

For the past 40 years there have been conflicts over the conveyances, delaying land from going to the corporation, harming the economic and cultural benefits of the corporation model for all Native shareholders, and complicating land and wildlife management issues between Federal agencies and the State of Alaska. Starting in 1994, but accelerating in 1997, talks began among the State, Federal agencies and native corporations and towns in the region, located north of Nome—Salmon Lake itself is located 38 miles north of Nome—to reach a consensus on land uses in the region. Those talks reached agreement on June 1, 2007, with a resolution that satisfied all parties. This seemingly non-controversial legislation will implement the land management regime in the area and finally complete the conveyance of ANCSA lands to the Bering Straits Native Corporation—giving the corporation title after surveys to the last of the 145,728 acres it was promised by Section 14(h)(8) of ANCSA nearly 4 decades ago.

By this bill the Corporation will gain conveyance to 1,009 acres in the Salmon Lake area, 6,132 acres at Windy Cove, northwest of Salmon Lake, and 7,504 acres at Imuruk Basin, on the north shore of Imuruk Basin, a water body north of Windy Cove. In return the Corporation relinquishes rights to another 3,084 acres at Salmon Lake to the Federal Government, the government then giving part of the land to the State of Alaska for it to maintain a key airstrip near the lake. The Federal Bureau of Land Management also retains ownership and administration of a 9-acre campground at the outlet of Salmon Lake, which provides road accessible public camping opportunities from the Nome-Teller Highway. The agreement also retains public access to BLM managed lands in the Kigluaik Mountain Range. In return for the trade, the Federal Government gains other lands from the State.

The bill fully protects recreation and subsistence uses in the area, while providing the Corporation with access to recreational-tourism sites of importance to its shareholders and which might some day produce revenues for the Corporation. The agreement has prompted no known environmental group concerns and seems to be the classic “win-win-win” solution that all sides should be congratulated for crafting.

After this bill was introduced in late winter 2009, only support for its provisions was voiced by the public and the Administration and Federal agencies during a Senate hearing held by the Senate Public Lands and Forests Subcommittee of the Energy and Natural Resources Committee on Oct. 8, 2009. After that hearing, the bill was unanimously approved by the full Energy and Natural Resources Committee on December 16, 2009; and it was awaiting passage at the end of the 111th Congress. A nearly identical bill was approved by the full House of Representa-

tives on July 1, 2010 by a unanimous vote of 410-0. According to Congressional Budget Office estimates last year, it would have “negligible” costs to the Federal Government during a 10-year scoring window, and it actually will likely reduce Federal outlays since the land’s transfer will reduce Federal Bureau of Land Management administrative costs.

Passage of this act is certainly in keeping with the spirit of the Alaska Lands Conveyance Acceleration Act that this body passed 7 years ago that was intended to help settle all outstanding land conveyance issues in Alaska by 2009—the 50th anniversary of Alaska Statehood. While the original agreement/extension covering the land exchange among the Federal Government, the State of Alaska and Bering Straits Native Corporation expired in late 2010, it has been extended once again by all parties to give Congress additional time to ratify the land exchange’s terms. Ratification will largely complete the land conveyance process in Northwest Alaska.

I hope that Congress this year, before the latest deadline passes, will quickly pass this legislation. I particularly hope that the land swap is ratified quickly since December 18, 2011 will mark the 40th anniversary of ANCSA’s passage. The shareholders of the Bering Straits region have waited 40 years to finally receive the land and economic benefits promised to them when they relinquished their aboriginal land claims. It is only just that they not be made to wait any longer to enjoy the full benefits of the claims settlement act. This bill is also very important for residents of Nome who utilize the area for recreation and subsistence purposes and for all Alaska Natives who live in the Bering Straits Region.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 47. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 48. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 49. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 50. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 47. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the

safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, line 3, insert “or subpoena” after “discovery”.

On page 209, line 7, strike “or”.

On page 209, line 9, strike “report.” and insert “report; or”.

On page 209, between lines 9 and 10, insert the following:

(D) hazard identification, risk assessment, risk control, and safety assurance data produced or collected for purposes of—

(i) assessing and managing aviation safety risk; or

(ii) a safety management system acceptable to the Administrator.

On page 210, beginning in line 5, strike “an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report” and insert “reports or data described in subsection (a)(1) only”.

On page 210, beginning in line 17, strike “an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report,” and insert “reports or data described in subsection (a)(1).”.

On page 211, beginning in line 2, strike “privileged self-analysis information as defined under the Federal Rules of Evidence.” and insert “information protected by the self-analysis privilege.”.

On page 211, beginning in line 5, strike “an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report” and insert “reports or data described in subsection (a)(1).”.

On page 211, beginning in line 14, strike “an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report” and insert “reports or data described in subsection (a)(1).”.

SA 48. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

#### SEC. . ADS-B OVERSIGHT.

(a) COST BENEFIT ANALYSIS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall contract with an independent third party to conduct an updated cost benefit analysis of acquisition approaches for the Automatic Dependent Surveillance-Broadcast program (referred to in this section as the ADS-B program).

(2) PARAMETERS.—The analysis must include a comparison of the service-based contract approach with more traditional acquisition approaches, both for the entire contract and for each individual phase of the program.

(3) INDEPENDENCE.—The independent third party selected to conduct the analysis may not have a financial interest in the ADS-B program, and may not have any significant financial ties with either the contractor or subcontractors involved with the program.

(4) **REVIEW BY DOTIG.**—The Department of Transportation Inspector General shall conduct a review of the final Cost Benefit Analysis.

(5) **REPORT.**—The final analysis and accompanying Inspector General review shall be provided to the appropriate Congressional Committees.

(b) **PERFORMANCE AND FINANCIAL AUDIT.**—The Department of Transportation Inspector General shall conduct a performance and financial audit of the ADS-B program and issue a report on the audit's findings. At a minimum, the audit and report shall—

(1) identify all cost overruns that have occurred or are highly likely to occur;

(2) review the factors used by the Administration to measure contractor performance;

(3) identify all incentive fees, award fees, and other financial performance rewards that have been awarded to the contractor, including the specific performance merits upon which those financial rewards were granted;

(4) identify all requirements changes, contract modifications, and change orders, including the costs of such changes and the extent to which each change was subject to review to identify, analyze, and document the associated needs, risks, costs, and benefits; and

(5) make specific recommendations that would allow the Administration to more accurately track both capital and operating costs and ensure timely and accurate disclosure of cost overruns.

(c) **ACQUISITION MANAGEMENT AND OVERSIGHT.**—

(1) **PLAN.**—The Administrator shall develop and submit to Congress an acquisition management and oversight plan for the ADS-B program. The plan shall—

(A) contain an assessment of current Administration acquisition, management, oversight, and contracting resources and capabilities devoted to the ADS-B program;

(B) identify actions that the Administration will take to improve its acquisition management and oversight of the ADS-B program;

(C) include staffing predictions, human capital needs, and training needs;

(D) identify specific processes and procedures for developing clear contract performance requirements and analyzing, approving, and managing requirements changes, contract modifications, and change orders; and

(E) address specifically the question of whether the Administration can better leverage acquisitions oversight and management expertise from other agencies within the Federal government.

(2) **DOTIG REVIEW.**—The Department of Transportation's Inspector General shall conduct a review of the plan submitted under paragraph (1).

(3) **TECHNICAL REQUIREMENTS.**—The Administration shall maintain the technical authority to establish, approve, and maintain technical requirements for the ADS-B program.

(4) **SELF-CERTIFICATION PROHIBITED.**—All certifications for capability and performance of ADS-B systems shall be conducted by the Administration or an independent third party, and self-certification by a contractor or subcontractor is not allowed.

(d) **CONTRACT REVIEW.**—The Comptroller General shall conduct an audit and review of the ADS-B contracts, and issue a report to Congress which, at a minimum, identifies and analyzes—

(1) any terms and structural features of the contract that may put the Federal government at a financial, legal, technical, or negotiating disadvantage, both during contract execution and throughout the life-cycle of the ADS-B system;

(2) specific risks and management challenges that can be expected to arise from specific contract terms or from the overall contract and acquisition structure;

(3) unclear performance and contract requirements that may increase costs, risks, and the probability of inadequate system performance;

(4) the procedures that Administration and the contractor used to write the contract, including who was tasked with both writing and reviewing contract language;

(5) contract terms or structures that may prevent or discourage financial transparency;

(6) benefits, risks, management challenges, and potential conflicts of interest associated with allowing the contractor to sell value added services, including recommendations for how to protect the public interest under such an arrangement;

(7) risks associated with utilizing a performance-based contract for the ADS-B program; and

(8) the short and long term advantages, disadvantages, and risks of—

(A) utilizing a cost plus incentive fee structure for development of the ADS-B ground system; and

(B) Ownership of the ground systems by the contractor instead of the Administration.

(e) **RESTRICTIONS.**—Until the requirements of this section have been fulfilled, the Administrator—

(1) may not execute any additional contracts, contract changes, requirements changes, task orders, or work orders for the Automatic Dependent Surveillance-Broadcast Program; and

(2) may not exercise any contract options for the Automatic Dependent Surveillance-Broadcast Program.

**SA 49.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SEC. . DOÑA ANA COUNTY AIRPORT.**

(a) **IN GENERAL.**—Notwithstanding section 23 of the Airport and Airway Development Act of 1970 (as in effect on August 4, 1982), or sections 47125 and 27153 of title 49, United States Code, the Secretary of Transportation may, subject to subsection (b), grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance numbered 30-82-0048 and dated August 4, 1982, under which the United States conveyed certain land to Doña Ana County, New Mexico, for airport purposes.

(b) **CONDITIONS.**—Any release granted by the Secretary under subsection (a) shall be subject to the following conditions:

(1) The County shall agree that in conveying any interest in the land that the United States conveyed to the County by the deed described in subsection (a), the County shall receive an amount for the interest that is equal to the fair market value.

(2) Any amount received by the County for the conveyance shall be used by the County for the development, improvement, operation, or maintenance of the airport.

**SA 50.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —EMERGENCY MEDICAL SERVICE PROVIDERS PROTECTION AND LIABILITY PROTECTION FOR CERTAIN VOLUNTEER PILOTS**

**Subtitle A—Emergency Medical Service Providers Protection**

**SEC. .01. DALE LONG EMERGENCY MEDICAL SERVICE PROVIDERS PROTECTION ACT.**

(a) **SHORT TITLE.**—This subtitle may be cited as the “Dale Long Emergency Medical Service Providers Protection Act”.

(b) **ELIGIBILITY.**—Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended—

(1) in paragraph (7), by striking “public employee member of a rescue squad or ambulance crew;” and inserting “employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

“(A) is a public agency; or

“(B) is (or is a part of) a nonprofit entity serving the public that—

“(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

“(ii) is officially designated as a pre-hospital emergency medical response agency;”;

and

(2) in paragraph (9)—

(A) in subparagraph (A), by striking “as a chaplain” and all that follows through the semicolon, and inserting “or as a chaplain;”;

(B) in subparagraph (B)(ii), by striking “or” after the semicolon;

(C) in subparagraph (C)(ii), by striking the period and inserting “; or”; and

(D) by adding at the end the following:

“(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity (and as designated by such agency or entity), is engaging in rescue activity or in the provision of emergency medical services.”.

(c) **OFFSET.**—Of the unobligated balances available under the Department of Justice Assets Forfeiture Fund, \$13,000,000 are permanently cancelled.

(d) **EFFECTIVE DATE.**—The amendments made by subsection (b) shall apply only to injuries sustained on or after June 1, 2009.

**Subtitle B—Liability Protection**

**SEC. .11. SHORT TITLE.**

This subtitle may be cited as the “Volunteer Pilot Protection Act of 2011”.

**SEC. .12. FINDINGS AND PURPOSE.**

(a) **FINDINGS.**—Congress finds the following:

(1) Many volunteer pilots fly for public benefit and provide valuable services to communities and individuals.

(2) In calendar year 2006, volunteer pilots provided long-distance, no-cost transportation for more than 58,000 people during times of special need.

(b) **PURPOSE.**—The purpose of this title is to promote the activities of volunteer pilots that fly for public benefit and to sustain the availability of the services that such volunteers provide, including the following:

(1) Transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis.  
 (2) Flights for humanitarian and charitable purposes.  
 (3) Other flights of compassion.

**SEC. 13. LIABILITY PROTECTION FOR VOLUNTEER PILOTS THAT FLY FOR PUBLIC BENEFIT.**

Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended in subsection (a)(4)—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;  
 (2) by striking “the harm” and inserting “(A) except in the case of subparagraph (B), the harm”;  
 (3) in subparagraph (A)(ii), as redesignated by this paragraph, by striking the period at the end and inserting “; and”; and  
 (4) by adding at the end the following:  
 “(B) the volunteer—

“(i) was operating an aircraft to promote the activities of volunteer pilots that fly for public benefit and to sustain the availability of the services that such volunteers provide, including transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis, and for humanitarian and charitable purposes; and  
 “(ii) was properly licensed and insured for the operation of such aircraft.”.

**FOREIGN TRAVEL FINANCIAL REPORTS**

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

**CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2010**

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Elizabeth Bina:									
United States	Dollar				9,175.90				9,175.90
Thailand	Baht		1,376.00						1,376.00
Ross Noland:									
United States	Dollar				9,175.90				9,175.90
Thailand	Baht		1,376.00						1,376.00
Claude Smith:									
United States	Dollar				14,709.00				14,709.00
Thailand	Baht		566.66						566.66
Brian Baenig:									
United States	Dollar				9,688.40				9,688.40
France	Euro		1,461.00						1,461.00
Belgium	Euro		381.00						381.00
United Kingdom	Pound		546.00						546.00
Cory Claussen:									
United States	Dollar				1,075.37				1,075.37
Germany	Euro		421.00						421.00
France	Euro		974.00						974.00
Belgium	Euro		381.00						381.00
United Kingdom	Pound		910.00						910.00
Patrick McCarty:									
United States	Dollar				10,562.40				10,562.40
France	Euro		974.00						974.00
Belgium	Euro		381.00						381.00
United Kingdom	Pound		910.00						910.00
<b>Total</b>			<b>10,657.66</b>		<b>54,386.97</b>				<b>65,044.63</b>

SENATOR BLANCHE L. LINCOLN,  
 Chairman, Committee on Agriculture, Nutrition and Forestry, Dec. 31, 2010.

**CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2010**

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Gary Reese:									
United States	Dollar				6,387.49				6,387.49
Jordan	Dinar		620.00						620.00
Israel	Shekel		932.00						932.00
Brian Wilson:									
United States	Dollar				6,387.49				6,387.49
Jordan	Dinar		620.00						620.00
Israel	Shekel		932.00						932.00
Kate Fitzpatrick:									
United States	Dollar				10,124.70				10,124.70
Japan	Yen		875.00						875.00
Indonesia	Rupiah		121.00						121.00
Singapore	Dollar		202.00						202.00
Alycia Farrell:									
United States	Dollar				10,124.70				10,124.70
Japan	Yen		875.00						875.00
Indonesia	Rupiah		121.00						121.00
Singapore	Dollar		202.00						202.00
Christina Evans:									
United States	Dollar				9,412.00				9,412.00
Germany	Euro		696.00						696.00
Djibouti	Dollar		174.00						174.00
Italy	Euro		208.00						208.00
Dennis Balkham:									
United States	Dollar				9,412.00				9,412.00
Germany	Euro		696.00						696.00
Djibouti	Franc		174.00						174.00
Italy	Euro		208.00						208.00
Benjamin Hammond:									
United States	Dollar				9,486.50				9,486.50
Germany	Euro		696.00						696.00
Djibouti	Franc		174.00						174.00
Italy	Euro		92.12						92.12
Andy VanLandingham:									
United States	Dollar				9,342.80				9,342.80