

NATIONAL EQUAL PAY DAY

Mrs. FEINSTEIN. Mr. President, today is Equal Pay Day, and I wish to speak about the importance of ensuring women in this country are paid fairly.

April 12—102 days into the year—marks the day that women's wages catch up to men's wages from the previous year. That is unacceptable. We can do better.

Last week, the national women's soccer team filed a complaint with the Equal Employment Opportunity Commission. The complaint states that women are paid just 40 percent of what men are paid—despite the fact that our women's soccer team has long been one of the best in the world. The team has won four of the last five Olympic Gold Medals and three of the last seven World Cups. Women soccer players are even given smaller per-diems when they travel. Women receive $50 per day while men receive $62.50 per day. This shows the pervasiveness of wage discrimination in this country. The most successful women's soccer team in the world still earns just 40 cents for every dollar earned by men.

Next, I would like to turn to my home State. Women in California are paid just 84 cents for every dollar earned by men. While better than the national average of 79 cents, California's wage gap totals nearly $40 billion each year in lost wages. That is $8,053 for every woman who works full time.

This gap has a significant effect on the economic security of working families—40 percent of women are the primary or sole breadwinners in their families. That means 40 percent of families depend on women's wages to pay the bills. Every dollar women lose to the wage gap makes a difference.

Here are just a few examples of what the wage gap costs families: $8,000 is about 1 year's worth of groceries for a family of four, 4 months of mortgage and utility payments, or 6 months of rent.

And the wage gap is even bigger for African-American and Latino women. African-American women are paid just 63 cents. Hispanic women are paid just 43 cents. We can't allow this discrimination to continue.

Next, I would like to address a long-standing myth about the wage gap. Some say it exists only because women choose lower-paying professions than men. For example, women are the vast majority of child care and home health care workers. This is a myth.

Even when women perform the same job as men, with the same level of education, the wage gap persists. For example, men who are nurses are paid $5,000 more than women, even though only 10 percent of nurses are men.

We need to do more to close the wage gap, and I am very proud that California is leading the way. A landmark bill signed by Governor Jerry Brown last year protects women from retaliation if they ask how their pay compares to their colleagues. This is important because secrecy contributes to the wage gap. Women often don't know they are being paid substantially less than men.

The bill also requires employers to justify higher wages for men who perform the same jobs as women.

This law is a big step to improve the economic security of California families.

While it is good news that States are addressing this issue, the wage gap is a national problem. It affects all American women, and the Senate must take action. The Paycheck Fairness Act is a good place to start. I have long supported this bill, which is sponsored by Senator BARBARA MIKULSKI.

The Paycheck Fairness Act is similar to the new California law. It would protect women from retaliation and require employers to justify paying women less than men for the same job.

The bill would also make it easier for women to take legal action under the Equal Pay Act, including class action lawsuits.

Under current law, it is significantly easier to recoup lost wages if they were denied through other discriminatory practices—like failure to pay overtime.

Lastly, the bill would create a training program to help women learn how to negotiate their salaries.

This is a commonsense bill, and one that is long overdue.

In closing, President John F. Kennedy signed the Equal Pay Act in 1963. At the time, women made 59 cents for every dollar earned by men. In 53 years, we have only closed the gap by 16 cents. At this rate, it won't be eliminated until 2059.

Women and their families deserve better, and they can't afford to wait that long.

I strongly urge the Senate to pass the Paycheck Fairness Act.

HONORING OUR ARMED FORCES

CALIFORNIA CASUALTIES

Mrs. BOXER. Mr. President, today I wish to pay tribute to four servicemembers from California or based in California who have died while serving our country in Operation Freedom's Sentinel and in Operation Inherent Resolve since I last entered names into the RECORD.

TSgt Anthony E. Salazar, 40, of Hermosa Beach, CA, died April 13, 2015, at an air base in southwest Asia in a noncombat related incident. Technical Sergeant Salazar was assigned to the 577th Expeditionary Prime Base Engineer Emergency Force Squadron, 1st Expeditionary Civil Engineer Group, U.S. Air Forces Central Command.

CAPT Jonathan J. Golden, 33, of Camarillo, CA, died October 2, 2015, in the crash of a C–130J Super Hercules aircraft at Jalalabad Airfield, Afghanistan. Captain Golden was assigned to the 39th Airlift Squadron, Dyess Air Force Base, TX.

SGT Joseph F. Stifter, 30, of Glendale, CA, died January 28, 2016, at Al Asad Airbase, Al Anbar Province, Iraq, from wounds suffered when his armored HMMWV was involved in a roll-over accident. Sergeant Stifter was assigned to the 1st Battalion, 7th Field Artillery Regiment, 2nd Brigade Combat Team, 1st Infantry Division, Fort Riley, KS.

SSgt Louis F. Cardin, of Temecula, CA, died March 19, 2016, in northern Iraq, from wounds suffered when the enemy attacked his unit with rocket fire. Staff Sergeant Cardin was assigned to the 2nd Battalion, 6th Marine Regiment, 26th Marine Expeditionary Unit, Camp Lejeune, NC.

37TH ANNIVERSARY OF THE SIGNING OF THE TAIWAN RELATIONS ACT

Mr. BOOZMAN. Mr. President, today I wish to recognize the 37th anniversary of the enactment of the Taiwan Relations Act, TRA. Since the TRA was signed into law in 1979, the U.S.-Taiwan bilateral relationship has continued to expand, growing into an important friendship as trading partners and allies. In 2015, Taiwan became the United States' ninth largest trading partner and our seventh largest destination for agricultural exports. My home State of Arkansas has seen firsthand the benefit of these close commercial partnerships with Taiwan.

As a member of the Senate Taiwan Caucus, I support efforts to further strengthen and deepen the bonds between the people of the United States and Taiwan, and I am not alone in these efforts. During the past 8 years, 40 State legislative chambers have passed resolutions in support of U.S.-Taiwan trade and a close cultural relationship. As Taiwan President Ma Ying-jeou recently pointed out, U.S.-Taiwan relations have never been better, and I look forward to working with President-elect Tsai Ing-wen to ensure this continues to be the case.

In celebrating the 37 years since the Taiwan Relations Act was signed into law, I want to thank the Taiwanese people for their continued friendship and support. It is my hope that the United States and Taiwan will continue to work together to promote enduring peace, stability, and prosperity in the Asia-Pacific region.

ADDITIONAL STATEMENTS

CONGRATULATING AIRBUS EMPLOYEES IN MOBILE, ALABAMA

● Mr. SESSIONS. Mr. President, today I wish to congratulate the Airbus workers at their new facility in Mobile, AL, for completing their first jet, the first Airbus A321 in the United States.

Airbus and its Alabama employees have worked tirelessly for several years toward this achievement. The Airbus A321 is an advanced airplane and constructing it is no easy task. There is no doubt that building the A321 required immense dedication from the workers in the plant to the suppliers across Alabama and the entire southeast.

I am pleased that Airbus continues to be a leading participant in the manufacturing resurgence in Alabama. The company joins hundreds of others that have recently located their operations in our State, which is a testament to the quality of Alabama products. It is great news indeed for America that one of the finest aircraft manufacturing companies is producing popular, fast-selling models in the United States, and specifically in Mobile, AL.

While this accomplishment is only the beginning, let us join together and enjoy the celebration of this important milestone for Airbus, Alabama, and the people of our community.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5077. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Trichloroethylene; Significant New Use Rule'' ((RIN2070–AK05) (FRL No. 9943–83)) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5078. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fluazinam; Pesticide Tolerances'' (FRL No. 9942–99) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5079. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''1,2-Propanediol, 3-[3-[1,3,3,3-tetramethyl-1-[(trimethylsilyl)oxy]-1-disiloxanyl] propoxy]-; Exemption from the Requirement of a Tolerance'' (FRL No. 9944–11) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5080. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting legislative proposals relative to the ''National Defense Authorization Act for Fiscal Year 2017''; to the Committee on Armed Services.

EC–5081. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Thomas P. Bostick, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5082. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that involved fiscal years 2012 and 2013 Operations and Maintenance, Department of Defense Office of Inspector General funds, and was assigned case number 15–01; to the Committee on Appropriations.

EC–5083. A communication from the Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report entitled ''2016 Report to Congress on Sustainable Ranges''; to the Committee on Armed Services.

EC–5084. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Spokane, Washington: Second 10-Year PM10 Limited Maintenance Plan'' (FRL No. 9944–83–Region 10) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2016; to the Committee on Environment and Public Works.

EC–5085. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Colorado; Revisions to Common Provisions and Regulation Number 3; Corrections'' (FRL No. 9942–84–Region 8) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2016; to the Committee on Environment and Public Works.

EC–5086. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2015 Performance Report to the President and Congress for the Biosimilar User Fee Act''; to the Committee on Health, Education, Labor, and Pensions.

EC–5087. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a financial report for fiscal year 2015 relative to the Biosimilar User Fee Act of 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–5088. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Definition of the Term 'Fiduciary'; Conflict of Interest Rule—Retirement Investment Advice'' (RIN1210–AB32) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–5089. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Sanitary Transportation of Human and Animal Food'' ((RIN0910–AG98) (Docket No. FDA–2013–N–0013)) received in the Office of the President of the Senate on April 11, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–5090. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Administrative Actions for Noncompliance; Lesser Administrative Actions'' (Docket No. FDA–2015–N–5052) received in the Office of the President of the Senate on April 11, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–5091. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the Commission's fiscal year 2015 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–5092. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the Administration's fiscal year 2015 report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–5093. A communication from the Director, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the Department's fiscal year 2015 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–5094. A communication from the Director of the Federal Housing Finance Agency, transmitting, pursuant to law, the Agency's fiscal year 2015 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–5095. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's fiscal year 2015 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–5096. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's fiscal year 2015 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–5097. A communication from the Administrator of the U.S. Small Business Administration, transmitting, pursuant to law, the Administration's fiscal year 2015 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–5098. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, the Board's fiscal year 2013 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002

(No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–5099. A communication from the Chairman, Dwight D. Eisenhower Memorial Commission, transmitting, pursuant to law, a report relative to the memorial construction; to the Committee on Rules and Administration.

EC–5100. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Part 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U–NII) Devices in the 5 GHz Band'' ((FCC 16–24) (ET Docket No. 13–49)) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2016; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HEINRICH (for himself and Mr. INHOFE):

S. 2778. A bill to amend title 10, United States Code, to provide for the rapid acquisition of directed energy weapons systems by the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. COONS (for himself, Ms. AYOTTE, and Mr. PETERS):

S. 2779. A bill to reauthorize the Hollings Manufacturing Extension Partnership, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MORAN (for himself, Mr. DAINES, Mr. TILLIS, Mr. BLUNT, Mr. RUBIO, and Mr. INHOFE):

S. 2780. A bill to amend section 1034 of the National Defense Authorization Act for Fiscal Year 2016 to strengthen the certification requirements relating to the transfer or release of detainees at United States Naval Station, Guantanamo Bay, Cuba; to the Committee on Armed Services.

By Mr. PERDUE (for himself, Mr. ISAKSON, Mr. UDALL, and Mr. HEINRICH):

S. 2781. A bill to improve homeland security, including domestic preparedness and response to terrorism, by reforming Federal Law Enforcement Training Centers to provide training to first responders, and for other purposes; to the Committee on the Judiciary.

By Mr. BLUNT (for himself and Mr. REED):

S. 2782. A bill to amend the Public Health Service Act to provide for the participation of pediatric subspecialists in the National Health Service Corps program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. SHAHEEN:

S. 2783. A bill to provide rental assistance to low-income tenants of certain multifamily rural housing projects, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. HIRONO (for herself, Mr. PETERS, Mrs. MURRAY, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. MARKEY, Ms. CANTWELL, Mr. BOOKER, Mr. SCHATZ, Mr. MERKLEY, and Ms. MIKULSKI):

S. 2784. A bill to ensure that Federal science agencies and institutions of higher education receiving Federal research and development funding are fully engaging the entire national talent pool, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TESTER (for himself and Mr. FRANKEN):

S. 2785. A bill to protect Native children and promote public safety in Indian country; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself and Mrs. FEINSTEIN):

S. Res. 418. A resolution recognizing Hafsat Abiola, Khanim Latif, Yoani Sanchez, and Akanksha Hazari for their selflessness and dedication to their respective causes, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 804

At the request of Mrs. SHAHEEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 804, a bill to amend title XVIII of the Social Security Act to specify coverage of continuous glucose monitoring devices, and for other purposes.

S. 857

At the request of Ms. STABENOW, the names of the Senator from Nevada (Mr. REID) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 857, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of an initial comprehensive care plan for Medicare beneficiaries newly diagnosed with Alzheimer's disease and related dementias, and for other purposes.

S. 1421

At the request of Mr. HATCH, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1421, a bill to amend the Federal Food, Drug, and Cosmetic Act to authorize a 6-month extension of certain exclusivity periods in the case of approved drugs that are subsequently approved for a new indication to prevent, diagnose, or treat a rare disease or condition, and for other purposes.

S. 1455

At the request of Mr. MARKEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1455, a bill to provide access to medication-assisted therapy, and for other purposes.

S. 1715

At the request of Mr. HOEVEN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1715, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 400th anniversary of the arrival of the Pilgrims.

S. 1808

At the request of Ms. HEITKAMP, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1808, a bill to require the Secretary of Homeland Security to conduct a Northern Border threat analysis, and for other purposes.

S. 2042

At the request of Mrs. MURRAY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 2042, a bill to amend the National Labor Relations Act to strengthen protections for employees wishing to advocate for improved wages, hours, or other terms or conditions of employment and to provide for stronger remedies for interference with these rights, and for other purposes.

S. 2226

At the request of Ms. AYOTTE, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 2226, a bill to amend the Public Health Service Act to reauthorize the residential treatment programs for pregnant and postpartum women and to establish a pilot program to provide grants to State substance abuse agencies to promote innovative service delivery models for such women.

S. 2311

At the request of Mr. HELLER, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 2311, a bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, to make grants to States for screening and treatment for maternal depression.

S. 2437

At the request of Ms. MIKULSKI, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 2437, a bill to amend title 38, United States Code, to provide for the burial of the cremated remains of persons who served as Women's Air Forces Service Pilots in Arlington National Cemetery, and for other purposes.

S. 2471

At the request of Mr. KIRK, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2471, a bill to amend the Internal Revenue Code of 1986 to improve and expand Coverdell education savings accounts.

S. 2505

At the request of Mr. KIRK, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 2505, a bill to amend the Internal Revenue Code of 1986 to ensure that retirement investors receive advice in their best interests, and for other purposes.

S. 2506

At the request of Mr. LEAHY, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Wisconsin (Ms. BALDWIN), the Senator from New York (Mrs. GILLIBRAND), the Senator from North Dakota (Ms. HEITKAMP), the Senator from

California (Mrs. BOXER), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Washington (Ms. CANTWELL), the Senator from Hawaii (Ms. HIRONO) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 2506, a bill to restore statutory rights to the people of the United States from forced arbitration.

S. 2597

At the request of Mr. BROWN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2597, a bill to amend title XVIII of the Social Security Act to provide for treatment of clinical psychologists as physicians for purposes of furnishing clinical psychologist services under the Medicare program.

S. 2613

At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2613, a bill to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006.

S. 2646

At the request of Mr. BURR, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 2646, a bill to amend title 38, United States Code, to establish the Veterans Choice Program of the Department of Veterans Affairs to improve health care provided to veterans by the Department, and for other purposes.

S. 2659

At the request of Mr. BURR, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 2659, a bill to reaffirm that the Environmental Protection Agency cannot regulate vehicles used solely for competition, and for other purposes.

S. 2668

At the request of Ms. COLLINS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2668, a bill to provide housing opportunities for individuals living with HIV or AIDS.

S. 2741

At the request of Mr. BROWN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2741, a bill to amend the Employee Retirement Income Security Act of 1974 to permit the Pension Benefit Guaranty Corporation and the Secretary of Labor to elect not to recoup benefits overpayments.

S. 2752

At the request of Mr. RUBIO, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 2752, a bill to prohibit the facilitation of certain financial transactions involving the Government of Iran or Iranian persons and to impose sanctions with respect to the facilitation of those transactions, and for other purposes.

S. 2758

At the request of Mr. JOHNSON, the names of the Senator from West Virginia (Mrs. CAPITO) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 2758, a bill to amend title XVIII of the Social Security Act to remove consideration of certain pain-related issues from calculations under the Medicare hospital value-based purchasing program, and for other purposes.

AMENDMENT NO. 3557

At the request of Mr. FLAKE, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 3557 intended to be proposed to H.R. 636, a bill to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.

AMENDMENT NO. 3566

At the request of Mr. CORNYN, the names of the Senator from North Carolina (Mr. BURR) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of amendment No. 3566 intended to be proposed to H.R. 636, a bill to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.

AMENDMENT NO. 3591

At the request of Mr. SESSIONS, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of amendment No. 3591 intended to be proposed to H.R. 636, a bill to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BLUNT (for himself and Mr. REED):

S. 2782. A bill to amend the Public Health Service Act to provide for the participation of pediatric subspecialists in the National Health Service Corps program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am pleased to be joining Senator BLUNT in introducing the Ensuring Children's Access to Specialty Care Act.

According to the American Association of Child and Adolescent Psychiatry, there are currently only 8,300 child and adolescent psychiatrists, CAPs, in the United States—many of whom are not practicing full time—far short of the estimated need of over 30,000 CAPs. On average, patients wait almost 2 months to see a CAP, a startling concern given that the incidence rates of mental illness and behavioral disorders among children in the United States continue to grow. Fifty percent of all lifetime cases of mental illness begin at age 14; 75 percent by age 24.

The National Health Service Corps Loan Repayment Program, NHSCLRP, was created by Congress 40 years ago to help recruit and place trained individuals in underserved communities to provide needed health care services. Licensed health care providers may earn up to $50,000 toward student loans in exchange for a 2-year commitment at an NHSC-approved site, within 2 years of completing their residency. Accepted participants may serve as primary care medical, dental, or mental-behavioral health clinicians.

NHSCLRP provides critical relief to physicians who have completed pediatrics or psychiatry residency training programs; however, pediatric subspecialists, such as child and adolescent psychiatrists are effectively barred from participating due to the extra training these physicians are required to take after completing their residency. This extra training, which often results in increased student debt, typically consisting of a fellowship, takes place in the 2-year window of eligibility for NHSCLRP. The creation of NHSCLRP preceded the expansion of many pediatric subspecialties, not taking into account the extra years of training required for these physicians.

The Ensuring Children's Access to Specialty Care Act would correct this loophole and allow pediatric subspecialists practicing in underserved areas to benefit from the National Health Service Corps Loan Repayment Program. This bill would increase access to specialty care for children and improve mental health parity for children served by NHSCLRP. Every child with a physical, mental, or behavioral health condition should have access to pediatric health services.

Providers across the spectrum of care support this bipartisan legislation including the American Association of Child and Adolescent Psychiatry, the American Academy of Pediatrics, the Arthritis Foundation, Children's Hospital Association, March of Dimes, and the National Alliance on Mental Illness. I look forward to working with these and other stakeholders as well as Senator BLUNT and our colleagues to pass the Ensuring Children's Access to Specialty Care Act in order to help ensure children have access to the health care they need.

By Ms. HIRONO (for herself, Mr. PETERS, Mrs. MURRAY, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. MARKEY, Ms. CANTWELL, Mr. BOOKER, Mr. SCHATZ, Mr. MERKLEY, and Ms. MIKULSKI):

S. 2784. A bill to ensure that Federal science agencies and institutions of higher education receiving Federal research and development funding are fully engaging the entire national talent pool, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. HIRONO. Mr. President, today April 12, is Equal Pay Day. Equal Pay Day means women have to work more than 4 months longer to catch up to what, on average, men made in 2015. This significant pay disparity has been going on for decades—generations—even though it is against the law and

has been against the law since the passage of the Equal Pay Act in 1963.

The gender pay gap persists across all States and nearly all occupations. As we seek to build a 21st-century workforce, more than 73 million working women are at a disadvantage because of pay inequity and other barriers based on gender. While we have come a ways from the days of overt pay discrimination—such as in the 1930s, when the Federal Government, no less, required women to be paid 25 percent less than their male counterparts—the pay gap persists.

It is bad enough that women with equal education and experience get paid less, but it gets worse. A recent New York University study found that when women begin to enter predominately male occupations, pay in those fields decrease overall. For example, when women began to pursue careers in design, wages dropped more than 30 percent. When they entered careers in biology, wages dropped 18 percent. The study also showed the converse. When men entered fields previously dominated by women, such as computer programming, wages increased.

The bottom line is that these studies show that women's work is less valued than men's work. This discrimination won't change because we don't like it or because we hope it will. It will only begin to change if we take action. That is why I joined Senator MIKULSKI in continuing our call to pass the Paycheck Fairness Act. This legislation would allow women to compare their salaries without fearing retaliation. How can a woman find out if there is pay discrimination going on in her workplace if she can't even find out what others are being paid? The bill would also require employers to prove that differences in pay for men and women doing the same work are not related to gender.

While the gender pay gap affects all women, this morning I want to focus on inequity in the fields of science, technology, engineering, and math—also known as STEM. Nationally, we need to promote STEM to remain competitive in the global economy. STEM careers are among the highest paid positions and are some of the most sought after by employers. In order to keep our country's historical leadership in STEM over the next decade, economists say we need to create a million more STEM careers than we are currently creating. We will lose our competitive edge unless the number of women earning STEM degrees keeps pace with their growing share of the population. But, of course, women in the STEM fields earn less than men. For example, on average, women engineers earn just 82 percent of what their male counterparts earn. Female doctors' starting salaries are almost $20,000 less than their male counterparts, even after accounting for factors such as specialty and location.

In addition to facing lower wages, women in STEM must often overcome institutional barriers, cultural stereotypes, and sexual harassment. These barriers permeate every level of the STEM career pipeline. They start as early as middle school and continue throughout one's career and lead to women and minorities disproportionately giving up interest in STEM careers.

At the University of Hawaii at Manoa, men earned more than five times the number of computer science bachelor's degrees as women, and in the College of Engineering, men earned three times as many bachelor's degrees. These kinds of numbers in STEM education are not unique to Hawaii. Even when women overcome the odds and pursue careers in STEM fields, they continue to face gender biases that can affect the hiring, promotion, and career advancement for women in STEM. For instance, researchers found that women in STEM encountered bias judgments of their competence and the ability to be hired. They also received less faculty encouragement and financial rewards than identical male counterparts when negotiating salary packages.

Studies show that when women in STEM decide to become mothers, they are perceived as less competent and less committed to hard work and are offered fewer jobs and lower salaries. In comparison, men are not penalized for being fathers. If that wasn't enough, women in STEM often experience workplace harassment.

Recently, in the New York Times, University of Hawaii geobiology professor Hope Jahren shared an email that was sent to a former student from a male colleague who works in the same lab as the student. This email read in part this:

All I know is that from the first day I talked to you, there hadn't been a single day or hour when you weren't on my mind. That's just the way things are and you're gonna have to deal with me until one of us leaves.

In the age of social media, these kinds of totally inappropriate emails are all too common. According to Professor Jahren, this former student feels that she cannot rely on human resources because she heard stories from female colleagues about how sexual harassment happens ''all the time'' in their organization and that no action is taken.

These stories are all too common. Again, merely condemning this kind of environment is not enough. Merely hoping that change will occur is not enough. We can and must do more to even the playing field for women in STEM, and that is why I am introducing the STEM Opportunities Act today, so we can combat the systemic issues that can lead to women losing interest in STEM and leaving STEM careers basically in droves.

The STEM Opportunities Act helps Federal science agencies and institutions of higher education identify and share best practices to overcome barriers that can affect the inclusion of women and other underrepresented groups in STEM. The STEM Opportunities Act also allows universities and nonprofits to receive competitive grants and recognition for mentoring women and minorities in STEM fields. Mentoring programs such as the Maui Economic Development Board's Women in Technology Program and the Native Hawaiian Science and Engineering Mentorship Program at the University of Hawaii have seen tremendous success.

The Women in Technology Program supports those like Deanna Garcia, who was first introduced to STEM through Women in Technology and is now a mentor to girls who want to follow in her footsteps.

Deanna said:

Women in Technology gave me the skills, confidence, and support I needed. Because of their networking and strong ties within the community, I was not only able to find an internship, but a career in IT. Because of the Women in Technology program, I can also pay it forward to current students and show them during career days or tours I am a product of the program and hope to inspire them to pursue a path in STEM just like I did.

Deanna's story is just one of many successes that programs like Women in Technology have.

Mr. President, I ask unanimous consent to have the testimonials on the success of existing STEM programs printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR MAZIE K. HIRONO—APRIL 12, 2016

EXTENSION OF REMARKS: TESTIMONIALS FROM HAWAII STEM MENTORING PROGRAMS

MAUI ECONOMIC DEVELOPMENT BOARD WOMEN IN TECHNOLOGY PROGRAM

Deanna Garcia, TMDS-MSAT Analysis Team Manager, Akimeka LLC, A Subsidiary of VSE Corporation

''Technology and Engineering are known to be male dominated fields, however, the Women in Technology program empowered me to succeed in an IT Career. I got my start almost fifteen years ago because of the WIT program. They gave me the skills, confidence, and support I needed and because of their networking and strong ties within the community, I was not only able to find an internship, then job, but a career in IT. They also lead by example and have strong, driven, impactful women leading the way. Because of the WIT program, I can also pay it forward to current students and show them during career days or tours I'm a product of the program and hope to inspire them to pursue a path in STEM, just like I did.''

Kawai Hall, Integrity Applications Incorporated

''Since there are fewer women with technology-related degrees, it is harder for work industries to recruit women in these fields. I think Women In Technology is an amazing project to help bring awareness of STEM-related work opportunities to girls and women, especially here in Hawaii where it is prime. Our company is made of mostly men but I haven't felt the effect of gender in my workplace. Everyone works greatly as a team and helps each other advance in learning. But it would be great to have more females added to our workplace.''

Audrey Cabrera, Brown & Caldwell

''After having my second child I've had a hard time finding my balance and feeling like I am fulfilling my roles as employee, mother, and wife. Although we have come so far in terms of women in the professional workforce and specifically STEM careers, the statistics remain that a large portion of women migrate out of their STEM career in their 30's, when they are growing their families. My company is great, with fair pay and good benefits, but I feel that there are some double standards/expectations that probably aren't specific to my company, but in our society in general.''

Kimberly Vaituulala, Maui Electric Company (MECO) mentor for Introduce a Girl to Engineering Day (IGED)

''Society has taught young girls to care for their baby dolls or encouraged to play ''house'' with their Barbie dolls. Meanwhile boys are building structures with Legos and playing outside, messing around with their bikes to see what they can do to make it go faster or make it look and sound cooler as they ride by. This beginning transitions into college where the number of boys dominate science and math courses. For me, the significance of IGED is to show these young ladies that engineering/technology IS cool and it's not just for boys. IGED gives these ladies an opportunity to see real people working in STEM careers, and broadens the horizon for these up and coming females. Igniting a spark of interest in just one of the 15 girls in the group makes this effort completely worth it. . . .

''Women are physiologically and psychologically different from men. In order to solve the engineering problems of this world, the men cannot do it alone. It is vitally important for women (of all ages) to be exposed to and consider a career in engineering. The different perspective that women can bring to forth might be the key to making cold fusion a reality one day.

''In college I was one of three girls in my electrical engineering classes. But I know more girls are getting involved in STEM related fields and careers, and it can be attributed to programs like IGED. Sometimes girls need that extra push. Someone to tell them, ''Go! You can do it too!'' And as long as we can sustain STEM programs like IGED, this trend for girls will continue on upward.''

Native Hawaiian Science & Engineering Mentorship Program (NHSEMP), University of Hawaii at Manoa Kaiho'olulu Rickard, mentee

''[NHSEMP] helped me focus on my studies and set goals. They got me started with a mentor who's been helping me out with choosing good projects to work on . . . I was introduced to [researcher] Lloyd French, and after that I really began to get involved in projects like MMIC, or Monolithic Microwave Integrated Circuit, and JPL, which is the NASA Jet Propulsion Laboratory. . . .

''I've really gotten involved in what I'm doing here. My freshman year, my grades weren't so good. I had about a 2.0 GPA then. So, after I joined the program, I was given my own small office, and working with a mentor, basically helped me pull my GPA up to a 3.0 in two semesters.''

Ms. HIRONO. I thank Congresswoman EDDIE BERNICE JOHNSON of Texas. Her legislation laid the groundwork for the STEM Opportunities Act. I also wish to thank Senators PETERS, MURRAY, GILLIBRAND, BLUMENTHAL, MARKEY, CANTWELL, BOOKER, SCHATZ, and MERKLEY for supporting this effort. Working together, I know we can do better, and I know we will ensure that women who want to pursue STEM careers can do so in a supportive environment without fear of harassment.

On Equal Pay Day, we are reminded of how far we have to go to achieve equality, and I urge my colleagues to support the Paycheck Fairness Act, the STEM Opportunities Act, and other legislation that will help close the gender gap in our workforce.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 418—RECOGNIZING HAFSAT ABIOLA, KHANIM LATIF, YOANI SÁNCHEZ, AND AKANKSHA HAZARI FOR THEIR SELFLESSNESS AND DEDICATION TO THEIR RESPECTIVE CAUSES, AND FOR OTHER PURPOSES

Ms. COLLINS (for herself and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 418

Whereas women's leadership in the world is critical to shaping and addressing world events and decreasing global instability;

Whereas women leaders play an integral role in fighting against transnational organized crime, human trafficking, and violence against women, including honor killings, and female genital mutilation;

Whereas changing the trajectory of these dynamics requires empowering women leaders to advance economic opportunity and increase political and public leadership;

Whereas women leaders have selflessly sacrificed, and in some cases placed their lives at risk, to advance causes that will better their communities, their nations, and the world;

Whereas Hafsat Abiola of Nigeria, founder of the Kudirat Initiative for Democracy, campaigns to end violence against women, trains young female leaders, and works to increase civic participation;

Whereas Khanim Latif of Iraq, the Director of Asuda, places her life at risk to provide safe haven to victims of sexual and gender-based violence, and fights threats of honor killings and female genital cutting;

Whereas Yoani Sánchez of Cuba, founder of ''Generación Y'', created a blog that captures daily life in Cuba as an effort to encourage political change and increase public awareness and engagement;

Whereas Akanksha Hazari of India fights to deliver basic necessities such as clean water and electricity to impoverished communities and to empower the underserved in India; and

Whereas each of these leaders serves as a role model and an inspiration to help change the lives of others: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Hafsat Abiola, Khanim Latif, Yoani Sánchez, and Akanksha Hazari for their selflessness and dedication to their respective causes; and

(2) commends their efforts to advance economic opportunity, increase political and public leadership, combat violence against women, and empower women to address global instability.

Ms. COLLINS. Mr. President, I rise to honor and congratulate the Vital Voices Global Partnership and the 2016 Vital Voices Award recipients: Hafsat Abiola, Khanim Latif, Yoani Sánchez, and Akanksha Hazari.

The Vital Voices Global Partnership identifies, invests in, and brings visibility to extraordinary women around the world by unleashing their leadership potential to transform lives and accelerate peace and prosperity. Vital Voices equips such leaders with the management, business development, marketing, and communications skills required to expand their enterprises, to provide for their families, and create jobs in their communities. Vital Voices seeks to empower these women leaders to create a better world for us all.

The Vital Voices Global Partnership has trained and mentored over 14,000 women in 144 countries over the last 15 years, in addition to this year's award recipients Hafsat Abiola of Nigeria, founder of the Kudirat Initiative for Democracy, campaigns to end violence against women, trains young female leaders, and works to increase civic participation. Khanim Latif of Iraq, the Director of Asuda, places her life at risk to provide safe haven to victims of sexual and gender-based violence, and fights threats of honor killings and female genital cutting. Yoani Sánchez of Cuba, founder of ''Generación Y'', created a blog that captures daily life in Cuba in an effort to encourage political change and increase public awareness and engagement; and Akanksha Hazari of India fights to deliver basic necessities such as clean water and electricity to impoverished communities and to empower the underserved in India.

Such leaders, supported by the Vital Voices Global Partnership Fund, and through their selfless efforts and advocacy, continue to advance social justice, support democracy, and strengthen the rule of law across the globe.

With this in mind, I am pleased to offer this resolution with Senator FEINSTEIN.

Mrs. FEINSTEIN. Mr. President, I rise in support of a resolution, submitted by Senator COLLINS, to honor four women recently recognized by the Vital Voices Global Partnership.

This is a global organization that identifies, supports, and highlights women around the world who exhibit leadership to transform their communities.

I am pleased to sponsor this resolution with Senator COLLINS.

The four women honored by this resolution are leaders who have made a true difference in their countries in the face of adversity.

Hafsat Abiola of Nigeria founded the Kudirat Initiative for Democracy to end violence against women in Nigeria and remove barriers for the civic participation of women. She has been actively working on gender equality and women's leadership in Nigeria since she was a teenager, and continues to advance women's rights.

Khanim Latif of Iraq is the Director of Asuda, which works to combat sexual and gender-based violence in Iraq. She has worked on gender-based violence issues in Iraq for over 15 years,

and has helped provide refuge to women subjected to horrific violence in her country, including to those who have been subjected to ISIL's violent campaign against the region's Yazidi population.

Yoani Sánchez of Cuba founded ''Generacion Y,'' a platform to capture daily life in Cuba as an effort to encourage political change. It stemmed from her personal experiences growing up in Cuba, and the experiences of her family.

Akanksha Hazari of India works to empower impoverished, rural communities in India. She has done this by pioneering a loyalty program—through mobile phones—to provide social goods such as clean water to rural customers in India.

These women were recognized by Vital Voices because they have made significant strides to better the communities in which they live, and they continue to do so.

The resolution, submitted by Senator COLLINS and myself, further recognizes their contributions, and I hope that we can all draw inspiration from their leadership.

I congratulate these women, and look forward to hearing about their continued success.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3640. Mr. PORTMAN (for himself and Mr. BROWN) 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.

SA 3641. Mr. JOHNSON (for himself, Mr. LEAHY, Ms. MURKOWSKI, and Mr. SCHUMER) 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, supra; which was ordered to lie on the table.

SA 3642. Mr. RUBIO 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, supra; which was ordered to lie on the table.

SA 3643. Mr. INHOFE (for himself and Mr. BROWN) 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, supra; which was ordered to lie on the table.

SA 3644. Mr. INHOFE 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, supra; which was ordered to lie on the table.

SA 3645. Ms. HEITKAMP (for herself, Mrs. CAPITO, Mr. DONNELLY, Mr. TESTER, Mr. BLUNT, Mr. BARRASSO, Mr. COATS, Mr. DAINES, and Mr. ENZI) 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, supra; which was ordered to lie on the table.

SA 3646. Mr. HATCH (for himself and Mr. BENNET) 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, supra; which was ordered to lie on the table.

SA 3647. Mr. HATCH 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, supra; which was ordered to lie on the table.

SA 3648. Mr. CARDIN (for himself and Mr. PORTMAN) 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, supra; which was ordered to lie on the table.

SA 3649. Mr. CARDIN 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, supra; which was ordered to lie on the table.

SA 3650. Mrs. FEINSTEIN (for herself, Mr. TILLIS, and Mr. BLUMENTHAL) 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, supra; which was ordered to lie on the table.

SA 3651. Mr. SULLIVAN (for himself, Ms. CANTWELL, Ms. MURKOWSKI, and Ms. AYOTTE) 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, supra; which was ordered to lie on the table.

SA 3652. Ms. HEITKAMP (for herself and Ms. AYOTTE) 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, supra; which was ordered to lie on the table.

SA 3653. Mr. CASEY (for himself and Mr. BROWN) 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, supra; which was ordered to lie on the table.

SA 3654. Mr. CORNYN (for himself, Mr. BLUMENTHAL, Mr. KIRK, and Mr. COONS) 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, supra; which was ordered to lie on the table.

SA 3655. Mr. GRASSLEY (for himself, Ms. CANTWELL, Mr. BLUNT, Ms. HEITKAMP, Mrs. ERNST, Mr. DONNELLY, Mr. FRANKEN, and Mr. WHITEHOUSE) 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, supra; which was ordered to lie on the table.

SA 3656. Mr. HATCH 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, supra; which was ordered to lie on the table.

SA 3657. Mr. WYDEN 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, supra; which was ordered to lie on the table.

SA 3658. Mr. MURPHY 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 3659. Mr. WYDEN (for himself and Mr. HOEVEN) 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, supra; which was ordered to lie on the table.

SA 3660. Mr. KAINE 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, supra; which was ordered to lie on the table.

SA 3661. Mr. JOHNSON (for himself, Mr. LEAHY, Ms. MURKOWSKI, and Mr. SCHUMER) 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, supra; which was ordered to lie on the table.

SA 3662. Mr. DAINES 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, supra; which was ordered to lie on the table.

SA 3663. Ms. MURKOWSKI (for herself and Mr. SULLIVAN) 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, supra; which was ordered to lie on the table.

SA 3664. Ms. MURKOWSKI (for herself and Mr. SULLIVAN) 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, supra; which was ordered to lie on the table.

SA 3665. Mr. VITTER 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, supra; which was ordered to lie on the table.

SA 3666. Mr. VITTER 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, supra; which was ordered to lie on the table.

SA 3667. 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, supra; which was ordered to lie on the table.

SA 3668. Mrs. MURRAY (for herself and Ms. CANTWELL) 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, supra; which was ordered to lie on the table.

SA 3669. Mr. DAINES 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, supra; which was ordered to lie on the table.

SA 3670. Mr. CRAPO 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, supra; which was ordered to lie on the table.

SA 3671. Mr. BARRASSO 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, supra; which was ordered to lie on the table.

SA 3672. Mrs. GILLIBRAND (for herself and Mr. SCHUMER) 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, supra; which was ordered to lie on the table.

SA 3673. Mr. REED 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, supra; which was ordered to lie on the table.

SA 3674. Mr. REED 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, supra; which was ordered to lie on the table.

SA 3675. Ms. HEITKAMP (for herself and Mr. INHOFE) 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, supra; which was ordered to lie on the table.

SA 3676. Ms. HEITKAMP 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, supra; which was ordered to lie on the table.

SA 3677. Mr. MARKEY 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, supra; which was ordered to lie on the table.

SA 3678. Ms. HIRONO (for herself, Mr. BROWN, Ms. WARREN, and Mrs. SHAHEEN) 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, supra; which was ordered to lie on the table.

SA 3679. Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) proposed an amendment to the bill H.R. 636, supra.

SA 3680. Mr. THUNE proposed an amendment to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra.

SA 3681. Mr. HATCH 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 3682. Mr. INHOFE 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, supra; which was ordered to lie on the table.

SA 3683. Mr. BOOKER (for himself and Mr. DAINES) 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, supra; which was ordered to lie on the table.

SA 3684. Mr. MCCONNELL (for Mr. CARPER (for himself and Mr. TILLIS)) proposed an amendment to the bill S. 2133, to improve Federal agency financial and administrative controls and procedures to assess and mitigate fraud risks, and to improve Federal agencies' development and use of data analytics for the purpose of identifying, preventing, and responding to fraud, including improper payments.

TEXT OF AMENDMENTS

SA 3640. Mr. PORTMAN (for himself and Mr. BROWN) 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:

After section 2125, insert the following:

SEC. 2126. PILOT PROGRAM TO INTEGRATE UNMANNED AIRCRAFT SYSTEMS INTO THE NATIONAL AIRSPACE.

(a) ADDITIONAL TEST RANGES.—Paragraph (1) of section 332(c) of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note) is amended—

(1) by striking ''Not later than'' and inserting the following;

''(A) INITIAL TEST RANGES.—Not later than''; and

(2) by adding at the end the following:

''(B) ADDITIONAL TEST RANGES.—

''(i) REQUIREMENT.—Not later than 180 days after the date of the enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Administrator shall establish 4 additional test ranges under the program established under subparagraph (A).

''(ii) APPLICATION.—The Administrator shall—

''(I) permit a State that submitted an application to be a test range prior to such date of enactment to use that prior submission, or a modified version of that submission, as an application to be a test range under clause (i); and

''(II) permit States that did not submit an application to be a test range prior to such date of enactment to apply to be a test range under clause (i).''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 332(c) of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note) is amended by striking ''6''.

SA 3641. Mr. JOHNSON (for himself, Mr. LEAHY, Ms. MURKOWSKI, and Mr. SCHUMER) 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 end of title V, add the following:

SEC. 5032. JURISDICTION OVER OFFENSES COMMITTED BY CERTAIN UNITED STATES PERSONNEL STATIONED IN CANADA.

(a) 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) DEFINITIONS.—In this section:

''(1) EMPLOYED BY THE DEPARTMENT OF HOMELAND SECURITY OR THE DEPARTMENT OF JUSTICE.—The term 'employed by the Department of Homeland Security or the Department of Justice' means—

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

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

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

''(2) GRANT AGREEMENT.—The term 'grant agreement' means a legal instrument described in section 6304 or 6305 of title 31, other than an agreement between the United States and a State, local, or foreign government or an international organization.

''(3) GRANTEE.—The term 'grantee' means a party, other than the United States, to a grant agreement.''.

(b) 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.''.

SA 3642. Mr. RUBIO 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 end of title V, add the following:

SEC. 5032. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF TRANSFERRING FEDERAL AVIATION ADMINISTRATION CERTIFICATIONS TO INSTITUTIONS OF HIGHER EDUCATION.

The Comptroller General of the United States shall—

(1) conduct a study on barriers to individuals transferring certifications provided by the Federal Aviation Administration into postsecondary programs at institutions of higher education for academic credit; and

(2) not later than 180 days after the date of the enactment of this Act, submit to Congress a report on the results of the study.

SA 3643. Mr. INHOFE (for himself and Mr. BROWN) 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 end of subtitle C of title II, add the following:

SEC. 2320. 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 3644. Mr. INHOFE 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:

Strike section 3109 and insert the following:

SEC. 3109. REFUNDS FOR DELAYED BAGGAGE.

(a) REGULATIONS.—

(1) 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.

(2) CHOICE OF COMPARABLE COMPENSATION.—In the final regulations issued under paragraph (1), the Secretary shall not prescribe specific compensation, but shall permit a covered air carrier to provide the passenger with a choice of comparable compensation so long as a full refund of the ancillary fee is one of the choices simultaneously offered by the covered air carrier.

(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 3645. Ms. HEITKAMP (for herself, Mrs. CAPITO, Mr. DONNELLY, Mr. TESTER, Mr. BLUNT, Mr. BARRASSO, Mr. COATS, Mr. DAINES, and Mr. ENZI) 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. _____. EXTENSION OF ENHANCED CARBON DIOXIDE SEQUESTRATION CREDIT.

(a) SHORT TITLE.—This section may be cited as the ''Carbon Capture Act''.

(b) IN GENERAL.—

(1) INCREASE IN CREDIT RATE FOR CERTAIN CARBON CAPTURE EQUIPMENT.—Section 45Q(a) of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (1)—

(i) by amending subparagraph (A) to read as follows:

''(A) captured by the taxpayer using qualified carbon capture equipment which is originally placed in service at a qualified facility before the date of the enactment of the Carbon Capture Act, and'', and

(ii) in subparagraph (B), by striking ''and'' at the end,

(B) in paragraph (2)—

(i) by amending subparagraph (A) to read as follows:

''(A) captured by the taxpayer using qualified carbon capture equipment which is originally placed in service at a qualified facility before the date of the enactment of the Carbon Capture Act,'', and

(ii) in subparagraph (C), by striking the period at the end and inserting a comma, and

(C) by adding at the end the following new paragraphs:

''(3) the applicable dollar amount (as determined under subsection (b)(1)) per metric ton of qualified carbon dioxide which is—

''(A) captured by the taxpayer using qualified carbon capture equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Carbon Capture Act, during the 10-year period beginning on the date the equipment was originally placed in service, and

''(B) disposed of by the taxpayer in secure geological storage and not used by the taxpayer as described in paragraph (4)(B), and

''(4) the applicable dollar amount (as determined under subsection (b)(1)) per metric ton of qualified carbon dioxide which is—

''(A) captured by the taxpayer using qualified carbon capture equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Carbon Capture Act, during the 10-year period beginning on the date the equipment was originally placed in service,

''(B) used by the taxpayer as a tertiary injectant in a qualified enhanced oil or natural gas recovery project, and

''(C) disposed of by the taxpayer in secure geological storage.''.

(2) APPLICABLE DOLLAR AMOUNT; ADDITIONAL EQUIPMENT; ELECTION.—Section 45Q of such Code is amended—

(A) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively, and

(B) by inserting after subsection (a) the following new subsection:

''(b) APPLICABLE DOLLAR AMOUNT; ADDITIONAL EQUIPMENT; ELECTION.—

''(1) APPLICABLE DOLLAR AMOUNT.—

''(A) IN GENERAL.—The applicable dollar amount shall be an amount equal to—

''(i) for any taxable year beginning in a calendar year after 2015 and ending before 2026—

''(I) for purposes of paragraph (3) of subsection (a), the dollar amount established by linear interpolation between $22.66 and $30 for each calendar year during such period, and

''(II) for purposes of paragraph (4) of such subsection, the dollar amount established by linear interpolation between $12.83 and $30 for each calendar year during such period, and

''(ii) for any taxable year beginning in a calendar year after 2025, an amount equal to the product of $30 and the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting '2024' for '1990'.

''(B) ROUNDING.—The applicable dollar amount determined under subparagraph (A) shall be rounded to the nearest cent.

''(2) INSTALLATION OF ADDITIONAL CARBON CAPTURE EQUIPMENT ON EXISTING QUALIFIED FACILITY.—In the case of a qualified facility placed in service before the date of the enactment of the Carbon Capture Act, for which additional qualified carbon capture equipment is placed in service on or after the date of the enactment of the Carbon Capture Act, the amount of qualified carbon dioxide which is captured by the taxpayer shall be equal to—

''(A) for purposes of paragraph (1)(A) and (2)(A) of subsection (a), the lesser of—

''(i) the total amount of qualified carbon dioxide captured at such facility for the taxable year, or

''(ii) the total amount of the carbon dioxide capture capacity of the qualified carbon capture equipment in service at such facility on the day before the date of the enactment of the Carbon Capture Act, and

''(B) for purposes of paragraph (3)(A) and (4)(A) of such subsection, an amount (not less than zero) equal to the excess of—

''(i) the amount described in clause (i) of subparagraph (A), over

''(ii) the amount described in clause (ii) of such subparagraph.

''(3) ELECTION.—For purposes of determining the carbon dioxide sequestration credit under this section, a taxpayer may elect to have the dollar amounts applicable under paragraph (1) or (2) of subsection (a) apply in lieu of the dollar amounts applicable under paragraph (3) or (4) of such subsection for each metric ton of qualified carbon dioxide which is captured by the taxpayer using qualified carbon capture equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Carbon Capture Act.''.

(3) ELECTION TO ALLOW CREDIT TO PERSON THAT DISPOSES OF OR USES THE CARBON DIOXIDE.—Paragraph (5) of section 45Q(e) of such Code, as redesignated by paragraph (2)(A), is amended to read as follows:

''(5) CREDIT ATTRIBUTABLE TO TAXPAYER.—

''(A) IN GENERAL.—Except as provided subparagraph (B) or in any regulations prescribed by the Secretary, any credit under this section shall be attributable to—

''(i) in the case of qualified carbon dioxide captured using qualified carbon capture equipment which is originally placed in service at a qualified facility before the date of the enactment of the Carbon Capture Act, the person that captures and physically or contractually ensures the disposal of or the use as a tertiary injectant of such qualified carbon dioxide, and

''(ii) in the case of qualified carbon dioxide captured using qualified carbon capture equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Carbon Capture Act, the person that owns the qualified carbon capture equipment and physically or contractually ensures the capture and disposal of or the use as a tertiary injectant of such qualified carbon dioxide.

''(B) ELECTION.—If the person described in subparagraph (A) makes an election under this subparagraph in such time and manner as the Secretary may prescribe by regulations, the credit under this section—

''(i) shall be allowable to the person that disposes of the qualified carbon dioxide or uses the qualified carbon dioxide as a tertiary injectant, and

''(ii) shall not be allowable to the person described in subparagraph (A).''.

(4) DEFINITION OF QUALIFIED FACILITY AND QUALIFIED CARBON CAPTURE EQUIPMENT.—Subsection (d) of section 45Q of such Code, as redesignated by paragraph (2)(A), is amended to read as follows:

''(d) QUALIFIED FACILITY AND QUALIFIED CARBON CAPTURE EQUIPMENT.—

''(1) QUALIFIED FACILITY.—For purposes of this section, the term 'qualified facility' means any industrial facility—

''(A)(i) the construction of which begins before January 1, 2022, and—

''(I) the original planning and design for such facility includes installation of qualified carbon capture equipment, or

''(II) construction of qualified carbon capture equipment begins before such date, or

''(ii) which is placed in service before January 1, 2022, and includes installation of qualified carbon capture equipment, provided that construction of such carbon capture equipment begins before such date, and

''(B) which captures—

''(i) in the case of an electricity generating facility, not less than 500,000 metric tons of qualified carbon dioxide during the taxable year, or

''(ii) in the case of facility not described in clause (i), not less than 100,000 metric tons of qualified carbon dioxide during the taxable year.

''(2) QUALIFIED CARBON CAPTURE EQUIPMENT.—For purposes of this section, the term 'qualified carbon capture equipment' means—

''(A) carbon capture equipment placed in service before January 1, 2022, and

''(B) carbon capture equipment the construction of which begins before such date.''.

(5) APPLICATION OF SECTION.—Subsection (f) of section 45Q of such Code, as redesignated by paragraph (2)(A), is amended to read as follows:

''(f) APPLICATION OF SECTION FOR CERTAIN CARBON CAPTURE EQUIPMENT.—In the case of any qualified carbon capture equipment placed in service before the date of the enactment of the Carbon Capture Act, the credit under this section shall apply with respect to qualified carbon dioxide captured using such equipment before the end of the calendar year in which the Secretary, in consultation with the Administrator of the Environmental Protection Agency, certifies that 75,000,000 metric tons of qualified carbon dioxide have been taken into account in accordance with paragraphs (1) and (2) of subsection (a).''.

(6) REGULATIONS.—Section 45Q of such Code is amended by adding at the end the following new subsection:

''(g) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section, including regulations or other guidance to—

''(1) ensure proper allocation under subsection (a) for qualified carbon dioxide captured by a taxpayer during the taxable year ending after the date of the enactment of the Carbon Capture Act, and

''(2) determine whether a facility satisfies the requirements under subsection (d)(1) during such taxable year.''.

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

SA 3646. Mr. HATCH (for himself and Mr. BENNET) 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:

On page 215, between lines 17 and 18, insert the following:

(b) HELICOPTER CRASH-RESISTANT FUEL SYSTEMS.—Not later 1 year after the date of enactment of this Act, in accordance with the safety recommendations of the National Transportation Safety Board, dated July 23, 2015 (A–15–12), the Administrator of the Federal Aviation Administration shall issue regulations to ensure that the requirements of sections 27.952 and 29.952 of title 14, Code of Federal Regulations, are met by requiring that all newly manufactured helicopters, regardless of the original certification dates of the designs for such helicopters, have fuel systems that meet the crash-worthiness requirements of such sections.

SA 3647. Mr. HATCH 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 end of subtitle D of title II, add the following:

SEC. 2405. FRANGIBILITY STANDARDS AND REQUIREMENTS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) develop standards and requirements for the frangibility of new civilian aviation facilities and structures, in accordance with Federal Aviation Administration Advisory Circular 150/5220-23;

(2) develop standard test protocols and certification processes for frangible civilian aviation facilities and structures; and

(3) notify Congress of the viability of establishing a frangibility test center in the United States that is capable of performing test protocols approved by the Federal Aviation Administration.

(b) CONSIDERATIONS.—In determining the viability of establishing a frangibility test center in the United States under subsection (a)(3), the Administrator shall consider facilities of centers of excellence, partnerships, industry stakeholders, and other Federal agencies.

SA 3648. Mr. CARDIN (for himself and Mr. PORTMAN) 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. _____. ALLOCATIONS OF CREDITS TO INDIAN TRIBAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS.

(a) ALLOCATIONS TO INDIAN TRIBAL GOVERNMENTS.—Paragraph (4) of section 179D(d) of the Internal Revenue Code of 1986 is amended by striking ''or local'' and inserting ''local, or Indian tribal''.

(b) ALLOCATIONS TO CERTAIN NONPROFIT ORGANIZATIONS.—

(1) IN GENERAL.—Paragraph (4) of section 179D(d) of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by inserting '', or by an organization that is described in section 501(c)(3) and exempt from tax under section 501(a)'' after ''political subdivision thereof''.

(2) CLERICAL AMENDMENT.—The heading of paragraph (4) of section 179D(d) of such Code is amended by inserting ''AND PROPERTY HELD BY CERTAIN NON-PROFITS'' after ''PUBLIC PROPERTY''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2015.

SA 3649. Mr. CARDIN 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. _____. COMPENSATION FOR FEDERAL EMPLOYEES AFFECTED BY A LAPSE IN APPROPRIATIONS.

Section 1341 of title 31, United States Code, is amended—

(1) in subsection (a)(1), by striking ''An officer'' and inserting ''Except as specified in this subchapter or any other provision of law, an officer''; and

(2) by adding at the end the following:

''(c)(1) In this subsection—

''(A) the term 'covered lapse in appropriations' means a lapse in appropriations that begins on or after October 1, 2015; and

''(B) the term 'excepted employee' means an excepted employee or an employee performing emergency work, as such terms are defined by the Office of Personnel Management.

''(2) Each Federal employee furloughed as a result of a covered lapse in appropriations shall be paid for the period of the lapse in appropriations, and each excepted employee who is required to perform work during a covered lapse in appropriations shall be paid for such work, at the employee's standard rate of pay at the earliest date possible after the lapse in appropriations ends, regardless of scheduled pay dates.

''(3) During a covered lapse in appropriations, each excepted employee who is required to perform work shall be entitled to use leave under chapter 63 of title 5, or any other applicable law or equivalent formal leave system governing the use of leave by the excepted employee, for which compensation shall be paid at the earliest date possible after the lapse in appropriations ends, regardless of scheduled pay dates.''.

SA 3650. Mrs. FEINSTEIN (for herself, Mr. TILLIS, and Mr. BLUMENTHAL) 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:

Strike section 2152.

SA 3651. Mr. SULLIVAN (for himself, Ms. CANTWELL, Ms. MURKOWSKI, and Ms. AYOTTE) 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:

Beginning on page 316, strike line 20 and all that follows through page 318, line 17, and insert the following:

''(B) CONSIDERATION OF ADDITIONAL APPLICANTS.—The Administrator shall consider additional applicants for the position of air traffic controller by referring an approximately equal number of employees for appointment among the the applicant pools described in subparagraph (C). If the number of referrals from one of the pools is insufficient to provide an approximately equal number of candidates as the other pools in order to meet the need of the Federal Aviation Administration for new employees, the Administrator shall draw from the other pools to meet the need. The number of employees referred for consideration from pool one and pool two shall not differ by more than 10 percent.

''(C) APPLICANT POOLS.—The the applicant pools referred to in subparagraph (B) are the following:

''(i) POOL ONE.—Applicants who have successfully completed air traffic controller training and graduated from an institution participating in the Collegiate Training Initiative program maintained under subsection (c)(1) who have received from the institution—

''(I) an appropriate recommendation; or

''(II) an endorsement certifying that the individual would have met the requirements in effect as of December 31, 2013, for an appropriate recommendation.

''(ii) POOL TWO.—Applicants who apply under a vacancy announcement recruiting from all United States citizens.

''(iii) POOL THREE.—Applicants who—

''(I) are eligible for a veterans recruitment appointment pursuant to section 4214 of title 38, United States Code, and provide a Certificate of Release or Discharge from Active Duty within 120 days of the announcement closing;

''(II) are eligible veterans (as defined in section 4211 of title 38, United States Code) maintaining aviation experience obtained in the course of the individual's military experience; or

''(III) are preference eligible veterans (as defined in section 2108 of title 5, United States Code).

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph limits the applicability to the three pools of applicants described in subparagraph (C) of any provision of title 5 relating to veterans.

''(2) USE OF BIOGRAPHICAL ASSESSMENTS.—

''(A) BIOGRAPHICAL ASSESSMENTS.—The Administration shall not use any biographical assessment when hiring under subparagraph (A) or clause (i) or (iii) of subparagraph (C) of paragraph (1).

SA 3652. Ms. HEITKAMP (for herself and Ms. AYOTTE) 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. _____. 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 3653. Mr. CASEY (for himself and Mr. BROWN) 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. ___. SCALABLE AEROSPACE ADDITIVE MANUFACTURING DEMONSTRATION INITIATIVE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall develop a scalable aerospace additive manufacturing demonstration initiative which shall focus on developing research and training on a certification framework for a range of aircraft components, including safety-critical applications, to address barriers to the scalable adoption of additive manufacturing in United States civil aerospace.

(b) INITIATIVE COMPONENTS.—The demonstration initiative required by subsection (a) shall—

(1) promote and facilitate collaboration among academia, the commercial aircraft industry, including manufacturers, suppliers and commercial air carriers, Centers for Manufacturing Innovation in the Network for Manufacturing Innovation Program administered by the Department of Commerce, and national manufacturing innovation institutes administered by the Federal Aviation Administration;

(2) identify and promote opportunities for collaboration and technical exchange among agencies involved in research related to the safety and certification of scalable additive manufacturing, including the National Aeronautics and Space Administration, the National Science Foundation, the National Institute of Standards and Technology, and the Department of Energy;

(3) develop a research and training program for basic and applied technical advances in technologies related to the safety and certification of additively manufactured aerospace components, including safety critical applications; and

(4) develop and undertake research on technologies related to improving the certification of additive manufactured components with academia, industry, non-profit research institutes, and manufacturing innovation institutes.

SA 3654. Mr. CORNYN (for himself, Mr. BLUMENTHAL, Mr. KIRK, and Mr. COONS) 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 end of title V, add the following:

SEC. 5032. REPORT ON AIRPORTS USED BY MAHAN AIR.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter through 2020, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, the Secretary of State, the Secretary of the Treasury, and the Director of National Intelligence, shall submit to Congress a report that includes—

(1) a list of all airports at which aircraft owned or controlled by Mahan Air have landed during the 2 years preceding the submission of the report; and

(2) for each such airport—

(A) an assessment of whether aircraft owned or controlled by Mahan Air continue to conduct operations at that airport;

(B) an assessment of whether any of the landings of aircraft owned or controlled by Mahan Air were necessitated by an emergency situation;

(C) a determination regarding whether additional security measures should be imposed on flights to the United States that originate from that airport; and

(D) an explanation of the rationale for that determination.

(b) FORM OF REPORT.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) PUBLICATION OF LIST.—The list required by subsection (a)(1) shall be publicly and prominently posted on the website of the Department of Homeland Security on the date on which the report required by subsection (a) is submitted to Congress.

SA 3655. Mr. GRASSLEY (for himself, Ms. CANTWELL, Mr. BLUNT, Ms. HEITKAMP, Mrs. ERNST, Mr. DONNELLY, Mr. FRANKEN, and Mr. WHITEHOUSE) 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. _____. REFORM OF BIODIESEL TAX INCENTIVES.

(a) INCOME TAX CREDIT.—

(1) IN GENERAL.—So much of section 40A of the Internal Revenue Code of 1986 as precedes subsection (c) is amended to read as follows:

"SEC. 40A. BIODIESEL FUELS CREDIT.

''(a) IN GENERAL.—For purposes of section 38, the biodiesel fuels credit determined under this section for the taxable year is $1.00 for each gallon of biodiesel produced by the taxpayer which during the taxable year—

''(1) is sold by the taxpayer to another person—

''(A) for use by such other person's trade or business as a fuel or in the production of a qualified biodiesel mixture (other than casual off-farm production), or

''(B) who sells such biodiesel at retail to another person and places such biodiesel in the fuel tank of such other person, or

''(2) is used by such taxpayer for any purpose described in paragraph (1).

''(b) INCREASED CREDIT FOR SMALL PRODUCERS.—

''(1) IN GENERAL.—In the case of any eligible small biodiesel producer, subsection (a) shall be applied by increasing the dollar amount contained therein by 10 cents.

''(2) LIMITATION.—Paragraph (1) shall only apply with respect to the first 15,000,000 gallons of biodiesel produced by any eligible small biodiesel producer during any taxable year.''.

(2) DEFINITIONS AND SPECIAL RULES.—Section 40A(d) of such Code is amended by striking all that follows paragraph (1) and inserting the following:

''(2) QUALIFIED BIODIESEL MIXTURE; BIODIESEL MIXTURE.—

''(A) QUALIFIED BIODIESEL MIXTURE.—

''(i) IN GENERAL.—The term 'qualified biodiesel mixture' means a biodiesel mixture which is—

''(I) sold by the producer of such mixture to any person for use as a fuel, or

''(II) used by the producer of such mixture as a fuel.

''(ii) SALE OR USE MUST BE IN TRADE OR BUSINESS, ETC.—A biodiesel mixture shall not be treated as a qualified biodiesel mixture unless the sale or use described in clause (i) is in a trade or business of the person producing the biodiesel mixture.

''(B) BIODIESEL MIXTURE.—The term 'biodiesel mixture' means a mixture which consists of biodiesel and diesel fuel (as defined in section 4083(a)(3)), determined without regard to any use of kerosene.

''(3) BIODIESEL NOT USED FOR A QUALIFIED PURPOSE.—If—

''(A) any credit was determined with respect to any biodiesel under this section, and

''(B) any person uses such biodiesel for a purpose not described in subsection (a),

then there is hereby imposed on such person a tax equal to the product of the rate applicable under subsection (a) and the number of gallons of such biodiesel.

''(4) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—

''(A) IN GENERAL.—No credit shall be determined under subsection (a) with respect to biodiesel unless such biodiesel is produced in the United States from qualified feedstocks. For purposes of this paragraph, the term 'United States' includes any possession of the United States.

''(B) QUALIFIED FEEDSTOCKS.—For purposes of subparagraph (A), the term 'qualified feedstock' means any feedstock which is allowable for a fuel that is assigned a D–Code of 4 under table 1 of section 80.1426(f) of title 40, Code of Federal Regulations.''.

(3) RULES FOR SMALL BIODIESEL PRODUCERS.—

(A) IN GENERAL.—Section 40A(e) of such Code is amended—

(i) by striking ''agri-biodiesel'' each place it appears in paragraphs (1) and (5)(A) and inserting ''biodiesel'',

(ii) by striking ''subsection (b)(4)(C)'' each place it appears in paragraphs (2) and (3) and inserting ''subsection (b)(2)'', and

(iii) by striking ''subsection (a)(3)'' each place it appears in paragraphs (5)(A), (6)(A)(i), and (6)(B)(i) and inserting ''subsection (b)''.

(B) The heading for subsection (e) of section 40A of such Code is amended by striking ''AGRI-BIODIESEL'' and inserting ''BIODIESEL''.

(C) The headings for paragraphs (1) and (6) of section 40A(e) of such Code are each amended by striking ''AGRI-BIODIESEL'' and inserting ''BIODIESEL''.

(4) RENEWABLE DIESEL.—

(A) IN GENERAL.—Paragraph (3) of section 40A(f) of such Code is amended to read as follows:

''(3) RENEWABLE DIESEL DEFINED.—

''(A) IN GENERAL.—The term 'renewable diesel' means liquid fuel derived from biomass which—

''(i) is not a mono-alkyl ester,

''(ii) can be used in engines designed to operate on conventional diesel fuel, and

''(iii) meets the requirements for any Grade No. 1–D fuel or Grade No. 2–D fuel covered under the American Society for Testing and Materials specification D–975–13a.

''(B) EXCEPTIONS.—Such term shall not include—

''(i) any liquid with respect to which a credit may be determined under section 40,

''(ii) any fuel derived from coprocessing biomass with a feedstock which is not biomass, or

''(iii) any fuel that is not chemically equivalent to petroleum diesel fuels that can meet fuel quality specifications applicable to diesel fuel, gasoline, or aviation fuel.

''(C) BIOMASS.—For purposes of this paragraph, the term 'biomass' has the meaning given such term by section 45K(c)(3).''.

(B) CONFORMING AMENDMENTS.—Section 40A(f) of such Code is amended—

(i) by striking ''Subsection (b)(4)'' in paragraph (2) and inserting ''Subsection (b)'', and

(ii) by striking paragraph (4) and inserting the following:

''(4) CERTAIN AVIATION FUEL.—Except as provided paragraph (3)(B), the term 'renewable diesel' shall include fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.''.

(5) EXTENSION.—Subsection (g) of section 40A of such Code is amended by striking ''December 31, 2016'' and inserting ''December 31, 2019''.

(6) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 40A and inserting the following new item:

''Sec. 40A. Biodiesel fuels credit.''.

(b) REFORM OF EXCISE TAX CREDIT.—

(1) IN GENERAL.—Subsection (c) of section 6426 of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) BIODIESEL PRODUCTION CREDIT.—

''(1) IN GENERAL.—For purposes of this section, the biodiesel production credit is $1.00 for each gallon of biodiesel produced by the taxpayer and which—

''(A) is sold by such taxpayer to another person—

''(i) for use by such other person's trade or business as a fuel or in the production of a qualified biodiesel mixture (other than casual off-farm production), or

''(ii) who sells such biodiesel at retail to another person and places such biodiesel in the fuel tank of such other person, or

''(B) is used by such taxpayer for any purpose described in subparagraph (A).

''(2) DEFINITIONS.—Any term used in this subsection which is also used in section 40A shall have the meaning given such term by section 40A.

''(3) TERMINATION.—This subsection shall not apply to any sale, use, or removal after December 31, 2019.''.

(2) PRODUCER REGISTRATION REQUIREMENT.—Subsection (a) of section 6426 of such Code is amended by striking ''subsections (d) and (e)'' in the flush sentence at the end and inserting ''subsections (c), (d), and (e)''.

(3) RECAPTURE.—

(A) IN GENERAL.—Subsection (f) of section 6426 of such Code is amended—

(i) by striking ''or biodiesel'' each place it appears in subparagraphs (A) and (B)(i) of paragraph (1),

(ii) by striking ''or biodiesel mixture'' in paragraph (1)(A), and

(iii) by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

''(2) BIODIESEL.—If any credit was determined under this section or paid pursuant to section 6427(e) with respect to the production of any biodiesel and any person uses such biodiesel for a purpose not described in subsection (c)(1), then there is hereby imposed on such person a tax equal to $1 for each gallon of such biodiesel.''.

(B) CONFORMING AMENDMENTS.—

(i) Paragraph (3) of section 6426(f) of such Code, as redesignated by subparagraph (A)(iii), is amended by inserting ''or (2)'' after ''paragraph (1)''.

(ii) The heading for paragraph (1) of section 6426(f) of such Code is amended by striking ''IMPOSITION OF TAX'' and inserting ''IN GENERAL''.

(4) LIMITATION.—Section 6426(i) of such Code is amended—

(A) in paragraph (2)—

(i) by striking ''biodiesel or'', and

(ii) by striking ''BIODIESEL AND'' in the heading, and

(B) by inserting after paragraph (2) the following new paragraph:

''(3) BIODIESEL.—No credit shall be determined under subsection (a) with respect to biodiesel unless such biodiesel is produced in the United States from qualified feedstocks (as defined in section 40A(d)(5)(B)).''.

(5) CLERICAL AMENDMENTS.—

(A) The heading of section 6426 of such Code is amended by striking ''**ALCOHOL FUEL, BIODIESEL, AND ALTERNATIVE FUEL MIXTURES**'' and inserting ''**ALCOHOL FUEL MIXTURES, BIODIESEL PRODUCTION, AND ALTERNATIVE FUEL MIXTURES**''.

(B) The item relating to section 6426 in the table of sections for subchapter B of chapter 65 of such Code is amended by striking ''alcohol fuel, biodiesel, and alternative fuel mixtures'' and inserting ''alcohol fuel mixtures, biodiesel production, and alternative fuel mixtures''.

(c) REFORM OF EXCISE PAYMENTS.—Subsection (e) of section 6427 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''or the biodiesel mixture credit'' in paragraph (1),

(2) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively, and by inserting after paragraph (2) the following new paragraph:

''(3) BIODIESEL PRODUCTION CREDIT.—If any person produces biodiesel and sells or uses such biodiesel as provided in section 6426(c)(1), the Secretary shall pay (without interest) to such person an amount equal to the biodiesel production credit with respect to such biodiesel.'',

(3) by striking ''paragraph (1) or (2)'' each place it appears in paragraphs (4) and (6), as redesignated by paragraph (2), and inserting ''paragraph (1), (2), or (3)'',

(4) by striking ''alternative fuel'' each place it appears in paragraphs (4) and (6), as redesignated by paragraph (2), and inserting ''fuel'', and

(5) in paragraph (7)(B), as redesignated by paragraph (2)—

(A) by striking ''biodiesel mixture (as defined in section 6426(c)(3))'' and inserting ''biodiesel (within the meaning of section 40A)'', and

(B) by striking ''December 31, 2016'' and inserting ''December 31, 2019''.

(d) GUIDANCE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury, or the Secretary's delegate, shall issue preliminary guidance with respect to the amendments made by this subsection.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2016.

SA 3656. Mr. HATCH 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:

Strike section 2124 through 2138 and insert the following:

SEC. 2124. SMALL UNMANNED AIRCRAFT SAFETY STANDARDS.

(a) IN GENERAL.—Chapter 448, as amended by section 2122 of this Act, is further amended by inserting after section 44802 the following:

''SEC. 44803. SMALL UNMANNED AIRCRAFT SAFETY STANDARDS.

''(a) CONSENSUS SAFETY STANDARDS.—Not later than 60 days after the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Director of the National Institute of Standards and Technology and the Administrator of the Federal Aviation Administration, in consultation with government and industry stakeholders and appropriate standards-setting organizations, shall initiate a collaborative process to develop risk-based, consensus industry safety standards related to the safe integration of small unmanned aircraft systems into the national airspace system.

''(b) CONSIDERATIONS.—In developing the consensus safety standards under subsection (a), the Director and Administrator shall consider the following:

''(1) Technologies or standards related to geographic limitations, altitude limitations, and sense and avoid capabilities.

''(2) Using performance-based standards.

''(3) Predetermined action to maintain safety in the event that a communications link between a small unmanned aircraft and its operator is lost or compromised.

''(4) Detectability and identifiability to pilots, the Federal Aviation Administration, and air traffic controllers, as appropriate.

''(5) Means to prevent tampering with or modification of any system, limitation, or other safety mechanism or standard under this section or any other provision of law, including a means to identify any tampering or modification that has been made.

''(6) Consensus identification standards under section 2105.

''(7) Cost benefit and risk analysis to update or modify a small unmanned aircraft system that was commercially distributed prior to the development of the consensus aircraft safety standards so that, to the greatest extent practicable, such systems meet the consensus aircraft safety standards.

''(8) Any technology or standard related to small unmanned aircraft systems that promotes aviation safety.

''(9) Whether any category of unmanned aircraft systems, based on verified low risk factors, should be exempt from such standards.

''(c) CONSULTATION.—In developing the consensus safety standards under subsection (a), the Director and Administrator shall consult with—

''(1) the Administrator of the National Aeronautics and Space Administration;

''(2) the President of RTCA, Inc.;

''(3) the Secretary of Defense;

''(4) each operator of a test site under section 44802;

''(5) the Center of Excellence for Unmanned Aircraft Systems;

''(6) unmanned aircraft systems stakeholders, including manufacturers of varying sizes of such aircraft; and

''(7) community-based aviation organizations.

''(d) FAA PROCESS AND CERTIFICATION.—Not later than 1 year after the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Administrator of the Federal Aviation Administration shall establish a process for—

''(1) the adoption by the Federal Aviation Administration of consensus safety standards for small unmanned aircraft systems developed under subsection (a);

''(2) the certification of small unmanned aircraft systems based upon the consensus safety standards developed under subsection (a), which shall allow the Administrator to approve small unmanned aircraft systems for operation within the national airspace system without requiring the type certification process in parts 21 and 23 of title 14, Code of Federal Regulations; and

''(3) the certification of a manufacturer of small unmanned aircraft systems, or an employee of such manufacturer, that has demonstrated compliance with the consensus safety standards developed under subsection (a) and met any other qualifying criteria, as determined by the Administrator, to alternatively satisfy the requirements of paragraph (2), which certification—

''(A) shall allow small unmanned aircraft systems to operate within the national airspace system without requiring the type certification process in parts 21 and 23 of title 14, Code of Federal Regulations; and

''(B) may be revoked if the Administrator determines that the manufacturer is not in compliance with requirements set forth by the Administrator.

''(e) REVIEW.—The Administrator of the Federal Aviation Administration may require manufacturers to provide the FAA with the following:

''(1) The aircraft's operating instructions.

''(2) The manufacturer's statement of compliance as described in subsection (f).

''(3) A sample aircraft, to be inspected, upon request, by the Federal Aviation Administration to ensure compliance with the consensus safety standards required by the Administrator under subsection (d).

''(f) MANUFACTURER'S STATEMENT OF COMPLIANCE FOR SMALL UAS.—A manufacturer's statement of compliance shall—

''(1) identify the aircraft make and model, and consensus safety standards used;

''(2) state that the aircraft make and model meets the provisions of the standards identified in paragraph (1);

''(3) state that the aircraft make and model conforms to the manufacturer's design data and is manufactured in way that ensures consistency in production across units in the production process in order to meet the applicable consensus safety standards;

''(4) state that the manufacturer will make available to any interested person—

''(A) the aircraft's operating instructions, that meet the standards identified in paragraph (1); and

''(B) the aircraft's maintenance and inspection procedures, that meet the standards identified in paragraph (1);

''(5) state that the manufacturer will monitor safety-of-flight issues to ensure it meets the standards identified in paragraph (1);

''(6) state that at the request of the Administrator, the manufacturer will provide access for the Administrator to its facilities; and

''(7) state that the manufacturer, in accordance with testing requirements identified by the Federal Aviation Administration, has—

''(A) ground and flight tested random samples of the aircraft;

''(B) found the sample aircraft performance acceptable; and

''(C) determined that the make and model of aircraft is suitable for safe operation.

''(g) PROHIBITION.—It shall be unlawful for any person to introduce or deliver for introduction into interstate commerce any unmanned aircraft system manufactured after the date that the Administrator adopts consensus safety standards under this section,

unless the manufacturer has received approval under subsection (d) for that make and model of unmanned aircraft system.

''(h) EXCLUSIONS.—This section shall not apply to unmanned aircraft systems that are not capable of navigating beyond the visual line of sight of the operator through advanced flight systems and technology, unless the Administrator determines that is necessary to ensure safety of the airspace.''.

(b) TABLE OF CONTENTS.—The table of contents for chapter 448, as amended by section 2122 of this Act, is further amended by inserting after the item relating to section 44802 the following:

''44803. Small unmanned aircraft safety standards.''.

SEC. 2125. UNMANNED AIRCRAFT SYSTEMS IN THE ARCTIC.

(a) IN GENERAL.—Chapter 448, as amended by section 2124 of this Act, is further amended by inserting after section 44803 the following:

''§ 44804. Unmanned aircraft systems in the Arctic

''(a) IN GENERAL.—The Secretary of Transportation shall develop a plan and initiate a process to work with relevant Federal agencies and national and international communities to designate permanent areas in the Arctic where small unmanned aircraft may operate 24 hours per day for research and commercial purposes.

''(b) PLAN CONTENTS.—The plan under subsection (a) shall include the development of processes to facilitate the safe operation of unmanned aircraft beyond line of sight.

''(c) REQUIREMENTS.—Each permanent area designated under subsection (a) shall enable over-water flights from the surface to at least 2,000 feet in altitude, with ingress and egress routes from selected coastal launch sites.

''(d) AGREEMENTS.—To implement the plan under subsection (a), the Secretary may enter into an agreement with relevant national and international communities.

''(e) AIRCRAFT APPROVAL.—Not later than 1 year after the entry into force of an agreement necessary to effectuate the purposes of this section, the Secretary shall work with relevant national and international communities to establish and implement a process, or may apply an applicable process already established, for approving the use of unmanned aircraft in the designated permanent areas in the Arctic without regard to whether an unmanned aircraft is used as a public aircraft, a civil aircraft, or a model aircraft.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for chapter 448, as amended by section 2124 of this Act, is further amended by inserting after the item relating to section 44803 the following:

''44804. Unmanned aircraft systems in the Arctic.''.

(2) EXPANDING USE OF UNMANNED AIRCRAFT SYSTEMS IN ARCTIC.—Section 332 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) is amended by striking subsection (d).

SEC. 2126. SPECIAL AUTHORITY FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Chapter 448, as amended by section 2125 of this Act, is further amended by inserting after section 44804 the following:

''§ 44805. Special authority for certain unmanned aircraft systems

''(a) IN GENERAL.—Notwithstanding any other requirement of this chapter, the Secretary of Transportation shall use a risk-based approach to determine if certain unmanned aircraft systems may operate safely in the national airspace system notwithstanding completion of the comprehensive plan and rulemaking required by section 332 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) or the guidance required by section 44807.

''(b) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.—In making the determination under subsection (a), the Secretary shall determine, at a minimum—

''(1) 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 within or beyond visual line of sight, or operation during the day or night, do not create a hazard to users of the national airspace system or the public; and

''(2) whether a certificate under section 44703 or section 44704 of this title, or a certificate of waiver or certificate of authorization, is required for the operation of unmanned aircraft systems identified under paragraph (1) of this subsection.

''(c) REQUIREMENTS FOR SAFE OPERATION.—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system, including operation related to research, development, and testing of proprietary systems.

''(d) PILOT CERTIFICATION EXEMPTION.—If the Secretary proposes, under this section, to require an operator of an unmanned aircraft system to hold an airman certificate, 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.

''(e) SUNSET.—The authority under this section for the Secretary to determine if certain unmanned aircraft systems may operate safely in the national airspace system terminates effective September 30, 2017.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for chapter 448, as amended by section 2125 of this Act, is further amended by inserting after the item relating to section 44804 the following:

''44805. Special rules for certain unmanned aircraft systems.''.

(2) SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.—Section 333 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) and the item relating to that section in the table of contents under section 1(b) of that Act (126 Stat. 13) are repealed.

SEC. 2127. ADDITIONAL RULEMAKING AUTHORITY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) beyond visual line of sight and nighttime operations of unmanned aircraft systems have tremendous potential—

(A) to enhance research and development both commercially and in academics;

(B) to spur economic growth and development through innovative applications of this emerging technology; and

(C) to improve emergency response efforts as it relates to assessing damage to critical infrastructure such as roads, bridges, and utilities, including water and power, ultimately speeding response time;

(2) advancements in miniaturization of safety technologies, including for aircraft weighing under 4.4 pounds, have increased economic opportunities for using unmanned aircraft systems while reducing kinetic energy and risk compared to unmanned aircraft that may weigh as much as 55 pounds;

(3) advancements in unmanned technology will have the capacity to ultimately improve manned aircraft safety; and

(4) integrating unmanned aircraft systems safely into the national airspace, including beyond visual line of sight and nighttime operations on a routine basis should remain a top priority for the Federal Aviation Administration as it pursues additional rulemakings under the amendments made by this section.

(b) IN GENERAL.—Chapter 448, as amended by section 2126 of this Act, is further amended by inserting after section 44805 the following:

''§ 44806. Additional rulemaking authority

''(a) IN GENERAL.—Notwithstanding the rulemaking required by section 332 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) or the guidance required by section 44807 of this title and subject to subsection (b)(2) of this section and section 44808, the Administrator may issue regulations under which a person may operate certain unmanned aircraft systems (as determined by the Administrator) in the United States—

''(1) without an airman certificate;

''(2) without an airworthiness certificate for the associated unmanned aircraft; or

''(3) that are not registered with the Federal Aviation Administration.

''(b) MICRO UNMANNED AIRCRAFT SYSTEMS OPERATIONAL RULES.—

''(1) IN GENERAL.—Notwithstanding the rulemaking required by section 332 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note), the Administrator shall issue regulations not later than 270 days after the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016 under which any person may operate a micro unmanned aircraft system classification of unmanned aircraft systems, the aircraft component of which weighs 4.4 pounds or less, including payload, without the person operating the system being required to pass any airman certification requirement, including any requirements under section 44703 of this title, part 61 of title 14, Code of Federal Regulations, or any other rule or regulation relating to airman certification.

''(2) OPERATIONAL RULES.—The rulemaking required by paragraph (1) relating to micro unmanned aircraft systems shall consider the following rules, or any appropriate modifications thereof concerning altitude, airspeed, geographic location, and time of day as the Administrator considers appropriate, for operation of such systems:

''(A) Operation an altitude of less than 400 feet above ground level.

''(B) Operation with an airspeed of not greater than 40 knots.

''(C) Operation within the visual line of sight of the operator.

''(D) Operation during the hours between sunrise and sunset.

''(E) Operation not less than 5 statute miles from the geographic center of an airport with an operational air traffic control tower or an airport denoted on a current aeronautical chart published by the Federal Aviation Administration, except that a micro unmanned aircraft system may be operated within 5 statute miles of such an airport if the operator of the system—

''(i) provides notice to the airport operator; and

''(ii) in the case of an airport with an operational air traffic control tower, receives approval from the air traffic control tower.

''(c) SCOPE OF REGULATIONS.—

''(1) IN GENERAL.—In determining whether a person may operate an unmanned aircraft system under 1 or more of the circumstances described under paragraphs (1) through (3) of subsection (a), the Administrator shall use a risk-based approach and consider, at a minimum, the physical and functional characteristics of the unmanned aircraft system.

''(2) LIMITATION.—The Administrator may only issue regulations under this section for unmanned aircraft systems that the Administrator determines may be operated safely in the national airspace system.

''(d) RULES OF CONSTRUCTION.—Nothing in this section may be construed—

''(1) to prohibit a person from operating an unmanned aircraft system under a circumstance described under paragraphs (1) through (3) of subsection (a) if—

''(A) the circumstance is allowed by regulations issued under this section; and

''(B) the person operates the unmanned aircraft system in a manner prescribed by the regulations; and

''(2) to limit or affect in any way the Administrator's authority to conduct a rulemaking, make a determination, or carry out any activity related to unmanned aircraft or unmanned aircraft systems under any other provision of law.''.

(c) TABLE OF CONTENTS.—The table of contents for chapter 448, as amended by section 2126 of this Act, is further amended by inserting after the item relating to section 44805 the following:

''44806. Additional rulemaking authority.''.

SEC. 2128. GOVERNMENTAL UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Chapter 448, as amended by section 2127 of this Act, is further amended by inserting after section 44806 the following:

''§ 44807. Public unmanned aircraft systems

''(a) GUIDANCE.—The Secretary of Transportation shall issue guidance regarding the operation of a public unmanned aircraft system—

''(1) to streamline the process for the issuance of a certificate of authorization or a certificate of waiver;

''(2) to provide for a collaborative process with public agencies to allow for an incremental expansion of access to the national airspace system as technology matures and the necessary safety analyses and data become available, and until standards are completed and technology issues are resolved;

''(3) to facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate public unmanned aircraft systems; and

''(4) to provide guidance on a public agency's responsibilities when operating an unmanned aircraft without a civil airworthiness certificate issued by the Administration.

''(b) STANDARDS FOR OPERATION AND CERTIFICATION.—The Administrator of the Federal Aviation Administration shall develop and implement operational and certification requirements for the operation of a public unmanned aircraft system in the national airspace system.

''(c) AGREEMENTS WITH GOVERNMENT AGENCIES.—

''(1) IN GENERAL.—The Secretary shall enter into an agreement with each appropriate public agency to simplify the process for issuing a certificate of waiver or a certificate of authorization with respect to an application for authorization to operate a public unmanned aircraft system in the national airspace system.

''(2) CONTENTS.—An agreement under paragraph (1) shall—

''(A) with respect to an application described in paragraph (1)—

''(i) provide for an expedited review of the application;

''(ii) require a decision by the Administrator on approval or disapproval not later than 60 business days after the date of submission of the application;

''(iii) allow for an expedited appeal if the application is disapproved; and

''(iv) if applicable, include verification of the data minimization policy required under subsection (d);

''(B) allow for a one-time approval of similar operations carried out during a fixed period of time; and

''(C) allow a government public safety agency to operate an unmanned aircraft weighing 25 pounds or less if that unmanned aircraft is operated—

''(i) within or beyond the line of sight of the operator;

''(ii) less than 400 feet above the ground;

''(iii) during daylight conditions;

''(iv) within Class G airspace; and

''(v) outside of 5 statute miles from any airport, heliport, seaplane base, spaceport, or other location with aviation activities.

''(d) DATA MINIMIZATION FOR CERTAIN PUBLIC UNMANNED AIRCRAFT SYSTEM OPERATORS.—Not later than 180 days after the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016 each Federal agency authorized by the Secretary to operate an unmanned aircraft system shall develop and update a data minimization policy that requires, at a minimum, that—

''(1) prior to the deployment of any new unmanned aircraft system technology, and at least every 3 years, existing policies and procedures relating to the collection, use, retention, and dissemination of information obtained by an unmanned aircraft system must be examined to ensure that privacy, civil rights, and civil liberties are protected;

''(2) if the unmanned aircraft system is the platform for information collection, information must be collected, used, retained, and disseminated consistent with the Constitution, Federal law, and other applicable regulations and policies, such as the Privacy Act of 1974 (5 U.S.C. 552a);

''(3) the Federal agency or person operating on its behalf, only collect information using the unmanned aircraft system, or use unmanned aircraft system-collected information, to the extent that the collection or use is consistent with and relevant to an authorized purpose as determined by the head of a Federal agency and consistent with the law;

''(4) any information collected, using an unmanned aircraft or an unmanned aircraft system, that may contain personal information will not be retained by any Federal agency for more than 180 days after the date of collection unless—

''(A) the head of the Federal agency determines that retention of the information is directly relevant and necessary to accomplish the specific purpose for which the Federal agency used the unmanned aircraft system;

''(B) that Federal agency maintains the information in a system of records under section 552a of title 5; or

''(C) the information is required to be retained for a longer period under other applicable law, including regulations;

''(5) any information collected, using an unmanned aircraft or unmanned aircraft system, that is not maintained in a system of records under section 552a of title 5, will not be disseminated outside of that Federal agency unless—

''(A) dissemination is required by law; or

''(B) dissemination satisfies an authorized purpose and complies with that Federal agency's disclosure requirements;

''(6) to the extent it does not compromise law enforcement or national security a Federal agency shall—

''(A) provide notice to the public regarding where in the national airspace system the Federal agency is authorized to operate the unmanned aircraft system;

''(B) keep the public informed about the Federal agency's unmanned aircraft system program, including any changes to that program that would significantly affect privacy, civil rights, or civil liberties;

''(C) make available to the public, on an annual basis, a general summary of the Federal agency's unmanned aircraft system operations during the previous fiscal year, including—

''(i) a brief description of types or categories of missions flown; and

''(ii) the number of times the Federal agency provided assistance to other agencies or to State, local, tribal, or territorial governments; and

''(D) make available on a public and searchable Internet website the data minimization policy of the Federal agency;

''(7) ensures oversight of the Federal agency's unmanned aircraft system use, including—

''(A) the use of audits or assessments that comply with existing Federal agency policies and regulations;

''(B) the verification of the existence of rules of conduct and training for Federal Government personnel and contractors who work on programs, and procedures for reporting suspected cases of misuse or abuse of unmanned aircraft system technologies;

''(C) the establishment of policies and procedures, or confirmation that policies and procedures are in place, that provide meaningful oversight of individuals who have access to sensitive information, including personal information, collected using an unmanned aircraft system;

''(D) ensuring that any data-sharing agreements or policies, data use policies, and record management policies applicable to an unmanned aircraft system conform to applicable laws, regulations, and policies;

''(E) the establishment of policies and procedures, or confirmation that policies and procedures are in place, to authorize the use of an unmanned aircraft system in response to a request for unmanned aircraft system assistance in support of Federal, State, local, tribal, or territorial government operations; and

''(F) a requirement that State, local, tribal, and territorial government recipients of Federal grant funding for the purchase or use of unmanned aircraft systems for their own operations have in place policies and procedures to safeguard individuals' privacy, civil rights, and civil liberties prior to expending such funds; and

''(8) ensures the protection of civil rights and civil liberties, including—

''(A) ensuring that policies are in place to prohibit the collection, use, retention, or dissemination of data in any manner that would violate the First Amendment or in any manner that would discriminate against persons based upon their ethnicity, race, gender, national origin, religion, sexual orientation, or gender identity, in violation of law;

''(B) ensuring that unmanned aircraft system activities are performed in a manner consistent with the Constitution and applicable laws, Executive Orders, and other Presidential directives; and

''(C) ensuring that adequate procedures are in place to receive, investigate, and address,

as appropriate, privacy, civil rights, and civil liberties complaints.

''(e) LAW ENFORCEMENT AND NATIONAL SECURITY.—Each Federal agency shall effectuate a requirement under subsection (d) only to the extent it does not compromise law enforcement or national security.

''(f) DEFINITION OF FEDERAL AGENCY.—In subsections (d) and (e), the term 'Federal agency' has the meaning given the term 'agency' in section 552(f) of title 5, United States Code.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for chapter 448, as amended by section 2127 of this Act, is further amended by inserting after the item relating to section 44806 the following:

''44807. Public unmanned aircraft systems.''.

(2) PUBLIC UNMANNED AIRCRAFT SYSTEMS.—Section 334 of the FAA Modernization and reform Act of 2012 (49 U.S.C. 40101 note) and the item relating to that section in the table of contents under section 1(b) of that Act (126 Stat. 13) are repealed.

SEC. 2129. SPECIAL RULES FOR MODEL AIRCRAFT.

(a) IN GENERAL.—Chapter 448, as amended by section 2128 of this Act, is further amended by inserting after section 44807 the following:

''§ 44808. Special rules for model aircraft

''(a) IN GENERAL.—Notwithstanding any other provision of law relating to the incorporation of unmanned aircraft systems into Federal Aviation Administration plans and policies, including this chapter, the Administrator of the Federal Aviation Administration may not promulgate any new rule or regulation regarding an unmanned aircraft operating as a model aircraft, or an unmanned aircraft being developed as a model aircraft, if—

''(1) the aircraft is flown strictly for hobby or recreational use;

''(2) the aircraft is operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization;

''(3) not flown beyond visual line of sight of persons co-located with the operator or in direct communication with the operator;

''(4) the aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft;

''(5) when flown within 5 miles of an airport, the operator of the aircraft provides the airport operator, where applicable, and the airport air traffic control tower (when an air traffic facility is located at the airport) with prior notice of the operation (model aircraft operators flying from a permanent location within 5 miles of an airport should establish a mutually agreed upon operating procedure with the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport)), unless the Administrator determines approval should be required;

''(6) the aircraft is flown from the surface to not more than 400 feet in altitude, except under special conditions and programs established by a community-based organization; and

''(7) the operator has passed an aeronautical knowledge and safety test administered by the Federal Aviation Administration online for the operation of unmanned aircraft systems subject to the requirements of section 44809 or developed and administered by the community-based organization and maintains proof of test passage to be made available to the Administrator or law enforcement upon request.

''(b) UPDATES.—

''(1) IN GENERAL.—The Administrator, in collaboration with government and industry stakeholders, including nationwide community-based organizations, shall initiate a process to update the operational parameters under subsection (a), as appropriate.

''(2) CONSIDERATIONS.—In updating an operational parameter under paragraph (1), the Administrator shall consider—

''(A) appropriate operational limitations to mitigate aviation safety risk and risk to the uninvolved public;

''(B) operations outside the membership, guidelines, and programming of a nationwide community-based organization;

''(C) physical characteristics, technical standards, and classes of aircraft operating under this section;

''(D) trends in use, enforcement, or incidents involving unmanned aircraft systems; and

''(E) ensuring, to the greatest extent practicable, that updates to the operational parameters correspond to, and leverage, advances in technology.

''(3) SAVINGS CLAUSE.—Nothing in this subsection shall be construed as expanding the authority of the Administrator to require operators of model aircraft under the exemption of this subsection to be required to seek permissive authority of the Administrator prior to operation in the national airspace system.

''(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Administrator to pursue enforcement action against persons operating model aircraft.

''(d) MODEL AIRCRAFT DEFINED.—In this section, the term 'model aircraft' means an unmanned aircraft that—

''(1) is capable of sustained flight in the atmosphere; and

''(2) is limited to weighing not more than 55 pounds, including the weight of anything attached to or carried by the aircraft, unless otherwise approved through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for chapter 448, as amended by section 2128 of this Act, is further amended by inserting after the item relating to section 44807 the following:

''44808. Special rules for model aircraft.''.

(2) SPECIAL RULE FOR MODEL AIRCRAFT.—Section 336 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) and the item relating to that section in the table of contents under section 1(b) of that Act (126 Stat. 13) are repealed.

SEC. 2130. UNMANNED AIRCRAFT SYSTEMS AERONAUTICAL KNOWLEDGE AND SAFETY.

(a) IN GENERAL.—Chapter 448, as amended by section 2129 of this Act, is further amended by inserting after section 44808 the following:

''§ 44809. Aeronautical knowledge and safety test

''(a) IN GENERAL.—An individual may not operate an unmanned aircraft system unless—

''(1) the individual has successfully completed an aeronautical knowledge and safety test under subsection (c);

''(2) the individual has authority to operate an unmanned aircraft under other Federal law;

''(3) the individual is a holder of an airmen certificate issued under section 44703; or

''(4) the individual is operating a model aircraft under section 44808 and has successfully completed an aeronautical knowledge and safety test in accordance with the community-based organizations safety program described in that section.

''(b) EXCEPTION.—This section shall not apply to the operation of an unmanned aircraft system that has been authorized by the Federal Aviation Administration under section 44802, 44805, 44806, or 44807. The Administrator may waive the requirements of this section for operators of aircraft weighing less than 0.55 pounds or for operators under the age of 13 operating the unmanned aircraft system under the supervision of an adult as determined by the Administrator.

''(c) AERONAUTICAL KNOWLEDGE AND SAFETY TEST.—Not later than 180 days after the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Administrator of the Federal Aviation Administration, in consultation with manufacturers of unmanned aircraft systems, other industry stakeholders, and community-based aviation organizations, shall develop an aeronautical knowledge and safety test that can be administered electronically.

''(d) REQUIREMENTS.—The Administrator shall ensure that the aeronautical knowledge and safety test is designed to adequately demonstrate an operator's—

''(1) understanding of aeronautical safety knowledge, as applicable; and

''(2) knowledge of Federal Aviation Administration regulations and requirements pertaining to the operation of an unmanned aircraft system in the national airspace system.

''(e) RECORD OF COMPLIANCE.—

''(1) IN GENERAL.—Each operator of an unmanned aircraft system described under subsection (a) shall maintain and make available for inspection, upon request by the Administrator or a Federal, State, or local law enforcement officer, a record of compliance with this section through—

''(A) an identification number, issued by the Federal Aviation Administration certifying passage of the aeronautical knowledge and safety test;

''(B) if the individual has authority to operate an unmanned aircraft system under other Federal law, the requisite proof of authority under that law; or

''(C) an airmen certificate issued under section 44703.

''(2) COORDINATION.—The Administrator may coordinate the identification number under paragraph (1)(A) with an operator's registration number to the extent practicable.

''(3) LIMITATION.—No fine or penalty may be imposed for the initial failure of an operator of an unmanned aircraft system to comply with paragraph (1) unless the Administrator finds that the conduct of the operator actually posed a risk to the national airspace system.''.

(b) TABLE OF CONTENTS.—The table of contents for chapter 448, as amended by section 2129 of this Act, is further amended by inserting after the item relating to section 44808 the following:

''44809. Aeronautical knowledge and safety test.''.

SEC. 2131. SAFETY STATEMENTS.

(a) IN GENERAL.—Chapter 448, as amended by section 2130 of this Act, is further amended by inserting after section 44809 the following:

''§ 44810. Safety statements

''(a) PROHIBITION.—Beginning on the date that is 1 year after the date of publication of the guidance under subsection (b)(1), it shall be unlawful for any person to introduce or deliver for initial retail sale or 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 1 year 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.

''(2) REQUIREMENTS.—A safety statement described in subsection (a) shall include—

''(A) information about laws and regulations applicable to unmanned aircraft systems;

''(B) recommendations for using unmanned aircraft in a manner that promotes the safety of persons and property;

''(C) the date that the safety statement was created or last modified; and

''(D) language approved by the Administrator regarding the following:

''(i) A person may operate the unmanned aircraft as a model aircraft (as defined in section 44808) or otherwise in accordance with Federal Aviation Administration authorization or regulation, including requirements for the completion of the aeronautical knowledge and safety test under section 44809.

''(ii) The definition of a model aircraft under section 44808.

''(iii) The requirements regarding a model aircraft under paragraphs (1) through (7) of section 44808(a).

''(iv) The Administrator of the Federal Aviation Administration may pursue enforcement action against a person operating model aircraft who endangers the safety of the national airspace system.

''(c) CIVIL PENALTY.—A person who violates subsection (a) shall be liable for each violation to the United States Government for a civil penalty described in section 46301(a).''.

(b) TABLE OF CONTENTS.—The table of contents for chapter 448, as amended by section 2130 of this Act, is further amended by inserting after the item relating to section 44809 the following:

''44810. Safety statements.''.

SEC. 2132. TREATMENT OF UNMANNED AIRCRAFT OPERATING UNDERGROUND.

An unmanned aircraft system that is operated underground for mining purposes shall not be subject to regulation or enforcement by the Federal Aviation Administration under chapter 448 of title 49, United States Code.

SEC. 2133. ENFORCEMENT.

(a) UAS SAFETY ENFORCEMENT.—The Administrator of the Federal Aviation Administration shall establish a program to utilize available remote detection and identification technologies for safety oversight, including enforcement actions against operators of unmanned aircraft systems that are not in compliance with applicable Federal aviation laws, including regulations.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Section 46301 is amended—

(A) in subsection (a)(1)(A), by inserting ''chapter 448,'' after ''chapter 447 (except sections 44717 and 44719–44723),'';

(B) in subsection (a)(5), by inserting ''chapter 448,'' after ''chapter 447 (except sections 44717–44723),'';

(C) in subsection (d)(2), by inserting ''chapter 448,'' after ''chapter 447 (except sections 44717 and 44719–44723),''; and

(D) in subsection (f), by inserting ''chapter 448,'' after ''chapter 447 (except 44717 and 44719–44723),''.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of the Administrator to pursue an enforcement action for a violation of this Act, a regulation prescribed or order or authority issued under this Act, or any other applicable provision of aviation safety law or regulation.

(c) REPORTING.—As part of the program, the Administrator shall establish and publicize a mechanism for the public and Federal, State, and local law enforcement to report a suspected abuse or a violation of chapter 448 of title 49, United States Code, for enforcement action.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $5,000,000 for each of the fiscal years 2016 through 2017.

SEC. 2134. AVIATION EMERGENCY SAFETY PUBLIC SERVICES DISRUPTION.

(a) IN GENERAL.—Chapter 463 is amended—

(1) in section 46301(d)(2), by inserting ''section 46320,'' after ''section 46319,''; and

(2) by adding at the end the following:

''§ 46320. Interference with firefighting, law enforcement, or emergency response activities

''(a) PROHIBITION.—No person may operate an aircraft so as to interfere with firefighting, law enforcement, or emergency response activities.

''(b) DEFINITION.—For purposes of this section, an aircraft interferes with the activities specified in subsection (a) when its operation prevents the initiation of, interrupts, or endangers a person or property engaged in those activities.

''(c) CIVIL PENALTY.—A person violating subsection (a) shall be liable for a civil penalty of not more than $20,000.

''(d) COMPROMISE AND SETOFF.—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from the amounts the Government owes the person liable for the penalty.''.

(b) TABLE OF CONTENTS.—The table of contents for chapter 463 is amended by inserting after the item relating to section 46319 the following:

''46320. Interference with firefighting, law enforcement, or emergency response activities.''.

SEC. 2135. PILOT PROJECT FOR AIRPORT SAFETY AND AIRSPACE HAZARD MITIGATION.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall carry out a pilot program for airspace hazard mitigation at airports and other critical infrastructure.

(b) CONSULTATION.—In carrying out the pilot program under subsection (a), the Administrator shall work with the Secretary of Defense, Secretary of Homeland Security, and the heads of relevant Federal agencies for the purpose of ensuring technologies that are developed, tested, or deployed by those departments and agencies to mitigate threats posed by errant or hostile unmanned aircraft system operations do not adversely impact or interfere with safe airport operations, navigation, and air traffic services.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Airport and Airway Trust Fund to carry out this section $6,000,000, to remain available until expended.

SEC. 2136. CONTRIBUTION TO FINANCING OF REGULATORY FUNCTIONS.

(a) IN GENERAL.—Chapter 448, as amended by section 2131 of this Act, is further amended by inserting after section 44810 the following:

''§ 44811. Regulatory and administrative fees

''(a) IN GENERAL.—Subject to subsection (b), the Administrator may assess and collect regulatory and administrative fees to recover the costs of regulatory and administrative activities under this chapter related to authorization to operate unmanned aircraft systems for compensation or hire, or in the furtherance of a business enterprise.

''(b) LIMITATIONS.—Fees authorized under subsection (a) shall be reasonable, cost-based relative to the regulatory or administrative activity, and may not be discriminatory or a deterrent to compliance.

''(c) RECEIPTS CREDITED TO ACCOUNT.—Notwithstanding section 3302 of title 31, all fees and amounts collected under this section shall be credited to the separate account established under section 45303(c). Section 41742 shall not apply to fees and amounts collected under this section.

''(d) REGULATIONS.—Not later than 1 year after the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Administrator shall issue regulations to carry out this section.''.

(b) TABLE OF CONTENTS.—The table of contents for chapter 448, as amended by section 2131 of this Act, is further amended by inserting after the item relating to section 44810 the following:

''44811. Regulatory and administrative fees.''.

SEC. 2137. SENSE OF CONGRESS REGARDING SMALL UAS RULEMAKING.

It is the sense of the Congress that the Administrator of the Federal Aviation Administration and Secretary of Transportation should take every necessary action to expedite final action on the notice of proposed rulemaking dated February 23, 2015 (80 Fed. Reg. 9544), entitled ''Operation and Certification of Small Unmanned Aircraft Systems''.

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; and

(vii) spectrum needs;

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

(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.

(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; and

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

(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.—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—

(1) 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) designate areas encompassing airspace over rural, suburban, and urban areas for operation of the pilot program, as determined necessary;

(3) 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);

(4) give due consideration to the use of the facilities at the National Aeronautics and Space Administration, the test sites under section 44802 of title 49, United States Code, as added by section 2122, the Center of Excellence for Unmanned Aircraft Systems, and the Pathfinder Cooperative Research and Development Agreements, in designating areas under paragraph (2) and in selecting service providers pursuant to the solicitation in paragraph (3); and

(5) complete the pilot program not later than two years after the date the solicitation under paragraph (3) has been issued.

(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; and

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

(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—

(1) determine and implement a schedule for initiation and evolutionary use of a UTM in the national airspace to safely separate and deconflict manned and unmanned aircraft systems;

(2) designate UTM system airspace; and

(3) select service providers to support the UTM system, if deemed appropriate.

SA 3657. Mr. WYDEN 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:

TITLE ___—PROTECTING INDIVIDUALS FROM MASS AERIAL SURVEILLANCE ACT OF 2016

SEC. __01. SHORT TITLE.

This title may be cited as the ''Protecting Individuals From Mass Aerial Surveillance Act of 2016''.

SEC. __02. DEFINITIONS.

In this title:

(1) FEDERAL ENTITY.—The term ''Federal entity'' means any person or entity acting under the authority of, or funded in whole or in part by, the Government of the United States, including a Federal law enforcement party, but excluding State, tribal, or local government agencies or departments.

(2) LAW ENFORCEMENT PARTY.—The term ''law enforcement party'' means a person or entity authorized by law, or funded by the Government of the United States, to investigate or prosecute offenses against the United States.

(3) MOBILE AERIAL-VIEW DEVICE; MAVD.—The terms ''mobile aerial-view device'' and ''MAVD'' mean any device that through flight or aerial lift obtains a dynamic, aerial view of property, persons or their effects, including an unmanned aircraft (as defined in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note)).

(4) NATIONAL BORDERS.—The term ''national borders'' refers to any region no more than 25 miles of an external land boundary of the United States.

(5) NON-FEDERAL ENTITY.—The term ''non-Federal entity'' means any person or entity that is not a Federal entity.

(6) PUBLIC LANDS.—The term ''public lands'' means lands owned by the Government of the United States.

(7) SENSING DEVICE.—The term ''sensing device''—

(A) means a device capable of remotely acquiring personal information from its surroundings using any frequency of the electromagnetic spectrum, or a sound detecting system, or a system that detects chemicals in the atmosphere; and

(B) does not include equipment whose sole function is to provide information directly necessary for safe air navigation or operation of a MAVD.

(8) SURVEIL.—The term ''surveil'' means to photograph, record, or observe using a sensing device, regardless of whether the photographs, observations, or recordings are stored, and excludes using a sensing device for the purposes of testing or training operations of MAVDs.

SEC. __03. PROHIBITED USE OF MAVDS.

A Federal entity shall not use a MAVD to surveil property, persons or their effects, or gather evidence or other information pertaining to known or suspected criminal conduct, or conduct that is in violation of a statute or regulation.

SEC. __04. EXCEPTIONS.

This title does not prohibit any of the following:

(1) PATROL OF BORDERS.—The use of a MAVD by a Federal entity to surveil national borders to prevent or deter illegal entry of any persons or illegal substances at the borders.

(2) EXIGENT CIRCUMSTANCES.—

(A) IN GENERAL.—The use of a MAVD by a Federal entity when exigent circumstances exist. For the purposes of this paragraph, exigent circumstances exist when the Federal entity possesses reasonable suspicion that under particular circumstances, swift action is necessary—

(i) to prevent imminent danger of death or serious bodily harm to a specific individual;

(ii) to counter an imminent risk of a terrorist attack by a specific individual or organization;

(iii) to prevent imminent destruction of evidence; or

(iv) to counter an imminent or actual escape of a criminal or terrorist suspect.

(B) REQUIREMENT FOR RECORD OF FACTS.—A Federal entity using a MAVD pursuant to subparagraph (A)(i) must maintain a retrievable record of the facts giving rise to the reasonable suspicion that an exigent circumstance existed.

(3) PUBLIC SAFETY AND RESEARCH.—The use of a MAVD by a Federal entity—

(A) to discover, locate, observe, gather evidence in connection to, or prevent forest fires;

(B) to monitor environmental, geologic, or weather-related catastrophe or damage from such an event;

(C) to research or survey for wildlife management, habitat preservation, or geologic, atmospheric, or environmental damage or conditions;

(D) to survey for the assessment and evaluation of environmental, geologic or weather-related damage, erosion, flood, or contamination; and

(E) to survey public lands for illegal vegetation.

(4) CONSENT.—The use of a MAVD by a Federal entity for the purpose of acquiring information about an individual, or about an individual's property or effects, if such individual has given written consent to the use of a MAVD for such purposes.

(5) WARRANT.—A law enforcement party using a MAVD, pursuant to, and in accordance with, a Rule 41 warrant, to surveil specific property, persons or their effects.

SEC. __05. PROHIBITION ON IDENTIFYING INDIVIDUALS.

(a) IN GENERAL.—No Federal entity may make any intentional effort to identify an individual from, or associate an individual with, the information collected by operations authorized by paragraphs (1) through (3) of subsection (a) of section __04, nor shall the collected information be disclosed to any entity except another Federal entity or State, tribal, or local government agency or department, or political subdivision thereof, that agrees to be bound by the restrictions in this title.

(b) LIMITATION ON PROHIBITION.—The restrictions described in subsection (a) shall not apply if there is probable cause that the information collected is evidence of specific criminal activity.

SEC. __06. PROHIBITION ON USE OF EVIDENCE.

No evidence obtained or collected in violation of this title may be received as evidence against an individual in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or

other authority of the United States, a State, or a political subdivision thereof.

SEC. _07. PROHIBITION ON SOLICITATION AND PURCHASE.

(a) PROHIBITION ON SOLICITATION TO SURVEIL.—A Federal entity shall not solicit to or award contracts to any entity for such entity to surveil by MAVD for the Federal entity, unless the Federal entity has existing authority to surveil the particular property, persons or their effects, of interest.

(b) PROHIBITION ON PURCHASE OF SURVEILLANCE INFORMATION.—A Federal entity shall not purchase any information obtained from MAVD surveillance by a non-Federal entity if such information contains personal information, except pursuant to the express consent of all persons whose personal information is to be sold.

SEC. _08. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to preempt any State law regarding the use of MAVDs exclusively within the borders of that State.

SA 3658. Mr. MURPHY 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 appropriate place, insert the following:

SEC. ___. PERIODIC AUDITS BY INSPECTOR GENERAL OF THE DEPARTMENT OF TRANSPORTATION OF BUY AMERICAN ACT CONTRACTING COMPLIANCE.

(a) REQUIREMENT FOR PERIODIC AUDITS OF CONTRACTING COMPLIANCE.—The Inspector General of the Department of Transportation shall conduct periodic audits of Federal Aviation Administration contracting practices and policies related to procurement requirements under chapter 83 of title 41, United States Code.

(b) REQUIREMENT FOR ADDITIONAL INFORMATION IN SEMIANNUAL REPORTS.—The Inspector General of the Department of Transportation shall ensure that findings and other information resulting from audits conducted pursuant to subsection (a) are included in the semiannual report transmitted to congressional committees under section 8(f) of the Inspector General Act of 1978 (5 U.S.C. App).

SA 3659. Mr. WYDEN (for himself and Mr. HOEVEN) 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:

TITLE ____—MOVE AMERICA

SEC. _____1. SHORT TITLE.

This title may be cited as the ''Move America Act of 2015''.

SEC. _____2. MOVE AMERICA BONDS.

(a) IN GENERAL.—

(1) MOVE AMERICA BONDS.—Subpart A of part IV of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 142 the following new section:

''SEC. 142A. MOVE AMERICA BONDS.

''(a) IN GENERAL.—

''(1) TREATMENT AS EXEMPT FACILITY BOND.—Except as otherwise provided in this section, a Move America bond shall be treated for purposes of this part as an exempt facility bond.

''(2) EXCEPTIONS.—

''(A) NO GOVERNMENT OWNERSHIP REQUIREMENT.—Paragraph (1) of section 142(b) shall not apply to any Move America bond.

''(B) SPECIAL RULES FOR HIGH-SPEED RAIL BONDS.—Paragraphs (2) and (3) of section 142(i) shall not apply to any Move America bond described in subsection (b)(4).

''(C) SPECIAL RULES FOR HIGHWAY AND SURFACE TRANSPORTATION FACILITIES.—Paragraphs (2), (3), and (4) of section 142(m) shall not apply to any Move America bond described in subsection (b)(5).

''(b) MOVE AMERICA BOND.—For purposes of this part, the term 'Move America bond' means any bond issued as part of an issue 95 percent or more of the net proceeds of which are used to provide—

''(1) airports,

''(2) docks and wharves, including—

''(A) waterborne mooring infrastructure,

''(B) dredging in connection with a dock or wharf, and

''(C) any associated rail and road infrastructure for the purpose of integrating modes of transportation,

''(3) mass commuting facilities,

''(4) railroads (as defined in section 20102 of title 49, United States Code) and any associated rail and road infrastructure for the purpose of integrating modes of transportation,

''(5) any—

''(A) surface transportation project which is eligible for Federal assistance under title 23, United States Code (as in effect on the date of the enactment of this section),

''(B) project for an international bridge or tunnel for which an international entity authorized under Federal or State law is responsible and which is eligible Federal assistance under title 23, United States Code (as so in effect), or

''(C) facility for the transfer of freight from truck to rail or rail to truck (including any temporary storage facilities directly related to such transfers) which is eligible for Federal assistance under either title 23 or title 49, United States Code (as so in effect),

''(6) flood diversions, or

''(7) inland waterways, including construction and rehabilitation expenditures for navigation on any inland or intracoastal waterways of the United States (within the meaning of section 4042(d)(2)).

''(c) FLOOD DIVERSIONS.—For purposes of this section, the term 'flood diversion' means any flood damage risk reduction project authorized under any Act for authorizing water resources development projects.

''(d) MOVE AMERICA VOLUME CAP.—

''(1) IN GENERAL.—The aggregate face amount of Move America bonds issued pursuant to an issue, when added to the aggregate face amount of Move America bonds previously issued by the issuing authority during the calendar year, shall not exceed such issuing authority's Move America volume cap for such year.

''(2) MOVE AMERICA VOLUME CAP.—For purposes of this subsection—

''(A) IN GENERAL.—The Move America volume cap shall be 50 percent of the State ceiling under section 146(d) for such State for such year.

''(B) ALLOCATION OF VOLUME CAP.—Each State may allocate the Move America volume cap of such State among governmental units (or other authorities) in such State having authority to issue private activity bonds.

''(3) CARRYFORWARDS.—

''(A) IN GENERAL.—If—

''(i) an issuing authority's Move America volume cap, exceeds

''(ii) the aggregate amount of Move America bonds issued during such calendar year by such authority,

any Move America bond issued by such authority during the 3-calendar-year period following such calendar year shall not be taken into account under paragraph (1) to the extent the amount of such bonds does not exceed the amount of such excess. Any excesses arising under this paragraph shall be used under this paragraph in the order of calendar years in which the excesses arose.

''(B) REALLOCATION OF UNUSED CARRYFORWARDS.—

''(i) IN GENERAL.—The Move America volume cap under paragraph (2)(A) for any State for any calendar year shall be increased by any amount allocated to such State by the Secretary under clause (ii).

''(ii) REALLOCATION.—The Secretary shall allocate to each qualified State for any calendar year an amount which bears the same ratio to the aggregate unused carryforward amounts of all issuing authorities in all States for such calendar year as the qualified State's population for the calendar year bears to the population of all qualified States for the calendar year. For purposes of the preceding sentence, population shall be determined in accordance with section 146(j).

''(iii) QUALIFIED STATE.—For purposes of this subparagraph, the term 'qualified State' means, with respect to a calendar year, any State—

''(I) which allocated its entire Move America volume cap for the preceding calendar year, and

''(II) for which a request is made (not later than May 1 of the calendar year) to receive an allocation under clause (ii).

''(iv) UNUSED CARRYFORWARD AMOUNT.—For purposes of this paragraph, the term 'unused carryforward amount' means, with respect to any issuing authority for any calendar year, the excess of—

''(I) the amount of the excess described in subparagraph (A) for the fourth preceding calendar year, over

''(II) the amount of bonds issued by such issuing authority to which subparagraph (A) applied during the 3 preceding calendar years.

''(e) APPLICABILITY OF CERTAIN FEDERAL LAWS.—An issue shall not be treated as an issue under subsection (b) unless the facility for which the proceeds of such issue are used would be subject to the requirements of any Federal law (including titles 23, 40, and 49 of the United States Code) which would otherwise apply to similar projects.

''(f) SPECIAL RULE FOR ENVIRONMENTAL REMEDIATION COSTS FOR DOCKS AND WHARVES.—For purposes of this section, amounts used for working capital expenditures relating to environmental remediation required under State or Federal law at or near a facility described in subsection (b)(2) (including environmental remediation in the riverbed and land within or adjacent to the Federal navigation channel used to access such facility) shall be treated as an amount used to provide for such a facility.

''(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section, including regulations requiring States to report the amount of Move America volume cap of the State carried forward for any calendar year under subsection (d)(3).''.

(2) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 142 the following new item:

''Sec. 142A. Move America bonds.''.

(b) APPLICATION OF OTHER PRIVATE ACTIVITY BOND RULES.—

(1) TREATMENT UNDER PRIVATE ACTIVITY BOND VOLUME CAP.—Subsection (g) of section 146 of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by inserting after paragraph (4) the following new paragraph:

''(5) any Move America bond.''.

(2) RULE FOR FACILITIES LOCATED OUTSIDE THE STATE.—Paragraph (2) of section 146(k) of the Internal Revenue Code of 1986 is amended by inserting ''or to any Move America bond'' after ''section 142(a)''.

(3) SPECIAL RULE ON USE FOR LAND ACQUISITION.—Subparagraph (A) of section 147(c)(1) of the Internal Revenue Code of 1986 is amended by inserting ''(50 percent in the case of any issue of Move America bonds)'' after ''25 percent''.

(4) SPECIAL RULES FOR REHABILITATION EXPENDITURES.—

(A) INCLUSION OF CERTAIN EXPENDITURES.—Subparagraph (B) of section 147(d)(3) of the Internal Revenue Code of 1986 is amended by inserting '', except that, in the case of any Move America bond, such term shall include any expenditure described in clause (iii) or (v) thereof'' before the period at the end.

(B) PERIOD FOR EXPENDITURES.—Subparagraph (C) of section 147(d)(3) of such Code is amended by inserting ''(5 years, in the case of any Move America bond)'' after ''2 years''.

(c) TREATMENT UNDER THE ALTERNATIVE MINIMUM TAX.—Subparagraph (C) of section 57(a)(5) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

''(vii) EXCEPTION FOR MOVE AMERICA BONDS.—For purposes of clause (i), the term 'private activity bond' shall not include any Move America bond (as defined in section 142A).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued in calendar years beginning after the date of the enactment of this Act.

SEC. _____3. MOVE AMERICA TAX CREDITS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 30E. MOVE AMERICA CREDIT.

''(a) ALLOWANCE OF CREDIT.—In the case of a Move America credit certificate purchased by the taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for any taxable year in the credit period an amount equal to 10 percent of the value of such certificate.

''(b) CREDIT PERIOD.—For purposes of this section, the term 'credit period' means, with respect to any Move America credit certificate, the period of 10 taxable years beginning with the first taxable year that begins in the calendar year in which the qualified project to which such certificate relates is placed in service.

''(c) MOVE AMERICA CREDIT CERTIFICATE.—For purposes of this section—

''(1) MOVE AMERICA CREDIT CERTIFICATE.—The term 'Move America credit certificate' means any certificate that—

''(A) is sold to the taxpayer under a qualified Move America credit program by a State or by a project sponsor to whom the State has allocated such certificate for sale under paragraph (2)(B)(ii)(I),

''(B) is designated by the State as relating to a qualified project,

''(C) the proceeds of the sale of which are used to finance the qualified project designated under subparagraph (B),

''(D) specifies—

''(i) the value of the certificate and the purchase price, and

''(ii) the qualified project to which it relates,

''(E) is sold no later than the end of the calendar year in which the project is placed in service, and

''(F) is in such form as the Secretary may prescribe.

''(2) QUALIFIED MOVE AMERICA CREDIT PROGRAM.—

''(A) IN GENERAL.—The term 'qualified Move America credit program' means any program—

''(i) which is established by a State for any calendar year for which it is authorized to issue Move America bonds (as defined in section 145A),

''(ii) under which the State exchanges (in such manner as the Secretary may prescribe) an amount of the Move America bonds (as so defined) which it may otherwise issue during such calendar year for the ability to sell Move America credit certificates, and

''(iii) under which the State is obligated to repay to the Secretary an amount equal to the recapture amount, if applicable, with respect to any Move America credit certificate.

''(B) ALLOCATION OF CERTIFICATES TO PROJECT SPONSORS.—

''(i) IN GENERAL.—A State that has established a qualified Move America credit program under subparagraph (A) may allocate any Move America credit certificate that is eligible to be sold by such State to the project sponsor of the qualified project to which such certificate relates.

''(ii) SALE OR USE.—A project sponsor to whom any Move America certificate is allocated under clause (i) may—

''(I) sell such certificate, or

''(II) claim the credit under this section with respect to such certificate as if the project sponsor had purchased the certificate from the State.

''(3) VALUE.—

''(A) IN GENERAL.—The aggregate value of the Move America credit certificates sold or allocated by a State in a calendar year shall equal 25 percent of the value of Move America bonds exchanged by the State under paragraph (2)(A)(ii).

''(B) LIMITATION RELATING TO QUALIFIED PROJECT COST.—The aggregate value of the Move America credit certificates sold or allocated by a State and designated by the State as relating to any qualified project shall not exceed the lesser of—

''(i) 20 percent of the estimated cost of the project, or

''(ii) 50 percent of the total amount of private equity invested in the project.

''(4) CERTIFICATE NONTRANSFERABLE.—A Move America credit certificate, once purchased from a State or a project sponsor to whom the State has allocated such certificate for sale under paragraph (2)(B)(ii)(I), may not be sold or transferred to any other person.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) QUALIFIED PROJECT.—The term 'qualified project' means a project which—

''(A) would be subject to the same requirements of any Federal law (including titles 23, 40, and 49 of the United States Code) which would otherwise apply to similar projects, and

''(B) is for the construction of a facility described in section 142A(b), but only if such project, upon completion, will be generally available for public use.

''(2) RECAPTURE AMOUNT.—

''(A) IN GENERAL.—In the case of any Move America credit certificate, if the project to which the certificate is designated under subsection (c)(1)(B) as relating—

''(i) is never placed in service, or

''(ii) ceases to be a qualified project at any time during the credit period,

the recapture amount is the amount determined under subparagraph (B).

''(B) AMOUNT DETERMINED.—The amount determined under this subparagraph is—

''(i) in the case of a project to which subparagraph (A)(i) applies, the value of the Move America credit certificate, and

''(ii) in the case of a project to which subparagraph (A)(ii) applies, the product of—

''(I) an amount equal to 10 percent of the value of the Move America credit certificate, and

''(II) the number of calendar years in the credit period beginning with the calendar year in which the project ceases to be a qualified project.

''(3) SPECIAL RULE FOR PROJECTS NOT PLACED IN SERVICE.—For purposes of subsection (a), if the project to which a Move America credit certificate is designated under subsection (c)(1)(B) as relating is never placed in service, the first taxable year that begins in the calendar year in which the State certifies (at such time and in such manner as may be prescribed by the Secretary) that the project will not be placed in service shall be treated as the year in which the project was placed in service.

''(e) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Except as provided in paragraph (2), the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—For purposes of this title, in the case of an individual, the credit allowed under subsection (a) for any taxable year shall be treated as a credit allowable under subpart A for such taxable year.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''plus'' at the end of paragraph (35),

(2) by striking the period at the end of paragraph (36) and inserting '', plus'', and

(3) by adding at the end the following new paragraph:

''(37) the portion of the Move America credit to which section 30E(e)(1) applies.''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 30E. Move America credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(e) REPORTING.—A State that sells any Move America credit certificate shall report, at such time and in such manner as the Secretary of the Treasury shall require—

(1) to the Secretary of the Treasury—

(A) the value of the Move America bonds otherwise allowed to be issued by the State which are exchanged under section 30E(c)(2)(A)(ii) of the Internal Revenue Code of 1986 for the ability to sell such Move America credit certificates, and

(B) the number of Move America credit certificates sold by the State or allocated to project sponsors, the value of each such certificate, and to whom it was sold (including the name of the purchaser and any other identifying information as the Secretary of the Treasury shall require), and

(2) to the Secretary of the Treasury and the purchaser of any Move America credit certificate—

(A) the placed in service date of the qualified project to which the certificate is designated under section 30E(c)(1)(B) of the Internal Revenue Code of 1986 as relating, or

(B) that the State has made a certification under section 30E(d)(3) of such Code that such project will not be placed in service.

For purposes of this subsection, any term used in this subsection that is also used in section 30E or 142A of the Internal Revenue Code of 1986 has the same meaning as when used in such section.

SA 3660. Mr. KAINE 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:

On page 149, line 8, strike ''an inspection or other investigation'' and insert ''an accident finding, inspection, or other investigation''.

On page 150, line 17, strike ''an inspection or other investigation'' and insert ''an accident finding, inspection, or other investigation''.

On page 337, strike section 5013

SA 3661. Mr. JOHNSON (for himself, Mr. LEAHY, Ms. MURKOWSKI, and Mr. SCHUMER) 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 end of title V, add the following:

SEC. 5032. JURISDICTION OVER OFFENSES COMMITTED BY CERTAIN UNITED STATES PERSONNEL STATIONED IN CANADA.

(a) 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.

(b) 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.''.

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

SA 3662. Mr. DAINES 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 end of title V, add the following:

SEC. 5032. PLACEMENT AND STORAGE OF WILDLAND FIREFIGHTING ASSETS.

When considering placement and storage of aerial wildland firefighting assets, the Chief of the Forest Service shall, before other considerations, take into consideration the geographic location of other federally owned aerial wildland firefighting assets and the rate, intensity, and size of all State and federally managed wildland fires in those locations.

SA 3663. Ms. MURKOWSKI (for herself and Mr. SULLIVAN) 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. _____. 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 3664. Ms. MURKOWSKI (for herself and Mr. SULLIVAN) 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:

On page 81, between lines 24 and 25, 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 3665. Mr. VITTER 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:

On page 125, between lines 6 and 7, insert the following:

SEC. 2143. MICRO UNMANNED AIRCRAFT SYSTEMS.

(a) SHORT TITLE.—This section may be cited as the ''Micro Drone Safety and Innovation Act of 2016''.

(b) OPERATION OF MICRO UNMANNED AIRCRAFT SYSTEMS.—

(1) IN GENERAL.—Subtitle B of title III of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note), as amended by sections 2122(b)(2), 2128(b)(2), and 2129(b)(2), is further amended by adding at the end the following:

''SEC. 337. SPECIAL RULE FOR MICRO UNMANNED AIRCRAFT SYSTEMS.

''(a) REQUIREMENTS FOR OPERATION OF MICRO UNMANNED AIRCRAFT SYSTEMS.—

''(1) IN GENERAL.—A micro unmanned aircraft system and the operator of that system shall qualify for the exemptions described under subsections (b), (c), and (d) if the system is operated—

''(A) at an altitude of less than 400 feet above ground level;

''(B) at an airspeed of not greater than 40 knots;

''(C) within the visual line of sight of the operator;

''(D) during the hours between sunrise and sunset; and

''(E) except as provided in paragraph (2), not less than 5 statute miles from the geographic center of an airport with an operational air traffic control tower or an airport denoted on a current aeronautical chart published by the Federal Aviation Administration.

''(2) OPERATION WITHIN 5 STATUTE MILES OF AN AIRPORT.—A micro unmanned aircraft system may be operated within 5 statute miles of an airport described in paragraph (1)(E) if, before the micro unmanned aircraft system is operated within 5 statute miles of the airport, the operator of the micro unmanned aircraft system—

''(A) provides notice to the airport operator; and

''(B) in the case of an airport with an operational air traffic control tower, receives approval from the air traffic control tower.

''(b) EXEMPTIONS FOR OPERATORS OF MICRO UNMANNED AIRCRAFT SYSTEMS.—Notwithstanding sections 44703 and 44711 of title 49, United States Code, part 61 of title 14, Code of Federal Regulations, or any other provision of a statute, rule, or regulation relating to airman certification, any person may operate a micro unmanned aircraft system in accordance with subsection (a) without being required—

''(1) to pass any aeronautical knowledge test;

''(2) to meet any age or experience requirement; or

''(3) to obtain an airman certificate or medical certificate.

''(c) EXEMPTION FROM AIRWORTHINESS STANDARDS.—Notwithstanding any provision of chapter 447 of title 49, United States Code, or any other provision of a statute, rule, or regulation relating to certification of aircraft or aircraft parts or equipment, a micro unmanned aircraft system operated in accordance with subsection (a) and component parts and equipment for that system shall not be required to meet airworthiness certification standards or to obtain an airworthiness certificate.

''(d) EXEMPTIONS FROM OPERATIONAL REGULATIONS.—

''(1) PART 91 REGULATIONS.—Sections 91.7(a), 91.119(c), 91.121, 91.151(a)(1), 91.405(a), and 91.407(a)(1), paragraphs (1) and (2) of section 91.409(a), and subsections (a) and (b) of section 91.417 of title 14, Code of Federal Regulations, shall not apply with respect to the operation of a micro unmanned aircraft system in accordance with subsection (a).

''(2) CERTIFICATE OF WAIVER OR AUTHORIZATION.—A micro unmanned aircraft system operated in accordance with subsection (a) may be operated by any person without a certificate of authorization or waiver from the Federal Aviation Administration.

''(3) FUTURE REGULATIONS.—A micro unmanned aircraft system operated in accordance with subsection (a), and the operator of such a system, shall be exempt from any additional requirements that may be prescribed pursuant to this subtitle after the date of the enactment of the Micro Drone Safety and Innovation Act of 2016.

''(e) ALTERNATIVE REGULATIONS.—Instead of being operated in accordance with subsection (a), a micro unmanned aircraft may be operated pursuant to any form of authorization, operational rules, or exemptions pertaining to unmanned aircraft systems prescribed by the Administrator, except that a micro unmanned aircraft and its operator shall be exempt from any requirement for an airman certificate or medical certificate.

''(f) MICRO UNMANNED AIRCRAFT SYSTEM DEFINED.—In this section, the term 'micro unmanned aircraft system' means an unmanned aircraft system the aircraft component of which weighs not more than 4.4 pounds, including payload.''.

(2) TABLE OF CONTENTS.—The table of contents for the FAA Modernization and Reform Act of 2012 is amended by inserting after the item relating to section 335 the following:

''337. Special rule for micro unmanned aircraft systems.''.

SA 3666. Mr. VITTER 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:

Beginning on page 86, strike line 22 and all that follows through page 88, line 19, insert the following:

''(b) MICRO UNMANNED AIRCRAFT SYSTEMS OPERATIONAL RULES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law relating to the incorporation of unmanned aircraft systems into Federal Aviation Administration plans and policies, other than sections 44803 and 44809, the Administrator of the Federal Aviation Administration may not promulgate any rule or regulation regarding the operation of a micro unmanned aircraft system, the aircraft component of which weighs 4.4 pounds or less, including payload, including any requirement that requires the operator of any such system to meet any airman certification requirement, including any requirements under section 44703 of this title, part 61 of title 14, Code of Federal Regulations, or any other rule or regulation relating to airman certification.

''(2) OPERATIONAL RULES.—A micro unmanned aircraft system and the operator of that system shall qualify for the exemptions under this subsection if the following rules for operations of such systems are observed:

''(A) Operation at an altitude of less than 400 feet above ground level.

''(B) Operation with an airspeed of not greater than 40 knots.

''(C) Operation within the visual line of sight of the operator.

''(D) Operation during the hours between sunrise and sunset.

''(E) Operation not less than 5 statute miles from the geographic center of an airport with an operational air traffic control tower or an airport denoted on a current aeronautical chart published by the Federal Aviation Administration, except that a micro unmanned aircraft system may be operated within 5 statute miles of such an airport if the operator of the system—

''(i) provides notice to the airport operator; and

''(ii) in the case of an airport with an operational air traffic control tower, receives approval from the air traffic control tower.

''(3) EXEMPTIONS FROM OPERATIONAL REGULATIONS.—

''(A) PART 91 REGULATIONS.—Sections 91.7(a), 91.119(c), 91.121, 91.151(a)(1), 91.405(a), and 91.407(a)(1), paragraphs (1) and (2) of section 91.409(a), and subsections (a) and (b) of section 91.417 of title 14, Code of Federal Regulations, shall not apply with respect to the operation of a micro unmanned aircraft system in accordance with this subsection.

''(B) CERTIFICATE OF WAIVER OR AUTHORIZATION.—A micro unmanned aircraft system operated in accordance with this subsection may be operated by any person without a certificate of authorization or waiver from the Federal Aviation Administration.

''(C) FUTURE REGULATIONS.—A micro unmanned aircraft system operated in accordance with this subsection, and the operator of such a system, shall be exempt from any additional requirements that may be prescribed pursuant to this subtitle after the date of the enactment of this Act, except for any additional requirements prescribed pursuant to sections 44803 and 44809.

''(4) ALTERNATIVE REGULATIONS.—Instead of being operated in accordance with this subsection, a micro unmanned aircraft system may be operated pursuant to any form of authorization, operational rules, or exemptions pertaining to unmanned aircraft systems prescribed by the Administrator, except that a micro unmanned aircraft system and its operator shall be exempt from any requirement for an airman certificate or medical certificate.

SA 3667. 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:

On page 120, line 1, insert '', or commercial operators operating under contract with a public entity,'' after ''systems''.

SA 3668. Mrs. MURRAY (for herself and Ms. CANTWELL) 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 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. 5032. 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. 5033. 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—

''(A) develop a joint plan to carry out the research described in subsection (a); and

''(B) submit to Congress a report on such joint plan.''.

SA 3669. Mr. DAINES 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:

On page 270, strike lines 2 through 11 and insert the following:

(a) RULEMAKING.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue final regulations to require a covered air carrier to promptly provide an automatic refund or other compensation to a passenger if the covered air carrier—

(A) has charged the passenger an ancillary fee for checked baggage; and

(B) fails to deliver the checked baggage to the passenger not later than 6 hours after the arrival of a domestic flight or 12 hours after the arrival of an international flight.

(2) CHOICE OF EQUIVALENT COMPENSATION.—The regulations under paragraph (1) may allow an air carrier to offer a passenger the opportunity to select an alternate form of compensation of equivalent or greater value in lieu of a refund if the passenger is concurrently notified that he or she is entitled to a full refund of paid baggage fees, among the options for compensation. If the passenger fails to respond to the offer of equivalent compensation, the air carrier shall automatically refund the baggage fee paid by the passenger.

(3) REFUND DEADLINE.—Any refund under paragraph (1) or alternate equivalent compensation under paragraph (2) shall be provided to the passenger promptly and shall be provided not later than 10 days after an air carrier's failure to deliver checked baggage within the period prescribed under paragraph (1)(B).

SA 3670. Mr. CRAPO 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. ____. EXCLUSION FOR ASSISTANCE PROVIDED TO PARTICIPANTS IN CERTAIN VETERINARY STUDENT LOAN REPAYMENT OR FORGIVENESS PROGRAMS.

(a) IN GENERAL.—Paragraph (4) of section 108(f) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''or'' after ''such Act,'',

(2) by striking the period at the end and inserting '', under section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a), or under any other State loan repayment or loan forgiveness program that is intended to provide for increased access to veterinary services in such State.'', and

(3) by striking ''STATE'' in the heading and inserting ''OTHER''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received by an individual in taxable years beginning after December 31, 2015.

SA 3671. Mr. BARRASSO 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. ___. CARRYING OF FIREARMS BY FEDERAL FLIGHT DECK OFFICERS ON INTERNATIONAL FLIGHTS.

Paragraph (3) of section 44921(f) is amended to read as follows:

''(3) CARRYING FIREARMS OUTSIDE UNITED STATES.—In consultation with the Secretary of State, the Secretary of Homeland Security shall take such action as may be necessary to ensure that a Federal flight deck officer may carry a firearm—

''(A) on any international flight on which a Federal air marshal may be deployed under section 44917; and

''(B) in foreign country as is necessary to allow the Federal flight deck officer to carry a firearm as authorized by subparagraph (A).''.

SA 3672. Mrs. GILLIBRAND (for herself and Mr. SCHUMER) 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 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 3673. Mr. REED 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 end of part II of subtitle A of title II, add the following:

SEC. 2143. 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 3674. Mr. REED 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. ____. 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 3675. Ms. HEITKAMP (for herself and Mr. INHOFE) 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:

On page 91, between lines 6 and 7, 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 3676. Ms. HEITKAMP 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:

On page 86, line 19, 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 3677. Mr. MARKEY 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:

On page 61, 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 3678. Ms. HIRONO (for herself, Mr. BROWN, Ms. WARREN, and Mrs. SHAHEEN) 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:

In section 2306, strike subsections (b) and (c) and insert the following:

(b) CONTENTS.—In revising the rule under subsection (a), the Administrator shall ensure that—

(1) 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

(2) the rest period required under paragraph (1) is not reduced under any circumstances.

SA 3679. Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) proposed an amendment to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Aviation Administration Reauthorization Act of 2016''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. REFERENCES TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.

In this Act, unless expressly provided otherwise, the term ''appropriate committees of Congress'' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 4. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

TITLE I—AUTHORIZATIONS

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 fiscal year 2017''.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended in the matter preceding paragraph (1) by striking ''July 15, 2016'' and inserting ''September 30, 2017''.

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.''.

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; and

''(B) $10,025,361,111 for fiscal year 2017.''.

(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 2017''.

(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 2017''.

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; and

''(10) $169,000,000 for fiscal year 2017.''; 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 2017, 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 ''2017''.

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 ''2017''.

(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, 2017''.

(c) INSPECTOR GENERAL REPORT ON PARTICIPATION IN FAA PROGRAMS BY DISADVANTAGED SMALL BUSINESS CONCERNS.—

(1) IN GENERAL.—For each of fiscal years 2016 through 2017, 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, 2017''.

Subtitle B—Airport Improvement Program Modifications

SEC. 1201. SMALL AIRPORT REGULATION RELIEF.

Section 47114(c)(1)(F) is amended to read as follows:

''(F) SPECIAL RULE FOR FISCAL YEARS 2016 THROUGH 2017.—Notwithstanding subparagraph (A), the Secretary shall apportion to a sponsor of an airport under that subparagraph for each of fiscal years 2016 through 2017 an amount based on the number of passenger boardings at the airport during calendar year 2012 if the airport—

''(i) had 10,000 or more passenger boardings during calendar year 2012;

''(ii) had fewer than 10,000 passenger boardings during the calendar year used to calculate the apportionment for fiscal year 2016 or 2017 under subparagraph (A); and

''(iii) had scheduled air service in the calendar year used to calculate the apportionment.''.

SEC. 1202. PRIORITY REVIEW OF CONSTRUCTION PROJECTS IN COLD WEATHER STATES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, to the extent practicable, shall schedule the Administrator's review of construction projects so that projects to be carried out in the States in which the weather during a typical calendar year prevents major construction projects from being carried out before May 1 are reviewed as early as possible.

(b) REPORT.—The Administrator shall update the appropriate committees of Congress annually on the effectiveness of the review and prioritization.

SEC. 1203. STATE BLOCK GRANTS UPDATES.

Section 47128(a) is amended by striking ''9 qualified States for fiscal years 2000 and 2001 and 10 qualified States for each fiscal year thereafter'' and inserting ''15 qualified States for fiscal year 2016 and each fiscal year thereafter''.

SEC. 1204. CONTRACT TOWER PROGRAM UPDATES.

(a) SPECIAL RULE.—Section 47124(b)(1)(B) is amended by striking ''after such determination is made'' and inserting ''after the end of the period described in subsection (d)(6)(C)''.

(b) CONTRACT AIR TRAFFIC CONTROL TOWER COST-SHARE PROGRAM; FUNDING.—Section 47124(b)(3)(E) is amended to read as follows:

''(E) FUNDING.—Of the amounts appropriated under section 106(k)(1), such sums as may be necessary may be used to carry out this paragraph.''.

(c) CAP ON FEDERAL SHARE OF COST OF CONSTRUCTION.—Section 47124(b)(4)(C) is amended by striking ''$2,000,000'' and inserting ''$4,000,000''.

(d) COST BENEFIT RATIO REVISION.—Section 47124 is amended by adding at the end the following:

''(d) COST BENEFIT RATIOS.—

''(1) CONTRACT AIR TRAFFIC CONTROL TOWER PROGRAM AT COST-SHARE AIRPORTS.—Beginning on the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, if an air traffic control tower is operating under the Cost-share Program, the Secretary shall annually calculate a new benefit-to-cost ratio for the tower.

''(2) CONTRACT TOWER PROGRAM AT NON-COST-SHARE AIRPORTS.—Beginning on the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, if a tower is operating under the Contract Tower Program and continued under subsection (b)(1), the Secretary shall not calculate a new benefit-to-cost ratio for the tower unless the annual aircraft traffic at the airport where the tower is located decreases by more than 25 percent from the previous year or by more than 60 percent over a 3-year period.

''(3) CONSIDERATIONS.—In establishing a benefit-to-cost ratio under paragraph (1) or paragraph (2), the Secretary may consider only the following costs:

''(A) The Federal Aviation Administration's actual cost of wages and benefits of personnel working at the tower.

''(B) The Federal Aviation Administration's actual telecommunications costs of the tower.

''(C) Relocation and replacement costs of equipment of the Federal Aviation Administration associated with the tower, if paid for by the Federal Aviation Administration.

''(D) Logistics, such as direct costs associated with establishing or updating the tower's interface with other systems and equipment of the Federal Aviation Administration, if paid for by the Federal Aviation Administration.

''(4) EXCLUSIONS.—In establishing a benefit-to-cost ratio under paragraph (1) or paragraph (2), the Secretary may not consider the following costs:

''(A) Airway facilities costs, including labor and other costs associated with maintaining and repairing the systems and equipment of the Federal Aviation Administration.

''(B) Costs for depreciating the building and equipment owned by the Federal Aviation Administration.

''(C) Indirect overhead costs of the Federal Aviation Administration.

''(D) Costs for utilities, janitorial, and other services paid for or provided by the airport or the State or political subdivision of a State having jurisdiction over the airport where the tower is located.

''(E) The cost of new or replacement equipment, or construction of a new or replacement tower, if the costs incurred were incurred by the airport or the State or political subdivision of a State having jurisdiction over the airport where the tower is or will be located.

''(F) Other expenses of the Federal Aviation Administration not directly associated with the actual operation of the tower.

''(5) MARGIN OF ERROR.—The Secretary shall add a 5 percent margin of error to a benefit-to-cost ratio determination to acknowledge and account for any direct or indirect factors that are not included in the criteria the Secretary used in calculating the benefit-to-cost ratio.

''(6) PROCEDURES.—The Secretary shall establish procedures—

''(A) to allow an airport or the State or political subdivision of a State having jurisdiction over the airport where the tower is located not less than 90 days following the receipt of an initial benefit-to-cost ratio determination from the Secretary—

''(i) to request the Secretary reconsider that determination; and

''(ii) to submit updated or additional data to the Secretary in support of the reconsideration;

''(B) to allow the Secretary not more than 90 days to review the data submitted under subparagraph (A)(ii) and respond to the request under subparagraph (A)(i);

''(C) to allow the airport, State, or political subdivision of a State, as applicable, 30 days following the date of the response under subparagraph (B) to review the response before any action is taken based on a benefit-to-cost determination; and

''(D) to provide, after the end of the period described in subparagraph (C), an 18-month grace period before cost-share payments are due from the airport, State, or political subdivision of a State if as a result of the benefit-to-cost ratio determination the airport, State, or political subdivision, as applicable, is required to transition to the Cost-share Program.

''(e) DEFINITIONS.—In this section:

''(1) CONTRACT TOWER PROGRAM.—The term 'Contract Tower Program' means the level I air traffic control tower contract program established under subsection (a) and continued under subsection (b)(1).

''(2) COST-SHARE PROGRAM.—The term 'Cost-share Program' means the cost-share program established under subsection (b)(3).''.

(e) CONFORMING AMENDMENTS.—Section 47124(b) is amended—

(1) in paragraph (1)(C), by striking ''the program established under paragraph (3)'' and inserting ''the Cost-share Program'';

(2) in paragraph (3)—

(A) in the heading, by striking ''CONTRACT AIR TRAFFIC CONTROL TOWER PROGRAM'' and inserting ''COST-SHARE PROGRAM'';

(B) in subparagraph (A), by striking ''contract tower program established under subsection (a) and continued under paragraph (1) (in this paragraph referred to as the 'Contract Tower Program')'' and inserting ''Contract Tower Program'';

(C) in subparagraph (B), by striking ''In carrying out the program'' and inserting ''In carrying out the Cost-share Program'';

(D) in subparagraph (C), by striking ''participate in the program'' and inserting ''participate in the Cost-share Program'';

(E) in subparagraph (D), by striking ''under the program'' and inserting ''under the Cost-share Program''; and

(F) in subparagraph (F), by striking ''the program continued under paragraph (1)'' and inserting ''the Contract Tower Program''; and

(3) in paragraph (4)(B)(i)(I), by striking ''contract tower program established under subsection (a) and continued under paragraph (1) or the pilot program established under paragraph (3)'' and inserting ''Contract Tower Program or the Cost-share Program''.

(f) EXEMPTION.—Section 47124(b)(3)(D) is amended by adding at the end the following: ''Airports with both Part 121 air service and more than 25,000 passenger enplanements in calendar year 2014 shall be exempt from any cost share requirement under the Cost-share Program.''.

(g) SAVINGS PROVISION.—Notwithstanding the amendments made by this section, the towers for which assistance is being provided under section 41724 of title 49, United States Code, on the day before the date of enactment of this Act may continue to be provided such assistance under the terms of that section as in effect on that day.

SEC. 1205. APPROVAL OF CERTAIN APPLICATIONS FOR THE CONTRACT TOWER PROGRAM.

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration has not implemented a revised cost-benefit methodology for purposes of determining eligibility for the Contract Tower Program before the date that is 30 days after the date of enactment of this Act, any air traffic control tower with an application for participation in the Contract Tower Program pending as of January 1, 2016, shall be approved for participation in the Contract Tower Program if the Administrator determines the tower is eligible under the criteria set forth in the Federal Aviation Administration report, Establishment and Discontinuance Criteria for Airport Traffic Control Towers, dated August 1990 (FAA–APO–90–7).

(b) REQUESTS FOR ADDITIONAL AUTHORITY.—The Administrator shall respond not later than 30 days after the date the Administrator receives a formal request from an airport and air traffic control contractor for additional authority to expand contract tower operational hours and staff to accommodate flight traffic outside of current tower operational hours.

(c) DEFINITION OF CONTRACT TOWER PROGRAM.—In this section, the term ''Contract Tower Program'' has the meaning given the term in section 47124(e) of title 49, United States Code.

SEC. 1206. REMOTE TOWERS.

(a) PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish—

(A) in consultation with airport operators and general aviation users, a pilot program at public-use airports to construct and operate remote towers; and

(B) a selection process for participation in the pilot program.

(2) SAFETY CONSIDERATIONS.—In establishing the pilot program, the Administrator shall consult with operators of remote towers in foreign countries to design the pilot program in a manner that leverages as many safety and airspace efficiency benefits as possible.

(3) REQUIREMENTS.—In selecting the airports for participation in the pilot program, the Administrator shall—

(A) to the extent practicable, ensure that at least 2 different vendors of remote tower systems participate;

(B) include at least 1 airport currently in the Contract Tower Program and at least 1 airport that does not have an air traffic control tower; and

(C) clearly identify the research questions that will be addressed at each airport.

(4) RESEARCH.—In selecting an airport for participation in the pilot program, the Administrator shall consider—

(A) how inclusion of that airport will add research value to assist the Administrator in evaluating the feasibility, safety, and cost-benefits of remote towers;

(B) the amount and variety of air traffic at an airport; and

(C) the costs and benefits of including that airport.

(5) DATA.—The Administrator shall clearly identify and collect air traffic control information and data from participating airports that will assist the Administrator in evaluating the feasibility, safety, and cost-benefits of remote towers.

(6) REPORT.—Not later than 1 year after the date the first remote tower is operational, and annually thereafter, the Administrator shall submit to the appropriate committees of Congress a report—

(A) detailing any benefits, costs, or safety improvements associated with the use of the remote towers; and

(B) evaluating the feasibility of using remote towers, particularly in the Contract Tower Program and for airports without any air traffic control tower, or to improve safety at airports with towers.

(7) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall select airports for participation in the pilot program.

(8) DEFINITIONS.—In this subsection:

(A) CONTRACT TOWER PROGRAM.—The term ''Contract Tower Program'' has the meaning given the term in section 47124(e) of title 49, United States Code.

(B) REMOTE TOWER.—The term ''remote tower'' means a system whereby air traffic services are provided to operators at an airport from a location that may not be on or near the airport.

(b) AIP FUNDING ELIGIBILITY.—For purposes of the pilot program under subsection (a), and after certificated systems are available, constructing a remote tower or acquiring and installing air traffic control, communications, or related equipment for a remote tower shall be considered airport development (as defined in section 47102 of title 49, United States Code) for purposes of subchapter I of chapter 471 of that title if components are installed and used at the airport, except for off-airport sensors installed on leased towers, as needed.

SEC. 1207. MIDWAY ISLAND AIRPORT.

Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 117 Stat. 2518) is amended by striking ''and for the period beginning on October 1, 2015, and ending on July 15, 2016,'' and inserting ''and for fiscal years 2016 through 2017''.

SEC. 1208. AIRPORT ROAD FUNDING.

(a) AIRPORT DEVELOPMENT GRANT ASSURANCES.—Section 47107(b) is amended by adding at the end the following:

''(4) This subsection does not prevent the use of airport revenue for the maintenance and improvement of the on-airport portion of a surface transportation facility providing access to an airport and non-airport locations if the surface transportation facility is owned or operated by the airport owner or operator and the use of airport revenue is prorated to airport use and limited to portions of the facility located on the airport. The Secretary shall determine the maximum percentage contribution of airport revenue toward surface transportation facility maintenance or improvement, taking into consideration the current and projected use of the surface transportation facility located on the airport for airport and non-airport purposes. The de minimus use, as determined by the Secretary, of a surface transportation facility for non-airport purposes shall not require prorating.''.

(b) RESTRICTIONS ON THE USE OF AIRPORT REVENUE.—Section 47133(c) is amended—

(1) by inserting ''(1)'' before ''Nothing'' and indenting appropriately; and

(2) by adding at the end the following:

''(2) Nothing in this section may be construed to prevent the use of airport revenue for the prorated maintenance and improvement costs of the on-airport portion of the surface transportation facility, subject to the provisions of section 47107(b)(4).''.

SEC. 1209. REPEAL OF INHERENTLY LOW-EMISSION AIRPORT VEHICLE PILOT PROGRAM.

(a) REPEAL.—Section 47136 is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents for chapter 471 is amended by striking the item relating to section 47136 and inserting the following:

''47136. [Reserved].''.

SEC. 1210. MODIFICATION OF ZERO-EMISSION AIRPORT VEHICLES AND INFRASTRUCTURE PILOT PROGRAM.

Section 47136a is amended—

(1) in subsection (a), by striking '', including'' and inserting ''used exclusively for transporting passengers on-airport or for employee shuttle buses within the airport, including''; and

(2) in subsection (f), by inserting '', as in effect on the day before the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016,'' after ''section 47136''.

SEC. 1211. REPEAL OF AIRPORT GROUND SUPPORT EQUIPMENT EMISSIONS RETROFIT PILOT PROGRAM.

(a) REPEAL.—Section 47140 is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents for chapter 471 is amended by striking the item relating to section 47140 and inserting the following:

''47140. [Reserved].''.

SEC. 1212. FUNDING ELIGIBILITY FOR AIRPORT ENERGY EFFICIENCY ASSESSMENTS.

(a) COST REIMBURSEMENTS.—Section 47140a(a) is amended by striking ''airport.'' and inserting ''airport, and to reimburse the airport sponsor for the costs incurred in conducting the assessment.''.

(b) SAFETY PRIORITY.—Section 47140a(b)(2) is amended by inserting '', including a certification that no safety projects would be deferred by prioritizing a grant under this section,'' after ''an application''.

SEC. 1213. RECYCLING PLANS; SAFETY PROJECTS AT UNCLASSIFIED AIRPORTS.

Section 47106(a) is amended—

(1) in paragraph (5), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (6)—

(A) in the matter preceding subparagraph (A), by striking ''for an airport that has an airport master plan, the master plan addresses'' and inserting ''a master plan project, it will address''; and

(B) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) if the project is at an unclassified airport, the project will be funded with an amount apportioned under subsection 47114(d)(3)(B) and is—

''(A) for maintenance of the pavement of the primary runway;

''(B) for obstruction removal for the primary runway;

''(C) for the rehabilitation of the primary runway; or

''(D) a project that the Secretary considers necessary for the safe operation of the airport.''.

SEC. 1214. TRANSFERS OF INSTRUMENT LANDING SYSTEMS.

Section 44502(e) is amended by striking the first sentence and inserting ''An airport may transfer, without consideration, to the Administrator of the Federal Aviation Administration an instrument landing system consisting of a glide slope and localizer that conforms to performance specifications of the Administrator if an airport improvement project grant was used to assist in purchasing the system, and if the Federal Aviation Administration has determined that a satellite navigation system cannot provide a suitable approach.''.

SEC. 1215. NON-MOVEMENT AREA SURVEILLANCE PILOT PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by adding at the end the following:

''§ 47143. Non-movement area surveillance surface display systems pilot program

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may carry out a pilot program to support non-Federal acquisition and installation of qualifying non-movement area surveillance surface display systems and sensors if—

''(1) the Administrator determines that acquisition and installation of qualifying non-movement area surveillance surface display systems and sensors improve safety or capacity in the National Airspace System; and

''(2) the non-movement area surveillance surface display systems and sensors are supplemental to existing movement area systems and sensors at the selected airports established under other programs administered by the Administrator.

''(b) PROJECT GRANTS.—

''(1) IN GENERAL.—For purposes of carrying out the pilot program, the Administrator may make a project grant out of funds apportioned under paragraph (1) or paragraph (2) of section 47114(c) to not more than 5 eligible sponsors to acquire and install qualifying non-movement area surveillance surface display systems and sensors. The Administrator may distribute not more than $2,000,000 per sponsor from the discretionary fund. The airports selected to participate in the pilot program shall have existing Federal Aviation Administration movement area systems and airlines that are participants in Federal Aviation Administration's Airport Collaborative Decision Making process.

''(2) PROCEDURES.—In accordance with the authority under section 106, the Administrator may establish procurement procedures applicable to grants issued under this subsection. The procedures may permit the sponsor to carry out the project with vendors that have been accepted in the procurement procedure or using Federal Aviation Administration contracts. The procedures may provide for the direct reimbursement (including administrative costs) of the Administrator by the sponsor using grant funds under this subsection, for the ordering of system-related equipment and its installation, or for the direct ordering of system-related equipment and its installation by the sponsor, using such grant funds, from the suppliers with which the Administrator has contracted.

''(3) DATA EXCHANGE PROCESSES.—The Administrator may establish data exchange processes to allow airport participation in the Federal Aviation Administration's Airport Collaborative Decision Making process and fusion of the non-movement surveillance data with the Administration's movement area systems.

''(c) DEFINITIONS.—In this section:

''(1) NON-MOVEMENT AREA.—The term 'non-movement area' is the portion of the airfield surface that is not under the control of air traffic control.

''(2) NON-MOVEMENT AREA SURVEILLANCE SURFACE DISPLAY SYSTEM AND SENSORS.—The term 'non-movement area surveillance surface display system and sensors' is a non-Federal surveillance system that uses on-airport sensors that track vehicles or aircraft that are equipped with transponders in the non-movement area.

''(3) QUALIFYING NON-MOVEMENT AREA SURVEILLANCE SURFACE DISPLAY SYSTEM AND SENSORS.—The term 'qualifying non-movement area surveillance surface display system and sensors' is a non-movement area surveillance surface display system that—

''(A) provides the required transmit and receive data formats consistent with the National Airspace System architecture at the appropriate service delivery point;

''(B) is on-airport; and

''(C) is airport operated.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents of chapter 471 is amended by inserting after the item relating to section 47142 the following:

''47143. Non-movement area surveillance surface display systems pilot program.''.

SEC. 1216. AMENDMENTS TO DEFINITIONS.

Section 47102 is amended—

(1) by redesignating paragraphs (10) through (28) as paragraphs (12) through (30), respectively;

(2) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively;

(3) in paragraph (3)—

(A) in subparagraph (B)—

(i) by redesignating clauses (iii) through (x) as clauses (iv) through (xi), respectively; and

(ii) by striking clause (ii) and inserting the following:

''(II) security equipment owned and operated by the airport, including explosive detection devices, universal access control systems, perimeter fencing, and emergency call boxes, which the Secretary may require by regulation for, or approve as contributing significantly to, the security of individuals and property at the airport;

''(III) safety apparatus owned and operated by the airport, which the Secretary may require by regulation for, or approve as contributing significantly to, the safety of individuals and property at the airport, and integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices;'';

(B) in subparagraph (K), by striking ''such project will result in an airport receiving appropriate'' and inserting ''the airport would be able to receive''; and

(C) in subparagraph (L)—

(i) by striking ''or conversion of vehicles and'' and inserting ''of vehicles used exclusively for transporting passengers on-airport, employee shuttle buses within the airport, or'';

(ii) by striking ''airport, to'' and inserting ''airport and equipped with''; and

(iii) by striking ''7505a) and if such project will result in an airport receiving appropriate'' and inserting ''7505a)) and if the airport would be able to receive'';

(4) in paragraph (5), by striking ''regulations'' and inserting ''requirements'';

(5) by inserting after paragraph (6) the following:

''(7) 'categorized airport' means a nonprimary airport that has an identified role in the National Plan of Integrated Airport Systems.'';

(6) in paragraph (9), as redesignated, by striking ''public'' and inserting ''public-use'';

(7) by inserting after paragraph (10), as redesignated, the following:

''(11) 'joint use airport' means an airport owned by the Department of Defense, at which both military and civilian aircraft make shared use of the airfield.'';

(8) in paragraph (24), as redesignated, by amending subparagraph (B)(i) to read as follows:

''(i) determined by the Secretary to have at least—

''(I) 100 based aircraft that are currently registered with the Federal Aviation Administration under chapter 445 of this title; and

''(II) 1 based jet aircraft that is currently registered with the Federal Aviation Administration where, for the purposes of this clause, 'based' means the aircraft or jet aircraft overnights at the airport for the greater part of the year; or''; and

(9) by adding at the end the following:

''(31) 'unclassified airport' means a nonprimary airport that is included in the National Plan of Integrated Airport Systems that is not categorized by the Administrator of the Federal Aviation Administration in the most current report entitled General Aviation Airports: A National Asset.''.

SEC. 1217. CLARIFICATION OF NOISE EXPOSURE MAP UPDATES.

Section 47503(b) is amended—

(1) by striking ''a change in the operation of the airport would establish'' and inserting ''there is a change in the operation of the airport that would establish''; and

(2) by inserting after ''reduction'' the following: ''if the change has occurred during the longer of—

''(1) the noise exposure map period forecast by the airport operator under subsection (a); or

''(2) the implementation timeframe of the operator's noise compatibility program''.

SEC. 1218. PROVISION OF FACILITIES.

Section 44502 is amended by adding at the end the following:

''(f) AIRPORT SPACE.—

''(1) RESTRICTION.—The Administrator may not require an airport owner or sponsor (as defined in section 47102) to provide to the Federal Aviation Administration without cost any of the following:

''(A) Building construction, maintenance, utilities, or expenses for services relating to air traffic control, air navigation, or weather reporting.

''(B) Space in a facility owned by the airport owner or sponsor for services relating to air traffic control, air navigation, or weather reporting.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect—

''(A) any agreement the Secretary may have or make with an airport owner or sponsor for the airport owner or sponsor to provide any of the items described in subparagraph (A) or subparagraph (B) of paragraph (1) at below-market rates; or

''(B) any grant assurance that requires an airport owner or sponsor to provide land to the Administration without cost for an air traffic control facility.''.

SEC. 1219. CONTRACT WEATHER OBSERVERS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the appropriate committees of Congress a report—

(1) which includes public and stakeholder input, and examines all safety risks, hazard effects, efficiency and operational effects on airports, airlines, and other stakeholders that could result from loss of contract weather observer service at the 57 airports targeted for the loss of this service;

(2) detailing how the Federal Aviation Administration will accurately report rapidly changing severe weather conditions at these airports, including thunderstorms, lightning, fog, visibility, smoke, dust, haze, cloud layers and ceilings, ice pellets, and freezing rain or drizzle without contract weather observers;

(3) indicating how airports can comply with applicable Federal Aviation Administration orders governing weather observations given the current documented limitations of automated surface observing systems; and

(4) identifying the process through which the Federal Aviation Administration analyzed the safety hazards associated with the elimination of the contract weather observer program.

(b) CONTINUED USE OF CONTRACT WEATHER OBSERVERS.—The Administrator may not discontinue the contract weather observer program at any airport until October 1, 2017.

(c) REPORT ON GOLDEN TRIANGLE INITIATIVE OF NOAA.—

(1) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration and the Administrator of the Federal Aviation Administration shall jointly submit to the appropriate committees of Congress a report on the Golden Triangle Initiative of the National Oceanic and Atmospheric Administration.

(2) ELEMENTS.—The report shall include the following:

(A) An assessment of the impacts of enhanced aviation forecast services provided as part of the Golden Triangle Initiative on weather-related air traffic delays.

(B) A description of the costs of providing such enhanced aviation forecast services.

(C) A description of potential alternative mechanisms to provide enhanced aviation forecast services comparable to such enhanced aviation forecast services for airports in rural or low population density areas.

SEC. 1220. FEDERAL SHARE ADJUSTMENT.

Section 47109(a)(5) is amended to read as follows:

''(5) 95 percent for a project at an airport for which the United States Government's share would otherwise be capped at 90 percent under paragraph (2) or paragraph (3) if the Administrator determines that the project is a successive phase of a multiphased construction project for which the sponsor received a grant in fiscal year 2011 or earlier.''.

SEC. 1221. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) AIRPORT SECURITY PROGRAM.—Section 47137 is amended—

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

(2) in subsection (e), by striking ''Homeland Security'' and inserting ''Transportation''; and

(3) in subsection (g), by inserting ''of Transportation'' after ''Secretary'' the first place it appears.

(b) SECTION 516 PROPERTY CONVEYANCE RELEASES.—Section 817(a) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47125 note) is amended—

(1) by striking ''or section 23'' and inserting '', section 23''; and

(2) by inserting before the period at the end the following: '', or section 47125 of title 49, United States Code''.

SEC. 1222. MOTHERS' ROOMS AT AIRPORTS.

(a) LACTATION AREA DEFINED.—Section 47102, as amended by section 1216 of this Act, is further amended—

(1) by redesignating paragraphs (12) through (31) as paragraphs (13) through (32), respectively; and

(2) by inserting after paragraph (11) the following:

''(12) 'lactation area' means a room or other location in a commercial service airport that—

''(A) provides a location for members of the public to express breast milk that is shielded from view and free from intrusion from the public;

''(B) has a door that can be locked;

''(C) includes a place to sit, a table or other flat surface, and an electrical outlet;

''(D) is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs; and

''(E) is not located in a restroom.''.

(b) PROJECT GRANTS WRITTEN ASSURANCES FOR LARGE AND MEDIUM HUB AIRPORTS.—

(1) IN GENERAL.—Section 47107(a) is amended—

(A) in paragraph (20), by striking ''and'' at the end;

(B) in paragraph (21), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(22) with respect to a medium or large hub airport, the airport owner or operator will maintain a lactation area in each passenger terminal building of the airport in the sterile area (as defined in section 1540.5 of title 49, Code of Federal Regulations) of the building.''.

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to a project grant application submitted for a fiscal year beginning on or after the date that is 2 years after the date of enactment of this Act.

(B) SPECIAL RULE.—The requirement in the amendments made by paragraph (1) that a lactation area be located in the sterile area of a passenger terminal building shall not apply with respect to a project grant application for a period of time, determined by the Secretary of Transportation, if the Secretary determines that construction or maintenance activities make it impracticable or unsafe for the lactation area to be located in the sterile area of the building.

(c) TERMINAL DEVELOPMENT COSTS.—Section 47119(a) is amended by adding at the end the following:

''(3) LACTATION AREAS.—In addition to the projects described in paragraph (1), the Secretary may approve a project for terminal development for the construction or installation of a lactation area at a commercial service airport.''.

(d) PRE-EXISTING FACILITIES.—On application by an airport sponsor, the Secretary of Transportation may determine that a lactation area in existence on the date of enactment of this Act complies with the requirement of paragraph (22) of section 47107(a) of title 49, United States Code, as added by subsection (b), notwithstanding the absence of one of the facilities or characteristics referred to in the definition of the term ''lactation area'' in paragraph (12) of section 47102 of such title, as added by subsection (a).

SEC. 1223. ELIGIBILITY FOR AIRPORT DEVELOPMENT GRANTS AT AIRPORTS THAT ENTER INTO CERTAIN LEASES WITH COMPONENTS OF THE ARMED FORCES.

Section 47107, as amended by section 1208 of this Act, is further amended by adding at the end the following:

''(t) AIRPORTS THAT ENTER INTO CERTAIN LEASES WITH THE ARMED FORCES.—The Secretary of Transportation may not disapprove a project grant application under this subchapter for an airport development project at an airport solely because the airport renews a lease for the use, at a nominal rate, of airport property by a regular or reserve component of the Armed Forces, including the National Guard, without regard to whether that component operates aircraft at the airport.''.

SEC. 1224. CLARIFICATION OF DEFINITION OF AVIATION-RELATED ACTIVITY FOR HANGAR USE.

Section 47107, as amended by section 1223 of this Act, is further amended by adding at the end the following:

''(u) CONSTRUCTION OF RECREATIONAL AIRCRAFT.—

''(1) IN GENERAL.—The construction of a covered aircraft shall be treated as an aeronautical activity for purposes of—

''(A) determining an airport's compliance with a grant assurance made under this section or any other provision of law; and

''(B) the receipt of Federal financial assistance for airport development.

''(2) COVERED AIRCRAFT DEFINED.—In this subsection, the term 'covered aircraft' means an aircraft—

''(A) used or intended to be used exclusively for recreational purposes; and

''(B) constructed or under construction, repair, or restoration by a private individual at a general aviation airport.''.

SEC. 1225. USE OF AIRPORT IMPROVEMENT PROGRAM FUNDS FOR RUNWAY SAFETY REPAIRS.

(a) IN GENERAL.—Subchapter I of chapter 471, as amended by this subtitle, is further amended by adding at the end the following:

''§ 47144. Use of funds for repairs for runway safety repairs

''(a) IN GENERAL.—The Secretary of Transportation may make project grants under this subchapter to an airport described in subsection (b) from funds under section 47114 apportioned to that airport or funds available for discretionary grants to that airport under section 47115 to conduct airport development to repair the runway safety area of the airport damaged as a result of a natural disaster in order to maintain compliance with the regulations of the Federal Aviation Administration relating to runway safety areas, without regard to whether construction of the runway safety area damaged was carried out using amounts the airport received under this subchapter.

''(b) AIRPORTS DESCRIBED.—An airport is described in this subsection if—

''(1) the airport is a public-use airport;

''(2) the airport is listed in the National Plan of Integrated Airport Systems of the Federal Aviation Administration;

''(3) the runway safety area of the airport was damaged as a result of a natural disaster;

''(4) the airport was denied funding under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 4121 et seq.) with respect to the disaster;

''(5) the operator of the airport has exhausted all legal remedies, including legal action against any parties (or insurers thereof) whose action or inaction may have contributed to the need for the repair of the runway safety area;

''(6) there is still a demonstrated need for the runway safety area to accommodate current or imminent aeronautical demand; and

''(7) the cost of repairing or replacing the runway safety area is reasonable in relation to the anticipated operational benefit of repairing the runway safety area, as determined by the Administrator of the Federal Aviation Administration.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471, as amended by this subtitle, is further amended by inserting after the item relating to section 47143 the following:

''47144. Use of funds for repairs for runway safety repairs.''.

SEC. 1226. DEFINITION OF SMALL BUSINESS CONCERN.

Section 47113(a)(1) is amended to read as follows:

''(1) 'small business concern'—

''(A) except as provided in subparagraph (B), has the same meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632); and

''(B) in the case of a concern in the construction industry, a concern shall be considered a small business concern if the concern meets the size standard for the North American Industry Classification System Code 237310, as adjusted by the Small Business Administration;''.

Subtitle C—Passenger Facility Charges

SEC. 1301. PFC STREAMLINING.

(a) PASSENGER FACILITY CHARGES; GENERAL AUTHORITY.—Section 40117(b)(4) is amended—

(1) in the matter preceding subparagraph (A), by striking '', if the Secretary finds—'' and inserting a period; and

(2) by striking subparagraphs (A) and (B).

(b) PILOT PROGRAM FOR PASSENGER FACILITY CHARGE AUTHORIZATIONS AT NONHUB AIRPORTS.—Section 40117(l) is amended—

(1) in the heading by striking ''NONHUB'' and inserting ''CERTAIN''; and

(2) in paragraph (1), by striking ''nonhub'' and inserting ''nonhub, small hub, medium hub, and large hub''.

SEC. 1302. INTERMODAL ACCESS PROJECTS.

Section 40117 is amended by adding at the end the following:

''(n) PFC ELIGIBILITY FOR INTERMODAL GROUND ACCESS PROJECTS.—

''(1) IN GENERAL.—The Secretary may authorize a passenger facility charge imposed under subsection (b)(1) to be used to finance the eligible capital costs of an intermodal ground access project.

''(2) DEFINITION OF INTERMODAL GROUND ACCESS PROJECT.—In this subsection, the term 'intermodal ground access project' means a project for constructing a local facility owned or operated by an eligible agency that—

''(A) is located on airport property; and

''(B) is directly and substantially related to the movement of passengers or property traveling in air transportation.

''(3) ELIGIBLE CAPITAL COSTS.—The eligible capital costs of an intermodal ground access project shall be the lesser of—

''(A) the total capital cost of the project multiplied by the ratio that the number of individuals projected to use the project to gain access to or depart from the airport bears to the total number of individuals projected to use the local facility; or

''(B) the total cost of the capital improvements that are located on airport property.

''(4) DETERMINATIONS.—The Secretary shall determine the projected use and cost of a project for purposes of paragraph (3) at the time the project is approved under this subsection, except that, in the case of a project to be financed in part using funds administered by the Federal Transit Administration, the Secretary shall use the travel forecasting model for the project at the time the project is approved by the Federal Transit Administration to enter preliminary engineering to determine the projected use and cost of the project for purposes of paragraph (3).

''(5) NONATTAINMENT AREAS.—For airport property, any area of which is located in a nonattainment area (as defined under section 171 of the Clean Air Act (42 U.S.C. 7501)) for 1 or more criteria pollutant, the airport emissions reductions from less airport surface transportation and parking as a direct result of the development of an intermodal project on the airport property would be eligible for air quality emissions credits.''.

SEC. 1303. USE OF REVENUE AT A PREVIOUSLY ASSOCIATED AIRPORT.

Section 40117, as amended by section 1302 of this Act, is further amended by adding at the end the following:

''(o) USE OF REVENUES AT A PREVIOUSLY ASSOCIATED AIRPORT.—Notwithstanding the requirements relating to airport control under subsection (b)(1), the Secretary may authorize use of a passenger facility charge under subsection (b) to finance an eligible airport-related project if—

''(1) the eligible agency seeking to impose the new charge controls an airport where a $2.00 passenger facility charge became effective on January 1, 2013; and

''(2) the location of the project to be financed by the new charge is at an airport that was under the control of the same eligible agency that had controlled the airport described in paragraph (1).''.

SEC. 1304. FUTURE AVIATION INFRASTRUCTURE AND FINANCING STUDY.

(a) FUTURE AVIATION INFRASTRUCTURE AND FINANCING STUDY.—Not later than 60 days

after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with the Transportation Research Board of the National Academies to conduct a study and make recommendations on the actions needed to upgrade and restore the national aviation infrastructure system to its role as a premier system that meets the growing and shifting demands of the 21st century, including airport infrastructure needs and existing financial resources for commercial service airports.

(b) CONSULTATION.—In carrying out the study, the Transportation Research Board shall convene and consult with a panel of national experts, including—

(1) nonhub airports;
(2) small hub airports;
(3) medium hub airports;
(4) large hub airports;
(5) airports with international service;
(6) non-primary airports;
(7) local elected officials;
(8) relevant labor organizations;
(9) passengers;
(10) air carriers; and
(11) representatives of the tourism industry.

(c) CONSIDERATIONS.—In carrying out the study, the Transportation Research Board shall consider—

(1) the ability of airport infrastructure to meet current and projected passenger volumes;
(2) the available financial tools and resources for airports of different sizes;
(3) the current debt held by airports, and its impact on future construction and capacity needs;
(4) the impact of capacity constraints on passengers and ticket prices;
(5) the purchasing power of the passenger facility charge from the last increase in 2000 to the year of enactment of this Act;
(6) the impact to passengers and airports of indexing the passenger facility charge for inflation;
(7) how long airports are constrained with current passenger facility charge collections;
(8) the impact of passenger facility charges to promote competition;
(9) the additional resources or options to fund terminal construction projects;
(10) the resources eligible for use toward noise reduction and emission reduction projects;
(11) the gap between AIP-eligible projects and the annual Federal funding provided;
(12) the impact of regulatory requirements on airport infrastructure financing needs;
(13) airline competition;
(14) airline ancillary fees and their impact on ticket pricing and taxable revenue; and
(15) the ability of airports to finance necessary safety, security, capacity, and environmental projects identified in capital improvement plans.

(d) REPORT.—Not later than 15 months after the date of enactment of this Act, the Transportation Research Board shall submit to the Secretary and the appropriate committees of Congress a report on its findings and recommendations.

(e) FUNDING.—The Secretary is authorized to use such sums as are necessary to carry out the requirements of this section.

TITLE II—SAFETY

Subtitle A—Unmanned Aircraft Systems Reform

SEC. 2001. DEFINITIONS.

(a) IN GENERAL.—Unless expressly provided otherwise, the terms used in this subtitle have the meanings given the terms in section 44801 of title 49, United States Code, as added by section 2121 of this Act.

(b) DEFINITION OF CIVIL AIRCRAFT.—The term ''civil aircraft'' has the meaning given the term in section 40102 of title 49, United States Code.

PART I—PRIVACY AND TRANSPARENCY

SEC. 2101. UNMANNED AIRCRAFT SYSTEMS PRIVACY POLICY.

It is the policy of the United States that the operation of any unmanned aircraft or unmanned aircraft system shall be carried out in a manner that respects and protects personal privacy consistent with the United States Constitution and Federal, State, and local law.

SEC. 2102. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) each person that uses an unmanned aircraft system for compensation or hire, or in the furtherance of a business enterprise, except for news gathering, should have a written privacy policy consistent with section 2101 that is appropriate to the nature and scope of the activities regarding the collection, use, retention, dissemination, and deletion of any data collected during the operation of an unmanned aircraft system;

(2) each privacy policy described in paragraph (1) should be periodically reviewed and updated as necessary; and

(3) each privacy policy described in paragraph (1) should be publicly available.

SEC. 2103. FEDERAL TRADE COMMISSION AUTHORITY.

A violation of a privacy policy by a person that uses an unmanned aircraft system for compensation or hire, or in the furtherance of a business enterprise, in the national airspace system shall be an unfair and deceptive practice in violation of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)).

SEC. 2104. NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION MULTI-STAKEHOLDER PROCESS.

Not later than July 31, 2016, the Administrator of the National Telecommunications and Information Administration shall submit to the appropriate committees of Congress a report on the industry privacy best practices developed through the multi-stakeholder engagement process (established under Presidential Memorandum of February 15, 2015 (80 Fed. Reg. 9355)) on unmanned aircraft systems transparency and accountability. In addition to the agreed upon best practices, this report shall include relevant stakeholder recommendations for legislative or regulatory action regarding privacy, accountability, and transparency, including ways to encourage the adoption of privacy policies by companies that use unmanned aircraft systems for compensation or hire, or in the furtherance of a business enterprise. The report shall take into account existing rights protected under the First Amendment to the United States Constitution in public spaces and the First Amendment rights of journalists to control their archives.

SEC. 2105. IDENTIFICATION STANDARDS.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology, in collaboration with the Administrator of the Federal Aviation Administration, and in consultation with the Secretary of Transportation, the President of RTCA, Inc., and the Administrator of the National Telecommunications and Information Administration, shall convene industry stakeholders to facilitate the development of consensus standards for remotely identifying operators and owners of unmanned aircraft systems and associated unmanned aircraft.

(b) CONSIDERATIONS.—As part of the standards developed under subsection (a), the Director shall consider—

(1) requirements for remote identification of unmanned aircraft systems;

(2) appropriate requirements for different classifications of unmanned aircraft systems operations, including public and civil;

(3) the role of manufacturers, the Federal Aviation Administration, and the owners of the systems described in paragraphs (1) and (2) in reporting and verifying identification data; and

(4) the feasibility of the development and operation of a publicly searchable online database to further enable the immediate remote identification of any unmanned aircraft and its operator by the general public and potential exceptions to inclusion in the online database.

(c) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Director shall submit to the appropriate committees of Congress a report on the consensus identification standards.

(d) GUIDANCE.—Not later than 1 year after the date that the Director submits the report on the consensus identification standards under subsection (c), the Administrator of the Federal Aviation Administration shall issue regulatory guidance based on the consensus identification standards.

SEC. 2106. COMMERCIAL AND GOVERNMENTAL OPERATORS.

(a) IN GENERAL.—Except for model aircraft under section 44808 of title 49, United States Code, in authorizing the operation of any public unmanned aircraft system or the operation of any unmanned aircraft system by a person conducting civil aircraft operations, the Administrator of the Federal Aviation Administration, to the extent practicable and consistent with applicable law and without compromising national security, homeland defense, or law enforcement, shall make the identifying information in subsection (b) available to the public via an easily searchable online database. The Administrator shall place a clear and conspicuous link to the database on the home page of the Federal Aviation Administration's website.

(b) CONTENTS.—The database described in subsection (a) shall contain the following:

(1) The name of each individual, or agency, as applicable, authorized to conduct civil or public unmanned aircraft systems operations described in subsection (a).

(2) The name of each owner of an unmanned aircraft system described in paragraph (1).

(3) The expiration date of any authorization related to a person identified in paragraph (1) or paragraph (2).

(4) The contact information for each person identified in paragraphs (1) and (2), including a telephone number and an electronic mail address, in accordance with applicable privacy laws.

(5) The tail number or specific identification number of all unmanned aircraft authorized for use that links each unmanned aircraft to the owner of that aircraft.

(6) For any unmanned aircraft system that will collect personally identifiable information about individuals, including the use of facial recognition—

(A) the circumstance under which the system will be used;

(B) the specific kinds of personally identifiable information that the system will collect about individuals; and

(C) how the information referred to in subparagraph (B), and the conclusions drawn from such information, will be used, disclosed, and otherwise handled, including—

(i) how the collection or retention of such information that is unrelated to the specific use will be minimized;

(ii) under what circumstances such information might be sold, leased, or otherwise provided to third parties;

(iii) the period during which such information will be retained;

(iv) when and how such information, including information no longer relevant to the specified use, will be destroyed; and

(v) steps that will be used to protect against the unauthorized disclosure of any information or data, such as the use of encryption methods and other security features.

(7) With respect to public unmanned aircraft systems—

(A) the locations where the unmanned aircraft system will operate;

(B) the time during which the unmanned aircraft system will operate;

(C) the general purpose of the flight; and

(D) the technical capabilities that the unmanned aircraft system possesses.

(c) RECORDS.—Each person described in subsection (b)(1), to the extent practicable without compromising national security, homeland defense, or law enforcement shall maintain and make available to the Administrator for not less than 1 year a record of the name and contact information of each person on whose behalf the unmanned aircraft system has been operated.

(d) DEADLINE.—The Administrator shall make the database available not later than 1 year after the date of enactment of this Act.

(e) TERMINATION.—The Administrator may cease the operation of such database on September 30, 2017.

SEC. 2107. ANALYSIS OF CURRENT REMEDIES UNDER FEDERAL, STATE, AND LOCAL JURISDICTIONS.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct and submit to the appropriate committees of Congress a review of the privacy issues and concerns associated with the operation of unmanned aircraft systems in the national airspace system that—

(1) examines and identifies the existing Federal, State, or local laws, including constitutional law, that address an individual's personal privacy;

(2) identifies specific issues and concerns that may limit the availability of existing civil or criminal legal remedies regarding inappropriate operation of unmanned aircraft systems in the national airspace system;

(3) identifies any deficiencies in current Federal, State, or local privacy protections; and

(4) recommends legislative or other actions to address the limitations and deficiencies identified in paragraphs (2) and (3).

PART II—UNMANNED AIRCRAFT SYSTEMS

SEC. 2121. DEFINITIONS.

(a) IN GENERAL.—Part A of subtitle VII is amended by inserting after chapter 447 the following:

"CHAPTER 448—UNMANNED AIRCRAFT SYSTEMS

''Sec.
''44801. Definitions.

"§ 44801. Definitions

''In this chapter—

''(1) 'appropriate committees of Congress' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(2) 'Arctic' means the United States zone of the Chukchi Sea, Beaufort Sea, and Bering Sea north of the Aleutian chain.

''(3) 'certificate of waiver' and 'certificate of authorization' mean a Federal Aviation Administration grant of approval for a specific flight operation.

''(4) 'permanent areas' means areas on land or water that provide for launch, recovery, and operation of small unmanned aircraft.

''(5) 'public unmanned aircraft system' means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft (as defined in section 40102(a)).

''(6) 'sense and avoid capability' means the capability of an unmanned aircraft to remain a safe distance from and to avoid collisions with other airborne aircraft.

''(7) 'small unmanned aircraft' means an unmanned aircraft weighing less than 55 pounds, including the weight of anything attached to or carried by the aircraft.

''(8) 'test range' means a defined geographic area where research and development are conducted as authorized by the Administrator of the Federal Aviation Administration.

''(9) 'test site' means any of the 6 test ranges established by the Administrator of the Federal Aviation Administration under section 332(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note), as in effect on the day before the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, and any public entity authorized by the Federal Aviation Administration as an unmanned aircraft system flight test center before January 1, 2009.

''(10) 'unmanned aircraft' means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

''(11) 'unmanned aircraft system' means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the operator to operate safely and efficiently in the national airspace system.''.

(b) TABLE OF CHAPTERS.—The table of chapters for subtitle VII is amended by inserting after the item relating to chapter 447 the following:

''448. Unmanned Aircraft Systems .... 44801''.

SEC. 2122. UTILIZATION OF UNMANNED AIRCRAFT SYSTEM TEST SITES.

(a) IN GENERAL.—Chapter 448, as designated by section 2121 of this Act, is amended by inserting after section 44801 the following:

"§ 44802. Unmanned aircraft system test sites

''(a)(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall establish and update, as appropriate, a program for the use of the 6 test sites established under section 332(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note), and any public entity authorized by the Federal Aviation Administration as an unmanned aircraft system flight test center before January 1, 2009, to facilitate the safe integration of unmanned aircraft systems into the national airspace system.

''(2) TERMINATION.—The program shall terminate on September 30, 2022.

''(b) PROGRAM REQUIREMENTS.—In establishing the program under subsection (a), the Administrator shall—

''(1) designate airspace for safely testing the integration of unmanned flight operations in the national airspace system;

''(2) develop operational standards and air traffic requirements for unmanned flight operations at test sites, including test ranges;

''(3) coordinate with and leverage the resources of the National Aeronautics and Space Administration and the Department of Defense;

''(4) address both civil and public unmanned aircraft systems;

''(5) ensure that the program is coordinated with relevant aspects of the Next Generation Air Transportation System;

''(6) provide for verification of the safety of unmanned aircraft systems and related navigation procedures as it relates to continued development of standards for integration into the national airspace system;

''(7) engage each test site operator in projects for research, development, testing, and evaluation of unmanned aircraft systems to facilitate the Federal Aviation Administration's development of standards for the safe integration of unmanned aircraft into the national airspace system, which may include solutions for—

''(A) developing and enforcing geographic and altitude limitations;

''(B) classifications of airspace where manufacturers must prevent flight of an unmanned aircraft system;

''(C) classifications of airspace where manufacturers of unmanned aircraft systems must alert the operator to hazards or limitations on flight;

''(D) sense and avoid capabilities;

''(E) beyond-line-of-sight, nighttime operations and unmanned traffic management, or other critical research priorities; and

''(F) improving privacy protections through the use of advances in unmanned aircraft systems technology;

''(8) coordinate periodically with all test site operators to ensure test site operators know which data should be collected, what procedures should be followed, and what research would advance efforts to safely integrate unmanned aircraft systems into the national airspace system;

''(9) allow a test site to develop multiple test ranges within the test site;

''(10) streamline the approval process for test sites when processing unmanned aircraft certificates of waiver or authorization for operations at the test sites;

''(11) require each test site operator to protect proprietary technology, sensitive data, or sensitive research of any civil or private entity when using that test site without the need to obtain an experimental or special airworthiness certificate;

''(12) evaluate options for the operation of 1 or more small unmanned aircraft systems beyond the visual line of sight of the operator for testing under controlled conditions that ensure the safety of persons and property, including on the ground; and

''(13) allow test site operators to receive Federal funding, other than from the Federal Aviation Administration, including in-kind contributions, from test site participants in the furtherance of research, development, and testing objectives.

''(c) TEST SITE LOCATIONS.—In determining the location of a test site under subsection (a), the Administrator shall—

''(1) take into consideration geographic and climatic diversity;

''(2) take into consideration the location of ground infrastructure and research needs; and

''(3) consult with the Administrator of the National Aeronautics and Space Administration and the Secretary of Defense.

''(d) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Administrator shall submit to the appropriate committees of Congress a report on the establishment and implementation of the program under subsection (a).

''(2) BRIEFINGS.—Beginning 180 days after the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, and every 180 days thereafter until September 30, 2017, the Administrator shall provide to the appropriate committees of Congress a briefing that includes—

''(A) a current summary of unmanned aircraft systems operations at the test sites since the last briefing to Congress;

''(B) a description of all of the data generated from the operations described in subparagraph (A), and shared with the Federal Aviation Administration through a cooperative research and development agreement authorized in section 2123 of the Federal

Aviation Administration Reauthorization Act of 2016, that relate to unmanned aircraft systems research priorities, including beyond-line-of-sight, unmanned traffic management, nighttime operations, and sense and avoid technology;

''(C) a description of how the data described in subparagraph (B) will be or is used—

''(i) to advance Federal Aviation Administration priorities;

''(ii) to validate the safety of unmanned aircraft systems and related technology; and

''(iii) to inform future rulemaking related to the integration of unmanned aircraft systems into the national airspace;

''(D) an evaluation of the activities and specific outcomes from activities at the test sites that support the safe integration of unmanned aircraft systems under this chapter; and

''(E) recommendations for future Federal Aviation Administration test site operations that would generate data necessary to inform future rulemaking related to unmanned aircraft systems.

''(e) REVIEW OF OPERATIONS BY TEST SITE OPERATORS.—The operator of each test site under subsection (a) shall—

''(1) review the operations of unmanned aircraft systems conducted at the test site, including—

''(A) ongoing or completed research; and

''(B) data regarding operations by private and public operators; and

''(2) submit to the Administrator, in such form and manner as specified by the Administrator, the results of the review, including recommendations to further enable private research and development operations at the test sites that contribute to the Federal Aviation Administration's safe integration of unmanned aircraft systems into the national airspace system, on a quarterly basis until the program terminates.

''(f) TESTING.—The Secretary may authorize an operator of a test site described in subsection (a) to administer testing requirements established by the Administrator for unmanned aircraft systems operations.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for chapter 448, as added by section 2121 of this Act, is further amended by inserting after the item relating to section 44801 the following:

''44802. Unmanned aircraft system test sites.''.

(2) PILOT PROJECTS.—Section 332 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) is amended by striking subsection (c).

SEC. 2123. ADDITIONAL RESEARCH, DEVELOPMENT, AND TESTING.

(a) RESEARCH PLAN.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration and the United States Unmanned Aircraft System Executive Committee, jointly, and in coordination with industry, users, the Center of Excellence for Unmanned Aircraft Systems, and test site operators, shall develop a research plan to identify ongoing research into the broad range of technical, procedural, and policy concerns arising from the integration of unmanned aircraft systems into the national airspace system, and research needs regarding those concerns. In developing the plan, the Administrator shall determine and engage the appropriate entities to meet the research needs identified in the plan.

(b) COLLABORATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—The Administrator may use the other transaction authority under section 106(l)(6) of title 49, United States Code, and enter into collaborative research and development agreements, to direct research related to unmanned aircraft systems, including at any test site under section 44802(a) of that title, and in coordination with the Center of Excellence for Unmanned Aircraft Systems.

(c) USE OF CENTER OF EXCELLENCE FOR UNMANNED AIRCRAFT SYSTEMS.—The Administrator, in carrying out research necessary to establish the consensus safety standards and certification requirements in section 44803 of title 49, United States Code, as added by section 2124, shall, to the maximum extent practicable, leverage the research and testing capacity and capabilities of the Center of Excellence for Unmanned Aircraft Systems and the test sites (as defined in 44801 of such title, as added by section 2121).

SEC. 2124. SAFETY STANDARDS.

(a) IN GENERAL.—Chapter 448, as amended by section 2122 of this Act, is further amended by inserting after section 44802 the following:

''SEC. 44803. AIRCRAFT SAFETY STANDARDS.

''(a) CONSENSUS AIRCRAFT SAFETY STANDARDS.—Not later than 60 days after the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Director of the National Institute of Standards and Technology and the Administrator of the Federal Aviation Administration, in consultation with government and industry stakeholders and appropriate standards-setting organizations, shall initiate a collaborative process to develop risk-based, consensus industry airworthiness standards related to the safe integration of small unmanned aircraft systems into the national airspace system.

''(b) CONSIDERATIONS.—In developing the consensus aircraft safety standards, the Director and Administrator shall consider the following:

''(1) Technologies or standards related to geographic limitations, altitude limitations, and sense and avoid capabilities.

''(2) Using performance-based standards.

''(3) Predetermined action to maintain safety in the event that a communications link between a small unmanned aircraft and its operator is lost or compromised.

''(4) Detectability and identifiability to pilots, the Federal Aviation Administration, and air traffic controllers, as appropriate.

''(5) Means to prevent tampering with or modification of any system, limitation, or other safety mechanism or standard under this section or any other provision of law, including a means to identify any tampering or modification that has been made.

''(6) Consensus identification standards under section 2105.

''(7) How to update or modify a small unmanned aircraft system that was commercially distributed prior to the development of the consensus aircraft safety standards so that, to the greatest extent practicable, such systems meet the consensus aircraft safety standards.

''(8) Any technology or standard related to small unmanned aircraft systems that promotes aviation safety.

''(c) CONSULTATION.—In developing the consensus aircraft safety standards under subsection (a), the Director and Administrator shall consult with—

''(1) the Administrator of the National Aeronautics and Space Administration;

''(2) the President of RTCA, Inc.;

''(3) the Secretary of Defense;

''(4) each operator of a test site under section 44802;

''(5) the Center of Excellence for Unmanned Aircraft Systems;

''(6) unmanned aircraft systems stakeholders; and

''(7) community-based aviation organizations.

''(d) FAA APPROVAL.—Not later than 1 year after the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Administrator of the Federal Aviation Administration shall establish a process for the approval of small unmanned aircraft systems make and models based upon the consensus aircraft safety standards developed under subsection (a). The consensus aircraft safety standards developed under subsection (a) shall allow the Administrator to approve small unmanned aircraft systems for operation within the national airspace system without requiring the type certification process in parts 21 and 23 of the Code of Federal Regulations.

''(e) ELIGIBILITY.—The consensus aircraft safety standards for approval of small unmanned aircraft systems developed under this section shall set eligibility requirements for an airworthiness approval of a small unmanned aircraft system which shall include the following:

''(1) An applicant must provide the Federal Aviation Administration with—

''(A) the aircraft's operating instructions; and

''(B) the manufacturer's statement of compliance as described in subsection (f) of this section.

''(2) A sample aircraft must be inspected by the Federal Aviation Administration and found to be in a condition for safe operation and in compliance with the consensus aircraft safety standards required by the Administrator in subsection (d).

''(f) MANUFACTURER'S STATEMENT OF COMPLIANCE FOR SMALL UAS.—The manufacturer's statement of compliance shall—

''(1) identify the aircraft make and model, and consensus aircraft safety standard used;

''(2) state that the aircraft make and model meets the provisions of the standard identified in paragraph (1);

''(3) state that the aircraft make and model conforms to the manufacturer's design data, using the manufacturer's quality assurance system that meets the identified consensus standard adopted by the Administrator in subsection (d), and is manufactured in way that ensures consistency in the production process so that every unit produced meets the applicable consensus aircraft safety standards;

''(4) state that the manufacturer will make available to any interested person—

''(A) the aircraft's operating instructions, that meet the standard identified in paragraph (1); and

''(B) the aircraft's maintenance and inspection procedures, that meet the standard identified in paragraph (1);

''(5) state that the manufacturer will monitor and correct safety-of-flight issues through a continued airworthiness system that meets the standard identified in paragraph (1);

''(6) state that at the request of the Administration, the manufacturer will provide access by the Administration to its facilities; and

''(7) state that the manufacturer, in accordance with a production acceptance test procedure that meets an applicable consensus aircraft safety standard has—

''(A) ground and flight tested random samples of the aircraft;

''(B) found the sample aircraft performance acceptable; and

''(C) determined that the make and model of aircraft is suitable for safe operation.

''(g) PROHIBITION.—It shall be unlawful for any person to introduce or deliver for introduction into interstate commerce any unmanned aircraft manufactured after the date

that the Administrator adopts consensus aircraft safety standards under this section, unless the manufacturer has received approval under subsection (d) for each make and model.''.

(b) TABLE OF CONTENTS.—The table of contents for chapter 448, as amended by section 2122 of this Act, is further amended by inserting after the item relating to section 44802 the following:

''44803. Aircraft safety standards.''.

SEC. 2125. UNMANNED AIRCRAFT SYSTEMS IN THE ARCTIC.

(a) IN GENERAL.—Chapter 448, as amended by section 2124 of this Act, is further amended by inserting after section 44803 the following:

''§ 44804. Unmanned aircraft systems in the Arctic

''(a) IN GENERAL.—The Secretary of Transportation shall develop a plan and initiate a process to work with relevant Federal agencies and national and international communities to designate permanent areas in the Arctic where small unmanned aircraft may operate 24 hours per day for research and commercial purposes.

''(b) PLAN CONTENTS.—The plan under subsection (a) shall include the development of processes to facilitate the safe operation of unmanned aircraft beyond line of sight.

''(c) REQUIREMENTS.—Each permanent area designated under subsection (a) shall enable over-water flights from the surface to at least 2,000 feet in altitude, with ingress and egress routes from selected coastal launch sites.

''(d) AGREEMENTS.—To implement the plan under subsection (a), the Secretary may enter into an agreement with relevant national and international communities.

''(e) AIRCRAFT APPROVAL.—Not later than 1 year after the entry into force of an agreement necessary to effectuate the purposes of this section, the Secretary shall work with relevant national and international communities to establish and implement a process, or may apply an applicable process already established, for approving the use of unmanned aircraft in the designated permanent areas in the Arctic without regard to whether an unmanned aircraft is used as a public aircraft, a civil aircraft, or a model aircraft.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for chapter 448, as amended by section 2124 of this Act, is further amended by inserting after the item relating to section 44803 the following:

''44804. Unmanned aircraft systems in the Arctic.''.

(2) EXPANDING USE OF UNMANNED AIRCRAFT SYSTEMS IN ARCTIC.—Section 332 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) is amended by striking subsection (d).

SEC. 2126. SPECIAL AUTHORITY FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Chapter 448, as amended by section 2125 of this Act, is further amended by inserting after section 44804 the following:

''§ 44805. Special authority for certain unmanned aircraft systems

''(a) IN GENERAL.—Notwithstanding any other requirement of this chapter, the Secretary of Transportation shall use a risk-based approach to determine if certain unmanned aircraft systems may operate safely in the national airspace system notwithstanding completion of the comprehensive plan and rulemaking required by section 332 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) or the guidance required by section 44807.

''(b) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.—In making the determination under subsection (a), the Secretary shall determine, at a minimum—

''(1) 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 within or beyond visual line of sight, or operation during the day or night, do not create a hazard to users of the national airspace system or the public; and

''(2) whether a certificate under section 44703 or section 44704 of this title, or a certificate of waiver or certificate of authorization, is required for the operation of unmanned aircraft systems identified under paragraph (1) of this subsection.

''(c) REQUIREMENTS FOR SAFE OPERATION.—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system, including operation related to research, development, and testing of proprietary systems.

''(d) PILOT CERTIFICATION EXEMPTION.—If the Secretary proposes, under this section, to require an operator of an unmanned aircraft system to hold an airman certificate, 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.

''(e) SUNSET.—The authority under this section for the Secretary to determine if certain unmanned aircraft systems may operate safely in the national airspace system terminates effective September 30, 2017.

''(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).

''(C) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' has the meaning given that term in section 2339D of title 18.

''(4) DEADLINE.—Within 90 days from the date of enactment of the FAA Reauthorization of 2016 the Administrator must certify to the appropriate committees of Congress that a process has been established to facilitate applications for operations provided for under this subsection. If the Administrator cannot provide this certification, the Administrator, within 180 days of from the due date of that certification, shall update the process under (a) to provide for such applications.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for chapter 448, as amended by section 2125 of this Act, is further amended by inserting after the item relating to section 44804 the following:

''44805. Special rules for certain unmanned aircraft systems.''.

(2) SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.—Section 333 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) and the item relating to that section in the table of contents under section 1(b) of that Act (126 Stat. 13) are repealed.

SEC. 2127. ADDITIONAL RULEMAKING AUTHORITY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) beyond visual line of sight and nighttime operations of unmanned aircraft systems have tremendous potential—

(A) to enhance research and development both commercially and in academics;

(B) to spur economic growth and development through innovative applications of this emerging technology; and

(C) to improve emergency response efforts as it relates to assessing damage to critical infrastructure such as roads, bridges, and utilities, including water and power, ultimately speeding response time;

(2) advancements in miniaturization of safety technologies, including for aircraft weighing under 4.4 pounds, have increased economic opportunities for using unmanned aircraft systems while reducing kinetic energy and risk compared to unmanned aircraft that may weigh as much as 55 pounds;

(3) advancements in unmanned technology will have the capacity to ultimately improve manned aircraft safety; and

(4) integrating unmanned aircraft systems safely into the national airspace, including beyond visual line of sight and nighttime operations on a routine basis should remain a top priority for the Federal Aviation Administration as it pursues additional rulemakings under the amendments made by this section.

(b) IN GENERAL.—Chapter 448, as amended by section 2126 of this Act, is further amended by inserting after section 44805 the following:

"§ 44806. Additional rulemaking authority

''(a) IN GENERAL.—Notwithstanding the rulemaking required by section 332 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) or the guidance required by section 44807 of this title and subject to subsection (b)(2) of this section and section 44808, the Administrator may issue regulations under which a person may operate certain unmanned aircraft systems (as determined by the Administrator) in the United States—

''(1) without an airman certificate;

''(2) without an airworthiness certificate for the associated unmanned aircraft; or

''(3) that are not registered with the Federal Aviation Administration.

''(b) MICRO UNMANNED AIRCRAFT SYSTEMS OPERATIONAL RULES.—

''(1) IN GENERAL.—Notwithstanding the rulemaking required by section 332 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note), the Administrator shall issue regulations not later than 270 days after the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016 under which any person may operate a micro unmanned aircraft system classification of unmanned aircraft systems, the aircraft component of which weighs 4.4 pounds or less, including payload, without the person operating the system being required to pass any airman certification requirement, including any requirements under section 44703 of this title, part 61 of title 14, Code of Federal Regulations, or any other rule or regulation relating to airman certification.

''(2) OPERATIONAL RULES.—The rulemaking required by paragraph (1) relating to micro unmanned aircraft systems shall consider the following rules, or any appropriate modifications thereof concerning altitude, airspeed, geographic location, and time of day as the Administrator considers appropriate, for operation of such systems:

''(A) Operation an altitude of less than 400 feet above ground level.

''(B) Operation with an airspeed of not greater than 40 knots.

''(C) Operation within the visual line of sight of the operator.

''(D) Operation during the hours between sunrise and sunset.

''(E) Operation not less than 5 statute miles from the geographic center of an airport with an operational air traffic control tower or an airport denoted on a current aeronautical chart published by the Federal Aviation Administration, except that a micro unmanned aircraft system may be operated within 5 statute miles of such an airport if the operator of the system—

''(i) provides notice to the airport operator; and

''(ii) in the case of an airport with an operational air traffic control tower, receives approval from the air traffic control tower.

''(c) SCOPE OF REGULATIONS.—

''(1) IN GENERAL.—In determining whether a person may operate an unmanned aircraft system under 1 or more of the circumstances described under paragraphs (1) through (3) of subsection (a), the Administrator shall use a risk-based approach and consider, at a minimum, the physical and functional characteristics of the unmanned aircraft system.

''(2) LIMITATION.—The Administrator may only issue regulations under this section for unmanned aircraft systems that the Administrator determines may be operated safely in the national airspace system.

''(d) RULES OF CONSTRUCTION.—Nothing in this section may be construed—

''(1) to prohibit a person from operating an unmanned aircraft system under a circumstance described under paragraphs (1) through (3) of subsection (a) if—

''(A) the circumstance is allowed by regulations issued under this section; and

''(B) the person operates the unmanned aircraft system in a manner prescribed by the regulations; and

''(2) to limit or affect in any way the Administrator's authority to conduct a rulemaking, make a determination, or carry out any activity related to unmanned aircraft or unmanned aircraft systems under any other provision of law.''.

(c) TABLE OF CONTENTS.—The table of contents for chapter 448, as amended by section 2126 of this Act, is further amended by inserting after the item relating to section 44805 the following:

''44806. Additional rulemaking authority.''.

SEC. 2128. GOVERNMENTAL UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Chapter 448, as amended by section 2127 of this Act, is further amended by inserting after section 44806 the following:

"§ 44807. Public unmanned aircraft systems

''(a) GUIDANCE.—The Secretary of Transportation shall issue guidance regarding the operation of a public unmanned aircraft system—

''(1) to streamline the process for the issuance of a certificate of authorization or a certificate of waiver;

''(2) to provide for a collaborative process with public agencies to allow for an incremental expansion of access to the national airspace system as technology matures and the necessary safety analyses and data become available, and until standards are completed and technology issues are resolved;

''(3) to facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate public unmanned aircraft systems; and

''(4) to provide guidance on a public agency's responsibilities when operating an unmanned aircraft without a civil airworthiness certificate issued by the Administration.

''(b) STANDARDS FOR OPERATION AND CERTIFICATION.—The Administrator of the Federal Aviation Administration shall develop and implement operational and certification requirements for the operation of a public unmanned aircraft system in the national airspace system.

''(c) AGREEMENTS WITH GOVERNMENT AGENCIES.—

''(1) IN GENERAL.—The Secretary shall enter into an agreement with each appropriate public agency to simplify the process for issuing a certificate of waiver or a certificate of authorization with respect to an application for authorization to operate a public unmanned aircraft system in the national airspace system.

''(2) CONTENTS.—An agreement under paragraph (1) shall—

''(A) with respect to an application described in paragraph (1)—

''(i) provide for an expedited review of the application;

''(ii) require a decision by the Administrator on approval or disapproval not later than 60 business days after the date of submission of the application;

''(iii) allow for an expedited appeal if the application is disapproved; and

''(iv) if applicable, include verification of the data minimization policy required under subsection (d);

''(B) allow for a one-time approval of similar operations carried out during a fixed period of time; and

''(C) allow a government public safety agency to operate an unmanned aircraft weighing 25 pounds or less if that unmanned aircraft is operated—

''(i) within or beyond the line of sight of the operator;

''(ii) less than 400 feet above the ground;

''(iii) during daylight conditions;

''(iv) within Class G airspace; and

''(v) outside of 5 statute miles from any airport, heliport, seaplane base, spaceport, or other location with aviation activities.

''(d) DATA MINIMIZATION FOR CERTAIN PUBLIC UNMANNED AIRCRAFT SYSTEM OPERATORS.—Not later than 180 days after the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016 each Federal agency authorized by the Secretary to operate an unmanned aircraft system shall develop and update a data minimization policy that requires, at a minimum, that—

''(1) prior to the deployment of any new unmanned aircraft system technology, and at least every 3 years, existing policies and procedures relating to the collection, use, retention, and dissemination of information obtained by an unmanned aircraft system must be examined to ensure that privacy, civil rights, and civil liberties are protected;

''(2) if the unmanned aircraft system is the platform for information collection, information must be collected, used, retained, and disseminated consistent with the Constitution, Federal law, and other applicable regulations and policies, such as the Privacy Act of 1974 (5 U.S.C. 552a);

''(3) the Federal agency or person operating on its behalf, only collect information using the unmanned aircraft system, or use unmanned aircraft system-collected information, to the extent that the collection or use is consistent with and relevant to an authorized purpose as determined by the head of a Federal agency and consistent with the law;

''(4) any information collected, using an unmanned aircraft or an unmanned aircraft system, that may contain personal information will not be retained by any Federal agency for more than 180 days after the date of collection unless—

''(A) the head of the Federal agency determines that retention of the information is directly relevant and necessary to accomplish the specific purpose for which the Federal agency used the unmanned aircraft system;

''(B) that Federal agency maintains the information in a system of records under section 552a of title 5; or

''(C) the information is required to be retained for a longer period under other applicable law, including regulations;

''(5) any information collected, using an unmanned aircraft or unmanned aircraft system, that is not maintained in a system of records under section 552a of title 5, will not be disseminated outside of that Federal agency unless—

''(A) dissemination is required by law; or

''(B) dissemination satisfies an authorized purpose and complies with that Federal agency's disclosure requirements;

''(6) to the extent it does not compromise law enforcement or national security a Federal agency shall—

''(A) provide notice to the public regarding where in the national airspace system the Federal agency is authorized to operate the unmanned aircraft system;

''(B) keep the public informed about the Federal agency's unmanned aircraft system program, including any changes to that program that would significantly affect privacy, civil rights, or civil liberties;

''(C) make available to the public, on an annual basis, a general summary of the Federal agency's unmanned aircraft system operations during the previous fiscal year, including—

''(i) a brief description of types or categories of missions flown; and

''(ii) the number of times the Federal agency provided assistance to other agencies or to State, local, tribal, or territorial governments; and

''(D) make available on a public and searchable Internet website the data minimization policy of the Federal agency;

''(7) ensures oversight of the Federal agency's unmanned aircraft system use, including—

''(A) the use of audits or assessments that comply with existing Federal agency policies and regulations;

''(B) the verification of the existence of rules of conduct and training for Federal Government personnel and contractors who work on programs, and procedures for reporting suspected cases of misuse or abuse of unmanned aircraft system technologies;

''(C) the establishment of policies and procedures, or confirmation that policies and procedures are in place, that provide meaningful oversight of individuals who have access to sensitive information, including personal information, collected using an unmanned aircraft system;

''(D) ensuring that any data-sharing agreements or policies, data use policies, and record management policies applicable to an unmanned aircraft system conform to applicable laws, regulations, and policies;

''(E) the establishment of policies and procedures, or confirmation that policies and procedures are in place, to authorize the use of an unmanned aircraft system in response to a request for unmanned aircraft system assistance in support of Federal, State, local, tribal, or territorial government operations; and

''(F) a requirement that State, local, tribal, and territorial government recipients of Federal grant funding for the purchase or use of unmanned aircraft systems for their own operations have in place policies and procedures to safeguard individuals' privacy, civil rights, and civil liberties prior to expending such funds; and

''(8) ensures the protection of civil rights and civil liberties, including—

''(A) ensuring that policies are in place to prohibit the collection, use, retention, or dissemination of data in any manner that would violate the First Amendment or in any manner that would discriminate against persons based upon their ethnicity, race, gender, national origin, religion, sexual orientation, or gender identity, in violation of law;

''(B) ensuring that unmanned aircraft system activities are performed in a manner consistent with the Constitution and applicable laws, Executive Orders, and other Presidential directives; and

''(C) ensuring that adequate procedures are in place to receive, investigate, and address, as appropriate, privacy, civil rights, and civil liberties complaints.

''(e) LAW ENFORCEMENT AND NATIONAL SECURITY.—Each Federal agency shall effectuate a requirement under subsection (d) only to the extent it does not compromise law enforcement or national security.

''(f) DEFINITION OF FEDERAL AGENCY.—In subsections (d) and (e), the term 'Federal agency' has the meaning given the term 'agency' in section 552(f) of title 5, United States Code.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for chapter 448, as amended by section 2127 of this Act, is further amended by inserting after the item relating to section 44806 the following:

''44807. Public unmanned aircraft systems.''.

(2) PUBLIC UNMANNED AIRCRAFT SYSTEMS.—Section 334 of the FAA Modernization and reform Act of 2012 (49 U.S.C. 40101 note) and the item relating to that section in the table of contents under section 1(b) of that Act (126 Stat. 13) are repealed.

SEC. 2129. SPECIAL RULES FOR MODEL AIRCRAFT.

(a) IN GENERAL.—Chapter 448, as amended by section 2128 of this Act, is further amended by inserting after section 44807 the following:

''§ 44808. Special rules for model aircraft

''(a) IN GENERAL.—Notwithstanding any other provision of law relating to the incorporation of unmanned aircraft systems into Federal Aviation Administration plans and policies, including this chapter, the Administrator of the Federal Aviation Administration may not promulgate any new rule or regulation specific only to an unmanned aircraft operating as a model aircraft if—

''(1) the aircraft is flown strictly for hobby or recreational use;

''(2) the aircraft is operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization;

''(3) not flown beyond visual line of sight of persons co-located with the operator or in direct communication with the operator;

''(4) the aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft;

''(5) when flown within 5 miles of an airport, the operator of the aircraft provides the airport operator, where applicable, and the airport air traffic control tower (when an air traffic facility is located at the airport) with prior notice and receives approval from the tower, to the extent practicable, for the operation from each (model aircraft operators flying from a permanent location within 5 miles of an airport should establish a mutually agreed upon operating procedure with the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport));

''(6) the aircraft is flown from the surface to not more than 400 feet in altitude, except under special conditions and programs established by a community-based organization; and

''(7) the operator has passed an aeronautical knowledge and safety test administered by the Federal Aviation Administration online for the operation of unmanned aircraft systems subject to the requirements of section 44809 and maintains proof of test passage to be made available to the Administrator or law enforcement upon request.

''(b) UPDATES.—

''(1) IN GENERAL.—The Administrator, in collaboration with government and industry stakeholders, including nationwide community-based organizations, shall initiate a process to update the operational parameters under subsection (a), as appropriate.

''(2) CONSIDERATIONS.—In updating an operational parameter under paragraph (1), the Administrator shall consider—

''(A) appropriate operational limitations to mitigate aviation safety risk and risk to the uninvolved public;

''(B) operations outside the membership, guidelines, and programming of a nationwide community-based organization;

''(C) physical characteristics, technical standards, and classes of aircraft operating under this section;

''(D) trends in use, enforcement, or incidents involving unmanned aircraft systems; and

''(E) ensuring, to the greatest extent practicable, that updates to the operational parameters correspond to, and leverage, advances in technology.

''(3) SAVINGS CLAUSE.—Nothing in this subsection shall be construed as expanding the authority of the Administrator to require operators of model aircraft under the exemption of this subsection to be required to seek permissive authority of the Administrator prior to operation in the national airspace system.

''(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Administrator to pursue enforcement action against persons operating model aircraft.

''(d) MODEL AIRCRAFT DEFINED.—In this section, the term 'model aircraft' means an unmanned aircraft that—

''(1) is capable of sustained flight in the atmosphere; and

''(2) is limited to weighing not more than 55 pounds, including the weight of anything attached to or carried by the aircraft, unless otherwise approved through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for chapter 448, as amended by section 2128 of this Act, is further amended by inserting after the item relating to section 44807 the following:

''44808. Special rules for model aircraft.''.

(2) SPECIAL RULE FOR MODEL AIRCRAFT.—Section 336 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) and the item relating to that section in the table of contents under section 1(b) of that Act (126 Stat. 13) are repealed.

SEC. 2130. UNMANNED AIRCRAFT SYSTEMS AERONAUTICAL KNOWLEDGE AND SAFETY.

(a) IN GENERAL.—Chapter 448, as amended by section 2129 of this Act, is further amended by inserting after section 44808 the following:

''§ 44809. Aeronautical knowledge and safety test

''(a) IN GENERAL.—An individual may not operate an unmanned aircraft system unless—

''(1) the individual has successfully completed an aeronautical knowledge and safety test under subsection (c);

''(2) the individual has authority to operate an unmanned aircraft under other Federal law; or

''(3) the individual is a holder of an airmen certificate issued under section 44703.

''(b) EXCEPTION.—This section shall not apply to the operation of an unmanned aircraft system that has been authorized by the Federal Aviation Administration under section 44802, 44805, 44806, or 44807. The Administrator may waive the requirements of this section for operators of aircraft weighing less than 0.55 pounds or for operators under the age of 13 operating the unmanned aircraft system under the supervision of an adult as determined by the Administrator.

''(c) AERONAUTICAL KNOWLEDGE AND SAFETY TEST.—Not later than 180 days after the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Administrator of the Federal Aviation Administration, in consultation with manufacturers of unmanned aircraft systems, other industry stakeholders, and community-based aviation organizations, shall develop an aeronautical knowledge and safety test that can be administered electronically.

''(d) REQUIREMENTS.—The Administrator shall ensure that the aeronautical knowledge

and safety test is designed to adequately demonstrate an operator's—

''(1) understanding of aeronautical safety knowledge, as applicable; and

''(2) knowledge of Federal Aviation Administration regulations and requirements pertaining to the operation of an unmanned aircraft system in the national airspace system.

''(e) RECORD OF COMPLIANCE.—

''(1) IN GENERAL.—Each operator of an unmanned aircraft system described under subsection (a) shall maintain and make available for inspection, upon request by the Administrator or a Federal, State, or local law enforcement officer, a record of compliance with this section through—

''(A) an identification number, issued by the Federal Aviation Administration certifying passage of the aeronautical knowledge and safety test;

''(B) if the individual has authority to operate an unmanned aircraft system under other Federal law, the requisite proof of authority under that law; or

''(C) an airmen certificate issued under section 44703.

''(2) COORDINATION.—The Administrator may coordinate the identification number under paragraph (1)(A) with an operator's registration number to the extent practicable.

''(3) LIMITATION.—No fine or penalty may be imposed for the initial failure of an operator of an unmanned aircraft system to comply with paragraph (1) unless the Administrator finds that the conduct of the operator actually posed a risk to the national airspace system.''.

(b) TABLE OF CONTENTS.—The table of contents for chapter 448, as amended by section 2129 of this Act, is further amended by inserting after the item relating to section 44808 the following:

''44809. Aeronautical knowledge and safety test.''.

SEC. 2131. SAFETY STATEMENTS.

(a) IN GENERAL.—Chapter 448, as amended by section 2130 of this Act, is further amended by inserting after section 44809 the following:

''§ 44810. Safety statements

''(a) PROHIBITION.—Beginning on the date that is 1 year 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 1 year 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.

''(2) REQUIREMENTS.—A safety statement described in subsection (a) shall include—

''(A) information about laws and regulations applicable to unmanned aircraft systems;

''(B) recommendations for using unmanned aircraft in a manner that promotes the safety of persons and property;

''(C) the date that the safety statement was created or last modified; and

''(D) language approved by the Administrator regarding the following:

''(i) A person may operate the unmanned aircraft as a model aircraft (as defined in section 44808) or otherwise in accordance with Federal Aviation Administration authorization or regulation, including requirements for the completion of the aeronautical knowledge and safety test under section 44809.

''(ii) The definition of a model aircraft under section 44808.

''(iii) The requirements regarding a model aircraft under paragraphs (1) through (7) of section 44808(a).

''(iv) The Administrator of the Federal Aviation Administration may pursue enforcement action against a person operating model aircraft who endangers the safety of the national airspace system.

''(c) CIVIL PENALTY.—A person who violates subsection (a) shall be liable for each violation to the United States Government for a civil penalty described in section 46301(a).''.

(b) TABLE OF CONTENTS.—The table of contents for chapter 448, as amended by section 2130 of this Act, is further amended by inserting after the item relating to section 44809 the following:

''44810. Safety statements.''.

SEC. 2132. TREATMENT OF UNMANNED AIRCRAFT OPERATING UNDERGROUND.

An unmanned aircraft system that is operated underground for mining purposes shall not be subject to regulation or enforcement by the Federal Aviation Administration under chapter 448 of title 49, United States Code.

SEC. 2133. ENFORCEMENT.

(a) UAS SAFETY ENFORCEMENT.—The Administrator of the Federal Aviation Administration shall establish a program to utilize available remote detection and identification technologies for safety oversight, including enforcement actions against operators of unmanned aircraft systems that are not in compliance with applicable Federal aviation laws, including regulations.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Section 46301 is amended—

(A) in subsection (a)(1)(A), by inserting ''chapter 448,'' after ''chapter 447 (except sections 44717 and 44719–44723),'';

(B) in subsection (a)(5), by inserting ''chapter 448,'' after ''chapter 447 (except sections 44717–44723),'';

(C) in subsection (d)(2), by inserting ''chapter 448,'' after ''chapter 447 (except sections 44717 and 44719–44723),''; and

(D) in subsection (f), by inserting ''chapter 448,'' after ''chapter 447 (except 44717 and 44719–44723),''.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of the Administrator to pursue an enforcement action for a violation of this Act, a regulation prescribed or order or authority issued under this Act, or any other applicable provision of aviation safety law or regulation.

(c) REPORTING.—As part of the program, the Administrator shall establish and publicize a mechanism for the public and Federal, State, and local law enforcement to report a suspected abuse or a violation of chapter 448 of title 49, United States Code, for enforcement action.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $5,000,000 for each of the fiscal years 2016 through 2017.

SEC. 2134. AVIATION EMERGENCY SAFETY PUBLIC SERVICES DISRUPTION.

(a) IN GENERAL.—Chapter 463 is amended—

(1) in section 46301(d)(2), by inserting ''section 46320,'' after ''section 46319,''; and

(2) by adding at the end the following:

''§ 46320. Interference with firefighting, law enforcement, or emergency response activities

''(a) PROHIBITION.—No person may operate an aircraft so as to interfere with firefighting, law enforcement, or emergency response activities.

''(b) DEFINITION.—For purposes of this section, an aircraft interferes with the activities specified in subsection (a) when its operation prevents the initiation of, interrupts, or endangers a person or property engaged in those activities.

''(c) CIVIL PENALTY.—A person violating subsection (a) shall be liable for a civil penalty of not more than $20,000.

''(d) COMPROMISE AND SETOFF.—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from the amounts the Government owes the person liable for the penalty.''.

(b) TABLE OF CONTENTS.—The table of contents for chapter 463 is amended by inserting after the item relating to section 46319 the following:

''46320. Interference with firefighting, law enforcement, or emergency response activities.''.

SEC. 2135. PILOT PROJECT FOR AIRPORT SAFETY AND AIRSPACE HAZARD MITIGATION.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall carry out a pilot program for airspace hazard mitigation at airports and other critical infrastructure.

(b) CONSULTATION.—In carrying out the pilot program under subsection (a), the Administrator shall work with the Secretary of Defense, Secretary of Homeland Security, and the heads of relevant Federal agencies for the purpose of ensuring technologies that are developed, tested, or deployed by those departments and agencies to mitigate threats posed by errant or hostile unmanned aircraft system operations do not adversely impact or interfere with safe airport operations, navigation, and air traffic services.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Airport and Airway Trust Fund to carry out this section $6,000,000, to remain available until expended.

SEC. 2136. CONTRIBUTION TO FINANCING OF REGULATORY FUNCTIONS.

(a) IN GENERAL.—Chapter 448, as amended by section 2131 of this Act, is further amended by inserting after section 44810 the following:

''§ 44811. Regulatory and administrative fees

''(a) IN GENERAL.—Subject to subsection (b), the Administrator may assess and collect regulatory and administrative fees to recover the costs of regulatory and administrative activities under this chapter related to authorization to operate unmanned aircraft systems for compensation or hire, or in the furtherance of a business enterprise.

''(b) LIMITATIONS.—Fees authorized under subsection (a) shall be reasonable, cost-based relative to the regulatory or administrative activity, and may not be discriminatory or a deterrent to compliance.

''(c) RECEIPTS CREDITED TO ACCOUNT.—Notwithstanding section 3302 of title 31, all fees and amounts collected under this section shall be credited to the separate account established under section 45303(c). Section 41742 shall not apply to fees and amounts collected under this section.

''(d) REGULATIONS.—Not later than 1 year after the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Administrator shall issue regulations to carry out this section.''.

(b) TABLE OF CONTENTS.—The table of contents for chapter 448, as amended by section 2131 of this Act, is further amended by inserting after the item relating to section 44810 the following:

''44811. Regulatory and administrative fees.''.

SEC. 2137. SENSE OF CONGRESS REGARDING SMALL UAS RULEMAKING.

It is the sense of the Congress that the Administrator of the Federal Aviation Administration and Secretary of Transportation

should take every necessary action to expedite final action on the notice of proposed rulemaking dated February 23, 2015 (80 Fed. Reg. 9544), entitled ''Operation and Certification of Small Unmanned Aircraft Systems''.

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; and

(vii) spectrum needs;

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

(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.

(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; and

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

(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) 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; and

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

(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.

SEC. 2139. EMERGENCY EXEMPTION PROCESS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish guidance for applications for, and procedures for the processing of, on an emergency basis, exemptions or certificates of authorization or waiver for the use of unmanned aircraft systems by civil or public operators in response to a catastrophe, disaster, or other emergency to facilitate emergency response operations, such as firefighting, search and rescue, and utility and infrastructure restoration efforts. This guidance shall outline procedures for operations under both sections 44805 and 44807, of title 49, United States Code, with priority given to applications for public unmanned aircraft systems engaged in emergency response activities.

(b) REQUIREMENTS.—In providing guidance under subsection (a), the Administrator shall—

(1) make explicit any safety requirements that must be met for the consideration of applications that include requests for beyond visual line of sight, nighttime operations, or the suspension of otherwise applicable operating restrictions, consistent with public interest and safety; and

(2) explicitly state the procedures for coordinating with an incident commander, if any, to ensure operations granted under procedures developed under subsection (a) do not interfere with manned catastrophe, disaster, or other emergency response operations or otherwise impact response efforts.

(c) REVIEW.—In processing applications on an emergency basis for exemptions or certificates of authorization or waiver for unmanned aircraft systems operations in response to a catastrophe, disaster, or other emergency, the Administrator of the Federal Aviation Administration shall act on such applications as expeditiously as practicable and without requiring public notice and comment.

SEC. 2140. PUBLIC UAS OPERATIONS BY TRIBAL GOVERNMENTS.

(a) PUBLIC UAS OPERATIONS BY TRIBAL GOVERNMENTS.—Section 40102(a)(41) is amended by adding at the end the following:

''(F) An unmanned aircraft that is owned and operated by or exclusively leased for at least 90 consecutive days by an Indian tribal government (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), except as provided in section 40125(b).''.

(b) CONFORMING AMENDMENT.—Section 40125(b) is amended by striking ''or (D)'' and inserting ''(D), or (F)''.

SEC. 2141. CARRIAGE OF PROPERTY BY SMALL UNMANNED AIRCRAFT SYSTEMS FOR COMPENSATION OR HIRE.

(a) IN GENERAL.—Chapter 448, as amended by section 2136 of this Act, is further amended by adding after section 44811 the following:

''§ 44812. Carriage of property by small unmanned aircraft systems for compensation or hire

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Secretary of Transportation shall issue a final rule authorizing the carriage of property by operators of small unmanned aircraft systems for compensation or hire within the United States.

''(b) CONTENTS.—The final rule required under subsection (a) shall provide for the following:

''(1) SMALL UAS AIR CARRIER CERTIFICATE.—The Administrator of the Federal Aviation Administration, at the direction of the Secretary, shall establish a certificate (to be known as a 'small UAS air carrier certificate') for persons that undertake directly, by lease, or other arrangement the operation of small unmanned aircraft systems to carry property in air transportation, including commercial fleet operations with highly automated unmanned aircraft systems. The requirements to operate under a small UAS air carrier certificate shall—

''(A) consider the unique characteristics of highly automated, small unmanned aircraft systems; and

''(B) include requirements for the safe operation of small unmanned aircraft systems that, at a minimum, address—

''(i) airworthiness of small unmanned aircraft systems;

''(ii) qualifications for operators and the type and nature of the operations; and

''(iii) operating specifications governing the type and nature of the unmanned aircraft system air carrier operations.

''(2) SMALL UAS AIR CARRIER CERTIFICATION PROCESS.—The Administrator, at the direction of the Secretary, shall establish a process for the issuance of small UAS air carrier certificates established pursuant to paragraph (1) that is performance-based and ensures required safety levels are met. Such certification process shall consider—

''(A) safety risks and the mitigation of those risks associated with the operation of highly automated, small unmanned aircraft around other manned and unmanned aircraft, and over persons and property on the ground;

''(B) the competencies and compliance programs of manufacturers, operators, and companies that manufacture, operate, or both small unmanned aircraft systems and components; and

''(C) compliance with the requirements established pursuant to paragraph (1).

''(3) SMALL UAS AIR CARRIER CLASSIFICATION.—The Secretary shall develop a classification system for persons issued small UAS air carrier certificates pursuant to this subsection to establish economic authority for the carriage of property by small unmanned aircraft systems for compensation or hire. Such classification shall only require—

''(A) registration with the Department of Transportation; and

''(B) a valid small UAS air carrier certificate issued pursuant to this subsection.''.

(b) TABLE OF CONTENTS.—The table of contents for chapter 448, as amended by section 2136 of this Act, is further amended by adding after the item relating to section 44811 the following:

''44812. Carriage of property by small unmanned aircraft systems for compensation or hire.''.

SEC. 2142. COLLEGIATE TRAINING INITIATIVE PROGRAM FOR UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a Collegiate Training Initiative program relating to unmanned aircraft systems by making new agreements or continuing existing agreements with institutions of higher education (as defined by the Administrator) under which the institutions prepare students for careers involving unmanned aircraft systems. The Administrator may establish standards for the entry of such institutions into the program and for their continued participation in the program.

(b) UNMANNED AIRCRAFT SYSTEM DEFINED.—In this section, the term ''unmanned aircraft system'' has the meaning given that term by section 44801 of title 49, United States Code, as added by section 2121 of this Act.

SEC. 2143. INCORPORATION OF FEDERAL AVIATION ADMINISTRATION OCCUPATIONS RELATING TO UNMANNED AIRCRAFT INTO VETERANS EMPLOYMENT PROGRAMS OF THE ADMINISTRATION.

Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with the Secretary of Veterans Affairs, the Secretary of Defense, and the Secretary of Labor, shall determine whether occupations of the Administration relating to unmanned aircraft systems technology and regulations can be incorporated into the Veterans Employment Program of the Administration, particularly in the interaction between such program and the New Sights Work Experience Program and the Vet-Link Cooperative Education Program.

PART III—TRANSITION AND SAVINGS PROVISIONS

SEC. 2151. SENIOR ADVISOR FOR UNMANNED AIRCRAFT SYSTEMS INTEGRATION.

(a) IN GENERAL.—There shall be in the Federal Aviation Administration a Senior Advisor for Unmanned Aircraft Systems Integration.

(b) QUALIFICATIONS.—The Senior Advisor for Unmanned Aircraft Systems Integration shall have a demonstrated ability in management and knowledge of or experience in aviation.

(c) RESPONSIBILITIES.—Unless otherwise determined by the Administrator of the Federal Aviation Administration—

(1) the Senior Advisor shall report directly to the Deputy Administrator of the Federal Aviation Administration; and

(2) the responsibilities of the Senior Advisor shall include the following:

(A) Providing advice to the Administrator and Deputy Administrator related to the integration of unmanned aircraft systems into the national airspace system.

(B) Reviewing and evaluating Federal Aviation Administration policies, activities, and operations related to unmanned aircraft systems.

(C) Facilitating coordination and collaboration among components of the Federal Aviation Administration with respect to activities related to unmanned aircraft systems integration.

(D) Interacting with Congress, and Federal, State, or local agencies, and stakeholder organizations whose operations and interests are affected by the activities of the Federal Aviation Administration on matters related to unmanned aircraft systems integration.

SEC. 2152. EFFECT ON OTHER LAWS.

(a) FEDERAL PREEMPTION.—No State or political subdivision of a State may enact or enforce any law, regulation, or other provision having the force and effect of law relating to the design, manufacture, testing, licensing, registration, certification, operation, or maintenance of an unmanned aircraft system, including airspace, altitude, flight paths, equipment or technology requirements, purpose of operations, and pilot, operator, and observer qualifications, training, and certification.

(b) PRESERVATION OF STATE AND LOCAL AUTHORITY.—Nothing in this subtitle shall be construed to limit a State or local government's authority to enforce Federal, State, or local laws relating to nuisance, voyeurism, privacy, data security, harassment, reckless endangerment, wrongful death, personal injury, property damage, or other illegal acts arising from the use of unmanned aircraft systems if such laws are not specifically related to the use of an unmanned aircraft system.

(c) NO PREEMPTION OF COMMON LAW OR STATUTORY CAUSES OF ACTION.—Nothing in this subtitle, nor any standard, rule, requirement, standard of performance, safety determination, or certification implemented pursuant to this subtitle, shall be construed to preempt, displace, or supplant any State or Federal common law rights or any State or Federal statute creating a remedy for civil relief, including those for civil damage, or a penalty for a criminal conduct. Notwithstanding any other provision of this subtitle, nothing in this subtitle, nor any amendments made by this subtitle, shall preempt or preclude any cause of action for personal injury, wrongful death, property damage, or other injury based on negligence, strict liability, products liability, failure to warn, or any other legal theory of liability under any State law, maritime law, or Federal common law or statutory theory.

SEC. 2153. SPECTRUM.

(a) IN GENERAL.—Small unmanned aircraft systems may operate wireless control link, tracking, diagnostics, payload communication, and collaborative-collision avoidance, such as vehicle-to-vehicle communication, and other uses, if permitted by and 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 with carrier consent, whether they are operating within the UTM system under section 2138 of this Act or outside such a system.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, the National Telecommunications and Information Administration, and the Federal Communications Commission, shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives a report—

(1) on whether small unmanned aircraft systems operations should be permitted to operate on spectrum designated for aviation use, on an unlicensed, shared, or exclusive basis, for operations within the UTM system or outside of such a system;

(2) that addresses any technological, statutory, regulatory, and operational barriers to the use of such spectrum; and

(3) that, if it is determined that spectrum designated for aviation use is not suitable for operations by small unmanned aircraft systems, includes recommendations of other spectrum frequencies that may be appropriate for such operations.

SEC. 2154. APPLICATIONS FOR DESIGNATION.

(a) APPLICATIONS FOR DESIGNATION.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish a process to allow applicants to petition the Administrator of the Federal Aviation Administration to prohibit or otherwise limit the operation of an aircraft, including an unmanned aircraft, over, under, or within a specified distance from a fixed site facility.

(b) REVIEW PROCESS.—

(1) APPLICATION PROCEDURES.—

(A) IN GENERAL.—The Administrator shall establish the procedures for the application for designation under subsection (a).

(B) REQUIREMENTS.—The procedures shall—

(i) allow individual fixed site facility applications; and

(ii) allow for a group of similar facilities to apply for a collective designation.

(C) CONSIDERATIONS.—In establishing the procedures, the Administrator shall consider how the process will apply to—

(i) critical infrastructure, such as energy production, transmission, and distribution facilities and equipment;

(ii) oil refineries and chemical facilities;

(iii) amusement parks; and

(iv) other locations that may benefit from such restrictions.

(2) DETERMINATION.—

(A) IN GENERAL.—The Secretary shall provide for a determination under the review process established under subsection (a) not later than 90 days from the date of application, unless the applicant is provided with written notice describing the reason for the delay.

(B) AFFIRMATIVE DESIGNATIONS.—An affirmative designation shall outline—

(i) the boundaries for unmanned aircraft operation near the fixed site facility; and

(ii) such other limitations that the Administrator determines may be appropriate.

(C) CONSIDERATIONS.—In making a determination whether to grant or deny an application for a designation, the Administrator may consider—

(i) aviation safety;

(ii) personal safety of the uninvolved public;

(iii) national security; or

(iv) homeland security.

(D) OPPORTUNITY FOR RESUBMISSION.—If an application is denied and the applicant can reasonably address the reason for the denial, the Administrator may allow the applicant to reapply for designation.

(c) PUBLIC INFORMATION.—Designations under subsection (a) shall be published by the Federal Aviation Administration on a publicly accessible website.

SEC. 2155. USE OF UNMANNED AIRCRAFT SYSTEMS AT INSTITUTIONS OF HIGHER EDUCATION.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the

Administrator of the Federal Aviation Administration shall establish procedures and standards, as applicable, to facilitate the safe operation of unmanned aircraft systems by institutions of higher education, including faculty, students, and staff.

(b) STANDARDS.—The procedures and standards required under subsection (a) shall outline risk-based operational parameters to ensure the safety of the national airspace system and the uninvolved public that facilitates the use of unmanned aircraft systems for educational or research purposes.

(c) UNMANNED AIRCRAFT SYSTEM APPROVAL.—The procedures required under subsection (a) shall allow unmanned aircraft systems operated under this section to be modified for research purposes without iterative approval from the Administrator.

(d) ADDITIONAL PROCEDURES.—The Administrator shall establish a procedure to provide for streamlined, risk-based operational approval for unmanned aircraft systems operated by institutions of higher education, including faculty, students, and staff, outside of the parameters or purposes set forth in subsection (b).

(e) DEADLINES.—

(1) IN GENERAL.—If, by the date that is 270 days after the date of enactment of this Act, the Administrator has not set forth standards and procedures required under subsections (a), (b), and (c), an institution of higher education may—

(A) without specific approval from the Federal Aviation Administration, operate small unmanned aircraft at model aircraft fields approved by the Academy of Model Aeronautics and with the permission of the local club of the Academy of Model Aeronautics; and

(B) submit to the Federal Aviation Administration applications for approval of the institution's designation of 1 or more outdoor flight fields.

(2) CONSEQUENCE OF FAILURE TO APPROVE.—If the Administrator does not take action with respect to an application submitted under paragraph (1)(B) within 30 days of the submission of the application, the failure to do so shall be treated as approval of the application.

(f) DEFINITIONS.—In this section:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term by section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(2) UNMANNED AIRCRAFT SYSTEM.—The term ''unmanned aircraft system'' has the meaning given the term in section 44801 of title 49, United States Code, as added by section 2121 of this Act.

(3) EDUCATIONAL OR RESEARCH PURPOSES.—The term ''educational or research purposes'', with respect to the operation of an unmanned aircraft system by an institution of higher education, includes—

(A) instruction of students at the institution;

(B) academic or research related use of unmanned aircraft systems by student organizations recognized by the institution, if such use has been approved by the institution;

(C) activities undertaken by the institution as part of research projects, including research projects sponsored by the Federal Government; and

(D) other academic activities at the institution, including general research, engineering, and robotics.

SEC. 2156. TRANSITION LANGUAGE.

(a) REGULATIONS.—Notwithstanding the repeals under sections 2122(b)(2), 2125(b)(2), 2126(b)(2), 2128(b)(2), and 2129(b)(2) of this Act, all orders, determinations, rules, regulations, permits, grants, and contracts, which have been issued under any law described under subsection (b) of this section on or before the effective date of this Act shall continue in effect until modified or revoked by the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, as applicable, by a court of competent jurisdiction, or by operation of law other than this Act.

(b) LAWS DESCRIBED.—The laws described under this subsection are as follows:

(1) Section 332(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

(2) Section 332(d) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

(3) Section 333 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

(4) Section 334 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

(5) Section 336 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

(c) EFFECT ON PENDING PROCEEDINGS.—This Act shall not affect administrative or judicial proceedings pending on the effective date of this Act.

PART IV—OPERATOR SAFETY

SEC. 2161. SHORT TITLE.

This part may be cited as the ''Drone Operator Safety Act''.

SEC. 2162. FINDINGS; SENSE OF CONGRESS.

(a) FINDING.—Congress finds that educating operators of unmanned aircraft about the laws and regulations that govern such aircraft helps to ensure their safe operation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator of the Federal Aviation Administration should continue to prioritize the education of operators of unmanned aircraft through public outreach efforts like the ''Know Before You Fly'' campaign.

SEC. 2163. UNSAFE OPERATION OF UNMANNED AIRCRAFT.

(a) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended—

(1) in section 31—

(A) in subsection (a)—

(i) by redesignating paragraph (10) as paragraph (11); and

(ii) by inserting after paragraph (9) the following:

''(10) UNMANNED AIRCRAFT.—The term 'unmanned aircraft' has the meaning given such term in section 44801 of title 49.''; and

(B) in subsection (b), by inserting '' 'airport','' before '' 'appliance' ''; and

(2) by inserting after section 39A the following:

''§ 39B. Unsafe operation of unmanned aircraft

''(a) OFFENSE.—Any person who operates an unmanned aircraft and, in so doing, knowingly or recklessly interferes with, or disrupts the operation of, an aircraft carrying 1 or more occupants operating in the special aircraft jurisdiction of the United States, in a manner that poses an imminent safety hazard to such occupants, shall be punished as provided in subsection (b).

''(b) PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the punishment for an offense under subsection (a) shall be a fine under this title, imprisonment for not more than 1 year, or both.

''(2) SERIOUS BODILY INJURY OR DEATH.—Any person who 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 this title, imprisoned for any term of years or for life, or both.

''(c) OPERATION OF UNMANNED AIRCRAFT IN CLOSE PROXIMITY TO AIRPORTS.—

''(1) IN GENERAL.—The operation of an unmanned aircraft within a runway exclusion zone shall be considered a violation of subsection (a) unless such operation is approved by the airport's air traffic control facility or is the result of a circumstance, such as a malfunction, that could not have been reasonably foreseen or prevented by the operator.

''(2) RUNWAY EXCLUSION ZONE DEFINED.—In this subsection, the term 'runway exclusion zone' means a rectangular area—

''(A) centered on the centerline of an active runway of an airport immediately around which the airspace is designated as class B, class C, or class D airspace at the surface under part 71 of title 14, Code of Federal Regulations; and

''(B) the length of which extends parallel to the runway's centerline to points that are 1 statute mile from each end of the runway and the width of which is ½ statute mile.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of title 18, United States Code, is amended by inserting after the item relating to section 39A the following:

''39B. Unsafe operation of unmanned aircraft.''.

Subtitle B—FAA Safety Certification Reform

PART I—GENERAL PROVISIONS

SEC. 2211. DEFINITIONS.

In this subtitle:

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

(2) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Safety Oversight and Certification Advisory Committee established under section 2212.

(3) FAA.—The term ''FAA'' means the Federal Aviation Administration.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(5) SYSTEMS SAFETY APPROACH.—The term ''systems safety approach'' means the application of specialized technical and managerial skills to the systematic, forward-looking identification and control of hazards throughout the lifecycle of a project, program, or activity.

SEC. 2212. SAFETY OVERSIGHT AND CERTIFICATION ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish a Safety Oversight and Certification Advisory Committee in accordance with this section.

(b) DUTIES.—The Advisory Committee shall provide advice to the Secretary on policy-level issues facing the aviation community that are related to FAA safety oversight and certification programs and activities, including the following:

(1) Aircraft and flight standards certification processes, including efforts to streamline those processes.

(2) Implementation and oversight of safety management systems.

(3) Risk-based oversight efforts.

(4) Utilization of delegation and designation authorities, including organization designation authorization.

(5) Regulatory interpretation standardization efforts.

(6) Training programs.

(7) Expediting the rulemaking process and prioritizing safety-related rules.

(8) Enhancing global competitiveness of U.S. manufactured and FAA type-certificate aircraft products and services throughout the world.

(c) FUNCTIONS.—In carrying out its duties under subsection (b) related to FAA safety oversight and certification programs and activities, the Advisory Committee shall—

(1) foster aviation stakeholder collaboration in an open and transparent manner;

(2) consult with, and ensure participation by—

(A) the private sector, including representatives of—

(i) general aviation;

(ii) commercial aviation;

(iii) aviation labor;

(iv) aviation, aerospace, and avionics manufacturing; and

(v) unmanned aircraft systems industry; and

(B) the public;

(3) recommend consensus national goals, strategic objectives, and priorities for the most efficient, streamlined, and cost-effective safety oversight and certification processes in order to maintain the safety of the aviation system while allowing the FAA to meet future needs and ensure that aviation stakeholders remain competitive in the global marketplace;

(4) provide policy recommendations for the FAA's safety oversight and certification efforts;

(5) periodically review and provide recommendations regarding the FAA's safety oversight and certification efforts;

(6) periodically review and evaluate registration, certification, and related fees;

(7) provide appropriate legislative, regulatory, and guidance recommendations for the air transportation system and the aviation safety regulatory environment;

(8) recommend performance objectives for the FAA and aviation industry;

(9) recommend performance metrics for the FAA and the aviation industry to be tracked and reviewed as streamlining certification reform, flight standards reform, and regulation standardization efforts progress;

(10) provide a venue for tracking progress toward national goals and sustaining joint commitments;

(11) recommend recruiting, hiring, staffing levels, training, and continuing education objectives for FAA aviation safety engineers and aviation safety inspectors;

(12) provide advice and recommendations to the FAA on how to prioritize safety rulemaking projects;

(13) improve the development of FAA regulations by providing information, advice, and recommendations related to aviation issues;

(14) encourage the validation of U.S. manufactured and FAA type-certificate aircraft products and services throughout the world; and

(15) any other functions as determined appropriate by the chairperson of the Advisory Committee and the Administrator.

(d) MEMBERSHIP.—

(1) VOTING MEMBERS.—The Advisory Committee shall be composed of the following voting members:

(A) The Administrator, or the Administrator's designee.

(B) At least 1 representative, appointed by the Secretary, of each of the following:

(i) Aircraft and engine manufacturers.

(ii) Avionics and equipment manufacturers.

(iii) Aviation labor organizations, including collective bargaining representatives of FAA aviation safety inspectors and aviation safety engineers.

(iv) General aviation operators.

(v) Air carriers.

(vi) Business aviation operators.

(vii) Unmanned aircraft systems manufacturers and operators.

(viii) Aviation safety management experts.

(2) NONVOTING MEMBERS.—

(A) IN GENERAL.—In addition to the members appointed under paragraph (1), the Advisory Committee shall be composed of nonvoting members appointed by the Secretary from among individuals representing FAA safety oversight program offices.

(B) DUTIES.—A nonvoting member may—

(i) take part in deliberations of the Advisory Committee; and

(ii) provide input with respect to any report or recommendation of the Advisory Committee.

(C) LIMITATION.—A nonvoting member may not represent any stakeholder interest other than that of an FAA safety oversight program office.

(3) TERMS.—Each voting member and nonvoting member of the Advisory Committee shall be appointed for a term of 2 years.

(4) RULE OF CONSTRUCTION.—Public Law 104–65 (2 U.S.C. 1601 et seq.) may not be construed to prohibit or otherwise limit the appointment of any individual as a member of the Advisory Committee.

(e) COMMITTEE CHARACTERISTICS.—The Advisory Committee shall have the following characteristics:

(1) Each voting member under subsection (d)(1)(B) shall be an executive that has decision authority within the member's organization and can represent and enter into commitments on behalf of that organization in a way that serves the entire group of organizations that member represents under that subsection.

(2) The ability to obtain necessary information from experts in the aviation and aerospace communities.

(3) A membership size that enables the Advisory Committee to have substantive discussions and reach consensus on issues in an expeditious manner.

(4) Appropriate expertise, including expertise in certification and risk-based safety oversight processes, operations, policy, technology, labor relations, training, and finance.

(f) CHAIRPERSON.—

(1) IN GENERAL.—The chairperson of the Advisory Committee shall be appointed by the Secretary from among the voting members under subsection (d)(1)(B).

(2) TERM.—Each member appointed under paragraph (1) shall serve a term of 2 years as chairperson.

(g) MEETINGS.—

(1) FREQUENCY.—The Advisory Committee shall convene at least 2 meetings a year at the call of the chairperson.

(2) PUBLIC ATTENDANCE.—Each meeting of the Advisory Committee shall be open and accessible to the public.

(h) SPECIAL COMMITTEES.—

(1) ESTABLISHMENT.—The Advisory Committee may establish 1 or more special committees composed of private sector representatives, members of the public, labor representatives, and other relevant parties in complying with consultation and participation requirements under subsection (c)(2).

(2) RULEMAKING ADVICE.—A special committee established by the Advisory Committee may—

(A) provide rulemaking advice and recommendations to the Advisory Committee;

(B) provide the FAA additional opportunities to obtain firsthand information and insight from those persons that are most affected by existing and proposed regulations; and

(C) assist in expediting the development, revision, or elimination of rules in accordance with, and without circumventing, established public rulemaking processes and procedures.

(3) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a special committee under this subsection.

(i) SUNSET.—The Advisory Committee shall cease to exist on September 30, 2017.

PART II—AIRCRAFT CERTIFICATION REFORM

SEC. 2221. AIRCRAFT CERTIFICATION PERFORMANCE OBJECTIVES AND METRICS.

(a) IN GENERAL.—Not later than 120 days after the date the Advisory Committee is established under section 2212, the Administrator shall establish performance objectives and apply and track performance metrics for the FAA and the aviation industry relating to aircraft certification in accordance with this section.

(b) COLLABORATION.—The Administrator shall carry out this section in collaboration with the Advisory Committee and update agency performance objectives and metrics after considering the proposals recommended by the Advisory Committee under paragraphs (8) and (9) of section 2212(c).

(c) PERFORMANCE OBJECTIVES.—In establishing performance objectives under subsection (a), the Administrator shall ensure progress is made toward, at a minimum—

(1) eliminating certification delays and improving cycle times;

(2) increasing accountability for both FAA and the aviation industry;

(3) achieving full utilization of FAA delegation and designation authorities, including organizational designation authorization;

(4) fully implementing risk management principles and a systems safety approach;

(5) reducing duplication of effort;

(6) increasing transparency;

(7) developing and providing training, including recurrent training, in auditing and a systems safety approach to certification oversight;

(8) improving the process for approving or accepting the certification actions between the FAA and bilateral partners;

(9) maintaining and improving safety;

(10) streamlining the hiring process for—

(A) qualified systems safety engineers at staffing levels to support the FAA's efforts to implement a systems safety approach; and

(B) qualified systems safety engineers to guide the engineering of complex systems within the FAA; and

(11) maintaining the leadership of the United States in international aviation and aerospace.

(d) PERFORMANCE METRICS.—In carrying out subsection (a), the Administrator shall—

(1) apply and track performance metrics for the FAA and the aviation industry; and

(2) transmit to the appropriate committees of Congress an annual report on tracking the progress toward full implementation of the recommendations under section 2212.

(e) DATA.—

(1) BASELINES.—Not later than 1 year after the date the Advisory Committee recommends initial performance metrics under section 2212(c)(9), the Administrator shall generate initial data with respect to each of the performance metrics applied and tracked under this section.

(2) BENCHMARKS.—The Administrator shall use the performance metrics applied and tracked under this section to generate data on an ongoing basis and to measure progress toward the consensus national goals, strategic objectives, and priorities recommended under section 2212(c)(3).

(f) PUBLICATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall make data generated using the performance metrics applied and tracked under this section available in a searchable, sortable, and downloadable format through the Internet Web site of the FAA or other appropriate methods.

(2) LIMITATIONS.—The Administrator shall make the data under paragraph (1) available in a manner that—

(A) protects from disclosure identifying information regarding an individual or entity; and

(B) protects from inappropriate disclosure proprietary information.

SEC. 2222. ORGANIZATION DESIGNATION AUTHORIZATIONS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

"§ 44736. Organization designation authorizations

''(a) DELEGATIONS OF FUNCTIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (3), in the oversight of an ODA holder, the Administrator of the Federal Aviation Administration, in accordance with Federal Aviation Administration standards, shall—

''(A) require, based on an application submitted by the ODA holder and approved by the Administrator (or the Administrator's designee), a procedures manual that addresses all procedures and limitations regarding the specified functions to be performed by the ODA holder subject to regulations prescribed by the Administrator;

''(B) delegate fully to the ODA holder each of the functions specified in the procedures manual, unless the Administrator determines, after the date of the delegation and as a result of an inspection or other investigation, that the public interest and safety of air commerce requires a limitation with respect to 1 or more of the functions; and

''(C) conduct oversight activities, including by inspecting the ODA holder's delegated functions and taking action based on validated inspection findings.

''(2) DUTIES OF ODA HOLDERS.—An ODA holder shall—

''(A) perform each specified function delegated to the ODA holder in accordance with the approved procedures manual for the delegation;

''(B) make the procedures manual available to each member of the appropriate ODA unit; and

''(C) cooperate fully with oversight activities conducted by the Administrator in connection with the delegation.

''(3) EXISTING ODA HOLDERS.—With regard to an ODA holder operating under a procedures manual approved by the Administrator before the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Administrator shall—

''(A) at the request of the ODA holder, and in an expeditious manner, consider revisions to the ODA holder's procedures manual;

''(B) delegate fully to the ODA holder each of the functions specified in the procedures manual, unless the Administrator determines, after the date of the delegation and as a result of an inspection or other investigation, that the public interest and safety of air commerce requires a limitation with respect to 1 or more of the functions; and

''(C) conduct oversight activities, including by inspecting the ODA holder's delegated functions and taking action based on validated inspection findings.

''(b) ODA OFFICE.—

''(1) ESTABLISHMENT.—Not later than 120 days after the date of enactment of Federal Aviation Administration Reauthorization Act of 2016, the Administrator shall identify, within the Office of Aviation Safety, a centralized policy office to be responsible for the organization designation authorization (referred to in this subsection as the ODA Office). The Director of the ODA Office shall report to the Director of the Aircraft Certification Service.

''(2) PURPOSE.—The purpose of the ODA Office shall be to provide oversight and ensure consistency of the Federal Aviation Administration audit functions under the ODA program across the agency.

''(3) FUNCTIONS.—The ODA Office shall—

''(A)(i) at the request of an ODA holder, eliminate all limitations specified in a procedures manual in place on the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016 that are low and medium risk as determined by a risk analysis using criteria established by the ODA Office and disclosed to the ODA holder, except where an ODA holder's performance warrants the retention of a specific limitation due to documented concerns about inadequate current performance in carrying out that authorized function;

''(ii) require an ODA holder to establish a corrective action plan to regain authority for any retained limitations;

''(iii) require an ODA holder to notify the ODA Office when all corrective actions have been accomplished;

''(iv) make a reassessment to determine if subsequent performance in carrying out any retained limitation warrants continued retention and, if such reassessment determines performance meets objectives, lift such limitation immediately;

''(B) improve the Administration and the ODA holder performance and ensure full use of the authorities delegated under the ODA program;

''(C) develop a more consistent approach to audit priorities, procedures, and training under the ODA program;

''(D) expeditiously review a random sample of limitations on delegated authorities under the ODA program to determine if the limitations are appropriate;

''(E) review and approve new limitations to ODA functions; and

''(F) ensure national consistency in the interpretation and application of the requirements of the ODA program, including any limitations, and in the performance of the ODA program.

''(c) DEFINITIONS.—In this section:

''(1) ODA OR ORGANIZATION DESIGNATION AUTHORIZATION.—The term 'ODA' or 'organization designation authorization' means an authorization under section 44702(d) to perform approved functions on behalf of the Administrator of the Federal Aviation Administration under subpart D of part 183 of title 14, Code of Federal Regulations.

''(2) ODA HOLDER.—The term 'ODA holder' means an entity authorized under section 44702(d)—

''(A) to which the Administrator of the Federal Aviation Administration issues an ODA letter of designation under subpart D of part 183 of title 14, Code of Federal Regulations (or any corresponding similar regulation or ruling); and

''(B) that is responsible for administering 1 or more ODA units.

''(3) ODA PROGRAM.—The term 'ODA program' means the program to standardize Federal Aviation Administration management and oversight of the organizations that are approved to perform certain functions on behalf of the Administration under section 44702(d).

''(4) ODA UNIT.—The term 'ODA unit' means a group of 2 or more individuals under the supervision of an ODA holder who perform the specified functions under an ODA.

''(5) ORGANIZATION.—The term 'organization' means a firm, a partnership, a corporation, a company, an association, a joint-stock association, or a governmental entity.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents of chapter 447 is amended by adding after the item relating to section 44735 the following:

''44736. Organization designation authorizations.''.

SEC. 2223. ODA REVIEW.

(a) EXPERT REVIEW PANEL.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Administrator of the FAA shall convene a multidisciplinary expert review panel (referred to in this section as the ''Panel'').

(2) COMPOSITION.—

(A) IN GENERAL.—The Panel shall be composed of not more than 20 members appointed by the Administrator.

(B) QUALIFICATIONS.—The members appointed to the Panel shall—

(i) each have a minimum of 5 years of experience in processes and procedures under the ODA program; and

(ii) include representatives of ODA holders, aviation manufacturers, safety experts, and FAA labor organizations, including labor representatives of FAA aviation safety inspectors and aviation safety engineers.

(b) SURVEY.—The Panel shall survey ODA holders and ODA program applicants to document FAA safety oversight and certification programs and activities, including the FAA's use of the ODA program and the speed and efficiency of the certification process. In carrying out this subsection, the Administrator shall consult with the appropriate survey experts and the Panel to best design and conduct the survey.

(c) ASSESSMENT.—The Panel shall—

(1) conduct an assessment of—

(A) the FAA's processes and procedures under the ODA program and whether the processes and procedures function as intended;

(B) the best practices of and lessons learned by ODA holders and the FAA personnel who provide oversight of ODA holders;

(C) the performance incentive policies, related to the ODA program for FAA personnel, that do not conflict with the public interest;

(D) the training activities related to the ODA program for FAA personnel and ODA holders; and

(E) the impact, if any, that oversight of the ODA program has on FAA resources and the FAA's ability to process applications for certifications outside of the ODA program; and

(2) make recommendations for improving FAA safety oversight and certification programs and activities based on the results of the survey under subsection (b) and each element of the assessment under paragraph (1) of this subsection.

(d) REPORT.—Not later than 180 days after the date the Panel is convened under subsection (a), the Panel shall submit to the Administrator, the Advisory Committee established under section 2212, and the appropriate committees of Congress a report on results of the survey under subsection (b) and the assessment and recommendations under subsection (c).

(e) DEFINITIONS.—The terms used in this section have the meanings given the terms in section 44736 of title 49, United States Code.

(f) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel.

(g) SUNSET.—The Panel shall terminate on the date the report is submitted under subsection (d).

SEC. 2224. TYPE CERTIFICATION RESOLUTION PROCESS.

(a) IN GENERAL.—Section 44704(a) is amended by adding at the end the following:

''(6) TYPE CERTIFICATION RESOLUTION PROCESS.—

''(A) IN GENERAL.—Not later than 15 months after the date of enactment of Federal Aviation Administration Reauthorization Act of 2016, the Administrator shall establish an effective, expeditious, and milestone-based issue resolution process for type

certification activities under this subsection.

''(B) PROCESS REQUIREMENTS.—The resolution process shall provide for—

''(i) the resolution of technical issues at preestablished stages of the certification process, as agreed to by the Administrator and the type certificate applicant;

''(ii) the automatic escalation to appropriate management personnel of the Federal Aviation Administration and the type certificate applicant of any major certification process milestone that is not completed or resolved within a specific period of time agreed to by the Administrator and the type certificate applicant; and

''(iii) the resolution of a major certification process milestone escalated under clause (ii) within a specific period of time agreed to by the Administrator and the type certificate applicant.

''(C) DEFINITION OF MAJOR CERTIFICATION PROCESS MILESTONE.—In this paragraph, the term 'major certification process milestone' means a milestone related to a type certification basis, type certification plan, type inspection authorization, issue paper, or other major type certification activity agreed to by the Administrator and the type certificate applicant.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 44704 is amended in the heading by striking ''**airworthiness certificates,,**'' and inserting ''**airworthiness certificates,**''.

SEC. 2225. SAFETY ENHANCING TECHNOLOGIES FOR SMALL GENERAL AVIATION AIRPLANES.

(a) POLICY.—In a manner consistent with the Small Airplane Revitalization Act of 2013 (49 U.S.C. 44704 note), not later than 180 days after the date of enactment of this Act, the Administrator shall establish and begin implementing a risk-based policy that streamlines the installation of safety enhancing technologies for small general aviation airplanes in a manner that reduces regulatory delays and significantly improves safety.

(b) INCLUSIONS.—The safety enhancing technologies for small general aviation airplanes described in subsection (a) shall include, at a minimum, the replacement or retrofit of primary flight displays, auto pilots, engine monitors, and navigation equipment.

(c) COLLABORATION.—In carrying out this section, the Administrator shall collaborate with general aviation operators, general aviation manufacturers, and appropriate FAA labor organizations, including representatives of FAA aviation safety inspectors and aviation safety engineers, certified under section 7111 of title 5, United States Code.

(d) DEFINITION OF SMALL GENERAL AVIATION AIRPLANE.—In this section, the term ''small general aviation airplane'' means an airplane that—

(1) is certified to the standards of part 23 of title 14, Code of Federal Regulations;

(2) has a seating capacity of not more than 9 passengers; and

(3) is not used in scheduled passenger-carrying operations under part 121 of title 14, Code of Federal Regulations.

SEC. 2226. STREAMLINING CERTIFICATION OF SMALL GENERAL AVIATION AIRPLANES.

(a) FINAL RULEMAKING.—Not later than December 31, 2016, the Administrator shall issue a final rulemaking to comply with section 3 of the Small Airplane Revitalization Act of 2013 (49 U.S.C. 44704 note).

(b) GOVERNMENT REVIEW.—The Federal Government's review process shall be streamlined to meet the deadline in subsection (a).

PART III—FLIGHT STANDARDS REFORM

SEC. 2231. FLIGHT STANDARDS PERFORMANCE OBJECTIVES AND METRICS.

(a) IN GENERAL.—Not later than 120 days after the date the Advisory Committee is established under section 2212, the Administrator shall establish performance objectives and apply and track performance metrics for the FAA and the aviation industry relating to flight standards activities in accordance with this section.

(b) COLLABORATION.—The Administrator shall carry out this section in collaboration with the Advisory Committee and update agency performance objectives and metrics after considering the recommendations of the Advisory Committee under paragraphs (8) and (9) of section 2212(c).

(c) PERFORMANCE OBJECTIVES.—In carrying out subsection (a), the Administrator shall ensure that progress is made toward, at a minimum—

(1) eliminating delays with respect to such activities;

(2) increasing accountability for both FAA and the aviation industry;

(3) fully implementing risk management principles and a systems safety approach;

(4) reducing duplication of effort;

(5) promoting appropriate compliance activities and eliminating inconsistent regulatory interpretations and inconsistent enforcement activities;

(6) improving and providing greater opportunities for training, including recurrent training, in auditing and a systems safety approach to oversight;

(7) developing and allowing the use of a single master source for guidance;

(8) providing and using a streamlined appeal process for the resolution of regulatory interpretation questions;

(9) maintaining and improving safety; and

(10) increasing transparency.

(d) PERFORMANCE METRICS.—In carrying out subsection (a), the Administrator shall—

(1) apply and track performance metrics for the FAA and the aviation industry; and

(2) transmit to the appropriate committees of Congress an annual report tracking the progress toward full implementation of the performance metrics under section 2212.

(e) DATA.—

(1) BASELINES.—Not later than 1 year after the date the Advisory Committee recommends initial performance metrics under section 2212(c)(9), the Administrator shall generate initial data with respect to each of the performance metrics applied and tracked that are approved based on the recommendations required under this section.

(2) BENCHMARKS.—The Administrator shall use the performance metrics applied and tracked under this section to generate data on an ongoing basis and to measure progress toward the consensus national goals, strategic objectives, and priorities recommended under section 2212(c)(3).

(f) PUBLICATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall make data generated using the performance metrics applied and tracked under this section available in a searchable, sortable, and downloadable format through the Internet Web site of the FAA or other appropriate methods.

(2) LIMITATIONS.—The Administrator shall make the data under paragraph (1) available in a manner that—

(A) protects from disclosure identifying information regarding an individual or entity; and

(B) protects from inappropriate disclosure proprietary information.

SEC. 2232. FAA TASK FORCE ON FLIGHT STANDARDS REFORM.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish the FAA Task Force on Flight Standards Reform (referred to in this section as the ''Task Force'').

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The membership of the Task Force shall be appointed by the Administrator.

(2) NUMBER.—The Task Force shall be composed of not more than 20 members.

(3) REPRESENTATION REQUIREMENTS.—The membership of the Task Force shall include representatives, with knowledge of flight standards regulatory processes and requirements, of—

(A) air carriers;

(B) general aviation;

(C) business aviation;

(D) repair stations;

(E) unmanned aircraft systems operators;

(F) flight schools;

(G) labor unions, including those representing FAA aviation safety inspectors and those representing FAA aviation safety engineers; and

(H) aviation safety experts.

(c) DUTIES.—The duties of the Task Force shall include, at a minimum, identifying cost-effective best practices and providing recommendations with respect to—

(1) simplifying and streamlining flight standards regulatory processes;

(2) reorganizing the Flight Standards Service to establish an entity organized by function rather than geographic region, if appropriate;

(3) FAA aviation safety inspector training opportunities;

(4) FAA aviation safety inspector standards and performance; and

(5) achieving, across the FAA, consistent—

(A) regulatory interpretations; and

(B) application of oversight activities.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Task Force shall submit to the Administrator, Advisory Committee established under section 2212, and appropriate committees of Congress a report detailing—

(1) the best practices identified and recommendations provided by the Task Force under subsection (c); and

(2) any recommendations of the Task Force for additional regulatory action or cost-effective legislative action.

(e) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

(f) SUNSET.—The Task Force shall cease to exist on the date that the Task Force submits the report required under subsection (d).

SEC. 2233. CENTRALIZED SAFETY GUIDANCE DATABASE.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the FAA shall establish a centralized safety guidance database for all of the regulatory guidance issued by the FAA Office of Aviation Safety regarding compliance with 1 or more aviation safety-related provisions of the Code of Federal Regulations.

(b) REQUIREMENTS.—The database under subsection (a) shall—

(1) for each guidance, include a link to the specific provision of the Code of Federal Regulations;

(2) subject to paragraph (3), be accessible to the public; and

(3) be provided in a manner that—

(A) protects from disclosure identifying information regarding an individual or entity; and

(B) protects from inappropriate disclosure proprietary information.

(c) DATA ENTRY TIMING.—

(1) EXISTING DOCUMENTS.—Not later than 14 months after the date the database is established, the Administrator shall have completed entering into the database any applicable regulatory guidance that are in effect and were issued before that date.

(2) NEW REGULATORY GUIDANCE AND UPDATES.—Beginning on the date the database is established, the Administrator shall ensure that any applicable regulatory guidance that are issued on or after that date are entered into the database as they are issued.

(d) CONSULTATION REQUIREMENT.—In establishing the database under subsection (a), the Administrator shall consult and collaborate with appropriate stakeholders, including labor organizations (including those representing aviation workers, FAA aviation safety engineers, and FAA aviation safety inspectors) and aviation industry stakeholders.

(e) DEFINITION OF REGULATORY GUIDANCE.—In this section, the term ''regulatory guidance'' means all forms of written information issued by the FAA that an individual or entity may use to interpret or apply FAA regulations and requirements, including information an individual or entity may use to determine acceptable means of compliance with such regulations and requirements, such as an order, manual, circular, policy statement, legal interpretation memorandum, and rulemaking documents.

SEC. 2234. REGULATORY CONSISTENCY COMMUNICATIONS BOARD.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the FAA shall establish a Regulatory Consistency Communications Board (referred to in this section as the ''Board'').

(b) CONSULTATION REQUIREMENT.—In establishing the Board, the Administrator shall consult and collaborate with appropriate stakeholders, including FAA labor organizations (including labor organizations representing FAA aviation safety inspectors and labor organizations representing FAA aviation safety engineers) and aviation industry stakeholders.

(c) MEMBERSHIP.—The Board shall be composed of FAA representatives, appointed by the Administrator, from—

(1) the Flight Standards Service;

(2) the Aircraft Certification Service; and

(3) the Office of the Chief Counsel.

(d) FUNCTIONS.—The Board shall carry out the following functions:

(1) Recommend, at a minimum, processes by which—

(A) FAA personnel and persons regulated by the FAA may submit regulatory interpretation questions without fear of retaliation;

(B) FAA personnel may submit written questions as to whether a previous approval or regulatory interpretation issued by FAA personnel in another office or region is correct or incorrect; and

(C) any other person may submit anonymous regulatory interpretation questions.

(2) Meet on a regular basis to discuss and resolve questions submitted under paragraph (1) and the appropriate application of regulations and policy with respect to each question.

(3) Provide to a person that submitted a question under subparagraph (A) or subparagraph (B) of paragraph (1) an expeditious written response to the question.

(4) Recommend a process to make the resolution of common regulatory interpretation questions publicly available to FAA personnel and the public in a manner that—

(A) does not reveal any identifying data of the person that submitted a question; and

(B) protects any proprietary information.

(5) Ensure that responses to questions under this subsection are incorporated into regulatory guidance (as defined in section 2233(e)).

(e) PERFORMANCE METRICS, TIMELINES, AND GOALS.—Not later than 180 days after the date that the Advisory Committee recommends performance objectives and performance metrics for the FAA and the aviation industry under paragraphs (8) and (9) of section 2212(c), the Administrator, in collaboration with the Advisory Committee, shall—

(1) establish performance metrics, timelines, and goals to measure the progress of the Board in resolving regulatory interpretation questions submitted under subsection (d)(1); and

(2) implement a process for tracking the progress of the Board in meeting the performance metrics, timelines, and goals under paragraph (1).

SEC. 2235. FLIGHT STANDARDS SERVICE REALIGNMENT FEASIBILITY REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with relevant industry stakeholders, shall—

(1) determine the feasibility of realigning flight standards service regional field offices to specialized areas of aviation safety oversight and technical expertise; and

(2) submit to the appropriate committees of Congress a report on the findings under paragraph (1).

(b) CONSIDERATIONS.—In making a determination under subsection (a), the Administrator shall consider a flight standards service regional field office providing support in the area of its technical expertise to flight standards district offices and certificate management offices.

SEC. 2236. ADDITIONAL CERTIFICATION RESOURCES.

(a) IN GENERAL.—Notwithstanding any other provision of law, and subject to the requirements of subsection (b), the Administrator may enter into a reimbursable agreement with an applicant or certificate holder for the reasonable travel and per diem expenses of the FAA associated with official travel to expedite the acceptance or validation by a foreign authority of an FAA certificate or design approval.

(b) CONDITIONS.—The Administrator may enter into an agreement under subsection (a) only if—

(1) the travel covered under the agreement is determined to be necessary, by both the Administrator and the applicant or certificate holder, to expedite the acceptance or validation of the relevant certificate or approval;

(2) the travel is conducted at the request of the applicant or certificate holder;

(3) the travel plans and expenses are approved by the applicant or certificate holder prior to travel; and

(4) the agreement requires payment in advance of FAA services and is consistent with the processes under section 106(l)(6) of title 49, United States Code.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on—

(1) the number of occasions on which the Administrator entered into reimbursable agreements under this section;

(2) the number of occasions on which the Administrator declined a request by an applicant or certificate holder to enter into a reimbursable agreement under this section;

(3) the amount of reimbursements collected in accordance with agreements under this section; and

(4) the extent to which reimbursable agreements under this section assisted in reducing the amount of time necessary for foreign authorities' validations of FAA certificates and design approvals.

(d) DEFINITIONS.—In this section:

(1) APPLICANT.—The term ''applicant'' means a person that has applied to a foreign authority for the acceptance or validation of an FAA certificate or design approval.

(2) CERTIFICATE HOLDER.—The term ''certificate holder'' means a person that holds a certificate issued by the Administrator under part 21 of title 14, Code of Federal Regulations.

PART IV—SAFETY WORKFORCE

SEC. 2241. SAFETY WORKFORCE TRAINING STRATEGY.

(a) SAFETY WORKFORCE TRAINING STRATEGY.—Not later than 60 days after the date of enactment of this Act, the Administrator of the FAA shall review and revise its safety workforce training strategy to ensure that it—

(1) aligns with an effective risk-based approach to safety oversight;

(2) best utilizes available resources;

(3) allows FAA employees participating in organization management teams or conducting ODA program audits to complete, expeditiously, appropriate training, including recurrent training, in auditing and a systems safety approach to oversight;

(4) seeks knowledge-sharing opportunities between the FAA and the aviation industry in new technologies, best practices, and other areas of interest related to safety oversight;

(5) fosters an inspector and engineer workforce that has the skills and training necessary to improve risk-based approaches that focus on requirements management and auditing skills; and

(6) includes, as appropriate, milestones and metrics for meeting the requirements of paragraphs (1) through (5).

(b) REPORT.—Not later that 270 days after the date the strategy is established under subsection (a), the Administrator shall submit to the appropriate committees of Congress a report on the implementation of the strategy and progress in meeting any milestones or metrics included in the strategy.

(c) DEFINITIONS.—In this section:

(1) ODA HOLDER.—The term ''ODA holder'' has the meaning given the term in section 44736 of title 49, United States Code.

(2) ODA PROGRAM.—The term ''ODA program'' has the meaning given the term in section 44736(c)(3) of title 49, United States Code, as added by this Act.

(3) ORGANIZATION MANAGEMENT TEAM.—The term ''organization management team'' means a group of FAA employees consisting of FAA aviation safety engineers, flight test pilots, and aviation safety inspectors overseeing an ODA holder and its specified function delegated under section 44702 of title 49, United States Code.

SEC. 2242. WORKFORCE STUDY.

(a) WORKFORCE STUDY.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study to assess the workforce and training needs of the Office of Aviation Safety of the Federal Aviation Administration and take into consideration how those needs could be met.

(b) CONTENTS.—The study under subsection (a) shall include—

(1) a review of the current staffing levels and requirements for hiring and training, including recurrent training, of aviation safety inspectors and aviation safety engineers;

(2) an analysis of the skills and qualifications required of aviation safety inspectors and aviation safety engineers for successful

performance in the current and future projected aviation safety regulatory environment, including an analysis of the need for a systems engineering discipline within the Federal Aviation Administration to guide the engineering of complex systems, with an emphasis on auditing an ODA holder (as defined in section 44736(c) of title 49, United States Code);

(3) a review of current performance incentive policies of the Federal Aviation Administration, as applied to the Office of Aviation Safety, including awards for performance;

(4) an analysis of ways the Federal Aviation Administration can work with the aviation industry and FAA labor force to establish knowledge-sharing opportunities between the Federal Aviation Administration and the aviation industry in new technologies, best practices, and other areas that could improve the aviation safety regulatory system; and

(5) recommendations on the best and most cost-effective approaches to address the needs of the current and future projected aviation safety regulatory system, including qualifications, training programs, and performance incentives for relevant agency personnel.

(c) REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study required under subsection (a).

PART V—INTERNATIONAL AVIATION

SEC. 2251. PROMOTION OF UNITED STATES AEROSPACE STANDARDS, PRODUCTS, AND SERVICES ABROAD.

Section 40104 is amended by adding at the end the following:

''(d) PROMOTION OF UNITED STATES AEROSPACE STANDARDS, PRODUCTS, AND SERVICES ABROAD.—The Secretary shall take appropriate actions—

''(1) to promote United States aerospace-related safety standards abroad;

''(2) to facilitate and vigorously defend approvals of United States aerospace products and services abroad;

''(3) with respect to bilateral partners, to use bilateral safety agreements and other mechanisms to improve validation of United States type certificated aeronautical products and services and enhance mutual acceptance in order to eliminate redundancies and unnecessary costs; and

''(4) with respect to the aeronautical safety authorities of a foreign country, to streamline that country's validation of United States aerospace standards, products, and services.''.

SEC. 2252. BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.

Section 44701(e) is amended by adding at the end the following:

''(5) FOREIGN AIRWORTHINESS DIRECTIVES.—

''(A) ACCEPTANCE.—The Administrator shall accept an airworthiness directive (as defined in section 39.3 of title 14, Code of Federal Regulations) issued by an aeronautical safety authority of a foreign country, and leverage that aeronautical safety authority's regulatory process, if—

''(i) the country is the state of design for the product that is the subject of the airworthiness directive;

''(ii) the United States has a bilateral safety agreement relating to aircraft certification with the country;

''(iii) as part of the bilateral safety agreement with the country, the Administrator has determined that the aeronautical safety authority has an aircraft certification system relating to safety that produces a level of safety equivalent to the level produced by the system of the Federal Aviation Administration; and

''(iv) the aeronautical safety authority utilizes an open and transparent public notice and comment process in the issuance of airworthiness directives.

''(B) ALTERNATIVE APPROVAL PROCESS.—Notwithstanding subparagraph (A), the Administrator may issue a Federal Aviation Administration airworthiness directive instead of accepting the airworthiness directive issued by the aeronautical safety authority of a foreign country if the Administrator determines that such issuance is necessary for safety or operational reasons due to the complexity or unique features of the Federal Aviation Administration airworthiness directive or the United States aviation system.

''(C) ALTERNATIVE MEANS OF COMPLIANCE.—The Administrator may—

''(i) accept an alternative means of compliance, with respect to an airworthiness directive under subparagraph (A), that was approved by the aeronautical safety authority of the foreign country that issued the airworthiness directive; or

''(ii) notwithstanding subparagraph (A), and at the request of any person affected by an airworthiness directive under that subparagraph, the Administrator may approve an alternative means of compliance with respect to the airworthiness directive.''.

SEC. 2253. FAA LEADERSHIP ABROAD.

(a) IN GENERAL.—To promote United States aerospace safety standards, reduce redundant regulatory activity, and facilitate acceptance of FAA design and production approvals abroad, the Administrator shall—

(1) attain greater expertise in issues related to dispute resolution, intellectual property, and export control laws to better support FAA certification and other aerospace regulatory activities abroad;

(2) work with United States companies to more accurately track the amount of time it takes foreign authorities, including bilateral partners, to validate United States type certificated aeronautical products;

(3) provide assistance to United States companies who have experienced significantly long foreign validation wait times;

(4) work with foreign authorities, including bilateral partners, to collect and analyze data to determine the timeliness of the acceptance and validation of FAA design and production approvals by foreign authorities and the acceptance and validation of foreign-certified products by the FAA;

(5) establish appropriate benchmarks and metrics to measure the success of bilateral aviation safety agreements and to reduce the validation time for United States type certificated aeronautical products abroad; and

(6) work with foreign authorities, including bilateral partners, to improve the timeliness of the acceptance and validation of FAA design and production approvals by foreign authorities and the acceptance and validation of foreign-certified products by the FAA.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report that—

(1) describes the Administrator's strategic plan for international engagement;

(2) describes the structure and responsibilities of all FAA offices that have international responsibilities, including the Aircraft Certification Office, and all the activities conducted by those offices related to certification and production;

(3) describes current and forecasted staffing and travel needs for the FAA's international engagement activities, including the needs of the Aircraft Certification Office in the current and forecasted budgetary environment;

(4) provides recommendations, if appropriate, to improve the existing structure and personnel and travel policies supporting the FAA's international engagement activities, including the activities of the Aviation Certification Office, to better support the growth of United States aerospace exports; and

(5) identifies policy initiatives, regulatory initiatives, or cost-effective legislative initiatives needed to improve and enhance the timely acceptance of United States aerospace products abroad.

(c) INTERNATIONAL TRAVEL.—The Administrator of the FAA, or the Administrator's designee, may authorize international travel for any FAA employee, without the approval of any other person or entity, if the Administrator determines that the travel is necessary—

(1) to promote United States aerospace safety standards; or

(2) to support expedited acceptance of FAA design and production approvals.

SEC. 2254. REGISTRATION, CERTIFICATION, AND RELATED FEES.

Section 45305 is amended—

(1) in subsection (a) by striking ''Subject to subsection (b)'' and inserting ''Subject to subsection (c)'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

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

''(b) CERTIFICATION SERVICES.—Subject to subsection (c), and notwithstanding section 45301(a), the Administrator may establish and collect a fee from a foreign government or entity for services related to certification, regardless of where the services are provided, if the fee—

''(1) is established and collected in a manner consistent with aviation safety agreements; and

''(2) does not exceed the estimated costs of the services.''.

Subtitle C—Airline Passenger Safety and Protections

SEC. 2301. PILOT RECORDS DATABASE DEADLINE.

Section 44703(i)(2) is amended by striking ''The Administrator shall establish'' and inserting ''Not later than April 30, 2017, the Administrator shall establish and make available for use''.

SEC. 2302. ACCESS TO AIR CARRIER FLIGHT DECKS.

The Administrator of the Federal Aviation Administration shall collaborate with other aviation authorities to advance a global standard for access to air carrier flight decks and redundancy requirements consistent with the flight deck access and redundancy requirements in the United States.

SEC. 2303. AIRCRAFT TRACKING AND FLIGHT DATA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall assess current performance standards, and as appropriate, conduct a rulemaking to revise the standards to improve near-term and long-term aircraft tracking and flight data recovery, including retrieval, access, and protection of such data after an incident or accident.

(b) CONSIDERATIONS.—In revising the performance standards under subsection (a), the Administrator may consider—

(1) various methods for improving detection and retrieval of flight data, including—

(A) low frequency underwater locating devices; and

(B) extended battery life for underwater locating devices;

(2) automatic deployable flight recorders;

(3) triggered transmission of flight data, and other satellite-based solutions;

(4) distress-mode tracking; and

(5) protections against disabling flight recorder systems.

(c) COORDINATION.—If the performance standards under subsection (a) are revised, the Administrator shall coordinate with international regulatory authorities and the International Civil Aviation Organization to ensure that any new international standard for aircraft tracking and flight data recovery is consistent with a performance-based approach and is implemented in a globally harmonized manner.

SEC. 2304. AUTOMATION RELIANCE IMPROVEMENTS.

(a) MODERNIZATION OF TRAINING.—Not later than October 1, 2017, the Administrator of the Federal Aviation Administration shall review, and update as necessary, recent guidance regarding pilot flight deck monitoring that an air carrier can use to train and evaluate its pilots to ensure that air carrier pilots are trained to use and monitor automation systems while also maintaining proficiency in manual flight operations consistent with the final rule entitled, ''Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers'', published on November 12, 2013 (78 Fed. Reg. 67799).

(b) CONSIDERATIONS.—In reviewing and updating the guidance, the Administrator shall—

(1) consider casualty driven scenarios during initial and recurrent simulator instruction that focus on automation complacency during system failure, including flight segments when automation is typically engaged and should result in hand flying the aircraft into a safe position while employing crew resource management principles;

(2) consider the development of metrics or measurable tasks an air carrier may use to evaluate the ability of pilots to appropriately monitor flight deck systems;

(3) consider the development of metrics an air carrier may use to evaluate manual flying skills and improve related training;

(4) convene an expert panel, including members with expertise in human factors, training, and flight operations—

(A) to evaluate and develop methods for training flight crews to understand the functionality of automated systems for flight path management;

(B) to identify and recommend to the Administrator the most effective training methods that ensure that pilots can apply manual flying skills in the event of flight deck automation failure or an unexpected event; and

(C) to identify and recommend to the Administrator revision in the training guidance for flight crews to address the needs identified in subparagraphs (A) and (B); and

(5) develop any additional standards to be used for guidance the Administrator considers necessary to determine whether air carrier pilots receive sufficient training opportunities to develop, maintain, and demonstrate manual flying skills.

(c) DOT IG REVIEW.—Not later than 2 years after the date the Administrator reviews the guidance under subsection (a), the Inspector General of the Department of Transportation shall review the air carriers implementation of the guidance and the ongoing work of the expert panel.

SEC. 2305. ENHANCED MENTAL HEALTH SCREENING FOR PILOTS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall consider the recommendations of the Pilot Fitness Aviation Rulemaking Committee in determining whether to implement, as part of a comprehensive medical certification process for pilots with a first- or second-class airman medical certificate, additional screening for mental health conditions, including depression and suicidal thoughts or tendencies, and assess treatments that would address any risk associated with such conditions.

SEC. 2306. FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS AND REST REQUIREMENTS.

(a) MODIFICATION OF FINAL RULE.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall revise the flight attendant duty period limitations and rest requirements under section 121.467 of title 14, Code of Federal Regulations.

(b) CONTENTS.—Except as provided in subsection (c), in revising the rule 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.

(c) EXCEPTION.—The rest period required under subsection (b) may be scheduled or reduced to 9 consecutive hours if the flight attendant is provided a subsequent rest period of at least 11 consecutive hours.

(d) FATIGUE RISK MANAGEMENT PLAN.—

(1) SUBMISSION OF PLAN BY PART 121 AIR CARRIERS.—Not later than 90 days after the date of enactment of this Act, each air carrier operating under part 121 of title 13, Code of Federal Regulations (referred to in this subsection as a ''part 121 air carrier''), shall submit a fatigue risk management plan for the carrier's flight attendants to the Administrator for review and acceptance.

(2) CONTENTS OF PLAN.—Each fatigue risk management plan submitted under paragraph (1) shall include—

(A) current flight time and duty period limitations;

(B) a rest scheme that is consistent with such limitations and enables the management of flight attendant fatigue, including annual training to increase awareness of—

(i) fatigue;

(ii) the effects of fatigue on flight attendants; and

(iii) fatigue countermeasures; and

(C) the development and use of methodology that continually assesses the effectiveness of implementation of the plan, including the ability of the plan—

(i) to improve alertness; and

(ii) to mitigate performance errors.

(3) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Administrator shall—

(A) review each fatigue risk management plan submitted under this subsection; and

(B)(i) accept the plan; or

(ii) reject the plan and provide the part 121 air carrier with suggested modifications to be included when the plan is resubmitted.

(4) PLAN UPDATES.—

(A) IN GENERAL.—Not less frequently than once every 2 years, each part 121 air carrier shall—

(i) update the fatigue risk management plan submitted under paragraph (1); and

(ii) submit the updated plan to the Administrator for review and acceptance.

(B) REVIEW.—Not later than 1 year after the date on which an updated plan is submitted under subparagraph (A)(ii), the Administrator shall—

(i) review the updated plan; and

(ii)(I) accept the updated plan; or

(II) reject the updated plan and provide the part 121 air carrier with suggested modifications to be included when the updated plan is resubmitted.

(5) COMPLIANCE.—Each part 121 air carrier shall comply with its fatigue risk management plan after the plan is accepted by the Administrator under this subsection.

(6) CIVIL PENALTIES.—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for the purpose of applying civil penalties under chapter 463 of such title.

SEC. 2307. TRAINING TO COMBAT HUMAN TRAFFICKING FOR CERTAIN AIR CARRIER EMPLOYEES.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

''§ 41725. Training to combat human trafficking

''(a) IN GENERAL.—Each air carrier providing passenger air transportation shall provide flight attendants who are employees or contractors of the air carrier with training to combat human trafficking in the course of carrying out their duties as employees or contractors of the air carrier.

''(b) ELEMENTS OF TRAINING.—The training an air carrier is required to provide under subsection (a) to flight attendants shall include training with respect to—

''(1) common indicators of human trafficking; and

''(2) best practices for reporting suspected human trafficking to law enforcement officers.

''(c) MATERIALS.—An air carrier may provide the training required by subsection (a) using modules and materials developed by the Department of Transportation and the Department of Homeland Security, including the training module and associated materials of the Blue Lightning Initiative and modules and materials subsequently developed and recommended by such Departments with respect to combating human trafficking.

''(d) INTERAGENCY COORDINATION.—The Administrator of the Federal Aviation Administration shall coordinate with the Secretary of Homeland Security to ensure that appropriate training modules and materials are available for air carriers to conduct the training required by subsection (a).

''(e) HUMAN TRAFFICKING DEFINED.—In this section, the term 'human trafficking' means 1 or more severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)).''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 417 is amended by inserting after the item relating to section 41724 the following:

''41725. Training to combat human trafficking.''.

(c) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the appropriate committees of Congress a report that includes—

(1) an assessment of the status of compliance of air carriers with section 41725 of title 49, United States Code, as added by subsection (a); and

(2) in collaboration with the Attorney General and the Secretary of Homeland Security, recommendations for improving the identification and reporting of human trafficking by air carrier personnel while protecting the civil liberties of passengers.

(d) IMMUNITY FOR REPORTING HUMAN TRAFFICKING.—Section 44941(a) is amended by striking ''or terrorism, as defined by section 3077 of title 18, United States Code,'' and inserting ''human trafficking (as defined by section 41725), or terrorism (as defined by section 3077 of title 18)''.

SEC. 2308. REPORT ON OBSOLETE TEST EQUIPMENT.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the appropriate committees of Congress a report on the National Test Equipment Program (referred to in this section as the ''Program'').

(b) CONTENTS.—The report shall include—

(1) a list of all known outstanding requests for test equipment, cataloged by type and location, under the Program;

(2) a description of the current method under the Program of ensuring calibrated equipment is in place for utilization;

(3) a plan by the Administrator for appropriate inventory of such equipment; and

(4) the Administrator's recommendations for increasing multifunctionality in future test equipment to be developed and all known and foreseeable manufacturer technological advances.

SEC. 2309. PLAN FOR SYSTEMS TO PROVIDE DIRECT WARNINGS OF POTENTIAL RUNWAY INCURSIONS.

(a) IN GENERAL.—Not later than June 30, 2016, the Administrator of the Federal Aviation Administration shall—

(1) assess available technologies to determine whether it is feasible, cost-effective, and appropriate to install and deploy, at any airport, systems to provide a direct warning capability to flight crews and air traffic controllers of potential runway incursions; and

(2) submit to the appropriate committees of Congress a report on the assessment under paragraph (1), including any recommendations.

(b) CONSIDERATIONS.—In conducting the assessment under subsection (a), the Administration shall consider National Transportation Safety Board findings and relevant aviation stakeholder views relating to runway incursions.

SEC. 2310. LASER POINTER INCIDENTS.

(a) IN GENERAL.—Beginning 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in coordination with the Director of the Federal Bureau of Investigation, shall provide quarterly updates to the appropriate committees of Congress regarding—

(1) the number of incidents involving the beam from a laser pointer (as defined in section 39A of title 18, United States Code) being aimed at, or in the flight path of, an aircraft in the airspace jurisdiction of the United States;

(2) the number of civil or criminal enforcement actions taken by the Federal Aviation Administration, Department of Transportation, or Department of Justice with regard to the incidents described in paragraph (1), including the amount of the civil or criminal penalties imposed on violators;

(3) the resolution of any incidents that did not result in a civil or criminal enforcement action; and

(4) any actions the Department of Transportation or Department of Justice has taken on its own, or in conjunction with other Federal agencies or local law enforcement agencies, to deter the type of activity described in paragraph (1).

(b) CIVIL PENALTIES.—The Administrator shall revise the maximum civil penalty that may be imposed on an individual who aims the beam of a laser pointer at an aircraft in the airspace jurisdiction of the United States, or at the flight path of such an aircraft, to be $25,000.

SEC. 2311. HELICOPTER AIR AMBULANCE OPERATIONS DATA AND REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in collaboration with helicopter air ambulance industry stakeholders, shall assess the availability of information to the general public related to the location of heliports and helipads used by helicopters providing air ambulance services, including helipads and helipads outside of those listed as part of any existing databases of Airport Master Record (5010) forms.

(b) REQUIREMENTS.—Based on the assessment under subsection (a), the Administrator shall—

(1) update, as necessary, any existing guidance on what information is included in the current databases of Airport Master Record (5010) forms to include information related to heliports and helipads used by helicopters providing air ambulance services; or

(2) develop, as appropriate and in collaboration with helicopter air ambulance industry stakeholders, a new database of heliports and helipads used by helicopters providing air ambulance services.

(c) REPORTS.—

(1) ASSESSMENT.—Not later than 30 days after the date the assessment under subsection (a) is complete, the Administrator shall submit to the appropriate committees of Congress a report on the assessment, including any recommendations on how to make information related to the location of heliports and helipads used by helicopters providing air ambulance services available to the general public.

(2) IMPLEMENTATION.—Not later than 30 days after completing action under paragraph (1) or paragraph (2) of subsection (b), the Administrator shall submit to the appropriate committees of Congress a report on the implementation of that action.

(d) INCIDENT AND ACCIDENT DATA.—Section 44731 is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''not later than 1 year after the date of enactment of this section, and annually thereafter'' and inserting ''annually'';

(B) in paragraph (2), by striking ''flights and hours flown, by registration number, during which helicopters operated by the certificate holder were providing helicopter air ambulance services'' and inserting ''hours flown by the helicopters operated by the certificate holder'';

(C) in paragraph (3)—

(i) by striking ''of flight'' and inserting ''of patients transported and the number of patient transport'';

(ii) by inserting ''or'' after ''interfacility transport,''; and

(iii) by striking '', or ferry or repositioning flight'';

(D) in paragraph (5)—

(i) by striking ''flights and''; and

(ii) by striking ''while providing air ambulance services''; and

(E) by amending paragraph (6) to read as follows:

''(6) The number of hours flown at night by helicopters operated by the certificate holder.'';

(2) in subsection (d)—

(A) by striking ''Not later than 2 years after the date of enactment of this section, and annually thereafter, the Administrator shall submit'' and inserting ''The Administrator shall submit annually''; and

(B) by adding at the end the following: ''The report shall include the number of accidents experienced by helicopter air ambulance operations, the number of fatal accidents experienced by helicopter air ambulance operations, and the rate, per 100,000 flight hours, of accidents and fatal accidents experienced by operators providing helicopter air ambulance services.'';

(3) by redesignating subsection (e) as subsection (f); and

(4) by inserting after subsection (d) the following:

''(e) IMPLEMENTATION.—In carrying out this section, the Administrator, in collaboration with part 135 certificate holders providing helicopter air ambulance services, shall—

''(1) propose and develop a method to collect and store the data submitted under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information submitted; and

''(2) ensure that the database under subsection (c) and the report under subsection (d) include data and analysis that will best inform efforts to improve the safety of helicopter air ambulance operations.''.

SEC. 2312. PART 135 ACCIDENT AND INCIDENT DATA.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) determine, in collaboration with the National Transportation Safety Board and Part 135 industry stakeholders, what, if any, additional data should be reported as part of an accident or incident notice to more accurately measure the safety of on-demand Part 135 aircraft activity, to pinpoint safety problems, and to form the basis for critical research and analysis of general aviation issues; and

(2) submit to the appropriate committees of Congress a report on the findings under paragraph (1), including a description of the additional data to be collected, a timeframe for implementing the additional data collection, and any potential obstacles to implementation.

SEC. 2313. DEFINITION OF HUMAN FACTORS.

Section 40102(a), as amended by section 2140 of this Act, is further amended—

(1) by redesignating paragraphs (24) through (47) as paragraphs (25) through (48), respectively; and

(2) by inserting after paragraph (23) the following:

''(24) 'human factors' means a multidisciplinary field that generates and compiles information about human capabilities and limitations and applies it to design, development, and evaluation of equipment, systems, facilities, procedures, jobs, environments, staffing, organizations, and personnel management for safe, efficient, and effective human performance, including people's use of technology.''.

SEC. 2314. SENSE OF CONGRESS; PILOT IN COMMAND AUTHORITY.

It is the sense of Congress that the pilot in command of an aircraft is directly responsible for, and is the final authority as to, the operation of that aircraft, as set forth in section 91.3(a) of title 14, Code of Federal Regulations (or any successor regulation thereto).

SEC. 2315. ENHANCING ASIAS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with relevant aviation industry stakeholders, shall assess what, if any, improvements are needed to develop the predictive capability of the Aviation Safety Information Analysis and Sharing program (referred to in this section as ''ASIAS'') with regard to identifying precursors to accidents.

(b) CONTENTS.—In conducting the assessment under subsection (a), the Administrator shall—

(1) determine what actions are necessary—

(A) to improve data quality and standardization; and

(B) to increase the data received from additional segments of the aviation industry, such as small airplane, helicopter, and business jet operations;

(2) consider how to prioritize the actions described in paragraph (1); and

(3) review available methods for disseminating safety trend data from ASIAS to the aviation safety community, including the inspector workforce, to inform in their risk-based decision making efforts.

(c) REPORT.—Not later than 60 days after the date the assessment under subsection (a) is complete, the Administrator shall submit

to the appropriate committees of Congress a report on the assessment, including recommendations regarding paragraphs (1) through (3) of subsection (b).

SEC. 2316. IMPROVING RUNWAY SAFETY.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall expedite the development of metrics—

(1) to allow the Federal Aviation Administration to determine whether runway incursions are increasing; and

(2) to assess the effectiveness of implemented runway safety initiatives.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the progress in developing the metrics described in subsection (a).

SEC. 2317. SAFE AIR TRANSPORTATION OF LITHIUM CELLS AND BATTERIES.

(a) RESTRICTIONS ON TRANSPORTATION OF LITHIUM BATTERIES ON AIRCRAFT.—

(1) ADOPTION OF ICAO INSTRUCTIONS.—

(A) IN GENERAL.—Pursuant to section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note), not later than 90 days after the date of enactment of this Act, the Secretary of the Department of Transportation shall conform United States regulations on the air transport of lithium cells and batteries with the lithium cells and battery requirements in the 2015–2016 edition of the International Civil Aviation Organization's (referred to in this subsection as ''ICAO'') Technical Instructions (to include all addenda) including the revised standards adopted by ICAO which became effective on April 1, 2016.

(B) FURTHER PROCEEDINGS.—Beginning on the date the revised regulations under subparagraph (A) are published in the Federal Register, any lithium cell and battery rulemaking action or update commenced on or after that date shall continue to comply with the requirements under section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note).

(2) REVIEW OF OTHER REGULATIONS.—Pursuant to section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note), the Secretary of Transportation may initiate a review of other existing regulations regarding the air transportation, including passenger-carrying and cargo aircraft, of lithium batteries and cells.

(3) MEDICAL DEVICE BATTERIES.—

(A) IN GENERAL.—For United States applicants, the Secretary of Transportation shall consider and either grant or deny, within 45 days, applications submitted in compliance with part 107 of title 49, Code of Federal Regulations for special permits or approvals for air transportation of lithium ion cells or batteries specifically used by medical devices. Not later than 30 days after the date of application, the Pipeline and Hazardous Materials Safety Administration shall provide a draft special permit based on the application to the Federal Aviation Administration. The Federal Aviation Administration shall conduct an on-site inspection for issuance of the special permit not later than 10 days after the date of receipt of the draft special permit from the Pipeline and Hazardous Materials Safety Administration.

(B) DEFINITION OF MEDICAL DEVICE.—In this paragraph, the term ''medical device'' has the meaning given the term ''device'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(4) SAVINGS CLAUSE.—Nothing in this section shall be construed as expanding or constricting any other authority the Secretary of Transportation has under section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note).

(b) LITHIUM BATTERY SAFETY WORKING GROUP.—Not later than 90 days after the date of enactment of this Act, the President shall establish a lithium battery safety working group to promote and coordinate efforts related to the promotion of the safe manufacture, use, and transportation of lithium batteries and cells.

(1) COMPOSITION.—

(A) IN GENERAL.—The working group shall be composed of at least 1 representative from each of the following:

(i) Consumer Product Safety Commission.

(ii) Department of Transportation.

(iii) National Institute on Standards and Technology.

(iv) Food and Drug Administration.

(B) ADDITIONAL MEMBERS.—The working group may include not more than 4 additional members with expertise in the safe manufacture, use, or transportation of lithium batteries and cells.

(C) SUBCOMMITTEES.—The President, or members of the working group, may—

(i) establish working group subcommittees to focus on specific issues related to the safe manufacture, use, or transportation of lithium batteries and cells; and

(ii) include in a subcommittee the participation of nonmember stakeholders with expertise in areas that the President or members consider necessary.

(2) REPORT.—Not later than 1 year after the date it is established under subsection (b), the working group shall—

(A) research—

(i) additional ways to decrease the risk of fires and explosions from lithium batteries and cells;

(ii) additional ways to ensure uniform transportation requirements for both bulk and individual batteries; and

(iii) new or existing technologies that could reduce the fire and explosion risk of lithium batteries and cells; and

(B) transmit to the appropriate committees of Congress a report on the research under subparagraph (A), including any legislative recommendations to effectuate the safety improvements described in clauses (i) through (iii) of that subparagraph.

(3) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group.

(4) TERMINATION.—The working group, and any working group subcommittees, shall terminate 90 days after the date the report is transmitted under paragraph (2).

SEC. 2318. PROHIBITION ON IMPLEMENTATION OF POLICY CHANGE TO PERMIT SMALL, NON-LOCKING KNIVES ON AIRCRAFT.

(a) IN GENERAL.—Notwithstanding any other provision of law, on and after the date of enactment of this Act, the Secretary of Homeland Security may not implement any change to the prohibited items list of the Transportation Security Administration that would permit passengers to carry small, non-locking knives through passenger screening checkpoints at airports, into sterile areas at airports, or on board passenger aircraft.

(b) PROHIBITED ITEMS LIST DEFINED.—In this section, the term ''prohibited items list'' means the list of items passengers are prohibited from carrying as accessible property or on their persons through passenger screening checkpoints at airports, into sterile areas at airports, and on board passenger aircraft pursuant to section 1540.111 of title 49, Code of Federal Regulations.

SEC. 2319. AIRCRAFT CABIN EVACUATION PROCEDURES.

(a) REVIEW.—The Administrator of the Federal Aviation Administration shall review—

(1) evacuation certification of transport-category aircraft used in air transportation, with regard to—

(A) emergency conditions, including impacts into water;

(B) crew procedures used for evacuations under actual emergency conditions;

(C) any relevant changes to passenger demographics and legal requirements, including the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), that affect emergency evacuations; and

(D) any relevant changes to passenger seating configurations, including changes to seat width, padding, reclining, size, pitch, leg room, and aisle width; and

(2) recent accidents and incidents in which passengers evacuated such aircraft.

(b) CONSULTATION; REVIEW OF DATA.—In conducting the review under subsection (a), the Administrator shall—

(1) consult with the National Transportation Safety Board, transport-category aircraft manufacturers, air carriers, and other relevant experts and Federal agencies, including groups representing passengers, airline crew members, maintenance employees, and emergency responders; and

(2) review relevant data with respect to evacuation certification of transport-category aircraft.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the results of the review under subsection (a) and related recommendations, if any, including recommendations for revisions to the assumptions and methods used for assessing evacuation certification of transport-category aircraft.

SEC. 2320. GAO STUDY OF UNIVERSAL DEPLOYMENT OF ADVANCED IMAGING TECHNOLOGIES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the costs that would be incurred—

(1) to redesign airport security areas to fully deploy advanced imaging technologies at all commercial airports at which security screening operations are conducted by the Transportation Security Administration or through the Screening Partnership Program; and

(2) to fully deploy advanced imaging technologies at all airports not described in paragraph (1).

(b) COST ANALYSIS.—As a part of the study conducted under subsection (a), the Comptroller General shall identify the costs that would be incurred—

(1) to purchase the equipment and other assets necessary to deploy advanced imaging technologies at each airport;

(2) to install such equipment and assets in each airport; and

(3) to maintain such equipment and assets.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall submit the results of the study conducted under subsection (a) to the appropriate committees of Congress.

Subtitle D—General Aviation Safety

SEC. 2401. AUTOMATED WEATHER OBSERVING SYSTEMS POLICY.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) update automated weather observing systems standards to maximize the use of new technologies that promote the reduction of equipment or maintenance cost for non-Federal automated weather observing systems, including the use of remote monitoring and maintenance, unless demonstrated to be ineffective;

(2) review, and if necessary update, existing policies in accordance with the standards developed under paragraph (1); and

(3) establish a process under which appropriate on site airport personnel or an aviation official may, with appropriate manufacturer training or alternative training as determined by the Administrator, be permitted to conduct the minimum tri-annual preventative maintenance checks under the advisory circular for non-Federal automated weather observing systems (AC 150/5220-16D).

(b) PERMISSION.—Permission to conduct the minimum tri-annual preventative maintenance checks described under subsection (a)(3) shall not be withheld but for specific cause.

(c) STANDARDS.—In updating the standards under subsection (a)(1), the Administrator shall—

(1) ensure the standards are performance-based;

(2) use risk analysis to determine the accuracy of the automated weather observing systems outputs required for pilots to perform safe aircraft operations; and

(3) provide a cost benefit analysis to determine whether the benefits outweigh the cost for any requirement not directly related to safety.

(d) REPORT.—Not later than September 30, 2017, the Administrator shall provide a report to the appropriate committees of Congress on the implementation of requirements under this section.

SEC. 2402. TOWER MARKING.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations to require the marking of covered towers.

(b) MARKING REQUIRED.—The regulations under subsection (a) shall require that a covered tower be clearly marked in a manner that is consistent with applicable guidance under the Federal Aviation Administration Advisory Circular issued December 4, 2015 (AC 70/7460–1L) or other relevant safety guidance, as determined by the Administrator.

(c) APPLICATION.—The regulations issued under subsection (a) shall ensure that—

(1) all covered towers constructed on or after the date on which such regulations take effect are marked in accordance with subsection (b); and

(2) a covered tower constructed before the date on which such regulations take effect is marked in accordance with subsection (b) not later than 1 year after such effective date.

(d) DEFINITION OF COVERED TOWER.—

(1) IN GENERAL.—In this section, the term ''covered tower'' means a structure that—

(A) is self-standing or supported by guy wires and ground anchors;

(B) is 10 feet or less in diameter at the above-ground base, excluding concrete footing;

(C) at the highest point of the structure is at least 50 feet above ground level;

(D) at the highest point of the structure is not more than 200 feet above ground level;

(E) has accessory facilities on which an antenna, sensor, camera, meteorological instrument, or other equipment is mounted; and

(F) is located—

(i) outside the boundaries of an incorporated city or town; or

(ii) on land that is—

(I) undeveloped; or

(II) used for agricultural purposes.

(2) EXCLUSIONS.—The term ''covered tower'' does not include any structure that—

(A) is adjacent to a house, barn, electric utility station, or other building;

(B) is within the curtilage of a farmstead;

(C) supports electric utility transmission or distribution lines;

(D) is a wind powered electrical generator with a rotor blade radius that exceeds 6 feet; or

(E) is a street light erected or maintained by a Federal, State, local, or tribal entity.

(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 access to the database is limited to individuals, such as airmen, who require the information for aviation safety purposes only.

SEC. 2403. CRASH-RESISTANT FUEL SYSTEMS.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall evaluate and update, as necessary, standards for crash-resistant fuel systems for civilian rotorcraft.

SEC. 2404. REQUIREMENT TO CONSULT WITH STAKEHOLDERS IN DEFINING SCOPE AND REQUIREMENTS FOR FUTURE FLIGHT SERVICE PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall consult with general aviation stakeholders in defining the scope and requirements for any new Future Flight Service Program of the Administration to be used in a competitive source selection for the next flight service contract with the Administration.

SEC. 2405. HEADS-UP GUIDANCE SYSTEM TECHNOLOGIES.

(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 initiate a review of heads-up guidance system displays (in this section referred to as ''HGS'').

(b) CONTENTS.—The review required by subsection (a) shall—

(1) evaluate the impacts of single- and dual-installed HGS technology on the safety and efficiency of aircraft operations within the national airspace system;

(2) review a sufficient quantity of commercial aviation accidents or incidents in order to evaluate if HGS technology would have produced a better outcome in that accident or incident; and

(3) update previous HGS studies performed by the Flight Safety Foundation in 1991 and 2009.

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report containing the results of the review required by subsection (a).

Subtitle E—General Provisions

SEC. 2501. DESIGNATED AGENCY SAFETY AND HEALTH OFFICER.

(a) IN GENERAL.—Section 106 is amended by adding at the end the following:

''(u) DESIGNATED AGENCY SAFETY AND HEALTH OFFICER.—

''(1) APPOINTMENT.—There shall be a Designated Agency Safety and Health Officer appointed by the Administrator who shall exclusively fulfill the duties prescribed in this subsection.

''(2) RESPONSIBILITIES.—The Designated Agency Safety and Health Officer shall have responsibility and accountability for—

''(A) auditing occupational safety and health issues across the Administration;

''(B) overseeing Administration-wide compliance with relevant Federal occupational safety and health statutes and regulations, national industry and consensus standards, and Administration policies; and

''(C) encouraging a culture of occupational safety and health to complement the Administration's existing safety culture.

''(3) REPORTING STRUCTURE.—The Designated Agency Safety and Health Officer shall occupy a full-time, senior executive position and shall report directly to the Assistant Administrator for Human Resource Management.

''(4) QUALIFICATIONS AND REMOVAL.—

''(A) QUALIFICATIONS.—The Designated Agency Safety and Health Officer shall have demonstrated ability and experience in the establishment and administration of comprehensive occupational safety and health programs and knowledge of relevant Federal occupational safety and health statutes and regulations, national industry and consensus standards, and Administration policies.

''(B) REMOVAL.—The Designated Agency Safety and Health Officer shall serve at the pleasure of the Administrator.''.

(b) DEADLINE FOR APPOINTMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall appoint an individual to serve as the Designated Agency Safety and Health Officer under section 106(u) of title 49, United States Code.

SEC. 2502. REPAIR STATIONS LOCATED OUTSIDE UNITED STATES.

(a) RISK-BASED OVERSIGHT.—Section 44733 is amended—

(1) by redesignating subsection (f) as subsection (g);

(2) by inserting after subsection (e) the following:

''(f) RISK-BASED OVERSIGHT.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Administrator shall take measures to ensure that the safety assessment system established under subsection (a)—

''(A) places particular consideration on inspections of part 145 repair stations located outside the United States that conduct scheduled heavy maintenance work on part 121 air carrier aircraft; and

''(B) accounts for the frequency and seriousness of any corrective actions that part 121 air carriers must implement to aircraft following such work at such repair stations.

''(2) INTERNATIONAL AGREEMENTS.—The Administrator shall take the measures required under paragraph (1)—

''(A) in accordance with the United States obligations under applicable international agreements; and

''(B) in a manner consistent with the applicable laws of the country in which a repair station is located.

''(3) ACCESS TO DATA.—The Administrator may access and review such information or data in the possession of a part 121 air carrier as the Administrator may require in carrying out paragraph (1)(B).''; and

(3) in subsection (g), as redesignated—

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

(B) by inserting before paragraph (2), as redesignated, the following:

''(1) HEAVY MAINTENANCE WORK.—The term 'heavy maintenance work' means a C-check, a D-check, or equivalent maintenance operation with respect to the airframe of a transport-category aircraft.''.

(b) ALCOHOL AND CONTROLLED SUBSTANCES TESTING.—The Administrator of the Federal Aviation Administration shall ensure that—

(1) not later than 90 days after the date of enactment of this Act, a notice of proposed rulemaking required pursuant to section 44733(d)(2) of title 49, United States Code, is published in the Federal Register; and

(2) not later than 1 year after the date on which the notice of proposed rulemaking is published in the Federal Register, the rulemaking is finalized.

(c) BACKGROUND INVESTIGATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall ensure that each employee of a repair station certificated under part 145 of title 14, Code of Federal Regulations, who performs a safety-sensitive function on an air carrier aircraft has undergone a preemployment background investigation sufficient to determine whether the individual presents a threat to aviation safety, in a manner that is—

(1) determined acceptable by the Administrator;

(2) consistent with the applicable laws of the country in which the repair station is located; and

(3) consistent with the United States obligations under international agreements.

SEC. 2503. FAA TECHNICAL TRAINING.

(a) E-LEARNING TRAINING PILOT PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in collaboration with the exclusive bargaining representatives of covered FAA personnel, shall establish an e-learning training pilot program in accordance with the requirements of this section.

(b) CURRICULUM.—The pilot program shall—

(1) include a recurrent training curriculum for covered FAA personnel to ensure that the covered FAA personnel receive instruction on the latest aviation technologies, processes, and procedures;

(2) focus on providing specialized technical training for covered FAA personnel, as determined necessary by the Administrator;

(3) include training courses on applicable regulations of the Federal Aviation Administration; and

(4) consider the efficacy of instructor-led online training.

(c) PILOT PROGRAM TERMINATION.—The pilot program shall terminate 1 year after the date of establishment of the pilot program.

(d) E-LEARNING TRAINING PROGRAM.—Upon termination of the pilot program, the Administrator shall assess and establish or update an e-learning training program that incorporates lessons learned for covered FAA personnel as a result of the pilot program.

(e) DEFINITIONS.—In this section:

(1) COVERED FAA PERSONNEL.—The term ''covered FAA personnel'' means airway transportation systems specialists and aviation safety inspectors of the Federal Aviation Administration.

(2) E-LEARNING TRAINING.—The term ''e-learning training'' means learning utilizing electronic technologies to access educational curriculum outside of a traditional classroom.

SEC. 2504. SAFETY CRITICAL STAFFING.

(a) AUDIT BY DOT INSPECTOR GENERAL.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department of Transportation shall conduct and complete an audit of the staffing model used by the Federal Aviation Administration to determine the number of aviation safety inspectors that are needed to fulfill the mission of the Federal Aviation Administration and adequately ensure aviation safety.

(b) CONTENTS.—The audit shall include, at a minimum—

(1) a review of the staffing model and an analysis of how consistently the staffing model is applied throughout the Federal Aviation Administration's aviation safety lines of business;

(2) a review of the assumptions and methods used in devising and implementing the staffing model to assess the adequacy of the staffing model to predict the number of aviation safety inspectors needed to properly fulfill the mission of the Federal Aviation Administration and meet the future growth of the aviation industry; and

(3) a determination on whether the current staffing model takes into account the Federal Aviation Administration's authority to fully utilize designees.

(c) REPORT.—Not later than 30 days after the date of completion of the audit, the Inspector General shall submit to the appropriate committees of Congress a report on the results of the audit.

SEC. 2505. APPROACH CONTROL RADAR IN ALL AIR TRAFFIC CONTROL TOWERS.

The Administrator of the Federal Aviation Administration shall—

(1) identify airports that are currently served by Federal Aviation Administration towers with non-radar approach and departure control (Type 4 tower); and

(2) develop an implementation plan, including budgetary considerations, to provide the facilities identified under paragraph (1) with approach control radar.

SEC. 2506. AIRSPACE MANAGEMENT ADVISORY COMMITTEE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall establish an advisory committee to carry out the duties described in subsection (b).

(b) DUTIES.—The advisory committee shall—

(1) conduct a review of the practices and procedures of the Federal Aviation Administration for developing proposals with respect to changes in regulations, policies, or guidance of the Federal Aviation Administration relating to airspace that affect airport operations, airport capacity, the environment, or communities in the vicinity of airports, including—

(A) an assessment of the extent to which there is consultation, or a lack of consultation, with respect to such proposals—

(i) between and among the affected elements of the Federal Aviation Administration, including the Air Traffic Organization, the Office of Airports, the Flight Standards Service, the Office of NextGen, and the Office of Energy and Environment; and

(ii) between the Federal Aviation Administration and affected entities, including airports, aircraft operators, communities, and State and local governments;

(2) recommend revisions to such practices and procedures to improve communications and coordination between and among affected elements of the Federal Aviation Administration and with other affected entities with respect to proposals described in paragraph (1) and the potential effects of such proposals;

(3) conduct a review of the management by the Federal Aviation Administration of systems and information used to evaluate data relating to obstructions to air navigation or navigational facilities under part 77 of title 14, Code of Federal Regulations; and

(4) make recommendations to ensure that the data described in paragraph (3) is publicly accessible and streamlined to ensure developers, airport operators, and other interested parties may obtain relevant information concerning potential obstructions when working to preserve and create a safe and efficient navigable airspace.

(c) MEMBERSHIP.—The membership of the advisory committee established under subsection (a) shall include representatives of—

(1) air carriers, including passenger and cargo air carriers;

(2) general aviation, including business aviation and fixed wing aircraft and rotocraft;

(3) airports of various sizes and types;

(4) air traffic controllers; and

(5) State aviation officials.

(d) REPORT REQUIRED.—Not later than one year after the establishment of the advisory committee under subsection (a), the advisory committee shall submit to Congress a report on the actions taken by the advisory committee to carry out the duties described in subsection (b).

Subtitle F—Third Class Medical Reform and General Aviation Pilot Protections

SEC. 2601. SHORT TITLE.

This subtitle may be cited as the ''Pilot's Bill of Rights 2''.

SEC. 2602. MEDICAL CERTIFICATION OF CERTAIN SMALL AIRCRAFT PILOTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue or revise regulations to ensure that an individual may operate as pilot in command of a covered aircraft if—

(1) the individual possesses a valid driver's license issued by a State, territory, or possession of the United States and complies with all medical requirements or restrictions associated with that license;

(2) the individual holds a medical certificate issued by the Federal Aviation Administration on the date of enactment of this Act, held such a certificate at any point during the 10-year period preceding such date of enactment, or obtains such a certificate after such date of enactment;

(3) the most recent medical certificate issued by the Federal Aviation Administration to the individual—

(A) indicates whether the certificate is first, second, or third class;

(B) may include authorization for special issuance;

(C) may be expired;

(D) cannot have been revoked or suspended; and

(E) cannot have been withdrawn;

(4) the most recent application for airman medical certification submitted to the Federal Aviation Administration by the individual cannot have been completed and denied;

(5) the individual has completed a medical education course described in subsection (c) during the 24 calendar months before acting as pilot in command of a covered aircraft and demonstrates proof of completion of the course;

(6) the individual, when serving as a pilot in command, is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly;

(7) the individual has received a comprehensive medical examination from a State-licensed physician during the previous 48 months and—

(A) prior to the examination, the individual—

(i) completed the individual's section of the checklist described in subsection (b); and

(ii) provided the completed checklist to the physician performing the examination; and

(B) the physician conducted the comprehensive medical examination in accordance with the checklist described in subsection (b), checking each item specified during the examination and addressing, as medically appropriate, every medical condition listed, and any medications the individual is taking; and

(8) the individual is operating in accordance with the following conditions:

(A) The covered aircraft is carrying not more than 5 passengers.

(B) The individual is operating the covered aircraft under visual flight rules or instrument flight rules.

(C) The flight, including each portion of that flight, is not carried out—

(i) for compensation or hire, including that no passenger or property on the flight is being carried for compensation or hire;

(ii) at an altitude that is more than 18,000 feet above mean sea level;

(iii) outside the United States, unless authorized by the country in which the flight is conducted; or

(iv) at an indicated air speed exceeding 250 knots.

(b) COMPREHENSIVE MEDICAL EXAMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop a checklist for an individual to complete and provide to the physician performing the comprehensive medical examination required in subsection (a)(7).

(2) REQUIREMENTS.—The checklist shall contain—

(A) a section, for the individual to complete that contains—

(i) boxes 3 through 13 and boxes 16 through 19 of the Federal Aviation Administration Form 8500–8 (3–99);

(ii) a signature line for the individual to affirm that—

(I) the answers provided by the individual on that checklist, including the individual's answers regarding medical history, are true and complete;

(II) the individual understands that he or she is prohibited under Federal Aviation Administration regulations from acting as pilot in command, or any other capacity as a required flight crew member, if he or she knows or has reason to know of any medical deficiency or medically disqualifying condition that would make the individual unable to operate the aircraft in a safe manner; and

(III) the individual is aware of the regulations pertaining to the prohibition on operations during medical deficiency and has no medically disqualifying conditions in accordance with applicable law;

(B) a section with instructions for the individual to provide the completed checklist to the physician performing the comprehensive medical examination required in subsection (a)(7); and

(C) a section, for the physician to complete, that instructs the physician—

(i) to perform a clinical examination of—

(I) head, face, neck, and scalp;

(II) nose, sinuses, mouth, and throat;

(III) ears, general (internal and external canals), and eardrums (perforation);

(IV) eyes (general), ophthalmoscopic, pupils (equality and reaction), and ocular motility (associated parallel movement, nystagmus);

(V) lungs and chest (not including breast examination);

(VI) heart (precordial activity, rhythm, sounds, and murmurs);

(VII) vascular system (pulse, amplitude, and character, and arms, legs, and others);

(VIII) abdomen and viscera (including hernia);

(IX) anus (not including digital examination);

(X) skin;

(XI) G–U system (not including pelvic examination);

(XII) upper and lower extremities (strength and range of motion);

(XIII) spine and other musculoskeletal;

(XIV) identifying body marks, scars, and tattoos (size and location);

(XV) lymphatics;

(XVI) neurologic (tendon reflexes, equilibrium, senses, cranial nerves, and coordination, etc.);

(XVII) psychiatric (appearance, behavior, mood, communication, and memory);

(XVIII) general systemic;

(XIX) hearing;

(XX) vision (distant, near, and intermediate vision, field of vision, color vision, and ocular alignment);

(XXI) blood pressure and pulse; and

(XXII) anything else the physician, in his or her medical judgment, considers necessary;

(ii) to exercise medical discretion to address, as medically appropriate, any medical conditions identified, and to exercise medical discretion in determining whether any medical tests are warranted as part of the comprehensive medical examination;

(iii) to discuss all drugs the individual reports taking (prescription and nonprescription) and their potential to interfere with the safe operation of an aircraft or motor vehicle;

(iv) to sign the checklist, stating: ''I certify that I discussed all items on this checklist with the individual during my examination, discussed any medications the individual is taking that could interfere with their ability to safely operate an aircraft or motor vehicle, and performed an examination that included all of the items on this checklist. I certify that I am not aware of any medical condition that, as presently treated, could interfere with the individual's ability to safely operate an aircraft.''; and

(v) to provide the date the comprehensive medical examination was completed, and the physician's full name, address, telephone number, and State medical license number.

(3) LOGBOOK.—The completed checklist shall be retained in the individual's logbook and made available on request.

(c) MEDICAL EDUCATION COURSE REQUIREMENTS.—The medical education course described in this subsection shall—

(1) be available on the Internet free of charge;

(2) be developed and periodically updated in coordination with representatives of relevant nonprofit and not-for-profit general aviation stakeholder groups;

(3) educate pilots on conducting medical self-assessments;

(4) advise pilots on identifying warning signs of potential serious medical conditions;

(5) identify risk mitigation strategies for medical conditions;

(6) increase awareness of the impacts of potentially impairing over-the-counter and prescription drug medications;

(7) encourage regular medical examinations and consultations with primary care physicians;

(8) inform pilots of the regulations pertaining to the prohibition on operations during medical deficiency and medically disqualifying conditions;

(9) provide the checklist developed by the Federal Aviation Administration in accordance with subsection (b); and

(10) upon successful completion of the course, electronically provide to the individual and transmit to the Federal Aviation Administration—

(A) a certification of completion of the medical education course, which shall be printed and retained in the individual's logbook and made available upon request, and shall contain the individual's name, address, and airman certificate number;

(B) subject to subsection (d), a release authorizing the National Driver Register through a designated State Department of Motor Vehicles to furnish to the Federal Aviation Administration information pertaining to the individual's driving record;

(C) a certification by the individual that the individual is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly, as required under (a)(6);

(D) a form that includes—

(i) the name, address, telephone number, and airman certificate number of the individual;

(ii) the name, address, telephone number, and State medical license number of the physician performing the comprehensive medical examination required in subsection (a)(7);

(iii) the date of the comprehensive medical examination required in subsection (a)(7); and

(iv) a certification by the individual that the checklist described in subsection (b) was followed and signed by the physician in the comprehensive medical examination required in subsection (a)(7); and

(E) a statement, which shall be printed, and signed by the individual certifying that the individual understands the existing prohibition on operations during medical deficiency by stating: ''I understand that I cannot act as pilot in command, or any other capacity as a required flight crew member, if I know or have reason to know of any medical condition that would make me unable to operate the aircraft in a safe manner.''.

(d) NATIONAL DRIVER REGISTER.—The authorization under subsection (c)(10)(B) shall be an authorization for a single access to the information contained in the National Driver Register.

(e) SPECIAL ISSUANCE PROCESS.—

(1) IN GENERAL.—An individual who has qualified for the third-class medical certificate exemption under subsection (a) and is seeking to serve as a pilot in command of a covered aircraft shall be required to have completed the process for obtaining an Authorization for Special Issuance of a Medical Certificate for each of the following:

(A) A mental health disorder, limited to an established medical history or clinical diagnosis of—

(i) personality disorder that is severe enough to have repeatedly manifested itself by overt acts;

(ii) psychosis, defined as a case in which an individual—

(I) has manifested delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis; or

(II) may reasonably be expected to manifest delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis;

(iii) bipolar disorder; or

(iv) substance dependence within the previous 2 years, as defined in section 67.307(a)(4) of title 14, Code of Federal Regulations.

(B) A neurological disorder, limited to an established medical history or clinical diagnosis of any of the following:

(i) Epilepsy.

(ii) Disturbance of consciousness without satisfactory medical explanation of the cause.

(iii) A transient loss of control of nervous system functions without satisfactory medical explanation of the cause.

(C) A cardiovascular condition, limited to a one-time special issuance for each diagnosis of the following:

(i) Myocardial infraction.

(ii) Coronary heart disease that has required treatment.

(iii) Cardiac valve replacement.

(iv) Heart replacement.

(2) SPECIAL RULE FOR CARDIOVASCULAR CONDITIONS.—In the case of an individual with a

cardiovascular condition, the process for obtaining an Authorization for Special Issuance of a Medical Certificate shall be satisfied with the successful completion of an appropriate clinical evaluation without a mandatory wait period.

(3) SPECIAL RULE FOR MENTAL HEALTH CONDITIONS.—

(A) In the case of an individual with a clinically diagnosed mental health condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

(i) in the judgment of the individual's State-licensed medical specialist, the condition—

(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

(ii) the individual's driver's license is revoked by the issuing agency as a result of a clinically diagnosed mental health condition.

(B) Subject to subparagraph (A), an individual clinically diagnosed with a mental health condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that mental health condition.

(4) SPECIAL RULE FOR NEUROLOGICAL CONDITIONS.—

(A) In the case of an individual with a clinically diagnosed neurological condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

(i) in the judgment of the individual's State-licensed medical specialist, the condition—

(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

(ii) the individual's driver's license is revoked by the issuing agency as a result of a clinically diagnosed neurological condition.

(B) Subject to subparagraph (A), an individual clinically diagnosed with a neurological condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that neurological condition.

(f) IDENTIFICATION OF ADDITIONAL MEDICAL CONDITIONS FOR THE CACI PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall review and identify additional medical conditions that could be added to the program known as the Conditions AMEs Can Issue (CACI) program.

(2) CONSULTATIONS.—In carrying out paragraph (1), the Administrator shall consult with aviation, medical, and union stakeholders.

(3) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report listing the medical conditions that have been added to the CACI program under paragraph (1).

(g) EXPEDITED AUTHORIZATION FOR SPECIAL ISSUANCE OF A MEDICAL CERTIFICATE.—

(1) IN GENERAL.—The Administrator shall implement procedures to expedite the process for obtaining an Authorization for Special Issuance of a Medical Certificate under section 67.401 of title 14, Code of Federal Regulations.

(2) CONSULTATIONS.—In carrying out paragraph (1), the Administrator shall consult with aviation, medical, and union stakeholders.

(3) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing how the procedures implemented under paragraph (1) will streamline the process for obtaining an Authorization for Special Issuance of a Medical Certificate and reduce the amount of time needed to review and decide special issuance cases.

(h) REPORT REQUIRED.—Not later than 5 years after the date of enactment of this Act, the Administrator, in coordination with the National Transportation Safety Board, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the effect of the regulations issued or revised under subsection (a) and includes statistics with respect to changes in small aircraft activity and safety incidents.

(i) PROHIBITION ON ENFORCEMENT ACTIONS.—Beginning on the date that is 1 year after the date of enactment of this Act, the Administrator may not take an enforcement action for not holding a valid third-class medical certificate against a pilot of a covered aircraft for a flight, through a good faith effort, if the pilot and the flight meet the applicable requirements under subsection (a), except paragraph (5) of that subsection, unless the Administrator has published final regulations in the Federal Register under that subsection.

(j) COVERED AIRCRAFT DEFINED.—In this section, the term ''covered aircraft'' means an aircraft that—

(1) is authorized under Federal law to carry not more than 6 occupants; and

(2) has a maximum certificated takeoff weight of not more than 6,000 pounds.

(k) OPERATIONS COVERED.—The provisions and requirements covered in this section do not apply to pilots who elect to operate under the medical requirements under subsection (b) or subsection (c) of section 61.23 of title 14, Code of Federal Regulations.

(l) AUTHORITY TO REQUIRE ADDITIONAL INFORMATION.—

(1) IN GENERAL.—If the Administrator receives credible or urgent information, including from the National Driver Register or the Administrator's Safety Hotline, that reflects on an individual's ability to safely operate a covered aircraft under the third-class medical certificate exemption in subsection (a), the Administrator may require the individual to provide additional information or history so that the Administrator may determine whether the individual is safe to continue operating a covered aircraft.

(2) USE OF INFORMATION.—The Administrator may use credible or urgent information received under paragraph (1) to request an individual to provide additional information or to take actions under section 44709(b) of title 49, United States Code.

SEC. 2603. EXPANSION OF PILOT'S BILL OF RIGHTS.

(a) APPEALS OF SUSPENDED AND REVOKED AIRMAN CERTIFICATES.—Section 2(d)(1) of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is amended by striking ''or imposing a punitive civil action or an emergency order of revocation under subsections (d) and (e) of section 44709 of such title'' and inserting ''suspending or revoking an airman certificate under section 44709(d) of such title, or imposing an emergency order of revocation under subsections (d) and (e) of section 44709 of such title''.

(b) DE NOVO REVIEW BY DISTRICT COURT; BURDEN OF PROOF.—Section 2(e) of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—In an appeal filed under subsection (d) in a United States district court with respect to a denial, suspension, or revocation of an airman certificate by the Administrator—

''(A) the district court shall review the denial, suspension, or revocation de novo, including by—

''(i) conducting a full independent review of the complete administrative record of the denial, suspension, or revocation;

''(ii) permitting additional discovery and the taking of additional evidence; and

''(iii) making the findings of fact and conclusions of law required by Rule 52 of the Federal Rules of Civil Procedure without being bound to any findings of fact of the Administrator or the National Transportation Safety Board.'';

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

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

''(2) BURDEN OF PROOF.—In an appeal filed under subsection (d) in a United States district court after an exhaustion of administrative remedies, the burden of proof shall be as follows:

''(A) In an appeal of the denial of an application for the issuance or renewal of an airman certificate under section 44703 of title 49, United States Code, the burden of proof shall be upon the applicant denied an airman certificate by the Administrator.

''(B) In an appeal of an order issued by the Administrator under section 44709 of title 49, United States Code, the burden of proof shall be upon the Administrator.''; and

(4) by adding at the end the following:

''(4) APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.—Notwithstanding paragraph (1)(A) of this subsection or subsection (a)(1) of section 554 of title 5, United States Code, section 554 of such title shall apply to adjudications of the Administrator and the National Transportation Safety Board to the same extent as that section applied to such adjudications before the date of enactment of the Pilot's Bill of Rights 2.''.

(c) NOTIFICATION OF INVESTIGATION.—Subsection (b) of section 2 of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is amended—

(1) in paragraph (2)(A), by inserting ''and the specific activity on which the investigation is based'' after ''nature of the investigation'';

(2) in paragraph (3), by striking ''timely''; and

(3) in paragraph (5), by striking ''section 44709(c)(2)'' and inserting ''section 44709(e)(2)''.

(d) RELEASE OF INVESTIGATIVE REPORTS.—Section 2 of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is further amended by inserting after subsection (e) the following:

''(f) RELEASE OF INVESTIGATIVE REPORTS.—

''(1) IN GENERAL.—

''(A) EMERGENCY ORDERS.—In any proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the Administrator issues an emergency order under subsections (d) and (e) of section 44709, section 44710, or section 46105(c) of title 49, United States Code, or another order that

takes effect immediately, the Administrator shall provide to the individual holding the airman certificate the releasable portion of the investigative report at the time the Administrator issues the order. If the complete Report of Investigation is not available at the time the Emergency Order is issued, the Administrator shall issue all portions of the report that are available at the time and shall provide the full report within 5 days of its completion.

''(B) OTHER ORDERS.—In any non-emergency proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the Administrator notifies the certificate holder of a proposed certificate action under subsections (b) and (c) of section 44709 or section 44710 of title 49, United States Code, the Administrator shall, upon the written request of the covered certificate holder and at any time after that notification, provide to the covered certificate holder the releasable portion of the investigative report.

''(2) MOTION FOR DISMISSAL.—If the Administrator does not provide the releasable portions of the investigative report to the individual holding the airman certificate subject to the proceeding referred to in paragraph (1) by the time required by that paragraph, the individual may move to dismiss the complaint of the Administrator or for other relief and, unless the Administrator establishes good cause for the failure to provide the investigative report or for a lack of timeliness, the administrative law judge shall order such relief as the judge considers appropriate.

''(3) RELEASABLE PORTION OF INVESTIGATIVE REPORT.—For purposes of paragraph (1), the releasable portion of an investigative report is all information in the report, except for the following:

''(A) Information that is privileged.

''(B) Information that constitutes work product or reflects internal deliberative process.

''(C) Information that would disclose the identity of a confidential source.

''(D) Information the disclosure of which is prohibited by any other provision of law.

''(E) Information that is not relevant to the subject matter of the proceeding.

''(F) Information the Administrator can demonstrate is withheld for good cause.

''(G) Sensitive security information, as defined in section 15.5 of title 49, Code of Federal Regulations (or any corresponding similar ruling or regulation).

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent the Administrator from releasing to an individual subject to an investigation described in subsection (b)(1)—

''(A) information in addition to the information included in the releasable portion of the investigative report; or

''(B) a copy of the investigative report before the Administrator issues a complaint.''.

SEC. 2604. LIMITATIONS ON REEXAMINATION OF CERTIFICATE HOLDERS.

(a) IN GENERAL.—Section 44709(a) is amended—

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

''(1) IN GENERAL.—The Administrator'';

(2) by striking ''reexamine'' and inserting '', except as provided in paragraph (2), reexamine''; and

(3) by adding at the end the following:

''(2) LIMITATION ON THE REEXAMINATION OF AIRMAN CERTIFICATES.—

''(A) IN GENERAL.—The Administrator may not reexamine an airman holding a student, sport, recreational, or private pilot certificate issued under section 44703 of this title if the reexamination is ordered as a result of an event involving the fault of the Federal Aviation Administration or its designee, unless the Administrator has reasonable grounds—

''(i) to establish that the airman may not be qualified to exercise the privileges of a particular certificate or rating, based upon an act or omission committed by the airman while exercising those privileges, after the certificate or rating was issued by the Federal Aviation Administration or its designee; or

''(ii) to demonstrate that the airman obtained the certificate or the rating through fraudulent means or through an examination that was substantially and demonstrably inadequate to establish the airman's qualifications.

''(B) NOTIFICATION REQUIREMENTS.—Before taking any action to reexamine an airman under subparagraph (A), the Administrator shall provide to the airman—

''(i) a reasonable basis, described in detail, for requesting the reexamination; and

''(ii) any information gathered by the Federal Aviation Administration, that the Administrator determines is appropriate to provide, such as the scope and nature of the requested reexamination, that formed the basis for that justification.''.

(b) AMENDMENT, MODIFICATION, SUSPENSION, OR REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAMINATION.—Section 44709(b) is amended—

(1) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(3) in the matter preceding subparagraph (A), as redesignated, by striking ''The Administrator'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator''; and

(4) by adding at the end the following:

''(2) AMENDMENTS, MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES AFTER REEXAMINATION.—

''(A) IN GENERAL.—The Administrator may not issue an order to amend, modify, suspend, or revoke an airman certificate held by a student, sport, recreational, or private pilot and issued under section 44703 of this title after a reexamination of the airman holding the certificate unless the Administrator determines that the airman—

''(i) lacks the technical skills and competency, or care, judgment, and responsibility, necessary to hold and safely exercise the privileges of the certificate; or

''(ii) materially contributed to the issuance of the certificate by fraudulent means.

''(B) STANDARD OF REVIEW.—Any order of the Administrator under this paragraph shall be subject to the standard of review provided for under section 2 of the Pilot's Bill of Rights (49 U.S.C. 44703 note).''.

(c) CONFORMING AMENDMENTS.—Section 44709(d)(1) is amended—

(1) in subparagraph (A), by striking ''subsection (b)(1)(A)'' and inserting ''subsection (b)(1)(A)(i)''; and

(2) in subparagraph (B), by striking ''subsection (b)(1)(B)'' and inserting ''subsection (b)(1)(A)(ii)''.

SEC. 2605. EXPEDITING UPDATES TO NOTAM PROGRAM.

(a) IN GENERAL.—

(1) Beginning on the date that is 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration may not take any enforcement action against any individual for a violation of a NOTAM (as defined in section 3 of the Pilot's Bill of Rights (49 U.S.C. 44701 note)) until the Administrator certifies to the appropriate congressional committees that the Administrator has complied with the requirements of section 3 of the Pilot's Bill of Rights, as amended by this section.

(2) In this subsection, the term ''appropriate congressional committees'' means—

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

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(b) AMENDMENTS.—Section 3 of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C. 44701 note) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''this Act'' and inserting ''the Pilot's Bill of Rights 2''; and

(ii) by striking ''begin'' and inserting ''complete the implementation of'';

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

''(B) to continue developing and modernizing the NOTAM repository, in a public central location, to maintain and archive all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment, in a manner that is Internet-accessible, machine-readable, and searchable;'';

(C) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(D) to specify the times during which temporary flight restrictions are in effect and the duration of a designation of special use airspace in a specific area.''; and

(2) by amending subsection (d) to read as follows:

''(d) DESIGNATION OF REPOSITORY AS SOLE SOURCE FOR NOTAMS.—

''(1) IN GENERAL.—The Administrator—

''(A) shall consider the repository for NOTAMs under subsection (a)(2)(B) to be the sole location for airmen to check for NOTAMs; and

''(B) may not consider a NOTAM to be announced or published until the NOTAM is included in the repository for NOTAMs under subsection (a)(2)(B).

''(2) PROHIBITION ON TAKING ACTION FOR VIOLATIONS OF NOTAMS NOT IN REPOSITORY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), beginning on the date that the repository under subsection (a)(2)(B) is final and published, the Administrator may not take any enforcement action against an airman for a violation of a NOTAM during a flight if—

''(i) that NOTAM is not available through the repository before the commencement of the flight; and

''(ii) that NOTAM is not reasonably accessible and identifiable to the airman.

''(B) EXCEPTION FOR NATIONAL SECURITY.—Subparagraph (A) shall not apply in the case of an enforcement action for a violation of a NOTAM that directly relates to national security.''.

SEC. 2606. ACCESSIBILITY OF CERTAIN FLIGHT DATA.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47124 the following:

''§ 47124a. Accessibility of certain flight data

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATION.—The term 'Administration' means the Federal Aviation Administration.

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

''(3) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means an individual

who is the subject of an investigation initiated by the Administrator related to a covered flight record.

''(4) CONTRACT TOWER.—The term 'contract tower' means an air traffic control tower providing air traffic control services pursuant to a contract with the Administration under the contract air traffic control tower program under section 47124(b)(3).

''(5) COVERED FLIGHT RECORD.—The term 'covered flight record' means any air traffic data (as defined in section 2(b)(4)(B) of the Pilot's Bill of Rights (49 U.S.C. 44703 note)), created, maintained, or controlled by any program of the Administration, including any program of the Administration carried out by employees or contractors of the Administration, such as contract towers, flight service stations, and controller training programs.

''(b) PROVISION OF COVERED FLIGHT RECORD TO ADMINISTRATION.—

''(1) REQUESTS.—Whenever the Administration receives a written request for a covered flight record from an applicable individual and the covered flight record is not in the possession of the Administration, the Administrator shall request the covered flight record from the contract tower or other contractor of the Administration in possession of the covered flight record.

''(2) PROVISION OF RECORDS.—Any covered flight record created, maintained, or controlled by a contract tower or another contractor of the Administration that maintains covered flight records shall be provided to the Administration if the Administration requests the record pursuant to paragraph (1).

''(3) NOTICE OF PROPOSED CERTIFICATE ACTION.—If the Administrator has issued, or subsequently issues, a Notice of Proposed Certificate Action relying on evidence contained in the covered flight record and the individual who is the subject of an investigation has requested the record, the Administrator shall promptly produce the record and extend the time the individual has to respond to the Notice of Proposed Certificate Action until the covered flight record is provided.

''(c) IMPLEMENTATION.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Pilot's Bill of Rights 2, the Administrator shall promulgate regulations or guidance to ensure compliance with this section.

''(2) COMPLIANCE BY CONTRACTORS.—

''(A) Compliance with this section by a contract tower or other contractor of the Administration that maintains covered flight records shall be included as a material term in any contract between the Administration and the contract tower or contractor entered into or renewed on or after the date of enactment of the Pilot's Bill of Rights 2.

''(B) Subparagraph (A) shall not apply to any contract or agreement in effect on the date of enactment of the Pilot's Bill of Rights 2 unless the contract or agreement is renegotiated, renewed, or modified after that date.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47124 the following:

''47124a. Accessibility of certain flight data.''.

SEC. 2607. AUTHORITY FOR LEGAL COUNSEL TO ISSUE CERTAIN NOTICES.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall revise section 13.11 of title 14, Code of Federal Regulations, to authorize legal counsel of the Federal Aviation Administration to close enforcement actions covered by that section with a warning notice, letter of correction, or other administrative action.

TITLE III—AIR SERVICE IMPROVEMENTS

SEC. 3001. DEFINITIONS.

In this title:

(1) COVERED AIR CARRIER.—The term ''covered air carrier'' means an air carrier or a foreign air carrier as those terms are defined in section 40102 of title 49, United States Code.

(2) ONLINE SERVICE.—The term ''online service'' means any service available over the Internet, or that connects to the Internet or a wide-area network.

(3) TICKET AGENT.—The term ''ticket agent'' has the meaning given the term in section 40102 of title 49, United States Code.

Subtitle A—Passenger Air Service Improvements

SEC. 3101. CAUSES OF AIRLINE DELAYS OR CANCELLATIONS.

(a) REVIEW.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall review the categorization of delays and cancellations with respect to air carriers that are required to report such data.

(2) CONSIDERATIONS.—In conducting the review under paragraph (1), the Secretary shall consider, at a minimum—

(A) whether delays and cancellations attributed by an air carrier to weather were unavoidable due to an operational or air traffic control issue, or due to the air carrier's preference in determining which flights to delay or cancel during a weather event;

(B) whether and to what extent delays and cancellations attributed by an air carrier to weather disproportionately impact service to smaller airports and communities; and

(C) whether it is an unfair or deceptive practice in violation of section 41712 of title 49, United States Code, for an air carrier to inform a passenger that a flight is delayed or cancelled due to weather, without any other context or explanation for the delay or cancellation, when the air carrier has discretion as to which flights to delay or cancel.

(3) ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.—The Secretary may use the Advisory Committee for Aviation Consumer Protection, established under section 411 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 prec. note), to assist in conducting the review and providing recommendations.

(b) REPORT.—Not later than 90 days after the date the review under subsection (a) is complete, the Secretary shall submit to the appropriate committees of Congress a report on the review under subsection (a), including any recommendations.

(c) SAVINGS PROVISION.—Nothing in this section shall be construed as affecting the decision of an air carrier to maximize its system capacity during weather-related events to accommodate the greatest number of passengers.

SEC. 3102. INVOLUNTARY CHANGES TO ITINERARIES.

(a) REVIEW.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall review whether it is an unfair or deceptive practice in violation of section 41712 of title 49, United States Code, for an air carrier to change the itinerary of a passenger, more than 24 hours before departure, if the new itinerary involves additional stops or departs 3 hours earlier or later and compensation or other more suitable air transportation is not offered.

(2) ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.—The Secretary may use the Advisory Committee for Aviation Consumer Protection, established under section 411 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 prec. note), to assist in conducting the review and providing recommendations.

(b) REPORT.—Not later than 90 days after the date the review under subsection (a) is complete, the Secretary shall submit to appropriate committees of Congress a report on the review under subsection (a), including any recommendations.

SEC. 3103. ADDITIONAL CONSUMER PROTECTIONS.

Not later than 180 days after the date that the reviews under sections 3101 and 3102 of this Act are complete, the Secretary of Transportation shall issue a supplemental notice of proposed rulemaking to its notice of proposed rulemaking published in the Federal Register on May 23, 2014 (DOT–OST–2014–0056) (relating to the transparency of airline ancillary fees and other consumer protection issues) to consider the following:

(1) Requiring an air carrier to provide notification and refunds or other consideration to a consumer who is impacted by delays or cancellations when an air carrier has a choice as to which flights to cancel or delay during a weather-related event.

(2) Requiring an air carrier to provide notification and refunds or other consideration to a consumer who is impacted by involuntary changes to the consumer's itinerary.

SEC. 3104. ADDRESSING THE NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.

(a) AIR CARRIERS HOLDING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY.—Section 41113 is amended—

(1) in subsection (a), by striking ''a major'' and inserting ''any'';

(2) in subsection (b)—

(A) in paragraph (9), by striking ''(and any other victim of the accident)'' and inserting ''(and any other victim of the accident, including any victim on the ground)'';

(B) in paragraph (16), by striking ''major'' and inserting ''any''; and

(C) in paragraph (17)(A), by striking ''significant'' and inserting ''any''; and

(3) by amending subsection (e) to read as follows:

''(e) DEFINITIONS.—In this section:

''(1) 'Aircraft accident' means any aviation disaster, regardless of its cause or suspected cause, for which the National Transportation Safety Board is the lead investigative agency.

''(2) 'Passenger' has the meaning given the term in section 1136.''.

(b) FOREIGN AIR CARRIERS PROVIDING FOREIGN AIR TRANSPORTATION.—Section 41313 is amended—

(1) in subsection (b), by striking ''a major'' and inserting ''any''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''a significant'' and inserting ''any'';

(B) in paragraph (2), by striking ''a significant'' and inserting ''any'';

(C) in paragraph (16), by striking ''major'' and inserting ''any''; and

(D) in paragraph (17)(A), by striking ''significant'' and inserting ''any''.

(c) NATIONAL TRANSPORTATION SAFETY BOARD.—Section 1136(a) is amended by striking ''aircraft accident within the United States involving an air carrier or foreign air carrier and resulting in a major loss of life'' and inserting ''aircraft accident involving an air carrier or foreign air carrier, resulting in any loss of life, and for which the National Transportation Safety Board will serve as the lead investigative agency''.

SEC. 3105. EMERGENCY MEDICAL KITS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the

Administrator of the Federal Aviation Administration shall evaluate and revise, as appropriate, the regulations under part 121 of title 14, Code of Federal Regulations, regarding the emergency medical equipment requirements, including the contents of the first-aid kit, applicable to all certificate holders operating passenger-carrying airplanes under that part.

(b) CONSIDERATIONS.—In carrying out subsection (a), the Administrator shall consider whether the minimum contents of approved emergency medical kits, including approved first-aid kits, include appropriate medications and equipment to meet the emergency medical needs of children, including consideration of an epinephrine auto-injector, as appropriate.

SEC. 3106. TRAVELERS WITH DISABILITIES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of airport accessibility best practices for individuals with disabilities; and

(2) submit to the appropriate committees of Congress a report on the study, including the Comptroller General's findings, conclusions, and recommendations.

(b) CONTENTS.—The study under subsection (a) shall include accessibility best practices beyond those recommended under the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.), Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), Air Carrier Access Act of 1986 (100 Stat. 1080; Public Law 99–435), or Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), that improve infrastructure and communications, such as with regard to wayfinding, amenities, and passenger care.

SEC. 3107. EXTENSION OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) TERMINATION.—Section 411(h) of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 42301 prec. note) is amended by striking ''July 15, 2016'' and inserting ''September 30, 2017''.

(b) FINANCIAL DISCLOSURE.—Section 411 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 42301 prec. note) is further amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting before subsection (i), the following:

''(h) CONFLICT OF INTEREST DISCLOSURE.—Beginning on the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, each member of the advisory committee who is not a government employee shall disclose, on an annual basis, any potential conflicts of interest, including financial conflicts of interest, to the Secretary in such form and manner as prescribed by the Secretary.''.

(c) RECOMMENDATIONS.—Section 411(g) of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 42301 prec. note) is amended—

(1) by striking ''of the first 2 calendar years beginning after the date of enactment of this Act'' and inserting ''calendar year''; and

(2) by inserting ''and post on the Department of Transportation Web site'' after ''Congress''.

SEC. 3108. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(r)(3) is amended by striking ''July 16, 2016'' and inserting ''October 1, 2017''.

SEC. 3109. REFUNDS FOR DELAYED BAGGAGE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue final regulations to require a covered air carrier to promptly provide an automatic refund to a passenger in the amount of any applicable ancillary fees paid if the covered air carrier has charged the passenger an ancillary fee for checked baggage but the covered air carrier fails to deliver the checked baggage to the passenger not later than 6 hours after the arrival of a domestic flight or 12 hours after the arrival of an international flight.

(b) EXCEPTION.—If as part of the rulemaking the Secretary makes a determination on the record that a requirement under subsection (a) is unfeasible and will negatively affect consumers in certain cases, the Secretary may modify 1 or both of the deadlines in that subsection for such cases, except that—

(1) the deadline relating to a domestic flight may not exceed 12 hours after the arrival of the domestic flight; and

(2) the deadline relating to an international flight may not exceed 24 hours after the arrival of the international flight.

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

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall promulgate regulations that require each covered air carrier to promptly provide an automatic refund to a passenger of any ancillary fees paid for services that the passenger does not receive, including on the passenger's scheduled flight, on a subsequent replacement itinerary if there has been a rescheduling, or for a flight not taken by the passenger.

SEC. 3111. DISCLOSURE OF FEES TO CONSUMERS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue final regulations requiring—

(1) each covered air carrier to disclose to a consumer 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 prior to the point of purchase; and

(B) set forth the fees described in subsection (a)(1) in clear and plain language and a font of easily readable size; and

(2) if ticketing is done on the telephone, be expressly stated to the consumer during the telephone call and prior to the point of purchase.

SEC. 3112. SEAT ASSIGNMENTS.

(a) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, the Secretary of Transportation shall complete such actions as may be necessary to require each covered air carrier and ticket agent to disclose to a consumer that seat selection for which a fee is charged is an optional service, and that if a consumer does not pay for a seat assignment, a seat will be assigned to the consumer from available inventory at the time the consumer checks in for the flight or prior to departure.

(b) REQUIREMENTS.—The disclosure under subsection (a) shall—

(1) if ticketing is done on an Internet Web site or other online service, be prominently displayed to the consumer on that Internet Web site or online service during the selection of seating or prior to the point of purchase; and

(2) if ticketing is done on the telephone, be expressly stated to the consumer during the telephone call and prior to the point of purchase.

SEC. 3113. LASTING IMPROVEMENTS TO FAMILY TRAVEL.

(a) SHORT TITLE.—This section may be cited as the ''Lasting Improvements to Family Travel Act'' or the ''LIFT Act''.

(b) ACCOMPANYING MINORS FOR SECURITY SCREENING.—The Administrator of the Transportation Security Administration shall formalize security screening procedures that allow for one adult family caregiver to accompany a minor child throughout the entirety of the security screening process.

(c) SPECIAL ACCOMMODATIONS FOR PREGNANT WOMEN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall review and, if appropriate, prescribe regulations that direct all air carriers to include pregnant women in their policies with respect to preboarding or advance boarding of aircraft.

(d) FAMILY SEATING.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall review and, if appropriate, establish a policy directing all air carriers to ensure that, if a family is traveling on a reservation with a child under the age of 13, that child is able to sit in a seat adjacent to the seat of an accompanying family member over the age of 13, to the maximum extent practicable, at no additional cost.

SEC. 3114. CONSUMER COMPLAINT PROCESS IMPROVEMENT.

(a) IN GENERAL.—Section 42302 is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a), the following:

''(b) POINT OF SALE.—Each air carrier, foreign air carrier, and ticket agent shall inform each consumer of a carrier service, at the point of sale, that the consumer can file a complaint about that service with the carrier and with the Aviation Consumer Protection Division of the Department of Transportation.'';

(3) by amending subsection (c), as redesignated, to read as follows:

''(c) INTERNET WEB SITE OR OTHER ONLINE SERVICE NOTICE.—Each air carrier and foreign air carrier shall include on its Internet Web site, any related mobile device application, and online service—

''(1) the hotline telephone number established under subsection (a) or for the Aviation Consumer Protection Division of the Department of Transportation;

''(2) an active link and the email address, telephone number, and mailing address of the air carrier or foreign air carrier, as applicable, for a consumer to submit a complaint to the carrier about the quality of service;

''(3) notice that the consumer can file a complaint with the Aviation Consumer Protection Division of the Department of Transportation;

''(4) an active link to the Internet Web site of the Aviation Consumer Protection Division of the Department of Transportation for a consumer to file a complaint; and

''(5) the active link described in paragraph (2) on the same Internet Web site page as the active link described in paragraph (4).''; and

(4) in subsection (d), as redesignated—

(A) in the matter preceding paragraph (1), by striking ''An air carrier or foreign air carrier providing scheduled air transportation using any aircraft that as originally designed has a passenger capacity of 30 or more passenger seats'' and inserting ''Each air carrier and foreign air carrier'';

(B) in paragraph (1), by striking ''air carrier'' and inserting ''carrier''; and

(C) in paragraph (2), by striking ''air carrier'' and inserting ''carrier''.

(b) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall promulgate regulations to implement the requirements of section 42302 of title 49, United States Code, as amended.

SEC. 3115. ONLINE ACCESS TO AVIATION CONSUMER PROTECTION INFORMATION.

(a) INTERNET WEB SITE.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall—

(1) complete an evaluation of the aviation consumer protection portion of the Department of Transportation's public Internet Web site to identify any changes to the user interface that will improve usability, accessibility, consumer satisfaction, and Web site performance;

(2) in completing the evaluation under paragraph (1)—

(A) consider the best practices of other Federal agencies with effective Web sites; and

(B) consult with the Federal Web Managers Council;

(3) develop a plan, including an implementation timeline, for—

(A) making the changes identified under paragraph (1); and

(B) making any necessary changes to that portion of the Web site that will enable a consumer—

(i) to access information regarding each complaint filed with the Aviation Consumer Protection Division of the Department of Transportation;

(ii) to search the complaints described in clause (i) by the name of the air carrier, the dates of departure and arrival, the airports of origin and departure, and the type of complaint; and

(iii) to determine the date a complaint was filed and the date a complaint was resolved; and

(4) submit the evaluation and plan to appropriate committees of Congress.

(b) MOBILE APPLICATION SOFTWARE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall—

(1) implement a program to develop application software for wireless devices that will enable a user to access information and perform activities related to aviation consumer protection, such as—

(A) information regarding airline passenger protections, including protections related to lost baggage and baggage fees, disclosure of additional fees, bumping, cancelled or delayed flights, damaged or lost baggage, and tarmac delays; and

(B) file an aviation consumer complaint, including a safety and security, airline service, disability and discrimination, or privacy complaint, with the Aviation Consumer Protection Division of the Department of Transportation; and

(2) make the application software available to the public at no cost.

SEC. 3116. STUDY ON IN CABIN WHEELCHAIR RESTRAINT SYSTEMS.

Not later than 2 years after the date of enactment of this Act, the Architectural and Transportation Barriers Compliance Board, in consultation with the Secretary of Transportation, shall conduct a study to determine the ways in which particular individuals with significant disabilities who use wheelchairs, including power wheelchairs, can be accommodated through in cabin wheelchair restraint systems.

SEC. 3117. TRAINING POLICIES REGARDING ASSISTANCE FOR PERSONS WITH DISABILITIES.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing—

(1) each air carrier's training policy for its personnel and contractors regarding assistance for persons with disabilities, as required by Department of Transportation regulations;

(2) any variations among the air carriers in the policies described in paragraph (1);

(3) how the training policies are implemented to meet the Department of Transportation regulations;

(4) how frequently an air carrier must train new employees and contractors due to turnover in positions that require such training;

(5) how frequently, in the prior 10 years, the Department of Transportation has requested, after reviewing a training policy, that an air carrier take corrective action; and

(6) the action taken by an air carrier under paragraph (5).

(b) BEST PRACTICES.—After the date the report is submitted under subsection (a), the Secretary of Transportation, based on the findings of the report, shall develop and disseminate to air carriers such best practices as the Secretary considers necessary to improve the training policies.

SEC. 3118. ADVISORY COMMITTEE ON THE AIR TRAVEL NEEDS OF PASSENGERS WITH DISABILITIES.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish an advisory committee for the air travel needs of passengers with disabilities (referred to in this section as the ''Advisory Committee'').

(b) DUTIES.—The Advisory Committee shall advise the Secretary with regard to the implementation of the Air Carrier Access Act of 1986 (Public Law 99–435; 100 Stat. 1080), including—

(1) assessing the disability-related access barriers encountered by passengers with disabilities;

(2) determining the extent to which the programs and activities of the Department of Transportation are addressing the barriers described in paragraph (1);

(3) recommending improvements to the air travel experience of passengers with disabilities; and

(4) such activities as the Secretary considers necessary to carry out this section.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Committee shall be comprised of at least 1 representative of each of the following groups:

(A) Passengers with disabilities.

(B) National disability organizations.

(C) Air carriers.

(D) Airport operators.

(E) Contractor service providers.

(2) APPOINTMENT.—The Secretary of Transportation shall appoint each member of the Advisory Committee.

(3) VACANCIES.—A vacancy in the Advisory Committee shall be filled in the manner in which the original appointment was made.

(d) CHAIRPERSON.—The Secretary of Transportation shall designate, from among the members appointed under subsection (c), an individual to serve as chairperson of the Advisory Committee.

(e) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(f) REPORTS.—

(1) IN GENERAL.—Not later than February 1 of each year, the Advisory Committee shall submit to the Secretary of Transportation a report on the needs of passengers with disabilities in air travel, including—

(A) an assessment of disability-related access barriers, both those that were evident in the preceding year and those that will likely be an issue in the next 5 years;

(B) an evaluation of the extent to which the Department of Transportation's programs and activities are eliminating disability-related access barriers;

(C) a description of the Advisory Committee's actions during the prior calendar year;

(D) a description of activities that the Advisory Committee proposed to undertake in the succeeding calendar year; and

(E) any recommendations for legislation, administrative action, or other action that the Advisory Committee considers appropriate.

(2) REPORT TO CONGRESS.—Not later than 60 days after the date the Secretary receives the report under subparagraph (A), the Secretary shall submit to Congress a copy of the report, including any additional findings or recommendations that the Secretary considers appropriate.

(g) TERMINATION.—The Advisory Committee shall terminate 2 years after the date of enactment of this Act.

SEC. 3119. REPORT ON COVERED AIR CARRIER CHANGE, CANCELLATION, AND BAGGAGE FEES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of existing airline industry change, cancellation, and bag fees and the current industry practice for handling changes to or cancellation of ticketed travel on covered air carriers.

(b) CONSIDERATIONS.—In conducting the study, the Comptroller General shall consider, at a minimum—

(1) whether and how each covered air carrier calculates its change fees, cancellation fees, and bag fees; and

(2) the relationship between the cost of the ticket and the date of change or cancellation as compared to the date of travel.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the study, including the Comptroller General's findings, conclusions, and recommendations.

SEC. 3120. ENFORCEMENT OF AVIATION CONSUMER PROTECTION RULES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to consider and evaluate Department of Transportation enforcement of aviation consumer protection rules.

(b) CONTENTS.—The study under subsection (a) shall include an evaluation of—

(1) available enforcement mechanisms;

(2) any obstacles to enforcement; and

(3) trends in Department of Transportation enforcement actions.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the study, including the Comptroller General's findings, conclusions, and recommendations.

SEC. 3121. DIMENSIONS FOR PASSENGER SEATS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall initiate a proceeding to study the minimum seat pitch for passenger seats on aircraft operated by air carriers (as defined in section 40102 of title 49, United States Code).

(b) CONSIDERATIONS.—In reviewing any minimum seat pitch under subsection (a),

the Secretary shall consider the safety of passengers, including passengers with disabilities.

SEC. 3122. CELL PHONE VOICE COMMUNICATIONS.

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by section 2307 of this Act, is further amended by adding at the end the following:

''§ 41726. Cell phone voice communications

''(a) PROHIBITION AUTHORITY.—The Secretary of Transportation may issue regulations—

''(1) to prohibit an individual on an aircraft from engaging in voice communications using a mobile communications device during a flight of that aircraft in scheduled passenger interstate or intrastate air transportation; and

''(2) that exempt from the prohibition described in paragraph (1)—

''(A) any member of the flight crew on duty on an aircraft;

''(B) any flight attendant on duty on an aircraft; and

''(C) any Federal law enforcement officer acting in an official capacity.

''(b) DEFINITIONS.—In this section:

''(1) FLIGHT.—The term 'flight' means, with respect to an aircraft, the period beginning when the aircraft takes off and ending when the aircraft lands.

''(2) MOBILE COMMUNICATIONS DEVICE.—

''(A) IN GENERAL.—The term 'mobile communications device' means any portable wireless telecommunications equipment utilized for the transmission or reception of voice data.

''(B) LIMITATION.—The term 'mobile communications device' does not include a phone installed on an aircraft.''.

(b) TABLE OF CONTENTS.—The table of contents at the beginning of chapter 417, as amended by section 2307 of this Act, is further amended by inserting after the item relating to section 41725 the following:

''41726. Cell phone voice communications.''.

SEC. 3123. AVAILABILITY OF SLOTS FOR NEW ENTRANT AIR CARRIERS AT NEWARK LIBERTY INTERNATIONAL AIRPORT.

(a) DEFINITIONS.—The terms ''new entrant air carrier'' and ''slot'' have the meanings given those terms in section 41714(h) of title 49, United States Code.

(b) SLOTS FOR NEW ENTRANT AIR CARRIERS.—The Secretary shall, annually, by granting exemptions from the requirements under part 93 of title 14, Code of Federal Regulations, or by other means, make not less than 8 slots at Newark Liberty International Airport available to enable new entrant air carriers to provide air transportation.

(c) APPLICABILITY.—Subsection (a) shall not apply in any year—

(1) new entrant air carriers operate 5 percent or more of the total number of slots at Newark Liberty International Airport; or

(2) the Secretary makes a determination that making slots available to enable new entrant air carriers to provide air transportation at that airport is not in the public interest and doing so would significantly increase operational delays.

(d) REPORT TO CONGRESS.—The Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives not later than 14 calendar days after the date a determination is made under subsection (c)(2), including the reasons for that determination.

Subtitle B—Essential Air Service

SEC. 3201. ESSENTIAL AIR SERVICE.

(a) AUTHORIZATION EXTENSION.—Section 41742(a) is amended—

(1) in paragraph (2), by striking ''$150,000,000'' and all that follows though ''July 15, 2016'' and inserting ''$155,000,000 for each of fiscal years 2016 through 2017''; and

(2) by striking paragraph (3).

(b) DEFINITIONS.—Section 41731(a)(1)(A) is amended by striking clause (ii) and inserting the following:

''(ii) was determined, on or after October 1, 1988, and before December 1, 2012, under this subchapter by the Secretary of Transportation to be eligible to receive subsidized small community air service under section 41736(a);''.

(c) SEASONAL SERVICE.—The Secretary of Transportation may consider the flexibility of current operational dates and airport accessibility to meet local community needs when issuing requests for proposal of essential air service at seasonal airports.

SEC. 3202. SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM.

(a) EXTENSION OF AUTHORIZATION.—Section 41743(e)(2) is amended to read as follows:

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $10,000,000 for each of fiscal years 2016 through 2017 to carry out this section. Such sums shall remain available until expended.''.

(b) ELIGIBILITY.—Section 41743(c)(1) is amended to read as follows:

''(1) SIZE.—On the date of the most recent notice of order soliciting community proposals issued by the Secretary under this section, the airport serving the community or consortium—

''(A) was not larger than a small hub airport, as determined using the Department of Transportation's most recent published classification; and

''(B)(i) had insufficient air carrier service; or

''(ii) had unreasonably high air fares.''.

SEC. 3203. SMALL COMMUNITY PROGRAM AMENDMENTS.

(a) IN GENERAL.—Section 41743(c)(4) is amended—

(1) by inserting ''(B) SAME PROJECTS.—'' before the second sentence and indenting appropriately;

(2) by inserting ''(A) IN GENERAL.—'' before the first sentence and indenting appropriately;

(3) in subparagraph (B), as designated by this subsection, by striking ''No community'' and inserting ''Except as provided in subparagraph (C)''; and

(4) by adding at the end the following:

''(C) EXCEPTION.—The Secretary may waive the limitation under subparagraph (B) related to projects that are the same if the Secretary determines that the community or consortium spent little or no money on its previous project or encountered industry or environmental challenges, due to circumstances that were reasonably beyond the control of the community or consortium.''.

(b) AUTHORITY TO MAKE AGREEMENTS.—Section 41743(e)(1) is amended by adding at the end the following: ''The Secretary may amend the scope of a grant agreement at the request of the community or consortium and any participating air carrier, and may limit the scope of a grant agreement to only the elements using grant assistance or to only the elements achieved, if the Secretary determines that the amendment is reasonably consistent with the original purpose of the project.''.

SEC. 3204. WAIVERS.

Section 41732 is amended by adding at the end the following:

''(c) WAIVERS.—Notwithstanding section 41733(e), upon request by an eligible place, the Secretary may waive, in whole or in part, subsections (a) and (b) of this section or subsections (a) through (c) of section 41734. A waiver issued under this subsection shall remain in effect for a limited period of time, as determined by the Secretary.''.

SEC. 3205. WORKING GROUP ON IMPROVING AIR SERVICE TO SMALL COMMUNITIES.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation and the Administrator of the Federal Aviation Administration shall establish a working group—

(1) to identify obstacles to attracting and maintaining air transportation service to and from small communities; and

(2) to develop recommendations for maintaining and improving air transportation service to and from small communities.

(b) OUTREACH.—In carrying out the requirements under paragraphs (1) and (2) of subsection (a), the working group shall consult with—

(1) interested Governors;

(2) representatives of State and local agencies, and other officials and groups, representing rural States and other rural areas;

(3) other representatives of relevant State and local agencies; and

(4) members of the public with experience in aviation safety, pilot training, economic development, and related issues.

(c) CONSIDERATIONS.—In carrying out the requirements under paragraphs (1) and (2) of subsection (a), the working group shall—

(1) consider whether funding for, and terms of, current or potential new programs is sufficient to help ensure continuation of or improvement to air transportation service to small communities, including the Essential Air Service Program and the Small Community Air Service Development Program;

(2) identify initiatives to help support pilot training to provide air transportation service to small communities;

(3) consider whether Federal funding for airports serving small communities, including airports that have lost air transportation services or had decreased enplanements in recent years, is adequate to ensure that small communities have access to quality, affordable air transportation service;

(4) consider potential improvements in pilot training and any constraints affecting pilot career pathways that, if addressed, would increase both aviation safety and pilot supply;

(5) identify innovative State or local efforts that have established public-private partnerships that are successful in attracting and retaining air transportation service in small communities; and

(6) consider such other issues as the Secretary and Administrator consider appropriate.

(d) COMPOSITION.—

(1) IN GENERAL.—The working group shall be facilitated through the Administrator or the Administrator's designee.

(2) MEMBERSHIP.—Members of the working group shall be appointed by the Administrator and shall include representatives of—

(A) State and local government, including State and local aviation officials;

(B) State Governors;

(C) aviation safety experts;

(D) economic development officials; and

(E) the traveling public from small communities.

(e) REPORT AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Administrator shall submit to the appropriate committees of Congress a report, including—

(1) a summary of the views expressed by the participants in the outreach under subsection (b);

(2) a description of the working group's findings, including the identification of any areas of general consensus among the non-

Federal participants in the outreach under subsection (b); and

(3) any recommendations for legislative or regulatory action that would assist in maintaining and improving air transportation service to and from small communities.

TITLE IV—NEXTGEN AND FAA ORGANIZATION

SEC. 4001. DEFINITIONS.

In this title:

(1) ADMINISTRATION.—The term ''Administration'' means the Federal Aviation Administration.

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

(3) ADS–B.—The term ''ADS–B'' means automatic dependent surveillance-broadcast.

(4) ADS–B OUT.—The term ''ADS–B Out'' means automatic dependent surveillance-broadcast with the ability to transmit information from the aircraft to ground stations and to other equipped aircraft.

(5) NEXTGEN.—The term ''NextGen'' means the Next Generation Air Transportation System.

Subtitle A—Next Generation Air Transportation System

SEC. 4101. RETURN ON INVESTMENT ASSESSMENT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the Administrator's assessment of each NextGen program.

(b) CONTENTS.—The report under subsection (a) shall include—

(1) an estimate of the date that each NextGen program will have a positive return on investment;

(2) an assessment of the impacts of each such program for—

(A) the Federal Government; and

(B) the users of the national airspace system;

(3) a description of how each such program directly contributes to a more safe and efficient air traffic control system; and

(4) the status of NextGen programs and of the projected return on investment for each such program.

(c) NEXTGEN PRIORITY LIST.—Based on the assessment under subsection (a) the Administrator shall—

(1) develop, in coordination with the NextGen Advisory Committee and considering the need for a balance between long-term and near-term user benefits, a prioritization of each NextGen program;

(2) include the priority list in the report under subsection (b); and

(3) prepare budget submissions to reflect the current status of NextGen programs and projected returns on investment for each program.

(d) DEFINITIONS.—In this section:

(1) KEY MILESTONES.—The term ''key milestones'' includes cost and deployment schedule, and benefits anticipated in the most recent baseline.

(2) RETURN ON INVESTMENT.—The term ''return on investment'' means the cost associated with technologies that are required by law or policy as compared to the benefits derived from such technologies by a government or a user of airspace.

(e) REPEAL OF NEXTGEN PRIORITIES.—Section 202 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note) and the item relating to that section in the table of contents under section 1(b) of that Act are repealed.

SEC. 4102. ENSURING FAA READINESS TO USE NEW TECHNOLOGY.

(a) IN GENERAL.—Not later than December 31, 2017, the Administrator shall—

(1) ensure the capability of the Administration to receive space-based ADS-B data; and

(2) use the data described under paragraph (1) to provide positive air traffic control, including separation of aircraft over the oceans and other specific regions not covered by radar.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, and biannually thereafter until the date that the Administrator certifies that the Administration has the capability to receive space-based ADS–B data, the Administrator shall submit to the appropriate committees of Congress a report that—

(1) details the actions the Administrator has taken to ensure 2018 readiness and usage;

(2) details the actions that remain to be taken to implement such capability;

(3) includes a schedule for expected completion of each outstanding action described in paragraph (2); and

(4) includes a detailed description of the investment decisions and requests for funding made by the Administrator that are consistent with the terrestrial ADS–B implementation to ensure a sustained program beyond 2018.

SEC. 4103. NEXTGEN ANNUAL PERFORMANCE GOALS.

(a) ANNUAL PERFORMANCE GOALS.—Section 214 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) ANNUAL PERFORMANCE GOALS.—The Administrator shall establish annual NextGen performance goals for each of the performance metrics set forth in subsection (a) to meet the performance metric baselines identified under subsection (b). Such goals shall be consistent with the annual performance objectives established by the senior policy committee (commonly known as the 'NextGen Advisory Committee') established under section 710 of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 49 U.S.C. 40101 note).''.

(b) NEXTGEN METRICS REPORT.—Section 710(e)(2) of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 49 U.S.C. 40101 note) is amended—

(1) in subparagraph (D), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) a description of the progress made in meeting the annual NextGen performance goals relative to the performance metrics established under section 214 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).''.

(c) CHIEF NEXTGEN OFFICER.—Section 106(s)(3) is amended—

(1) in paragraph (2)(B), by adding at the end the following: ''In evaluating the performance of the Chief NextGen Officer for the purpose of awarding a bonus under this subparagraph, the Administrator shall consider the progress toward meeting the NextGen performance goals established pursuant to section 214(d) of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).''; and

(2) in paragraph (3), by adding at the end the following: ''The annual performance goals set forth in the agreement shall include quantifiable NextGen airspace performance objectives regarding efficiency, productivity, capacity, and safety, which shall be established by the senior policy committee (commonly known as the 'NextGen Advisory Committee') established under section 710 of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 49 U.S.C. 40101 note).''.

SEC. 4104. FACILITY OUTAGE CONTINGENCY PLANS.

(a) FINDINGS.—Congress makes the following findings:

(1) On September 26, 2014, an Administration contract employee deliberately started a fire that destroyed critical equipment at the Administration's Chicago Air Route Traffic Control Center (referred to in this section as the ''Chicago Center'') in Aurora, Illinois.

(2) As a result of the damage, Chicago Center was unable to control air traffic for more than 2 weeks, thousands of flights were delayed or cancelled into and out of O'Hare International Airport and Midway Airport in Chicago, and aviation stakeholders and airlines reportedly lost over $350,000,000.

(3) According to the Office of the Inspector General of the Department of Transportation, the fire at Chicago Center demonstrated that the Administration's contingency plans for the Chicago Center and the airspace it controls do not ensure redundancy and resiliency for sustained operations.

(4) Further, the Inspector General found that Chicago Center incident highlighted the limited flexibility and lack of resiliency in critical elements of the Administration's current air traffic control infrastructure, including limited communication capacity and the inability to easily transfer control of airspace and flight plans.

(b) COMPREHENSIVE CONTINGENCY PLAN.—Not later than 180 days after the date of enactment of this Act, the Administrator shall update the Administration's comprehensive contingency plan to address potential air traffic facility outages that could have a major impact on operation of the national airspace system.

(c) REPORT.—Not later than 60 days after the date the plan is updated under subsection (b), the Administrator shall submit to the appropriate committees of Congress a report on the update, including any recommendations for ensuring air traffic facility outages do not have a major impact on operation of the national airspace system.

SEC. 4105. ADS–B MANDATE ASSESSMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) The Administration's ADS–B program is expected to be the centerpiece of the NextGen effort at the Administration, but the satellite-based system faces uncertainty and controversy.

(2) In May 2010, the Administration published a final rule that mandated airspace users be equipped with ADS–B Out avionics by January 1, 2020.

(3) Subsequently, in April 2015, the Administration announced completion of the ADS–B ground-based radio infrastructure. However, the ADS–B program faces considerable uncertainty and unanswered questions about whether or not the 2020 mandate is still meaningful.

(4) In 2014, the Office of the Inspector General found that while ADS–B is providing benefits where radar is limited or nonexistent in places such as the Gulf of Mexico, the system is providing only limited initial services to pilots and air traffic controllers in domestic airspace.

(5) The Office of the Inspector General also found, in 2014, that all elements of the system, such as avionics, the ground infrastructure, and controller automation systems, had not yet been tested in combination to determine if the overall system can be used in congested airspace and perform as well as existing radar, much less allow aircraft to fly closer together. This is referred to as ''end-to-end testing.''

(6) When this report was issued, commercial and general aviation stakeholders voiced serious concerns that equipping with new avionics for the 2020 mandate will be difficult due to the cost and limited availability of avionics, and capacity of certified repair stations to install avionics.

(b) ASSESSMENT.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department of Transportation shall assess—

(1) Administration and industry readiness to meet the ADS–B mandate by 2020;

(2) changes to ADS–B program since May 2010; and

(3) additional options to comply with the mandate and consequences, both for individual system users and for the overall safety and efficiency of the national airspace system, for noncompliance.

(c) REPORT.—Not later than 60 days after the date the assessment under subsection (b) is complete, the Inspector General of the Department of Transportation shall submit to the appropriate committees of Congress a report on the progress made toward meeting the ADS–B mandate by 2020, including any recommendations of the Inspector General to carry out such mandate.

SEC. 4106. NEXTGEN INTEROPERABILITY.

(a) IN GENERAL.—To implement a more effective international strategy for achieving NextGen interoperability with foreign countries, the Administrator shall take the following actions:

(1) Conduct a gap analysis to identify potential risks to NextGen interoperability with other Air Navigation Service Providers and establish a schedule for periodically reevaluating such risks.

(2) Develop a plan that identifies and documents actions the Administrator will undertake to mitigate such risks, using information from the gap analysis as a basis for making management decisions about how to allocate resources for such actions.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the analysis conducted under paragraph (1) of subsection (a) and on the actions the Administrator has taken under paragraph (2) of such subsection.

SEC. 4107. NEXTGEN TRANSITION MANAGEMENT.

(a) IN GENERAL.—The Administrator shall—

(1) identify and analyze technical and operational maturity gaps in NextGen transition and implementation plans; and

(2) develop a plan to mitigate the gaps identified in paragraph (1).

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the actions taken to carry out the plan required by subsection (a)(2).

SEC. 4108. IMPLEMENTATION OF NEXTGEN OPERATIONAL IMPROVEMENTS.

(a) IN GENERAL.—To help ensure that NextGen operational improvements are fully implemented in the midterm, the Administrator shall—

(1) work with airlines and other users of the national airspace system (referred to in this section as ''NAS'') to develop and implement a system to systematically track the use of existing performance based navigation (referred to in this section as ''PBN'') procedures;

(2) require consideration of other key operational improvements in planning for NextGen improvements, including identifying additional metroplexes for PBN projects, non-metroplex PBN procedures, as well as the identification of unused flight routes for decommissioning;

(3) develop and implement guidelines for ensuring timely inclusion of appropriate stakeholders, including airport representatives, in the planning and implementation of NextGen improvement efforts; and

(4) assure that NextGen planning documents provide stakeholders information on how and when operational improvements are expected to achieve NextGen goals and targets.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the progress made toward implementing the requirements of subsection (a), and on the schedule and process that will be used to implement PBN at additional airports, including information on how the Administration will partner and coordinate with private industry to ensure expeditious implementation of performance based navigation.

SEC. 4109. CYBERSECURITY.

(a) IN GENERAL.—The Administrator shall—

(1) identify and implement ways to better incorporate cybersecurity measures as a systems characteristic at all levels and phases of the architecture and design of air traffic control programs, including NextGen programs;

(2) develop a threat model that will identify vulnerabilities to better focus resources to mitigate cybersecurity risks;

(3) develop an appropriate plan to mitigate cybersecurity risk, to respond to an attack, intrusion, or otherwise unauthorized access and to adapt to evolving cybersecurity threats; and

(4) foster a cybersecurity culture throughout the Administration, including air traffic control programs and relevant contractors.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the progress made toward implementing the requirements under subsection (a).

SEC. 4110. SECURING AIRCRAFT AVIONICS SYSTEMS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall consider revising Federal Aviation Administration regulations regarding airworthiness certification—

(1) to address cybersecurity for avionics systems, including software components; and

(2) to require that aircraft avionics systems used for flight guidance or aircraft control be secured against unauthorized access via passenger in-flight entertainment systems through such means as the Administrator determines appropriate to protect the avionics systems from unauthorized external and internal access.

(b) CONSIDERATION.—The Administrator's consideration and any action taken under subsection (a) shall be in accordance with the recommendations of the Aircraft Systems Information Security Protection Working Group under section 5029(d) of this Act.

SEC. 4111. DEFINING NEXTGEN.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) assess how the line items included in the Administration's NextGen budget request relate to the goals and expected outcomes of NextGen, including how NextGen programs directly contribute to a measurably safer and more efficient air traffic control system; and

(2) submit to the appropriate committees of Congress a report on the results of the assessment under paragraph (1), including any recommendations for the removal of line items that do not pertain to the overall vision for NextGen.

SEC. 4112. HUMAN FACTORS.

(a) IN GENERAL.—In order to avoid having to subsequently modify products and services developed as a part of NextGen, the Administrator shall—

(1) recognize and incorporate, in early design phases of all relevant NextGen programs, the human factors and procedural and airspace implications of stated goals and associated technical changes; and

(2) ensure that a human factors specialist, separate from the research and certification groups, is directly involved with the NextGen approval process.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the progress made toward implementing the requirements under subsection (a).

SEC. 4113. MAJOR ACQUISITION REPORTS.

(a) IN GENERAL.—The Administrator shall evaluate the current acquisition practices of the Administration to ensure that such practices—

(1) identify the current estimated costs for each acquisition system, including all segments;

(2) separately identify cumulative amounts for acquisition costs, technical refresh, and other enhancements in order to identify the total baselined and re-baselined costs for each system; and

(3) account for the way funds are being used when reporting to managers, Congress, and other stakeholders.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the progress made toward implementing the requirements under subsection (a).

SEC. 4114. EQUIPAGE MANDATES.

(a) IN GENERAL.—Before NextGen-related equipage mandates are imposed on users of the national airspace system, the Administrator, in collaboration with all relevant stakeholders, shall—

(1) provide a statement of estimated cost and benefits that is based upon mature and stable technical specifications; and

(2) create a schedule for Administration deliverables and investments by both users and the Administration, including for procedure and airspace design, infrastructure deployment, and training.

SEC. 4115. WORKFORCE.

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

(1) identify and assess barriers to attracting, developing, training, and retaining a talented workforce in the areas of systems engineering, architecture, systems integration, digital communications, and cybersecurity;

(2) develop a comprehensive plan to attract, develop, train, and retain talented individuals; and

(3) identify the resources needed to attract, develop, and retain this talent.

(b) REPORT.—The Administrator shall submit to the appropriate committees of Congress a report on the progress made toward implementing the requirements under subsection (a).

SEC. 4116. ARCHITECTURAL LEADERSHIP.

(a) IN GENERAL.—In order to provide an adequate technical foundation for steering NextGen's technical governance and managing inevitable changes in technology and operations, the Administrator shall—

(1) develop a plan that—

(A) uses an architecture leadership community and an effective governance approach to assure a proper balance between documents and artifacts and to provide high-level guidance;

(B) enables effective management and communication of dependencies;

(C) provides flexibility and the ability to evolve to ensure accommodation of future needs; and

(D) communicates changing circumstances in order to align agency and airspace user expectations;

(2) determine the feasibility of conducting a small number of experiments among the Administration's system integration partners to prototype candidate solutions for establishing and managing a vibrant architectural community; and

(3) develop a method to initiate, grow, and engage a capable architecture community, from both within and outside of the Administration, who will expand the breadth and depth of expertise that is steering architectural changes.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the progress made toward implementing the requirements under subsection (a).

SEC. 4117. PROGRAMMATIC RISK MANAGEMENT.

(a) IN GENERAL.—To better inform the Administration's decisions regarding the prioritization of efforts and allocation of resources for NextGen, the Administrator shall—

(1) solicit input from specialists in probability and statistics to identify and prioritize the programmatic and implementation risks to NextGen; and

(2) develop a method to manage and mitigate the risks identified in paragraph (1).

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the progress made toward implementing the requirements under subsection (a).

SEC. 4118. NEXTGEN PRIORITIZATION.

The Administrator shall consider expediting NextGen modernization implementation projects at public use airports that share airspace with active military training ranges and do not have radar coverage where such implementation would improve the safety of aviation operations.

Subtitle B—Administration Organization and Employees

SEC. 4201. COST-SAVING INITIATIVES.

(a) IN GENERAL.—To ensure that Administration initiatives are being implemented in a timely and fiscally responsible manner, the Administrator shall—

(1) identify and implement agencywide cost-saving initiatives; and

(2) develop appropriate schedules and metrics to measure whether the initiatives are successful in reducing costs.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the progress made toward implementing the requirements under subsection (a).

SEC. 4202. TREATMENT OF ESSENTIAL EMPLOYEES DURING FURLOUGHS.

(a) DEFINITION OF ESSENTIAL EMPLOYEE.—In this section, the term ''essential employee'' means an employee of the Administration who performs work involving the safety of human life or the protection of property, as determined by the Administrator.

(b) IN GENERAL.—In implementing spending reductions under Federal law, the Administrator may furlough 1 or more employees of the Administration, except an essential employee, if the Administrator determines the furlough is necessary to achieve the required spending reductions.

(c) TRANSFER OF BUDGETARY RESOURCES.—The Administrator may transfer budgetary resources within the Administration to carry out subsection (b), except that the transfer may only be made to maintain essential employees.

SEC. 4203. CONTROLLER CANDIDATE INTERVIEWS.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall require that an in-person interview be conducted with each individual applying for an air traffic control specialist position before that individual may be hired to fill that position.

(b) GUIDANCE.—Not later than 30 days after the date of enactment of this Act, the Administrator shall establish guidelines regarding the in-person interview process described in subsection (a).

SEC. 4204. HIRING OF AIR TRAFFIC CONTROLLERS.

(a) IN GENERAL.—Section 44506 is amended by adding at the end the following:

''(f) HIRING OF CERTAIN AIR TRAFFIC CONTROL SPECIALISTS.—

''(1) CONSIDERATION OF APPLICANTS.—

''(A) ENSURING SELECTION OF MOST QUALIFIED APPLICANTS.—In appointing individuals to the position of air traffic controllers, the Administrator shall give preferential consideration to qualified individuals maintaining 52 consecutive weeks of air traffic control experience involving the full-time active separation of air traffic after receipt of an air traffic certification or air traffic control facility rating within 5 years of application while serving at—

''(i) a Federal Aviation Administration air traffic control facility;

''(ii) a civilian or military air traffic control facility of the Department of Defense; or

''(iii) a tower operating under contract with the Federal Aviation Administration under section 47124 of this title.

''(B) CONSIDERATION OF ADDITIONAL APPLICANTS.—The Administrator shall consider additional applicants for the position of air traffic controller by referring an approximately equal number of employees for appointment among the 2 applicant pools. The number of employees referred for consideration from each group shall not differ by more than 10 percent.

''(i) POOL ONE.—Applicants who:

''(I) have successfully completed air traffic controller training and graduated from an institution participating in the Collegiate Training Initiative program maintained under subsection (c)(1) who have received from the institution—

''(aa) an appropriate recommendation; or

''(bb) an endorsement certifying that the individual would have met the requirements in effect as of December 31, 2013, for an appropriate recommendation;

''(II) are eligible for a veterans recruitment appointment pursuant to section 4214 of title 38, United States Code, and provide a Certificate of Release or Discharge from Active Duty within 120 days of the announcement closing;

''(III) are eligible veterans (as defined in section 4211 of title 38, United States Code) maintaining aviation experience obtained in the course of the individual's military experience; or

''(IV) are preference eligible veterans (as defined in section 2108 of title 5, United States Code).

''(ii) POOL TWO.—Applicants who apply under a vacancy announcement recruiting from all United States citizens.

''(2) USE OF BIOGRAPHICAL ASSESSMENTS.—

''(A) BIOGRAPHICAL ASSESSMENTS.—The Administration shall not use any biographical assessment when hiring under subparagraph (A) or subparagraph (B)(i) of paragraph (1).

''(B) RECONSIDERATION OF APPLICANTS DISQUALIFIED ON THE BASIS OF BIOGRAPHICAL ASSESSMENTS.—

''(i) IN GENERAL.—If an individual described in subparagraph (A) or subparagraph (B)(i) of paragraph (1) who applied for the position of air traffic controller with the Administration in response to Vacancy Announcement FAA–AMC–14–ALLSRCE–33537 (issued on February 10, 2014) and was disqualified from the position as the result of a biographical assessment, the Administrator shall provide the applicant an opportunity to reapply as soon as practicable for the position under the revised hiring practices.

''(ii) WAIVER OF AGE RESTRICTION.—The Administrator shall waive any maximum age restriction for the position of air traffic controller with the Administration that would otherwise disqualify an individual from the position if the individual—

''(I) is reapplying for the position pursuant to clause (i) on or before December 31, 2017; and

''(II) met the maximum age requirement on the date of the individual's previous application for the position during the interim hiring process.

''(3) MAXIMUM ENTRY AGE FOR EXPERIENCED CONTROLLERS.—Notwithstanding section 3307 of title 5, United States Code, the maximum limit of age for an original appointment to a position as an air traffic controller shall be 35 years of age for those maintaining 52 weeks of air traffic control experience involving the full-time active separation of air traffic after receipt of an air traffic certification or air traffic control facility rating in a civilian or military air traffic control facility.''.

(b) NOTIFICATION OF VACANCIES.—The Administrator shall consider directly notifying secondary schools and institutes of higher learning, including Historically Black Colleges and Universities, Hispanic-serving institutions, Minority Institutions, and Tribal Colleges and Universities, of the vacancy announcement under section 44506(f)(1)(B)(ii) of title 49, United States Code.

SEC. 4205. COMPUTATION OF BASIC ANNUITY FOR CERTAIN AIR TRAFFIC CONTROLLERS.

(a) IN GENERAL.—Section 8415(f) of title 5, United States Code, is amended to read as follows:

''(f) The annuity of an air traffic controller or former air traffic controller retiring under section 8412(a) is computed under subsection (a), except that if the individual has at least 5 years of service in any combination as:

''(1) an air traffic controller as defined by section 2109(1)(A)(i);

''(2) a first level supervisor of an air traffic controller as defined by section 2109(1)(A)(i); or

''(3) a second level supervisor of an air traffic controller as defined by section 2109(1)(A)(i);

so much of the annuity as is computed with respect to such type of service shall be computed by multiplying 1 7/10 percent of the individual's average pay by the years of such service.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be deemed to be effective on December 12, 2003.

(c) PROCEDURES REQUIRED.—The Director of the Office of Personnel Management shall establish such procedures as are necessary to provide for—

(1) notification to each annuitant affected by the amendments made by this section;

(2) recalculation of the benefits of affected annuitants;

(3) an adjustment to applicable monthly benefit amounts pursuant to such recalculation, to begin as soon as is practicable; and

(4) a lump sum payment to each affected annuitant equal to the additional total benefit amount that such annuitant would have received had the amendment made by subsection (a) been in effect on December 12, 2003.

SEC. 4206. AIR TRAFFIC SERVICES AT AVIATION EVENTS.

(a) REQUIREMENT TO PROVIDE SERVICES AND RELATED SUPPORT.—The Administrator of the Federal Aviation Administration shall provide air traffic services and aviation safety support for aviation events, including airshows and fly-ins, without the imposition or collection of any fee, tax, or other charge for that purpose. Amounts for the provision of such services and support shall be derived from amounts appropriated or otherwise available for the Federal Aviation Administration.

(b) DETERMINATION OF SERVICES AND SUPPORT TO BE PROVIDED.—In determining the services and support to be provided for an aviation event for purposes of subsection (a), the Administrator shall take into account the following:

(1) The services and support required to meet levels of activity at prior events, if any, similar to the event.

(2) The anticipated need for services and support at the event.

SEC. 4207. FULL ANNUITY SUPPLEMENT FOR CERTAIN AIR TRAFFIC CONTROLLERS.

Section 8421a of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''The amount'' and inserting ''Except as provided in subsection (c), the amount'';

(2) by redesignating subsection (c) as subsection (d); and

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

''(c) This section shall not apply to an individual described in section 8412(e) during any period in which the individual, after separating from the service as described in that section, is employed full-time as an air traffic control instructor under contract with the Federal Aviation Administration, including an instructor working at an on-site facility (such as an airport).''.

SEC. 4208. INCLUSION OF DISABLED VETERAN LEAVE IN FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) IN GENERAL.—Section 40122(g)(2) is amended—

(1) in subparagraph (H), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (I)(iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(J) subject to paragraph (4), section 6329, relating to disabled veteran leave.''.

(b) CERTIFICATION OF LEAVE.—Section 40122(g) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

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

''(4) CERTIFICATION OF DISABLED VETERAN LEAVE.—In order to verify that leave credited to an employee pursuant to paragraph (2)(J) is used for treating a service-connected disability, that employee shall, notwithstanding section 6329(c) of title 5, submit to the Assistant Administrator for Human Resource Management of the Federal Aviation Administration certification, in such form and manner as the Administrator of the Federal Aviation Administration may prescribe, that the employee used that leave for purposes of being furnished treatment for that disability by a health care provider.''.

(c) APPLICATION.—The amendments made by this section shall apply with respect to any employee of the Federal Aviation 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 shall prescribe policies and procedures to carry out the amendments made by this section that are comparable, to the maximum extent practicable, to the regulations prescribed by the Office of Personnel Management under section 6329 of title 5, United States Code.

(e) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act and not less frequently than once each year thereafter until the date that is 5 years after the date of enactment of this Act, the Administrator shall publish on a publicly accessible Internet Web site a report on—

(1) the effect carrying out this section and the amendments made by this section has had on the workforce; and

(2) the number of veterans benefitting from carrying out this section and the amendments made by this section.

TITLE V—MISCELLANEOUS

SEC. 5001. NATIONAL TRANSPORTATION SAFETY BOARD INVESTIGATIVE OFFICERS.

Section 1113 is amended by striking subsection (h).

SEC. 5002. PERFORMANCE-BASED NAVIGATION.

Section 213(c) of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note) is amended by adding at the end the following:

''(3) NOTIFICATIONS AND CONSULTATIONS.—Not later than 90 days before applying a categorical exclusion under this subsection to a new procedure at an OEP airport, the Administrator shall—

''(A) notify and consult with the operator of the airport at which the procedure would be implemented; and

''(B) consider consultations or other engagement with the community in the which the airport is located to inform the public of the procedure.

''(4) REVIEW OF CERTAIN CATEGORICAL EXCLUSIONS.—

''(A) IN GENERAL.—The Administrator shall review any decision of the Administrator made on or after February 14, 2012, and before the date of enactment of this paragraph to grant a categorical exclusion under this subsection with respect to a procedure to be implemented at an OEP airport that was a material change from procedures previously in effect at the airport to determine if the implementation of the procedure had a significant effect on the human environment in the community in which the airport is located if the operator of that airport—

''(i) requests such a review; and

''(ii) demonstrates that there is good cause to believe that the implementation of the procedure had such an effect.

''(B) CONTENT OF REVIEW.—If, in conducting a review under subparagraph (A) with respect to a procedure implemented at an OEP airport, the Administrator, in consultation with the operator of the airport, determines that implementing the procedure had a significant effect on the human environment in the community in which the airport is located, the Administrator shall—

''(i) consult with the operator of the airport to identify measures to mitigate the effect of the procedure on the human environment; and

''(ii) in conducting such consultations, consider the use of alternative flight paths that do not substantially degrade the efficiencies achieved by the implementation of the procedure being reviewed.

''(C) HUMAN ENVIRONMENT DEFINED.—In this paragraph, the term 'human environment' has the meaning given such term in section 1508.14 of title 40, Code of Federal Regulations (as in effect on the day before the date of enactment of this paragraph).''.

SEC. 5003. OVERFLIGHTS OF NATIONAL PARKS.

Section 40128 is amended—

(1) in subsection (a)(3), by striking ''the'' before ''title 14''; and

(2) by amending subsection (f) to read as follows:

''(f) TRANSPORTATION ROUTES.—

''(1) IN GENERAL.—This section shall not apply to any air tour operator while flying over or near any Federal land managed by the Director of the National Park Service, including Lake Mead National Recreation Area, solely as a transportation route, to conduct an air tour over the Grand Canyon National Park.

''(2) EN ROUTE.—For purposes of this subsection, an air tour operator flying over the Hoover Dam in the Lake Mead National Recreation Area en route to the Grand Canyon National Park shall be deemed to be flying solely as a transportation route.''.

SEC. 5004. NAVIGABLE AIRSPACE ANALYSIS FOR COMMERCIAL SPACE LAUNCH SITE RUNWAYS.

(a) IN GENERAL.—Section 44718(b)(1) is amended–

(1) by striking ''air navigation facilities and equipment'' and inserting ''air or space navigation facilities and equipment'';

(2) in subparagraph (D), by striking ''; and'' and inserting a semicolon;

(3) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(F) the impact on launch and reentry for launch and reentry vehicles arriving or departing from a launch site or reentry site licensed by the Secretary.''.

(b) RULEMAKING.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking to implement the amendments made by subsection (a).

SEC. 5005. SURVEY AND REPORT ON SPACEPORT DEVELOPMENT.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the existing system of spaceports licensed by the Federal Aviation Administration that includes recommendations regarding—

(1) the extent to which, and the manner in which, the Federal Government could participate in the construction, improvement, development, or maintenance of such spaceports; and

(2) potential funding sources.

SEC. 5006. AVIATION FUEL.

(a) USE OF UNLEADED AVIATION GASOLINE.—The Administrator of the Federal Aviation Administration shall allow the use of an unleaded aviation gasoline in an aircraft as a replacement for a leaded gasoline if the Administrator—

(1) determines that the unleaded aviation gasoline qualifies as a replacement for an approved leaded gasoline;

(2) identifies the aircraft and engines that are eligible to use the qualified replacement unleaded gasoline; and

(3) adopts a process (other than the traditional means of certification) to allow eligible aircraft and engines to operate using qualified replacement unleaded gasoline in a manner that ensures safety.

(b) TIMING.—The Administrator shall adopt the process described in subsection (a)(3) not later than 180 days after the later of—

(1) the date on which the Administration completes the Piston Aviation Fuels Initiative; or

(2) the date on which the American Society for Testing and Materials publishes a production specification for an unleaded aviation gasoline.

SEC. 5007. COMPREHENSIVE AVIATION PREPAREDNESS PLAN.

(a) IN GENERAL.—No later than 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Health and Human Services, in coordination with the Secretary of Homeland Security, the Secretary of Labor, the Secretary of State, the Secretary of Defense, and representatives of other Federal departments and agencies, as necessary, shall develop a comprehensive national aviation communicable disease preparedness plan.

(b) MINIMUM COMPONENTS.—The plan developed under subsection (a) shall—

(1) be developed in consultation with other relevant stakeholders, including State, local, tribal, and territorial governments, air carriers, first responders, and the general public;

(2) provide for the development of a communications system or protocols for providing comprehensive, appropriate, and up-to-date information regarding communicable disease threats and preparedness between all relevant stakeholders;

(3) document the roles and responsibilities of relevant Federal department and agencies, including coordination requirements;

(4) provide guidance to air carriers, airports, and other appropriate aviation stakeholders on how to develop comprehensive communicable disease preparedness plans for their respective organizations, in accordance with the plan to be developed under subsection (a);

(5) be scalable and adaptable so that the plan can be used to address the full range of communicable disease threats and incidents;

(6) provide information on communicable threats and response training resources for all relevant stakeholders, including Federal, State, local, tribal, and territorial government employees, airport officials, aviation industry employees and contractors, first responders, and health officials;

(7) develop protocols for the dissemination of comprehensive, up-to-date, and appropriate information to the traveling public concerning communicable disease threats and preparedness;

(8) be updated periodically to incorporate lessons learned with supplemental information; and

(9) be provided in writing, electronically, and accessible via the Internet.

(c) INTERAGENCY FRAMEWORK.—The plan developed under subsection (a) shall—

(1) be conducted under the existing interagency framework for national level all hazards emergency preparedness planning or another appropriate framework; and

(2) be consistent with the obligations of the United States under international agreements.

SEC. 5008. ADVANCED MATERIALS CENTER OF EXCELLENCE.

(a) IN GENERAL.—Chapter 445 is amended by adding at the end the following:

"§ 44518. Advanced Materials Center of Excellence

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall continue operation of the Advanced Materials Center of Excellence (referred to in this section as the 'Center') under its structure as in effect on March 1, 2016, which shall focus on applied research and training on the durability and maintainability of advanced materials in transport airframe structures.

''(b) RESPONSIBILITIES.—The Center shall—

''(1) promote and facilitate collaboration among academia, the Transportation Division of the Federal Aviation Administration, and the commercial aircraft industry, including manufacturers, commercial air carriers, and suppliers; and

''(2) establish goals set to advance technology, improve engineering practices, and facilitate continuing education in relevant areas of study.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $500,000 for each of the fiscal years 2016 and 2017 to carry out this section.''.

(b) TABLE OF CONTENTS.—The table of contents for chapter 445 is amended by adding at the end the following:

''44518. Advanced Materials Center of Excellence.''.

SEC. 5009. INTERFERENCE WITH AIRLINE EMPLOYEES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) complete a study of crimes of violence (as defined in section 16 of title 18, United States Code) committed against airline customer service representatives while they are performing their duties and on airport property; and

(2) submit the findings of the study, including any recommendations, to Congress.

(b) GAP ANALYSIS.—The study shall include a gap analysis to determine if State and local laws and resources are adequate to deter or otherwise address the crimes of violence described in subsection (a) and recommendations on how to address any identified gaps.

SEC. 5010. SECONDARY COCKPIT BARRIERS.

(a) SHORT TITLE.—This section may be cited as the ''Saracini Aviation Safety Act of 2016''.

(b) REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall issue an order requiring installation of a secondary cockpit barrier on each new aircraft that is manufactured for delivery to a passenger air carrier in the United States operating under the provisions of part 121 of title 14, Code of Federal Regulations.

SEC. 5011. GAO EVALUATION AND AUDIT.

Section 15(a)(1) of the Railway Labor Act (45 U.S.C. 165(a)(1)) is amended by striking ''2 years'' and inserting ''4 years''.

SEC. 5012. FEDERAL AVIATION ADMINISTRATION PERFORMANCE MEASURES AND TARGETS.

(a) PERFORMANCE MEASURES.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish performance measures relating to the administration of the Federal Aviation Administration, which shall, at a minimum, include measures to assess—

(1) the reduction of delays in the completion of projects; and

(2) the effectiveness of the Administration in achieving the goals described in section 47171 of title 49, United States Code.

(b) PERFORMANCE TARGETS.—Not later than 180 days after the date on which the Secretary establishes performance measures in accordance with subsection (a), the Secretary shall establish performance targets relating to each of the measures described in that subsection.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Inspector General of the Department of Transportation shall submit to Congress a report describing the progress of the Secretary in meeting the performance targets established under subsection (b).

SEC. 5013. STAFFING OF CERTAIN AIR TRAFFIC CONTROL TOWERS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall ensure appropriate staffing at the Core 30 air traffic control towers and associated terminal radar approach control facilities and air route traffic control centers and ensure, as appropriate, staffing levels at those control towers, facilities, and centers are not below the average number of air traffic controllers between the ''high'' and ''low'' staffing ranges, as specified in the document of the Federal Aviation Administration entitled, ''A Plan for the Future: 10-Year Strategy for Air Traffic Control Workforce 2015–2024''.

(b) RETENTION.—The Administrator shall review strategies to improve retention of experienced certified professional controllers at the control towers, facilities, and centers described in subsection (a)(1).

SEC. 5014. CRITICAL AIRFIELD MARKINGS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a request for proposal for a study that includes—

(1) an independent, third-party study to assess the durability of Type III and Type I glass beads applied to critical markings over a 12-month period at no fewer than 2 primary airports in varying weather conditions to measure the retroflectivity levels of such markings on a quarterly basis; and

(2) a study at 2 other airports carried out by applying Type III beads on one half of the centerline and Type I beads to the other half and providing for assessments from pilots through surveys administered by a third party as to the visibility and performance of the Type III glass beads as compared to the Type I glass beads over a 6-month period.

SEC. 5015. RESEARCH AND DEPLOYMENT OF CERTAIN AIRFIELD PAVEMENT TECHNOLOGIES.

Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall carry out a program for the research and deployment of aircraft pavement technologies under which the Administrator makes grants to, and enters into cooperative agreements with, institutions of higher education and nonprofit organizations that—

(1) research concrete and asphalt airfield pavement technologies that extend the life of airfield pavements;

(2) develop and conduct training;

(3) provide for demonstration projects; and

(4) promote the latest airfield pavement technologies to aid in the development of safer, more cost effective, and more durable airfield pavements.

SEC. 5016. REPORT ON GENERAL AVIATION FLIGHT SHARING.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the appropriate committees of Congress a report assessing the feasibility of flight sharing for general aviation. The report shall include an assessment of any regulations that may need to be updated to allow for safe and efficient flight sharing, including regulations imposing limitations on the forms of communication persons who hold private pilot certificates may use.

SEC. 5017. INCREASE IN DURATION OF GENERAL AVIATION AIRCRAFT REGISTRATION.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking to increase the duration of aircraft registrations for noncommercial general aviation aircraft to 5 years.

SEC. 5018. MODIFICATION OF LIMITATION OF LIABILITY RELATING TO AIRCRAFT.

Section 44112(b) is amended—

(1) by striking ''on land or water''; and

(2) by inserting ''operational'' before ''control''.

SEC. 5019. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF ILLEGAL DRUGS SEIZED AT INTERNATIONAL AIRPORTS IN THE UNITED STATES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of illegal drugs, including heroin, fentanyl, and cocaine, seized by Federal authorities at international airports in the United States.

(b) ELEMENTS.—In conducting the study required by subsection (a), the Comptroller General shall address, at a minimum—

(1) the types and quantities of drugs seized;

(2) the origin of the drugs seized;

(3) the airport at which the drugs were seized;

(4) the manner in which the drugs were seized; and

(5) the manner in which the drugs were transported.

(c) USE OF DATA; RECOMMENDATIONS FOR ADDITIONAL DATA COLLECTION.—In conducting the study required by subsection (a), the Comptroller General shall use all available data. If the Comptroller General determines that additional data is needed to fully understand the extent to which illegal drugs enter the United States through international airports in the United States, the Comptroller General shall develop recommendations for the collection of that data.

(d) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a) that includes any recommendations developed under subsection (c).

SEC. 5020. SENSE OF CONGRESS ON PREVENTING THE TRANSPORTATION OF DISEASE-CARRYING MOSQUITOES AND OTHER INSECTS ON COMMERCIAL AIRCRAFT.

It is the sense of Congress that the Secretary of Transportation and the Secretary of Agriculture should, in coordination and consultation with the World Health Organization, develop a framework and guidance for the use of safe, effective, and nontoxic means of preventing the transportation of disease-carrying mosquitoes and other insects on commercial aircraft.

SEC. 5021. WORK PLAN FOR THE NEW YORK/NEW JERSEY/PHILADELPHIA METROPLEX PROGRAM.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and publish in the Federal Register a work plan for the New York/New Jersey/Philadelphia metroplex program.

SEC. 5022. REPORT ON PLANS FOR AIR TRAFFIC CONTROL FACILITIES IN THE NEW YORK CITY AND NEWARK REGION.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the appropriate committees of Congress a report on the Federal Aviation Administration's staffing and scheduling plans for air traffic control facilities in the New York City and Newark region for the 1-year period beginning on such date of enactment.

SEC. 5023. GAO STUDY OF INTERNATIONAL AIRLINE 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''), which—

(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.—The study conducted under subsection (a) shall assess—

(1) the consequences of alliances, including reduced competition, stifling new entrants into markets, increasing prices in markets, and other adverse consequences;

(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 adequacy of the Department of Transportation's efforts in the approval and monitoring of alliances, including possessing relevant experience and expertise in the fields of antitrust and consumer protection;

(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;

(8) whether alliances should be required to expire;

(9) the level of competition between air carriers who are members of the same alliance;

(10) the level of competition between alliances;

(11) whether the Department of Transportation should amend, modify, or revoke any exemption from the antitrust laws granted by the Secretary of Transportation in connection with an alliance; and

(12) the effect of alliances on the number and quality of jobs for United States air carrier flight crew employees, including the share of alliance flying done by such employees.

(c) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to Congress the results of the study conducted under subsection (a), which shall include recommendations on the reforms needed to improve competition and enhance choices for consumers, including—

(1) whether oversight of alliances should be exercised by the Department of Justice rather than by the Department of Transportation; and

(2) whether antitrust immunity for alliances should expire.

SEC. 5024. TREATMENT OF MULTI-YEAR LESSEES OF LARGE AND TURBINE-POWERED MULTIENGINE AIRCRAFT.

The Secretary of Transportation shall revise such regulations as may be necessary to ensure that multi-year lessees and owners of large and turbine-powered multiengine aircraft are treated equally for purposes of joint ownership policies of the Federal Aviation Administration.

SEC. 5025. EVALUATION OF EMERGING TECHNOLOGIES.

(a) STUDY.—The Administrator of the Federal Aviation Administration, in consultation with representatives of the aviation community and institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1964 (20 U.S.C. 1001(a))), shall conduct a study to evaluate the potential impact of emerging technologies, such as electric propulsion and autonomous control, on the current state of aircraft design, operations, maintenance, and licensing.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a report to the appropriate committees of Congress that summarizes the results of the study conducted under subsection (a).

SEC. 5026. STUDENT OUTREACH REPORT.

Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit a report to the appropriate committees of Congress that describes the Administration's existing outreach efforts, such as the STEM Aviation and Space Education Outreach Program, to elementary and secondary students who are interested in careers in science, technology, engineering, art, and mathematics—

(1) to prepare and inspire such students for aeronautical careers; and

(2) to mitigate an anticipated shortage of pilots and other aviation professionals.

SEC. 5027. RIGHT TO PRIVACY WHEN USING AIR TRAFFIC CONTROL SYSTEM.

Notwithstanding any other provision of law, the Federal Aviation Administration, as appropriate, shall upon request of a private aircraft owner or operator, block the registration number of the aircraft of the owner or operator from any public dissemination or display, except in data made available to a Government agency, for the noncommercial flights of the owner or operator.

SEC. 5028. CONDUCT OF SECURITY SCREENING BY THE TRANSPORTATION SECURITY ADMINISTRATION AT CERTAIN AIRPORTS.

(a) IN GENERAL.—The Administrator of the Transportation Security Administration shall provide for security screening to be conducted by the Transportation Security Administration at, and provide all necessary staff and equipment to, any airport—

(1) that lost commercial air service on or after January 1, 2013; and

(2) the operator of which, following the loss described in paragraph (1), submits to the Administrator—

(A) a request for security screening to be conducted at the airport by the Transportation Security Administration; and

(B) written confirmation of a commitment from a commercial air carrier—

(i) that the air carrier wants to provide commercial air service at the airport; and

(ii) that such service will commence not later than 1 year after the date of the submission of the request under subparagraph (A).

(b) DEADLINE.—The Administrator of the Transportation Security Administration shall ensure that the process of implementing security screening by the Transportation Security Administration at an airport described in subsection (a) is complete not later than the later of—

(1) the date that is 90 days after the date on which the operator of the airport submits to the Administrator a request for such screening under paragraph (2)(A) of that subsection; or

(2) the date on which the air carrier intends to provide commercial air service at the airport.

(c) EFFECT ON OTHER AIRPORTS.—The Administrator of the Transportation Security Administration shall carry out this section in a manner that does not negatively affect operations at airports that are provided security screening by the Transportation Security Administration.

SEC. 5029. AVIATION CYBERSECURITY.

(a) COMPREHENSIVE AVIATION FRAMEWORK.—

(1) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall facilitate and support the

development of a comprehensive framework of principles and policies to reduce cybersecurity risks to the national airspace system, civil aviation, and agency information systems.

(2) SCOPE.—As part of the principles and policies under paragraph (1), the Administrator shall—

(A) clarify cybersecurity roles and responsibilities of offices and employees, including governance structures of any advisory committees addressing cybersecurity at the Federal Aviation Administration;

(B) recognize the interactions of different components of the national airspace system and the interdependent and interconnected nature of aircraft and air traffic control systems;

(C) identify and implement objectives and actions to reduce cybersecurity risks to the air traffic control information systems, including actions to improve implementation of information security standards and best practices of the National Institute of Standards and Technology, and policies and guidance issued by the Office of Management and Budget for agency systems;

(D) support voluntary efforts by industry, RTCA, Inc., or standards-setting organizations to develop and identify consensus standards, best practices, and guidance on aviation systems information security protection, consistent with the activities described in section 2(e) of the National Institute of Standards and Technology Act (15 U.S.C. 272(e)); and

(E) establish guidelines for the voluntary sharing of information between and among aviation stakeholders pertaining to aviation-related cybersecurity incidents, threats, and vulnerabilities.

(3) LIMITATIONS.—In carrying out the activities under this section, the Administrator shall—

(A) coordinate with aviation stakeholders, including industry, airlines, manufacturers, airports, RTCA, Inc., and unions;

(B) consult with the Secretary of Defense, Secretary of Homeland Security, Director of National Institute of Standards and Technology, the heads of other relevant agencies, and international regulatory authorities; and

(C) evaluate on a periodic basis, but not less than once every 2 years, the effectiveness of the principles established under this subsection.

(b) THREAT MODEL.—The Secretary of Transportation, in coordination with the Administrator of the Federal Aviation Administration, shall implement the open recommendation issued in 2015 by the Government Accountability Office to assess the potential cost and timetable of developing and maintaining an agency-wide threat model to strengthen cybersecurity across the Federal Aviation Administration.

(c) SECURE ACCESS TO FACILITIES AND SYSTEMS.—

(1) IDENTITY MANAGEMENT REQUIREMENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall implement open recommendations issued in 2014 by the Inspector General of the Department of Transportation—

(A) to work with the Federal Aviation Administration to revise its plan to effectively transition remaining users to require personal identity verification, including create a plan of actions and milestones with a planned completion date to monitor and track progress; and

(B) to work with the Director of the Office of Security of the Department of Transportation to develop or revise plans to effectively transition remaining facilities to require personal identity verification cards at the Federal Aviation Administration.

(2) IDENTITY MANAGEMENT ASSESSMENT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall prepare a plan to implement the use of identity management, including personal identity verification, at the Federal Aviation Administration, consistent with section 504 of the Cybersecurity Enhancement Act of 2014 (Public Law 113–274; 15 U.S.C. 7464) and section 225 of title II of division N of the Cybersecurity Act of 2015 (Public Law 114–113; 129 Stat. 2242).

(B) CONTENTS.—The plan shall include—

(i) an assessment of the current implementation and use of identity management, including personal identity verification, at the Federal Aviation Administration for secure access to government facilities and information systems, including a breakdown of requirements for use and identification of which systems and facilities are enabled to use personal identity verification; and

(ii) the actions to be taken, including specified deadlines, by the Chief Information Officers of the Department of Transportation and the Federal Aviation Administration to increase the implementation and use of such measures, with the goal of 100 percent implementation across the agency.

(3) REPORT.—The Secretary shall submit the plan to the appropriate committees of Congress.

(4) CLASSIFIED INFORMATION.—The report submitted under paragraph (3) shall be in unclassified form, but may include a classified annex.

(d) AIRCRAFT SECURITY.—

(1) IN GENERAL.—The Aircraft Systems Information Security Protection Working Group shall periodically review rulemaking, policy, and guidance for certification of avionics software and hardware (including any system on board an aircraft) and continued airworthiness in order to reduce cybersecurity risks to aircraft systems.

(2) REQUIREMENTS.—In conducting the reviews, the working group—

(A) shall assess the cybersecurity risks to aircraft systems, including recognizing the interactions of different components of the national airspace system and the interdependent and interconnected nature of aircraft and air traffic control systems;

(B) shall assess the extent to which existing rulemaking, policy, and guidance to promote safety also promote aircraft systems information security protection; and

(C) based on the results of subparagraphs (A) and (B), may make recommendations to the Administrator of the Federal Aviation Administration if separate or additional rulemaking, policy, or guidance is needed to address aircraft systems information security protection.

(3) IN-FLIGHT ENTERTAINMENT SYSTEMS REVIEW.—As part of its review under subparagraphs (A) and (B) of paragraph (2), the working group shall review the cybersecurity risks of in-flight entertainment systems to consider whether such systems can and should be isolated and separate from systems required for safe flight and operations, including reviewing standards for air gaps or other means determined appropriate.

(4) RECOMMENDATIONS.—In any recommendation under paragraph (2)(C), the working group shall identify a cost-effective and technology-neutral approach and incorporate voluntary consensus standards and best practices and international practices to the fullest extent possible.

(5) REPORT.—

(A) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, and periodically thereafter, the working group shall provide a report to the Administrator of the Federal Aviation Administration on the findings of the review and any recommendations.

(B) CONGRESS.—The Administrator shall submit to the appropriate committees of Congress a copy of each report provided by the working group.

(6) CLASSIFIED INFORMATION.—Each report submitted under this subsection shall be in unclassified form, but may include a classified annex.

(e) CYBERSECURITY IMPLEMENTATION PROGRESS.—The Administrator of the Federal Aviation Administration shall—

(1) not later than 90 days after the date of enactment of this Act, and periodically thereafter until the completion date, provide to the appropriate committees of Congress a briefing on the actions the Administrator has taken to improve information security management, including the steps taken to implement subsections (a), (b) and (c) and all of the issues and open recommendations identified in cybersecurity audit reports issued in 2014 and 2015 by the Inspector General of the Department of Transportation and the Government Accountability Office; and

(2) not later than 1 year after the date of enactment of this Act, issue a final report to the appropriate committees of Congress on the steps taken to improve information security management, including implementation of subsections (a), (b) and (c) and all of the issues and open recommendations identified in the cybersecurity audit reports issued in 2014 and 2015 by the Inspector General of the Department of Transportation and the Government Accountability Office.

SEC. 5030. PROHIBITIONS AGAINST SMOKING ON PASSENGER FLIGHTS.

Section 41706 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) ELECTRONIC CIGARETTES.—

''(1) INCLUSION.—The use of an electronic cigarette shall be treated as smoking for purposes of this section.

''(2) ELECTRONIC CIGARETTE DEFINED.—In this section, the term 'electronic cigarette' means a device that delivers nicotine or other substances to a user of the device in the form of a vapor that is inhaled to simulate the experience of smoking.''.

SEC. 5031. NATIONAL MULTIMODAL FREIGHT ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a national multimodal freight advisory committee (referred to in this section as the ''Committee'') in the Department of Transportation, which shall consist of a balanced cross-section of public and private freight stakeholders representative of all freight transportation modes, including—

(1) airports, highways, ports and waterways, rail, and pipelines;

(2) shippers;

(3) carriers;

(4) freight-related associations;

(5) the freight industry workforce;

(6) State departments of transportation;

(7) local governments;

(8) metropolitan planning organizations;

(9) regional or local transportation authorities, such as port authorities;

(10) freight safety organizations; and

(11) university research centers.

(b) PURPOSE.—The purpose of the Committee shall be to promote a safe, economically efficient, and environmentally sustainable national freight system.

(c) DUTIES.—The Committee, in consultation with State departments of transportation and metropolitan planning organizations, shall provide advice and recommendations to the Secretary of Transportation on

matters related to freight transportation in the United States, including—

(1) the implementation of freight transportation requirements;

(2) the establishment of a National Multimodal Freight Network under section 70103 of title 49, United States Code;

(3) the development of the national freight strategic plan under section 70102 of such title;

(4) the development of measures of conditions and performance in freight transportation;

(5) the development of freight transportation investment, data, and planning tools; and

(6) recommendations for Federal legislation.

(d) QUALIFICATIONS.—Each member of the Committee shall be sufficiently qualified to represent the interests of the member's specific stakeholder group, such as—

(1) general business and financial experience;

(2) experience or qualifications in the areas of freight transportation and logistics;

(3) experience in transportation planning, safety, technology, or workforce issues;

(4) experience representing employees of the freight industry;

(5) experience representing State or local governments or metropolitan planning organizations in transportation-related issues; or

(6) experience in trade economics relating to freight flows.

(e) SUPPORT STAFF, INFORMATION, AND SERVICES.—The Secretary of Transportation shall provide support staff for the Committee. Upon the request of the Committee, the Secretary shall provide such information, administrative services, and supplies as the Secretary considers necessary for the Committee to carry out its duties under this section.

SEC. 5032. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS.—Section 40104(c) is amended by striking ''47176'' and inserting ''47175''.

(b) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—Section 41313(c)(16), as amended by section 3104 of this Act, is further amended by striking ''the foreign air carrier will consult'' and inserting ''will consult''.

(c) WEIGHING MAIL.—Section 41907 is amended by striking ''and –administrative'' and inserting ''and administrative''.

(d) FLIGHT ATTENDANT CERTIFICATION.—Section 44728 is amended—

(1) in subsection (c), by striking ''chapter'' and inserting ''title''; and

(2) in subsection (d)(3), by striking ''is'' and inserting ''be''.

(e) SCHEDULE OF FEES.—Section 45301(a)(1) is amended by striking ''United States government'' and inserting ''United States Government''.

(f) CLASSIFIED EVIDENCE.—Section 46111(g)(2)(A) is amended by striking ''(18 U.S.C. App.)'' and inserting ''(18 U.S.C. App.))''.

(g) ALLOWABLE COST STANDARDS.—Section 47110(b)(2) is amended—

(1) in subparagraph (B), by striking ''compatability'' and inserting ''compatibility''; and

(2) in subparagraph (D)(i), by striking ''climactic'' and inserting ''climatic''.

(h) DEFINITION OF QUALIFIED HUBZONE SMALL BUSINESS CONCERN.—Section 47113(a)(3) is amended by striking ''(15 U.S.C. 632(o))'' and inserting ''(15 U.S.C. 632(p))''.

(i) DISCRETIONARY FUND.—Section 47115, as amended by section 1006 of this Act, is further amended—

(1) by striking subsection (i); and

(2) by redesignating subsection (j) as subsection (i).

(j) SPECIAL APPORTIONMENT CATEGORIES.—Section 47117(e)(1)(B) is amended by striking ''at least'' and inserting ''At least''.

(k) SOLICITATION AND CONSIDERATION OF COMMENTS.—Section 47171(l) is amended by striking ''4371'' and inserting ''4321''.

(l) OPERATIONS AND MAINTENANCE.—Section 48104 is amended by striking ''(a) AUTHORIZATION OF APPROPRIATIONS.—the'' and inserting ''The''.

(m) EXPENDITURES FROM AIRPORT AND AIRWAY TRUST FUND.—Section 9502(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''farms'' and inserting ''farms)''.

SEC. 5033. VISIBLE DETERRENT.

Section 1303 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1112) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) if the VIPR team is deployed to an airport, shall require, as appropriate based on risk, that the VIPR team conduct operations—

''(A) in the sterile area and any other areas to which only individuals issued security credentials have unescorted access; and

''(B) in non-sterile areas.''; and

(2) in subsection (b), by striking ''such sums as necessary for fiscal years 2007 through 2011'' and inserting ''such sums as necessary, including funds to develop not more than 60 VIPR teams, for fiscal years 2016 through 2017''.

SEC. 5034. LAW ENFORCEMENT TRAINING FOR MASS CASUALTY AND ACTIVE SHOOTER INCIDENTS.

Section 2006(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 607(a)(2)) is amended—

(1) by redesignating subparagraphs (E) through (I) as subparagraphs (F) through (J), respectively; and

(2) by inserting after subparagraph (D) the following:

''(E) training exercises to enhance preparedness for and response to mass casualty and active shooter incidents and security events at public locations, including airports and mass transit systems;''.

SEC. 5035. ASSISTANCE TO AIRPORTS AND SURFACE TRANSPORTATION SYSTEMS.

Section 2008(a) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)) is amended—

(1) by redesigning paragraphs (9) through (13) as paragraphs (10) through (14), respectively; and

(2) by inserting after paragraph (8) the following:

''(9) enhancing the security and preparedness of secure and non-secure areas of eligible airports and surface transportation systems.''.

SEC. 5036. 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).

TITLE VI—TRANSPORTATION SECURITY AND TERRORISM PREVENTION

Subtitle A—Airport Security Enhancement and Oversight Act

SEC. 6101. SHORT TITLE.

This subtitle may be cited as the ''Airport Security Enhancement and Oversight Act''.

SEC. 6102. FINDINGS.

Congress makes the following findings:

(1) A number of recent airport security breaches in the United States have involved the use of Secure Identification Display Area (referred to in this section as ''SIDA'') badges, the credentials used by airport and airline workers to access the secure areas of an airport.

(2) In December 2014, a Delta ramp agent at Hartsfield-Jackson Atlanta International Airport was charged with using his SIDA badge to bypass airport security checkpoints and facilitate an interstate gun smuggling operation over a number of months via commercial aircraft.

(3) In January 2015, an Atlanta-based Aviation Safety Inspector of the Federal Aviation Administration used his SIDA badge to bypass airport security checkpoints and transport a firearm in his carry-on luggage.

(4) In February 2015, a local news investigation found that over 1,000 SIDA badges at Hartsfield-Jackson Atlanta International Airport were lost or missing.

(5) In March 2015, and again in May 2015, Transportation Security Administration contractors were indicted for participating in a drug smuggling ring using luggage passed through the secure area of the San Francisco International Airport.

(6) The Administration has indicated that it does not maintain a list of lost or missing SIDA badges, and instead relies on airport operators to track airport worker credentials.

(7) The Administration rarely uses its enforcement authority to fine airport operators that reach a certain threshold of missing SIDA badges.

(8) In April 2015, the Aviation Security Advisory Committee issued 28 recommendations for improvements to airport access control.

(9) In June 2015, the Inspector General of the Department of Homeland Security reported that the Administration did not have all relevant information regarding 73 airport workers who had records in United States intelligence-related databases because the Administration was not authorized to receive all terrorism-related information under current interagency watchlisting policy.

(10) The Inspector General also found that the Administration did not have appropriate

checks in place to reject incomplete or inaccurate airport worker employment investigations, including criminal history record checks and work authorization verifications, and had limited oversight over the airport operators that the Administration relies on to perform criminal history and work authorization checks for airport workers.

(11) There is growing concern about the potential insider threat at airports in light of recent terrorist activities.

SEC. 6103. DEFINITIONS.

In this subtitle:

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

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

(3) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

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

(C) the Committee on Homeland Security of the House of Representatives.

(4) ASAC.—The term ''ASAC'' means the Aviation Security Advisory Committee established under section 44946 of title 49, United States Code.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(6) SIDA.—The term ''SIDA'' means Secure Identification Display Area as defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section.

SEC. 6104. THREAT ASSESSMENT.

(a) INSIDER THREATS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall conduct or update an assessment to determine the level of risk posed to the domestic air transportation system by individuals with unescorted access to a secure area of an airport (as defined in section 44903(j)(2)(H)) in light of recent international terrorist activity.

(2) CONSIDERATIONS.—In conducting or updating the assessment under paragraph (1), the Administrator shall consider—

(A) domestic intelligence;

(B) international intelligence;

(C) the vulnerabilities associated with unescorted access authority granted to domestic airport operators and air carriers, and their employees;

(D) the vulnerabilities associated with unescorted access authority granted to foreign airport operators and air carriers, and their employees;

(E) the processes and practices designed to mitigate the vulnerabilities associated with unescorted access privileges granted to airport operators and air carriers, and their employees;

(F) the recent security breaches at domestic and foreign airports; and

(G) the recent security improvements at domestic airports, including the implementation of recommendations made by relevant advisory committees.

(b) REPORTS TO CONGRESS.—The Administrator shall submit to the appropriate committees of Congress—

(1) a report on the results of the assessment under subsection (a), including any recommendations for improving aviation security;

(2) a report on the implementation status of any recommendations made by the ASAC; and

(3) regular updates about the insider threat environment as new information becomes available and as needed.

SEC. 6105. OVERSIGHT.

(a) ENHANCED REQUIREMENTS.—

(1) IN GENERAL.—Subject to public notice and comment, and in consultation with airport operators, the Administrator shall update the rules on access controls issued by the Secretary under chapter 449 of title 49, United States Code.

(2) CONSIDERATIONS.—As part of the update under paragraph (1), the Administrator shall consider—

(A) increased fines and advanced oversight for airport operators that report missing more than 5 percent of credentials for unescorted access to any SIDA of an airport;

(B) best practices for Category X airport operators that report missing more than 3 percent of credentials for unescorted access to any SIDA of an airport;

(C) additional audits and status checks for airport operators that report missing more than 3 percent of credentials for unescorted access to any SIDA of an airport;

(D) review and analysis of the prior 5 years of audits for airport operators that report missing more than 3 percent of credentials for unescorted access to any SIDA of an airport;

(E) increased fines and direct enforcement requirements for both airport workers and their employers that fail to report within 24 hours an employment termination or a missing credential for unescorted access to any SIDA of an airport; and

(F) a method for termination by the employer of any airport worker that fails to report in a timely manner missing credentials for unescorted access to any SIDA of an airport.

(b) TEMPORARY CREDENTIALS.—The Administrator may encourage the issuance by airport and aircraft operators of free one-time, 24-hour temporary credentials for workers who have reported their credentials missing, but not permanently lost, stolen, or destroyed, in a timely manner, until replacement of credentials under section 1542.211 of title 49 Code of Federal Regulations is necessary.

(c) NOTIFICATION AND REPORT TO CONGRESS.—The Administrator shall—

(1) notify the appropriate committees of Congress each time an airport operator reports that more than 3 percent of credentials for unescorted access to any SIDA at a Category X airport are missing or more than 5 percent of credentials to access any SIDA at any other airport are missing; and

(2) submit to the appropriate committees of Congress an annual report on the number of violations and fines related to unescorted access to the SIDA of an airport collected in the preceding fiscal year.

SEC. 6106. CREDENTIALS.

(a) LAWFUL STATUS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall issue guidance to airport operators regarding placement of an expiration date on each airport credential issued to a non-United States citizen no longer than the period of time during which that non-United States citizen is lawfully authorized to work in the United States.

(b) REVIEW OF PROCEDURES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall—

(A) issue guidance for transportation security inspectors to annually review the procedures of airport operators and air carriers for applicants seeking unescorted access to any SIDA of an airport; and

(B) make available to airport operators and air carriers information on identifying suspicious or fraudulent identification materials.

(2) INCLUSIONS.—The guidance shall require a comprehensive review of background checks and employment authorization documents issued by the Citizenship and Immigration Services during the course of a review of procedures under paragraph (1).

SEC. 6107. VETTING.

(a) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and subject to public notice and comment, the Administrator shall revise the regulations issued under section 44936 of title 49, United States Code, in accordance with this section and current knowledge of insider threats and intelligence, to enhance the eligibility requirements and disqualifying criminal offenses for individuals seeking or having unescorted access to a SIDA of an airport.

(2) DISQUALIFYING CRIMINAL OFFENSES.—In revising the regulations under paragraph (1), the Administrator shall consider adding to the list of disqualifying criminal offenses and criteria the offenses and criteria listed in section 122.183(a)(4) of title 19, Code of Federal Regulations and section 1572.103 of title 49, Code of Federal Regulations.

(3) WAIVER PROCESS FOR DENIED CREDENTIALS.—Notwithstanding section 44936(b) of title 49, United States Code, in revising the regulations under paragraph (1) of this subsection, the Administrator shall—

(A) ensure there exists or is developed a waiver process for approving the issuance of credentials for unescorted access to the SIDA, for an individual found to be otherwise ineligible for such credentials; and

(B) consider, as appropriate and practicable—

(i) the circumstances of any disqualifying act or offense, restitution made by the individual, Federal and State mitigation remedies, and other factors from which it may be concluded that the individual does not pose a terrorism risk or a risk to aviation security warranting denial of the credential; and

(ii) the elements of the appeals and waiver process established under section 70105(c) of title 46, United States Code.

(4) LOOK BACK.—In revising the regulations under paragraph (1), the Administrator shall propose that an individual be disqualified if the individual was convicted, or found not guilty by reason of insanity, of a disqualifying criminal offense within 15 years before the date of an individual's application, or if the individual was incarcerated for that crime and released from incarceration within 5 years before the date of the individual's application.

(5) CERTIFICATIONS.—The Administrator shall require an airport or aircraft operator, as applicable, to certify for each individual who receives unescorted access to any SIDA of an airport that—

(A) a specific need exists for providing that individual with unescorted access authority; and

(B) the individual has certified to the airport or aircraft operator that the individual understands the requirements for possessing a SIDA badge.

(6) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment, the Administrator shall submit to the appropriate committees of Congress a report on the status of the revision to the regulations issued under section 44936 of title 49, United States Code, in accordance with this section.

(7) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect existing aviation worker vetting fees imposed by the Administration.

(b) RECURRENT VETTING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator and the Director of the Federal Bureau of Investigation shall fully implement the Rap Back service for recurrent

vetting of eligible Administration-regulated populations of individuals with unescorted access to any SIDA of an airport.

(2) REQUIREMENTS.—As part of the requirement in paragraph (1), the Administrator shall ensure that—

(A) any status notifications the Administration receives through the Rap Back service about criminal offenses be limited to only disqualifying criminal offenses in accordance with the regulations promulgated by the Administration under section 44903 of title 49, United States Code, or other Federal law; and

(B) any information received by the Administration through the Rap Back service is provided directly and immediately to the relevant airport and aircraft operators.

(3) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the implementation status of the Rap Back service.

(c) ACCESS TO TERRORISM-RELATED DATA.—Not later than 30 days after the date of enactment of this Act, the Administrator and the Director of National Intelligence shall coordinate to ensure that the Administrator is authorized to receive automated, real-time access to additional Terrorist Identities Datamart Environment (TIDE) data and any other terrorism related category codes to improve the effectiveness of the Administration's credential vetting program for individuals that are seeking or have unescorted access to a SIDA of an airport.

(d) ACCESS TO E-VERIFY AND SAVE PROGRAMS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall authorize each airport operator to have direct access to the E-Verify program and the Systematic Alien Verification for Entitlements (SAVE) automated system to determine the eligibility of individuals seeking unescorted access to a SIDA of an airport.

SEC. 6108. METRICS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop and implement performance metrics to measure the effectiveness of security for the SIDAs of airports.

(b) CONSIDERATIONS.—In developing the performance metrics under subsection (a), the Administrator may consider—

(1) adherence to access point procedures;

(2) proper use of credentials;

(3) differences in access point requirements between airport workers performing functions on the airside of an airport and airport workers performing functions in other areas of an airport;

(4) differences in access point characteristics and requirements at airports; and

(5) any additional factors the Administrator considers necessary to measure performance.

SEC. 6109. INSPECTIONS AND ASSESSMENTS.

(a) MODEL AND BEST PRACTICES.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the ASAC, shall develop a model and best practices for unescorted access security that—

(1) use intelligence, scientific algorithms, and risk-based factors;

(2) ensure integrity, accountability, and control;

(3) subject airport workers to random physical security inspections conducted by Administration representatives in accordance with this section;

(4) appropriately manage the number of SIDA access points to improve supervision of and reduce unauthorized access to these areas; and

(5) include validation of identification materials, such as with biometrics.

(b) INSPECTIONS.—Consistent with a risk-based security approach, the Administrator shall expand the use of transportation security officers and inspectors to conduct enhanced, random and unpredictable, data-driven, and operationally dynamic physical inspections of airport workers in each SIDA of an airport and at each SIDA access point—

(1) to verify the credentials of airport workers;

(2) to determine whether airport workers possess prohibited items, except for those that may be necessary for the performance of their duties, as appropriate, in any SIDA of an airport; and

(3) to verify whether airport workers are following appropriate procedures to access a SIDA of an airport.

(c) SCREENING REVIEW.—

(1) IN GENERAL.—The Administrator shall conduct a review of airports that have implemented additional airport worker screening or perimeter security to improve airport security, including—

(A) comprehensive airport worker screening at access points to secure areas;

(B) comprehensive perimeter screening, including vehicles;

(C) enhanced fencing or perimeter sensors; and

(D) any additional airport worker screening or perimeter security measures the Administrator identifies.

(2) BEST PRACTICES.—After completing the review under paragraph (1), the Administrator shall—

(A) identify best practices for additional access control and airport worker security at airports; and

(B) disseminate the best practices identified under subparagraph (A) to airport operators.

(3) PILOT PROGRAM.—The Administrator may conduct a pilot program at 1 or more airports to test and validate best practices for comprehensive airport worker screening or perimeter security under paragraph (2).

SEC. 6110. COVERT TESTING.

(a) IN GENERAL.—The Administrator shall increase the use of red-team, covert testing of access controls to any secure areas of an airport.

(b) ADDITIONAL COVERT TESTING.—The Inspector General of the Department of Homeland Security shall conduct red-team, covert testing of airport access controls to the SIDA of airports.

(c) REPORTS TO CONGRESS.—

(1) ADMINISTRATOR REPORT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committee of Congress a report on the progress to expand the use of inspections and of red-team, covert testing under subsection (a).

(2) INSPECTOR GENERAL REPORT.—Not later than 180 days after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the appropriate committee of Congress a report on the effectiveness of airport access controls to the SIDA of airports based on red-team, covert testing under subsection (b).

SEC. 6111. SECURITY DIRECTIVES.

(a) REVIEW.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator, in consultation with the appropriate regulated entities, shall conduct a comprehensive review of every current security directive addressed to any regulated entity—

(1) to determine whether the security directive continues to be relevant;

(2) to determine whether the security directives should be streamlined or consolidated to most efficiently maximize risk reduction; and

(3) to update, consolidate, or revoke any security directive as necessary.

(b) NOTICE.—For each security directive that the Administrator issues, the Administrator shall submit to the appropriate committees of Congress notice of—

(1) the extent to which the security directive responds to a specific threat, security threat assessment, or emergency situation against civil aviation; and

(2) when it is anticipated that the security directive will expire.

SEC. 6112. IMPLEMENTATION REPORT.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) assess the progress made by the Administration and the effect on aviation security of implementing the requirements under sections 6104 through 6111 of this Act; and

(2) report to the appropriate committees of Congress on the results of the assessment under paragraph (1), including any recommendations.

SEC. 6113. MISCELLANEOUS AMENDMENTS.

(a) ASAC TERMS OF OFFICE.—Section 44946(c)(2)(A) is amended to read as follows:

''(A) TERMS.—The term of each member of the Advisory Committee shall be 2 years, but a member may continue to serve until the Assistant Secretary appoints a successor. A member of the Advisory Committee may be reappointed.''.

(b) FEEDBACK.—Section 44946(b)(5) is amended to read as follows:

''(5) FEEDBACK.—Not later than 90 days after receiving recommendations transmitted by the Advisory Committee under paragraph (2) or paragraph (4), the Assistant Secretary shall respond in writing to the Advisory Committee with feedback on each of the recommendations, an action plan to implement any of the recommendations with which the Assistant Secretary concurs, and a justification for why any of the recommendations have been rejected.''.

Subtitle B—TSA PreCheck Expansion Act

SEC. 6201. SHORT TITLE.

This subtitle may be cited as the ''TSA PreCheck Expansion Act''.

SEC. 6202. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Transportation Security Administration.

(2) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(3) PRECHECK PROGRAM.—The term ''PreCheck Program'' means the trusted traveler program implemented by the Transportation Security Administration under section 109(a)(3) of the Aviation and Transportation Security Act (49 U.S.C. 114).

(4) TSA.—The term ''TSA'' means the Transportation Security Administration.

SEC. 6203. PRECHECK PROGRAM AUTHORIZATION.

The Administrator shall continue to administer the PreCheck Program established under the authority of the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597).

SEC. 6204. PRECHECK PROGRAM ENROLLMENT EXPANSION.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall publish PreCheck Program enrollment standards that add multiple private sector application capabilities for the PreCheck Program to increase the public's enrollment access to the program,

including standards that allow the use of secure technologies, including online enrollment, kiosks, tablets, or staffed laptop stations at which individuals can apply for entry into the program.

(b) REQUIREMENTS.—Upon publication of the PreCheck Program enrollment standards under subsection (a), the Administrator shall—

(1) coordinate with interested parties—

(A) to deploy TSA-approved ready-to-market private sector solutions that meet the PreCheck Program enrollment standards under subsection (a);

(B) to make available additional PreCheck Program enrollment capabilities; and

(C) to offer secure online and mobile enrollment opportunities;

(2) partner with the private sector to collect biographic and biometric identification information via kiosks, mobile devices, or other mobile enrollment platforms to increase enrollment flexibility and minimize the amount of travel to enrollment centers for applicants;

(3) ensure that any information, including biographic information, is collected in a manner that—

(A) is comparable with the appropriate and applicable standards developed by the National Institute of Standards and Technology; and

(B) protects privacy and data security, including that any personally identifiable information is collected, retained, used, and shared in a manner consistent with section 552a of title 5, United States Code (commonly known as ''Privacy Act of 1974''), and with agency regulations;

(4) ensure that the enrollment process is streamlined and flexible to allow an individual to provide additional information to complete enrollment and verify identity;

(5) ensure that any enrollment expansion using a private sector risk assessment instead of a fingerprint-based criminal history records check is evaluated and certified by the Secretary of Homeland Security, and verified by the Government Accountability Office or a federally funded research and development center after award to be equivalent to a fingerprint-based criminal history records check conducted through the Federal Bureau of Investigation with respect to the effectiveness in identifying individuals who are not qualified to participate in the PreCheck program due to disqualifying criminal history; and

(6) ensure that the Secretary has certified that reasonable procedures are in place with regard to the accuracy, relevancy, and proper utilization of information employed in private sector risk assessments.

(c) MARKETING OF PRECHECK PROGRAM.—Upon publication of PreCheck Program enrollment standards under subsection (a), the Administrator shall—

(1) in accordance with those standards, develop and implement—

(A) a continual process, including an associated timeframe, for approving private sector marketing of the PreCheck Program; and

(B) a long-term strategy for partnering with the private sector to encourage enrollment in such program;

(2) submit to Congress, at the end of each fiscal year, a report on any PreCheck Program application fees collected in excess of the costs of administering the program, including to access the feasibility of the program, for the preceding fiscal year; and

(3) include in the report under paragraph (2) recommendations for using such amounts to support marketing of the program under this subsection.

(d) IDENTITY VERIFICATION ENHANCEMENT.—Not later than 120 days after the date of enactment of this Act, the Administrator shall—

(1) coordinate with the heads of appropriate components of the Department to leverage department-held data and technologies to verify the citizenship of individuals enrolling in the PreCheck Program;

(2) partner with the private sector to use biometrics and authentication standards, such as relevant standards developed by the National Institute of Standards and Technology, to facilitate enrollment in the program; and

(3) consider leveraging the existing resources and abilities of airports to conduct fingerprint and background checks to expedite identity verification.

(e) PRECHECK PROGRAM LANES OPERATION.—The Administrator shall—

(1) ensure that PreCheck Program screening lanes are open and available during peak and high-volume travel times at appropriate airports to individuals enrolled in the PreCheck Program; and

(2) make every practicable effort to provide expedited screening at standard screening lanes during times when PreCheck Program screening lanes are closed to individuals enrolled in the program in order to maintain operational efficiency.

(f) VETTING FOR PRECHECK PROGRAM PARTICIPANTS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall initiate an assessment to identify any security vulnerabilities in the vetting process for the PreCheck Program, including determining whether subjecting PreCheck Program participants to recurrent fingerprint-based criminal history records checks, in addition to recurrent checks against the terrorist watchlist, could be done in a cost-effective manner to strengthen the security of the PreCheck Program.

Subtitle C—Securing Aviation From Foreign Entry Points and Guarding Airports Through Enhanced Security Act of 2016

SEC. 6301. SHORT TITLE.

This subtitle may be cited as the ''Securing Aviation from Foreign Entry Points and Guarding Airports Through Enhanced Security Act of 2016''.

SEC. 6302. LAST POINT OF DEPARTURE AIRPORT SECURITY ASSESSMENT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall conduct a comprehensive security risk assessment of all last point of departure airports with nonstop flights to the United States.

(b) CONTENTS.—The security risk assessment required under subsection (a) shall include consideration of the following:

(1) The level of coordination and cooperation between the Transportation Security Administration and the foreign government of the country in which the last point of departure airport with nonstop flights to the United States is located.

(2) The intelligence and threat mitigation capabilities of the country in which such airport is located.

(3) The number of known or suspected terrorists annually transiting through such airport.

(4) The degree to which the foreign government of the country in which such airport is located mandates, encourages, or prohibits the collection, analysis, and sharing of passenger name records.

(5) The passenger security screening practices, capabilities, and capacity of such airport.

(6) The security vetting undergone by aviation workers at such airport.

(7) The access controls utilized by such airport to limit to authorized personnel access to secure and sterile areas of such airports.

SEC. 6303. SECURITY COORDINATION ENHANCEMENT PLAN.

(a) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall submit to Congress and the Government Accountability Office a plan—

(1) to enhance and bolster security collaboration, coordination, and information sharing relating to securing international-inbound aviation between the United States and domestic and foreign partners, including U.S. Customs and Border Protection, foreign government entities, passenger air carriers, cargo air carriers, and United States Government entities, in order to enhance security capabilities at foreign airports, including airports that may not have nonstop flights to the United States but are nonetheless determined by the Administrator to be high risk; and

(2) that includes an assessment of the ability of the Administration to enter into a mutual agreement with a foreign government entity that permits Administration representatives to conduct without prior notice inspections of foreign airports.

(b) GAO REVIEW.—Not later than 180 days after the submission of the plan required under subsection (a), the Comptroller General of the United States shall review the efforts, capabilities, and effectiveness of the Transportation Security Administration to enhance security capabilities at foreign airports and determine if the implementation of such efforts and capabilities effectively secures international-inbound aviation.

SEC. 6304. WORKFORCE ASSESSMENT.

Not later than 270 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall submit to Congress a comprehensive workforce assessment of all Administration personnel within the Office of Global Strategies of the Administration or whose primary professional duties contribute to the Administration's global efforts to secure transportation security, including a review of whether such personnel are assigned in a risk-based, intelligence-driven manner.

SEC. 6305. DONATION OF SCREENING EQUIPMENT TO PROTECT THE UNITED STATES.

(a) IN GENERAL.—The Administrator of the Transportation Security Administration is authorized to donate security screening equipment to a foreign last point of departure airport operator if such equipment can be reasonably expected to mitigate a specific vulnerability to the security of the United States or United States citizens.

(b) REPORT.—Not later than 30 days before any donation of security screening equipment pursuant to subsection (a), the Administrator of the Transportation Security Administration shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a detailed written explanation of the following:

(1) The specific vulnerability to the United States or United States citizens that will be mitigated by such donation.

(2) An explanation as to why the recipient of such donation is unable or unwilling to purchase security screening equipment to mitigate such vulnerability.

(3) An evacuation plan for sensitive technologies in case of emergency or instability in the country to which such donation is being made.

(4) How the Administrator will ensure the security screening equipment that is being donated is used and maintained over the course of its life by the recipient.

(5) The total dollar value of such donation.

SEC. 6306. NATIONAL CARGO SECURITY PROGRAM.

(a) IN GENERAL.—The Administrator of the Transportation Security Administration may evaluate foreign countries' air cargo security programs to determine whether such programs provide a level of security commensurate with the level of security required by United States air cargo security programs.

(b) APPROVAL AND RECOGNITION.—

(1) IN GENERAL.—If the Administrator of the Transportation Security Administration determines that a foreign country's air cargo security program evaluated under subsection (a) provides a level of security commensurate with the level of security required by United States air cargo security programs, the Administrator shall approve and officially recognize such foreign country's air cargo security program.

(2) EFFECT OF APPROVAL AND RECOGNITION.—If the Administrator of the Transportation Security Administration approves and officially recognizes pursuant to paragraph (1) a foreign country's air cargo security program, cargo aircraft of such foreign country shall not be required to adhere to United States air cargo security programs that would otherwise be applicable.

(c) REVOCATION AND SUSPENSION.—

(1) IN GENERAL.—If the Administrator of the Transportation Security Administration determines at any time that a foreign country's air cargo security program approved and officially recognized under subsection (b) no longer provides a level of security commensurate with the level of security required by United States air cargo security programs, the Administrator may revoke or temporarily suspend such approval and official recognition until such time as the Administrator determines that such foreign country's cargo security programs provide a level of security commensurate with the level of security required by such United States air cargo security programs.

(2) NOTIFICATION.—If the Administrator of the Transportation Security Administration revokes or suspends pursuant to paragraph (1) a foreign country's air cargo security program, the Administrator shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after such revocation or suspension.

Subtitle D—Miscellaneous

SEC. 6401. INTERNATIONAL TRAINING AND CAPACITY DEVELOPMENT.

(a) IN GENERAL.—In accordance with section 114 of title 49, United States Code, the Administrator of the Transportation Security Administration shall establish an international training and capacity development program to train the appropriate authorities of foreign governments in air transportation security.

(b) CONTENTS OF TRAINING.—If the Administrator determines that a foreign government would benefit from training and capacity development assistance, the Administrator may provide to the appropriate authorities of that foreign government technical assistance and training programs to strengthen aviation security in managerial, operational, and technical areas, including—

(1) active shooter scenarios;

(2) incident response;

(3) use of canines;

(4) mitigation of insider threats;

(5) perimeter security;

(6) operation and maintenance of security screening technology; and

(7) recurrent related training and exercises.

SEC. 6402. CHECKPOINTS OF THE FUTURE.

(a) IN GENERAL.—The Administrator of the Transportation Security Administration, in accordance with chapter 449 of title 49, United States Code, shall request the Aviation Security Advisory Committee to develop recommendations for more efficient and effective passenger screening processes.

(b) CONSIDERATIONS.—In making recommendations to improve existing passenger screening processes, the Aviation Security Advisory Committee shall consider—

(1) the configuration of a checkpoint;

(2) technology innovation;

(3) ways to address any vulnerabilities identified in audits of checkpoint operations;

(4) ways to prevent security breaches at airports where Federal security screening is provided;

(5) best practices in aviation security;

(6) recommendations from airport and aircraft operators, and any relevant advisory committees; and

(7) ''curb to curb'' processes and procedures.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the results of the Aviation Security Advisory Committee review, including any recommendations for improving screening processes.

TITLE VII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

SEC. 7101. EXPENDITURE AUTHORITY FROM AIRPORT AND AIRWAY TRUST FUND.

(a) IN GENERAL.—Section 9502(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) in the matter preceding subparagraph (A), by striking ''July 16, 2016'' and inserting ''October 1, 2017''; and

(2) in subparagraph (A), by striking the semicolon at the end and inserting ''or the Federal Aviation Administration Reauthorization Act of 2016;''.

(b) CONFORMING AMENDMENT.—Section 9502(e)(2) of such Code is amended by striking ''July 16, 2016'' and inserting ''October 1, 2017''.

SEC. 7102. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Section 4081(d)(2)(B) of the Internal Revenue Code of 1986 is amended by striking ''July 15, 2016'' and inserting ''September 30, 2017''.

(b) TICKET TAXES.—

(1) PERSONS.—Section 4261(k)(1)(A)(ii) of such Code is amended by striking ''July 15, 2016'' and inserting ''September 30, 2017''.

(2) PROPERTY.—Section 4271(d)(1)(A)(ii) of such Code is amended by striking ''July 15, 2016'' and inserting ''September 30, 2017''.

(c) FRACTIONAL OWNERSHIP PROGRAMS.—

(1) TREATMENT AS NON-COMMERCIAL AVIATION.—Section 4083(b) of such Code is amended by striking ''July 16, 2016'' and inserting ''October 1, 2017''.

(2) EXEMPTION FROM TICKET TAXES.—Section 4261(j) of such Code is amended by striking ''July 15, 2016'' and inserting ''September 30, 2017''.

SA 3680. Mr. THUNE proposed an amendment 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; as follows:

Strike section 4105 and insert the following:

SEC. 4105. ADS–B MANDATE ASSESSMENT.

(a) ASSESSMENT.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department of Transportation shall assess—

(1) Administration and industry readiness to meet the ADS–B mandate by 2020;

(2) changes to ADS–B program since May 2010; and

(3) additional options to comply with the mandate and consequences, both for individual system users and for the overall safety and efficiency of the national airspace system, for noncompliance.

(b) REPORT.—Not later than 60 days after the date the assessment under subsection (a) is complete, the Inspector General of the Department of Transportation shall submit to the appropriate committees of Congress a report on the progress made toward meeting the ADS–B mandate by 2020, including any recommendations of the Inspector General to carry out such mandate.

SA 3681. Mr. HATCH 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, insert the following:

TITLE VI—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

SEC. 6001. EXPENDITURE AUTHORITY FROM AIRPORT AND AIRWAY TRUST FUND.

(a) IN GENERAL.—Section 9502(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) in the matter preceding subparagraph (A), by striking ''July 16, 2016'' and inserting ''October 1, 2017''; and

(2) in subparagraph (A), by striking the semicolon at the end and inserting ''or the Federal Aviation Administration Reauthorization Act of 2016;''.

(b) CONFORMING AMENDMENT.—Section 9502(e)(2) of such Code is amended by striking ''July 16, 2016'' and inserting ''October 1, 2017''.

SEC. 6002. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Section 4081(d)(2)(B) of the Internal Revenue Code of 1986 is amended by striking ''July 15, 2016'' and inserting ''September 30, 2019''.

(b) TICKET TAXES.—

(1) PERSONS.—Section 4261(k)(1)(A)(ii) of such Code is amended by striking ''July 15, 2016'' and inserting ''September 30, 2019''.

(2) PROPERTY.—Section 4271(d)(1)(A)(ii) of such Code is amended by striking ''July 15, 2016'' and inserting ''September 30, 2019''.

(c) FRACTIONAL OWNERSHIP PROGRAMS.—

(1) TREATMENT AS NON-COMMERCIAL AVIATION.—Section 4083(b) of such Code is amended by striking ''July 16, 2016'' and inserting ''October 1, 2019''.

(2) EXEMPTION FROM TICKET TAXES.—Section 4261(j) of such Code is amended by striking ''July 15, 2016'' and inserting ''September 30, 2019''.

SA 3682. Mr. INHOFE 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:

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 3683. Mr. BOOKER (for himself and Mr. DAINES) 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 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 3684. Mr. MCCONNELL (for Mr. CARPER (for himself and Mr. TILLIS)) proposed an amendment to the bill S. 2133, to improve Federal agency financial and administrative controls and procedures to assess and mitigate fraud risks, and to improve Federal agencies' development and use of data analytics for the purpose of identifying, preventing, and responding to fraud, including improper payments; as follows:

On page 5, line 24, strike ''and'' at the end.

On page 5, line 25, strike the period and insert ''; and''.

On page 5, after line 25, add the following:

(3) any other party determined to be appropriate by the Director of the Office of Management and Budget, which may include the Chief Information Officer, the Chief Procurement Officer, or the Chief Operating Officer of each agency.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on April 12, 2016, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. THUNE. Mr. President. I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 12, 2016, at 10:15 a.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Cybersecurity and Protecting Taxpayer Information.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 12, 2016, at 10 a.m., to conduct a hearing entitled ''The Spread of ISIS and Transitional Terrorism.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, on April 12, 2016, at 10 a.m., in room SD–430 of the Dirksen Senate Office Building to conduct a hearing entitled ''ESSA Implementation in States and School Districts: Perspectives from the U.S. Secretary of Education.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. THUNE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 12, 2016, at 2:30 p.m., in room SH–219 of the Hart Senate Office Building.

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. THUNE. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on April 12, 2016, at 2:30 p.m.

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

SUBCOMMITTEE ON FEDERAL SPENDING OVERSIGHT AND EMERGENCY MANAGEMENT

Mr. THUNE. Mr. President, I ask unanimous consent that the Subcommittee on Federal Spending Oversight and Emergency Management of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 12, 2016, at 3 p.m., to conduct a hearing entitled ''FEMA: Assessing Progress, Performance, and Preparedness.''

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. THUNE. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on April 12, 2016, at 2:30 p.m.

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

SUBCOMMITTEE ON REGULATORY AFFAIRS AND FEDERAL MANAGEMENT

Mr. THUNE. Mr. President, I ask unanimous consent that the Subcommittee on Regulatory Affairs and Federal Management of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 12, 2016, at 9 a.m., to conduct a hearing entitled, ''Improving the USAJOBS Website.''

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

SUBCOMMITTEE ON SUPERFUND, WASTE MANAGEMENT, AND REGULATORY OVERSIGHT

Mr. THUNE. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Waste Management, and Regulatory Oversight of the Committee on Environmental and Public Works be authorized to meet during the session of the Senate on April 12, 2016, at 2:30 p.m., in room SD–

406 of the Dirksen Senate Office Building, to conduct a hearing entitled, ''American Small Businesses Perspective on Environmental Protection Agency Regulatory Actions.''

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

FRAUD REDUCTION AND DATA ANALYTICS ACT of 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 391, S. 2133.

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

The senior assistant legislative clerk read as follows:

A bill (S. 2133) to improve Federal agency financial and administrative controls and procedures to assess and mitigate fraud risks, and to improve Federal agencies' development and use of data analytics for the purpose of identifying, preventing, and responding to fraud, including improper payments.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Carper-Tillis amendment be agreed to; the bill, as amended, be read a third time and passed, and the motion 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 amendment (No. 3684) was agreed to, as follows:

(Purpose: To improve the bill)

On page 5, line 24, strike ''and'' at the end.

On page 5, line 25, strike the period and insert ''; and''.

On page 5, after line 25, add the following:

(3) any other party determined to be appropriate by the Director of the Office of Management and Budget, which may include the Chief Information Officer, the Chief Procurement Officer, or the Chief Operating Officer of each agency.

The bill (S. 2133), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fraud Reduction and Data Analytics Act of 2015''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''agency'' has the meaning given the term in section 551 of title 5, United States Code; and

(2) the term ''improper payment'' has the meaning given the term in section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

SEC. 3. ESTABLISHMENT OF FINANCIAL AND ADMINISTRATIVE CONTROLS RELATING TO FRAUD AND IMPROPER PAYMENTS.

(a) GUIDELINES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, shall establish guidelines for agencies to establish financial and administrative controls to identify and assess fraud risks and design and implement control activities in order to prevent, detect, and respond to fraud, including improper payments.

(2) CONTENTS.—The guidelines described in paragraph (1) shall incorporate the leading practices identified in the report published by the Government Accountability Office on July 28, 2015, entitled ''Framework for Managing Fraud Risks in Federal Programs''.

(3) MODIFICATION.—The Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, may periodically modify the guidelines described in paragraph (1) as the Director and Comptroller General may determine necessary.

(b) REQUIREMENTS FOR CONTROLS.—The financial and administrative controls required to be established by agencies under subsection (a) shall include—

(1) conducting an evaluation of fraud risks and using a risk-based approach to design and implement financial and administrative control activities to mitigate identified fraud risks;

(2) collecting and analyzing data from reporting mechanisms on detected fraud to monitor fraud trends and using that data and information to continuously improve fraud prevention controls; and

(3) using the results of monitoring, evaluation, audits, and investigations to improve fraud prevention, detection, and response.

(c) REPORTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), for each of the first 3 fiscal years beginning after the date of enactment of this Act, each agency shall submit to Congress, as part of the annual financial report of the agency, a report on the progress of the agency in—

(A) implementing—

(i) the financial and administrative controls required to be established under subsection (a);

(ii) the fraud risk principle in the Standards for Internal Control in the Federal Government; and

(iii) Office of Management and Budget Circular A–123 with respect to the leading practices for managing fraud risk;

(B) identifying risks and vulnerabilities to fraud, including with respect to payroll, beneficiary payments, grants, large contracts, and purchase and travel cards; and

(C) establishing strategies, procedures, and other steps to curb fraud.

(2) FIRST REPORT.—If the date of enactment of this Act is less than 180 days before the date on which an agency is required to submit the annual financial report of the agency, the agency may submit the report required under paragraph (1) as part of the following annual financial report of the agency.

SEC. 4. WORKING GROUP.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Office of Management and Budget shall establish a working group to improve—

(1) the sharing of financial and administrative controls established under section 3(a) and other best practices and techniques for detecting, preventing, and responding to fraud, including improper payments; and

(2) the sharing and development of data analytics techniques.

(b) COMPOSITION.—The working group established under subsection (a) shall be composed of—

(1) the Controller of the Office of Management and Budget, who shall serve as Chairperson;

(2) the Chief Financial Officer of each agency; and

(3) any other party determined to be appropriate by the Director of the Office of Management and Budget, which may include the Chief Information Officer, the Chief Procurement Officer, or the Chief Operating Officer of each agency.

(c) CONSULTATION.—The working group established under subsection (a) shall consult with Offices of Inspectors General and Federal and non-Federal experts on fraud risk assessments, financial controls, and other relevant matters.

(d) MEETINGS.—The working group established under subsection (a) shall hold not fewer than 4 meetings per year.

(e) PLAN.—Not later than 270 days after the date of enactment of this Act, the working group established under subsection (a) shall submit to Congress a plan for the establishment and use of a Federal interagency library of data analytics and data sets, which can incorporate or improve upon existing Federal resources and capacities, for use by agencies and Offices of Inspectors General to facilitate the detection, prevention, and recovery of fraud, including improper payments.

ORDERS FOR WEDNESDAY, APRIL 13, 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, April 13; 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; finally, that following morning business, the Senate resume consideration of H.R. 636.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:30 p.m., adjourned until Wednesday, April 13, 2016, at 9:30 a.m.