

the National Trust for Historic Preservation asks the public to vote for the 2011 fan favorite on its website. Voters may cast ballots once daily through March 15. The winner will be announced March 16. Last year's fan favorite community was Marquette, Mich.

"We're really excited about the voting and we think we can win this one," Steele said. "We're hoping to get a whole lot of help from the community to help us become the distinctive destination and fan favorite."

Paducah's appearance on the trust's Dozen Distinctive Destinations list comes on the heels of it being named as having one of the most romantic main streets in America just this past week, Steele said. Towns from across the country submitted five photographs that best illustrated why their main street and downtown districts should be considered among the most romantic in the country; Paducah was included in the top five, alongside towns in Louisiana, Tennessee, Connecticut and Indiana.

"The beautiful thing about all of this is it really puts us in front of so many people through the national trust," Steele said. "These honors will resonate with so many people who are considering on moving here."

To vote for the Dozen Distinctive Destinations fan favorite, visit [www.preservationnation.org/ddd/](http://www.preservationnation.org/ddd/).

Mr. MCCONNELL. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 223, which the clerk will report.

The assistant legislative clerk read as follows:

A 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 for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

Pending:

Rockefeller (for Wyden) amendment No. 27, to increase the number of test sites in the National Airspace System used for unmanned aerial vehicles and to require one of those test sites to include a significant portion of public lands.

Inhofe modified amendment No. 7, to provide for an increase in the number of slots available at Ronald Reagan Washington National Airport.

Rockefeller (for Ensign) amendment No. 32, to improve provisions relating to certification and flight standards for military re-

motely piloted aerial systems in the National Airspace System.

McCain amendment No. 4, to repeal the Essential Air Service Program.

Rockefeller (for Leahy) amendment No. 50, to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits, and to clarify the liability protection for volunteer pilots that fly for public benefit.

Reid amendment No. 54, to allow airports that receive airport improvement grants for the purchase of land to lease the land and develop the land in a manner compatible with noise buffering purposes.

Udall (NM) modified amendment No. 49, to authorize Dona Ana County, NM, to exchange certain land conveyed to the county for airport purposes.

Udall (NM) modified amendment No. 51, to require that all advanced imaging technology used as a primary screening method for passengers be equipped with automatic target recognition software.

Paul amendment No. 18, to strike the provisions relating to clarifying a memorandum of understanding between the Federal Aviation Administration and the Occupational Safety and Health Administration.

Hutchison further modified amendment No. 93 (to modified amendment No. 7), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the time be equally divided in the quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. CANTWELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the filing deadline for second-degree amendments be extended up until the cloture vote.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I came to the floor to briefly voice my very strong support for this FAA reauthorization bill and to thank my chairman, JAY ROCKEFELLER, for his leadership.

Many people have said this, but it is worth repeating. This is a jobs bill. The FAA reauthorization act is going to

modernize our air transport system. As many have said far more eloquently than I could ever say, we are looking at a system that has its roots in the 1940s and the 1950s, and we need to move beyond this and get a 21st century system. That is what NextGen is going to do—give us a much better way to handle all of those flights, all of that congestion. It is going to be, in addition to a jobs bill—280,000 jobs nationwide—it is also going to be a bill that focuses on safety. The growth that will be spurred on by this bill is crucial, because this industry also accounts for nearly 11 million jobs and more than 5 percent of U.S. GDP.

I want to talk about two issues I have a great stake in for the people of California and, frankly, for the people of this country. The first issue is the passengers' bill of rights. I am so grateful to our leader on the committee, Senator ROCKEFELLER, and his ranking member, KAY BAILEY HUTCHISON, for ensuring that this bipartisan legislation—I wrote it with Senator SNOWE—is included in the FAA bill.

We have all heard the horror stories of travelers trapped for hours without adequate food or water, some not even able to access their medicines; planes filled with screaming kids; upset passengers and unsanitary conditions from overflowing toilets.

In fact, it is a situation that, if anyone has ever been in it, makes an indelible mark, and, frankly, it makes you less likely to want to fly in the American skies because you have a chance at being one of those unfortunate people to get trapped in such a situation.

I thank Kate Hanni, a constituent of mine who was trapped in one of these aircraft for hours on the tarmac and got off the plane and said: I need to do something about this. She is the one who lobbied very hard, a citizen's lobby, to get a passengers' bill of rights.

I am grateful the Department of Transportation, under President Obama, took the first step by adopting key elements of our passengers' bill of rights through regulation last year. Secretary LaHood, who heads the Department of Transportation, sent a strong message and basically said airlines must give passengers the option of deplaning if they have been stranded on the tarmac for more than 3 hours.

According to the Bureau of Transportation Statistics, there have only been 12 tarmac delays of more than 3 hours from May to October of 2010, after the Department of Transportation instituted this rule, compared to 500-plus in the same period a year earlier. So by putting in a regulation that tells the airlines they cannot keep people on planes past 3 hours and, if they do, they have to give them an option to get off, we have turned things around. We have seen 12 tarmac delays compared to 500. We want to codify these consumer protections. We want a law. We don't know what the next President

will do. We don't know what could happen. We need a law that says they cannot keep people on an aircraft for more than 3 hours unless they are about to take off in the next 30 minutes or the pilot says there is a danger in taking passengers back to the gate.

We have very commonsense loopholes. But we don't have any loopholes on this: they have to have adequate water, food, and access to clean restrooms if there is any type of delay.

We also set up a consumer complaint hotline within the DOT which would give passengers the means to communicate directly with the agency about delays. Someone will be on the other end when people are exhausted and upset and need to have redress.

The passengers' bill of rights has broad bipartisan support. It passed the Senate 93 to 0 last March. We believe we now have to see it through.

I understand some of my friends on the other side of the Capitol in the House have said no to the 3-hour time period. We are going to have to fight hard for it because the bottom line is, if we don't have an end time, we could go back to the same delays.

The last issue I wish to bring before the Senate that is important not only to my State but to every State is the issue of having more direct flight options into Washington, DC, Reagan National Airport than we have now for many cities across this great Nation. We have now 38 million people in California. We have an economy that is about the seventh largest in the world. We have one direct flight from Los Angeles into Washington National Airport. If one lives in San Francisco, Sacramento, San Diego, San Jose, Fresno, or any other city in our great State, they do not have an option of flying directly into our Nation's Capital. That is not good for business or jobs in California. It is not good for business or jobs in Washington or Virginia.

We need to encourage more domestic tourism. That creates jobs for our communities. Tourism in my State generated \$90 billion and supported 881,000 jobs in 2009 alone. It makes a difference flying into the airport right here in DC. We can be in the Capitol in 15-20 minutes, depending on traffic, compared to getting off in Dulles, a great airport but not easy. Once we get off the plane, we have to get into a special train, and we walk and we go up escalators. We go on moving walks. It is quite good for exercise, but it is not good if one is interested in getting somewhere in a reasonable amount of time. Then the drive could be anywhere, on a good night, from 50 minutes to an hour and a half. That makes a difference to travelers, particularly those who are working or have work in this area.

I know there is a compromise on which my chairman and ranking member have been working to open some more slots so we can get more options in our State and other States that are likewise deprived. I will be supporting that compromise. It is crucial.

We need to have a bill that includes increasing service for citizens beyond this kind of artificial perimeter that was set up. We can't afford to wait any longer as opportunity lies in the balance. We are not going to overrun Washington National. Nobody wants to do that. We only want to do what makes sense and allow more freedom for the airlines to pick the routes for which they have a demand.

We have one direct flight into all of California. Boy, one can never get on that either. It just doesn't make any sense. We have multiple flights out of Dulles. There is not a balance there at all.

Again, this is a jobs bill. This is a consumer bill. This is a bill that is going to help commerce. I strongly support it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. 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. ROCKEFELLER. Mr. President, Senator BOXER—and not everybody knows this—is the author of the passengers' bill of rights. It has been an obsession of hers. It is not about helping airlines; it is about helping human beings. That has been a long process on the committee. It is in the bill. It is a very good part. She is responsible for all of that.

When Senator BOXER talks about more flights to the West, she echoes my deepest thinking. It is hard sometimes for people to understand. We are the East, and we get the feeling that everything happens in the East. But the fact is, the West is growing and the East is not. All of our slots are predicated on the fact that everybody lives in the East. Yes, there are some people out West—well, there are a lot more people out West. Los Angeles is huge beyond belief. That happens to be the home of Senator BOXER. But there are a lot of cities out there which don't get service and should have service. We have tried to address that in this bill.

The slots issue has been a very difficult one in the bill. But we have tried to address that by allowing the Department of Transportation to say: Are they getting enough? Is DC overcrowded or is it not? If it isn't, then they allow more to come on.

I enormously appreciate Senator BOXER in general. She chairs an important committee, but she comes to our hearings and always makes enormous contributions. On this bill of rights she is the author, which puts her right up there with the Founding Fathers.

Ms. SNOWE. Mr. President, I am pleased to join with my colleague and friend Senator BOXER to hail the inclusion of the passengers' bill of rights in the reauthorization of the FAA. We

have worked together for 5 years to protect passengers, and moving the passengers' bill of rights off the "to-do" list and into law will be a victory for the traveling public.

Senator BOXER and I have worked diligently as far back as the spring of 2007 to move this essential safety measure forward. Last year's passage of the FAA reauthorization bill brought us closer to our goal, but the legislation expired as the House and Senate grappled with other issues. Undeterred, Senator BOXER and I continued to stand up for this common sense safety and consumer protection proposal.

Make no mistake, providing airline travelers with access to food, water, restrooms, and medication is not just an issue of comfort—passengers who are pregnant, elderly, or ill require access to clean water and appropriate facilities—and no passenger should be held against their will just steps from an airport facility.

When passengers are able to safely deplane in the event of a delay, they absolutely should be given the choice to do so. This proposal ensures that passengers are given the right to get off a plane after 3 hours of delay on the tarmac. In 3 hours, a passenger could drive from Portland, ME, to Boston, complete an Olympic triathlon, or watch a full length movie. In that time, airlines can certainly ascertain whether or not they will actually be able to get off the ground. In March of last year, American Airlines flight 160 from San Diego to New York sat on the runway in Philadelphia for more than 5 hours, with passengers wondering if they ever would make it to New York.

Passengers already compete for window and aisle seats, and hope for exit rows with a bit more legroom. In fact, a Web site has made a business of providing charts of each air carrier's planes to show which have the best seats. The average airline seat is 17.2 inches wide, and passengers stuck in middle seats are given so little space to move. We have reached the point where we consult the Web to find which seat is least painful. Consumers want assurances that they will not be confined to their seats for any longer than necessary, and this bill helps assure passengers that their time in these tight spaces won't be longer than absolutely necessary to get to their destination.

We have gone from a record high of 268 flights delayed on the tarmac in June of 2009, to zero planes delayed on the tarmac for more than 3 hours in 2 consecutive months in October and November of last year. In the 8 months since the DOT rule was put in place, only 15 flights were delayed for more than 3 hours; in the same 8-month period the year before 586 flights with thousands of passengers aboard were held on the runway for hours on end.

After so many years of hearing horror stories of passengers being held hostage aboard aircraft for 9, 12, and even, what I believe is a record, 16 hours, passengers will be able to point

to Federal law that protects them. I hope the only runway record we set in the near future is the number of consecutive months without a single tarmac delay.

To its credit, the Department of Transportation took our bill, and wrote much of it into regulation, and for that, I commend Secretary LaHood and his predecessors. Flights will no longer be stranded on U.S. runways for hours on end, with passengers on board just hoping for clean water, lights, or appropriate facilities. The Department will also impose a fine of \$27,500 per passenger on a stranded flight. Airlines that neglect the welfare of passengers aboard their aircraft won't soon forget the hefty fines they face.

The rules and regulations drafted by the Department of Transportation go a long way towards addressing our concerns. While it would be easy to say the job is done, and passengers are protected, I am pleased the FAA reauthorization will codify the passengers' bill of rights provisions.

It is critical that the Department of Transportation understands that the passengers' bill of rights will extend these passenger protections to international flights using U.S. airports. A passengers' final destination should not dictate his or her rights on the runway. Let us be clear, this passengers' bill of rights applies to every passenger on every commercial plane taking off from or landing in the United States or its territories.

At the end of a flight, there is simply no excuse for trapping people aboard an aircraft for hours on end with airport facilities only yards away. On December 26, 2010, four international flights were held at their U.S. destinations for upwards of 10 hours. While the airport and airlines continue to bicker over who was responsible for the delay, we want to make sure it never happens again. This legislation will ensure that airlines operating international flights will have a strong incentive to find a way to give passengers a way out. It is my hope that in the future all airlines will move heaven and earth to ensure that passengers are not trapped aboard aircraft without access to basic needs.

Airports and airlines have worked hard to improve service and reduce delays. In Portland, one of the major airports in Maine, the number of cancelled flights has dropped from 702 in 2001, to 213 in 2010, and the airport had the greatest percentage of on time departures since 2002. The naysayers who told travelers that these new rules would cause hundreds of cancellations have been proven wrong. Now, if we could only tame our famous New England winter storms, we could reduce that number even more.

This bill also provides recourse to consumers who have complaints or concerns about their air travel experience. When you have an issue with air travel, a consumer complaint hotline at DOT will be available to take your call. While it is our hope that this bill

will improve the flying experience for travelers, passengers should have a clear path to addressing concerns with airlines. DOT should serve as a clearinghouse for collecting these concerns so a "big picture" view of the entire industry is available.

I am pleased that this legislation puts into Federal law the clear right of passengers to be treated with dignity while traveling. Reasonable treatment aboard aircraft should not just be a rule, it should be a legal right of passengers.

I look forward to working with Senator BOXER on other vital transportation issues that affect our rail lines, ports, and highways, and the entire Nation. With the reauthorization of many of our transportation programs this year, I am confident that improving the movement of passengers and freight will remain a congressional priority.

Ms. COLLINS. Mr. President, I rise today to speak about a Federal program that creates jobs, improves communities, and ensures air travel throughout the United States. The Essential Air Service Program was created in the wake of the airline deregulation of the 1970s to ensure the continuation of commercial airline service for smaller communities.

Four airports in Maine participate in the EAS Program: Augusta, Rockland, Bar Harbor, and Presque Isle. The EAS Program supports these communities and creates direct and indirect jobs.

If the EAS Program were discontinued, travelers would lose choices and the economies of these communities would suffer. For residents of northern Maine, the only way to travel by air would be following a 3- to 4-hour car drive.

The Maine Department of Transportation calculates that 1,351 direct and indirect jobs rely on aviation activities at the four Maine EAS airports. In rural areas such as Rockland and Presque Isle, these jobs make a huge difference. Without EAS, these jobs would likely disappear.

Additionally, without EAS, our rural communities would be less able to attract new businesses and residents. A businessperson may be less likely to locate a new operation in northern Maine if scheduled airline service is more than 3 hours away. It would be simply unfair to pull the rug out from under these rural communities as they try to attract new jobs and businesses.

EAS is a small fraction of the total FAA spending, but it has a large impact on our Nation's rural communities and travelers. I strongly support the Essential Air Service Program and will oppose eliminating this program.

Mr. REID. Mr. President, we have a briefing by the Secretary of State. We have votes scheduled at 10 until noon, about. I ask unanimous consent that vote be extended to 10 after the hour of noon to allow Members to listen to the Secretary of State and still move the bill along.

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

Mr. REID. I have talked to the Republican leader. He knows I have asked this consent.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—S. 380

Mr. MCCAIN. Mr. President, in a few minutes, I will ask the Senate to proceed to the consideration of S. 380. S. 380 extends the Andean Trade Preference Act. But first I would like to make a few comments about the importance of this trade preference act.

I am very aware that a lot is going on in the world and there is upheaval in the Middle East and there is a lot going on on both sides of the aisle on spending, and I am very aware of what has dominated the news and the attention of the Congress and the American people. I want to talk for a few minutes about the importance of the Andean Trade Preference Act and the need to reauthorize it.

I remind my colleagues that the Andean Trade Preference Act was first enacted by President George Herbert Walker Bush as a way to boost the licit economies of several Andean nations that were major producers of illegal drugs. Over the past two decades, this program has been supported by Democratic and Republican Presidents, it has been reauthorized by Democratic and Republican Congresses, and it has been widely recognized as a dramatic success—creating jobs for our workers, who can sell cheaper imports to American consumers as a result of these trade preferences, while also supporting the economic development of strategically important countries in our hemisphere.

One of these countries is Colombia. We have been rightly focused on other parts of the world over the past decade, but one of the untold success stories is Colombia's transformation from a failed state to a thriving democracy. It has been one of the world's great stories and one of the greatest bipartisan triumphs of U.S. foreign policy in recent memory.

Through the courage and perseverance of the Colombian people, the government and armed forces of Colombia took their country back from terrorists and drug traffickers and warlords who murdered the innocent indiscriminately and sowed our society with illegal drugs. We were with them every step of the way. It was President Bill Clinton, together with a Republican Congress, who first enacted Plan Colombia, and it was President George W. Bush, initially with a Democratic Congress, who expanded Plan Colombia.

Over the past decade, the U.S. taxpayer has invested more than \$8 billion to help Colombia win its war, and it has been some of the best money we have ever spent on a national security program. Remember, the Plan Colombia and the war, where we helped the Colombians take back their country from FARC and the terrorists and drug dealers, were to prevent drugs from coming to the United States of America, where the demand was created.

So I am proud that as an act of generosity and help on the part of the American people, it was in America's national security interest to see Colombia not become a failed state, which it almost was 10 years ago.

The Andean Trade Preference Act has been a critical component of this effort. It has provided Colombia, along with other Andean nations, essential open access to our markets that has catalyzed their success. What is more, the vast majority of the products these countries are exporting to us Americans barely produce at all, such as cut flowers. So it provides a huge benefit for our partners, with little competition or displacement for our workers.

Unfortunately, after the long record of bipartisan support for this successful and vital program, the last Congress did something deeply shortsighted and terrible: Rather than extend the trade preferences, as previous Congresses have done, it made their passage and the passage of other vital free-trade measures conditional on the extension of a whole array of new government spending—spending our country cannot afford.

As a result, the Andean Trade Preference Act expired last weekend and with it the privileged market access that is so vital to key Andean partners, such as Colombia. What is even more terrible, we are failing Colombia at the worst of all possible times, as it is struggling to recover and rebuild from massive flooding. I saw with my own eyes the massive flooding, where hundreds of thousands of people have been displaced. They have been devastated, and the estimated cost to rebuild is several billion dollars.

But it is even worse than that. Not only has this Congress denied Colombians vital trade preferences at a time when their country is literally underwater, it has done so amid the continued failure to ratify the Colombia Free Trade Agreement. This agreement mainly benefits us, leveling the playing field for U.S. workers seeking access to Colombian markets.

But the signal of strategic commitment that it sends to Colombia can't be understated. By failing for 5 straight years now to pass a Colombia Free Trade Agreement, we are sending the opposite signal—that the United States is an unreliable and untrustworthy ally and that we seem to be incapable of rising above our own domestic political differences to consolidate our strategic partnership with one of our best friends in the world. It is sad.

No trade agreement during a time of great need due to a natural disaster, and how have the Congress and the administration responded? By failing to extend critical trade preferences for Colombia and our other Andean friends. We have kicked an ally while they are down and right when they need us most. Colombian officials tell me that without these trade preferences, their cut flower industry, which is one of the pillars of the Colombian economy, could contract by 15 to 20 percent in the coming weeks.

Now is the time to right this wrong. Now is the time to come together and extend the Trade Preference Act—by itself, on its own, and on its merits, just as Congresses before us have done. This legislation will do that. It will extend the privileged market access for our Andean friends until November 30 of next year. After we have invested so much in the success of the Andean region—investments that have earned us enormous goodwill and gratitude—why would we do anything to call our friendship into question? Why would we do anything that harms our allies? We cannot afford not to extend the Andean Trade Preference Act.

Let me also explain something to my colleagues. Before we went out of session last year, we made an agreement—and the Senator from Ohio, whom I see on the floor and who was one of the negotiators—that the trade adjustment assistance would be extended along with the Andean Trade Preference Act. The interesting thing about that extension is that it was not only an extension of the trade adjustment assistance as it was prior to the stimulus being passed, but also after. In other words, the trade adjustment assistance had gone up to some \$2.6 billion, an additional \$620 million for the remainder of this year. So it is in existence today, with \$1 billion being spent on various programs. There is a GAO study that severely questions these multiple employment and training programs that are in existence today. They talk about the \$18 billion being spent to administer 47 programs, an increase of 3 programs and roughly \$5 billion since their last reporting.

What I am asking my colleagues who are supportive of the TAA is to agree to an extension of the Andean Trade Preference Agreement in return for our extension, our agreement to extend the trade adjustment assistance at the level of pre-stimulus. The stimulus was supposedly advertised as a one-shot deal. So why should we increase trade adjustment assistance in keeping with the enactment of the stimulus package? Now that the stimulus is supposedly over, can't we go back to previous levels of adjustment assistance?

I wish to make the record perfectly clear: This proposal of killing off trade adjustment assistance is in being as we speak today. We are saying we don't want the increase that was put in in 2009 as a result of the stimulus package.

Things are not great in our Western Hemisphere. We have a return of Danny Ortega in Nicaragua, we have Hugo Chavez continuing to consolidate power in Venezuela. We are seeing other nations in the region—and I won't enumerate them—that are becoming more and more dictatorial, totalitarian, and anti-American. So when we don't extend the ATPA, the signal to our friends and our adversaries in the region is very clear: You can't count on the United States of America to keep its solemn agreements negotiated and ratified by Republican and Democratic Presidents and Congresses.

I understand and appreciate and respect the Senator from Ohio, the Senator from Pennsylvania, and the Senator from Montana and their dedication to trade adjustment assistance. I am not seeking to end TAA. We are seeking to leave TAA at its previous level prior to the stimulus package being enacted. I don't understand why that shouldn't be sufficient in this era of huge deficits and debts.

I ask my friend from Ohio and those on the other side of the aisle who oppose a long-term extension—who oppose the Andean Trade Preference Act being extended—that we would agree to the extension of the trade adjustment assistance only at the level where it was before. Isn't that reasonable? Isn't that reasonable? It is \$1 billion a year. It is \$1 billion a year that is going to be allowed under the TAA.

Again, I understand there are a lot of things going on in the world. There are a lot of things going on domestically. There are a lot of things happening, but shouldn't we pay attention to our friends, our little friends who helped us so much in this war on drugs? If they had become, as they nearly did 10 years ago, a failed state, the consequences to the United States national security would have been profound. We are watching the violence in Mexico and we are alarmed by it, including the death of a DEA agent and the wounding of another one in the last couple of days in Mexico. My friends, that was a Sunday school picnic compared to what was going on in Colombia before we helped them with the Andean Trade Preference Agreement. I urge my colleagues to please consider at least a short-term extension of this ATPA, along with the basic TAA, at least to give these people an opportunity to recover from the devastation they have experienced.

I ask unanimous consent that the Senate proceed to the immediate consideration of S. 380. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER (Mrs. HAGAN). Is there objection?

Mr. BROWN of Ohio. Madam President, reserving the right to object, I know the Presiding Officer, the junior Senator from North Carolina, wants to

be part of the TAA extension. I appreciate that, as do Senator CASEY and Senator MCCAIN and Senator BAUCUS.

My problem is this: I want to work with Senator MCCAIN on this. I want to make this work. I want to extend the Andean trade preferences. He and I worked this agreement out with Senator KYL and Senator CASEY and others at the end of last year, in the last 2 hours of the session. I think that was the time line. Right at the end, we were able to extend all of this, but only for 6 weeks. He wanted longer, I wanted longer, but we couldn't get an agreement.

Senator MCCAIN asked, is it not reasonable to extend the old TAA. The old TAA started 50 years ago. It was a great program. It was bipartisan. It has always been that. But it is not reasonable to do only the old TAA. There have been 150,000 workers who are eligible since the Recovery Act passed for the expanded TAA because they happen to have lost their jobs to countries we didn't have a free trade agreement with. They were not eligible under the old one, but they are eligible under the new one. Or they happen to be service workers. They are eligible under the new one but not under the old one.

It is a situation where because of things we do in this body—we pass a trade agreement, people lose their jobs. We have an obligation—I know people are focused on government spending, as we should be, and on the deficit, as we should be, but this is an action of the House and Senate. We pass tax policy here. We give tax breaks to companies that move overseas. Why don't we pay for this TAA with something like that? We could always do that.

The point is there are so many workers in this country who have lost their jobs because of trade agreements, because of tax law and trade law. They should be eligible for getting some assistance so they can get retrained and go back to work. We all know people in our States—Arizona, Nevada, Oregon, Texas, West Virginia, and Ohio—where that has happened.

The other thing we need to extend is the health care tax credit. We know that literally thousands of workers—I can give you some examples quickly: 400 Americans in Arizona, 1,400 Americans in Georgia—mostly Delta workers—6,800 Americans in Michigan, 9,200 Americans in Ohio, 68,000 Americans scattered around every other State in this country—because of the Recovery Act and the expansion of the health care tax credit, they would be able to continue to get their health care.

So with reluctance—I don't want to do this, because I want to see the Andean trade preferences extended—I am going to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arizona.

Mr. MCCAIN. Madam President, all I can say to my friend from Ohio is we have deep sympathy for the plight of the citizens of Ohio who have been very

hard hit in this economic disaster that this Nation has undergone in the last couple of years. There has been enormous loss of jobs and income on the part of the citizens of Ohio, and particularly that part of the country. I would also argue that my home State of Arizona has suffered rather dramatically as well.

But does it make sense to dramatically increase any program at this particular time? We are already spending \$1 billion a year. That seems to be a significant amount of money.

I would also point out that a lot of these training programs have drawn scrutiny and even criticism from the GAO. This criticism has been kind of telling. It says:

In fiscal year 2009, nine Federal agencies spent \$18 billion to administer 47 programs, an increase of three programs and roughly \$5 billion since they reported in 2003.

So I don't think we could see tangible benefits from the trade adjustment assistance. But we are willing, I say to my friend from Ohio, to continue to support a \$1 billion program per year for trade adjustment assistance when we are slashing vital programs that people know are far—we are all having to make sacrifices. Can't my friend from Ohio be satisfied with \$1 billion for trade adjustment assistance?

Again, I wish to say, we do have problems in our hemisphere. We do have Brazilians striking out on a new and independent course. We have Venezuela, Nicaragua, Ecuador, Bolivia, we have these countries that are looking on us as either an adversary or an enemy, depending on which country we are talking about. So the message we are sending by not at least extending this agreement I think is a terrible one, and I ask my friend from Ohio to reconsider.

I also wish to say this: The President of the United States and the White House should be weighing in on this. The President of the United States has said he wants the Korea Free Trade Agreement and we want the "Colombian and Panamanian Free Trade Agreement" as well.

Well, if they want that, should they not want to extend the trade preferences that were negotiated by President Bush and extended under President Clinton? Should we not want that—and Republican and Democratic Congresses alike?

I have taken too much time of this body. Again, I ask my friend from Ohio to reconsider, negotiate, do whatever we can before we continue to send this terrible message to our friends in the hemisphere who have literally laid down their lives in the war against drugs, which we have felt is in vital U.S. national security interests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent for 2 minutes to make a motion.

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

Mr. BROWN of Ohio. I have great respect for the senior Senator from Arizona. I wish to find a way—and I will give some specific names of people who have benefited from the expansion of TAA. I brought in a stack of literally 500 letters from Georgia, Michigan, and Ohio—the States hit the hardest—some 300 people in Arizona, and others who have benefited from the expansion of the health care tax revenue and TAA.

I offered to Senator MCCAIN—other than the fact that it costs more money, and I don't dispute that—that if we can work on specific problems they have with individual parts of the expansion and if there is a way of working out any kind of language they don't like, I am happy to do that. I am going to offer a unanimous consent request on TAA and tax credits and on Andean. The reason I objected is I cannot walk off this floor having helped the workers in Ecuador and Colombia but not the workers in Toledo and Cleveland and Phoenix and Charleston, WV. That is why I will make this request—which will help in every case—on the Andean trade preference, TAA, and health care tax credit.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 11, H.R. 359, that a Brown of Ohio substitute amendment, also on behalf of Senators HAGAN and CASEY, which provides an 18-month extension for trade adjustment assistance, and the Andean Trade Preferences Act be agreed to, the bill, as amended, be read the third time and passed, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, I certainly didn't want to get too much into this debate because the fact is that GAO concluded:

Based on our survey of agency officials, we determined that only 5 of the 47 programs have had impact studies that assess whether the program is responsible for improving employment outcomes. The five impact studies generally found that the effects of participation were not consistent across programs, with only some demonstrating positive impacts that tended to be small, inconclusive or restricted to short-term impacts.

We are talking about an additional \$1.6 billion. We can't do that. Why in the world the Senator from Ohio and other Senators from his part of the country were satisfied for years with a TAA of roughly \$1 billion and now are not satisfied with that in these times of economic difficulties confounds me. It is a sad day for our friends in Colombia and the Andes who have sacrificed so much on our behalf. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BROWN of Ohio. Madam 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. HUTCHISON, Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 93, AS FURTHER MODIFIED

Mrs. HUTCHISON, Madam President, I ask unanimous consent that the cloture vote with respect to amendment No. 7 be vitiated; further, that amendment No. 93 be further modified with the changes that are at the desk.

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

The amendment, as further modified is as follows:

Strike all after the word "Sec" and add the following:

— **RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.**

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

“(g) ADDITIONAL SLOTS.—

“(1) INITIAL INCREASE IN EXEMPTIONS.—Within 95 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(C), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

“(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

“(B) increase competition in multiple markets;

“(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

“(D) not result in meaningfully increased travel delays;

“(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

“(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

“(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

“(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—Of the exemptions made available under paragraph (1), the Secretary shall make 10 available to limited incumbent air carriers or new entrant air carriers and 14 available to other incumbent air carriers.

“(3) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under this subsection, it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan

Washington National Airport and an airport located beyond the perimeter described in section 49109. The Secretary may not grant more than 2 slot exemptions under paragraph (1) to an air carrier with respect to the same airport, except in the case of an airport serving a metropolitan area with a population of more than 1 million persons.

“(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions:

“(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

“(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

“(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this subsection shall commence operations using that slot within 60 days after the date on which the exemption was granted.

“(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

“(A) caused congestion problems at the airport;

“(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority;

“(C) affected the environment in the area surrounding the airport; and

“(D) resulted in meaningful loss of service to small and medium markets within the perimeter described in section 49109.

“(7) ADDITIONAL EXEMPTIONS.—

“(A) DETERMINATION.—The Secretary shall determine, on the basis of the study required by paragraph (6), whether—

“(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington Thurgood Marshall International Airport; and

“(ii) the granting of additional exemptions under this paragraph may, or may not, reasonably be expected to have a substantial negative effect on any of those airports.

“(B) AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.—Beginning 6 months after the date on which the impact study is concluded, the Secretary may grant up to 8 slot exemptions to incumbent air carriers, in addition to those granted under paragraph (1) of this subsection, if the Secretary determines that—

“(i) the additional exemptions authorized by paragraph (1) have not had a substantial negative effect on any of those airports; and

“(ii) the granting of additional exemptions under this subparagraph may not reasonably be expected to have a negative effect on any of those airports.

“(C) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under subparagraph (B), it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

“(D) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under subparagraph (B) shall be subject to the following conditions:

“(i) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

“(ii) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

“(E) ADDITIONAL EXEMPTIONS NOT PERMITTED.—The Secretary may not grant exemptions in addition to those authorized by paragraph (1) if the Secretary determines that—

“(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on any of those airports; or

“(ii) the granting of additional exemptions under subparagraph (B) of this paragraph may reasonably be expected to have a substantial negative effect on 1 or more of those airports.

“(h) SCHEDULING PRIORITY.—In administering this section, the Secretary—

“(1) shall afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations conducted by other air carriers granted additional slot exemptions under subsection (g) for service to airports located beyond the perimeter described in section 49109; and

“(2) shall afford a scheduling priority to slots currently held by limited incumbent air carriers for service to airports located beyond the perimeter described in section 49109, to the extent necessary to protect viability of such service.”.

(b) HOURLY LIMITATION.—Section 41718(c)(2) is amended—

(1) by striking “3 operations” and inserting “4 operations”; and

(2) by striking “subsections (a) and (b)” and inserting “under this section”.

(c) LIMITED INCUMBENT DEFINITION.—Section 41714(h)(5) is amended—

(1) by inserting “not” after “shall” in subparagraph (B);

(2) by striking “and” after the semicolon in subparagraph (B);

(3) by striking “Administration.” in subparagraph (C) and inserting “Administration; and”; and

(4) by adding at the end the following:

“(D) for purposes of section 41718, an air carrier that holds only slot exemptions”.

(d) REVENUES AND FEES AT THE METROPOLITAN WASHINGTON AIRPORTS.—Section 49104(a) is amended by striking paragraph (9) and inserting the following:

“(9) Notwithstanding any other provision of law, revenues derived at either of the Metropolitan Washington Airports, regardless of source, may be used for operating and capital expenses (including debt service, depreciation and amortization) at the other airport.”.

Mrs. HUTCHISON, Madam President, we are ready for the vote on the amendment. I ask for a vote on amendment No. 93, as further modified.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 93, as further modified.

The amendment (No. 93), as further modified, was agreed to.

AMENDMENT NO. 7, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to Inhofe amendment No. 7, as amended.

The amendment (No. 7), as amended, was agreed to.

Mrs. HUTCHISON. Madam President, I wish to ask the Senator from Arizona to engage in a colloquy with myself and Senator ROCKEFELLER and any others who wish to speak within this colloquy regarding an issue that was not able to be resolved because of the time constraints.

I want to say that every stakeholder representing constituents all over America gave greatly to adopt this amendment that will have, in my opinion, a responsible relaxation of the perimeter rule at Washington National Airport.

We can talk about the details certainly as we move forward, but there was one major issue left unresolved that I think deserves a colloquy so we know what we have to do to finish this process in conference before we adopt an FAA bill that is a very important bill for our country.

I ask the Senator from Arizona to state his concerns about the unfinished part of this bill, and then we will open it for discussion.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, first, I ask unanimous consent that the cloture vote on the underlying bill occur at 2 p.m. today.

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

Mr. KYL. Madam President, very briefly, the Senator from Texas is correct. No one who was directly involved in these negotiations is pleased with the outcome. Some will say that must be a pretty good outcome then. One of the things we did in order to enable us to come to agreement is defer a big issue. That issue will have to be resolved in conference. It is the issue of how the additional flights that are being allowed under this legislation will be allocated among the various air carriers.

Ordinarily, an agency will make a decision based upon criteria the Congress lays out in the underlying legislation; otherwise, their decisions can be challenged as arbitrary and capricious. It is up to us to devise what those standards are. We were not able to agree on them. It is one of the things we will have to try to come to an agreement with each other about and then articulate a position with our House colleagues in conference. This pertains both to the original or first-year tranche as well to the second-year tranche.

I hope my colleagues and I can continue to work together in the spirit of cooperation to devise good criteria so the last piece of this legislation can be put into place.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I wish to make a couple of observations. First of all, I apologize to all of our colleagues having to postpone cloture and precloture votes. What has happened is a number of folks have come in at the very last second and asked for changes. That is not usually

the way committee business is done. We have been on this for a number of years. But we have to face the reality of that fact. We want to get cloture, and we want the bill to pass.

I say to my friend from Arizona that I will work with him and with—whether it is GAO, DOT, or whomever we decide to work with or both, which we can obviously do and which is in the legislation; the GAO is automatic for any Member—that I will work to try and resolve this problem as best as I can.

There are many problems wandering around, but the basis of the bill, the structure of the bill, the overall bill is actually not just about slots. That is a relatively small part. It has been virtually all of the conversation and the debate.

As Senator HUTCHISON pointed out, a new air traffic control system, airline safety, all kinds of other things, are so predominantly important that we have had to proceed in this way to try to accommodate our colleagues, and that we will continue to try to do.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, let me thank the chair and the ranking member for their leadership on this issue. Along with my colleagues from Maryland, we have the airports that are most affected by these changes, and we have worked in that spirit of compromise. As the Senator from Arizona noted, I don't think anyone is totally satisfied.

I wish to particularly single out the ranking member and the chair for their willingness to acknowledge our work on the issue of the effects of these additional flights. Going up from where the House position was and the airport authority's original position was to make sure—vis-a-vis Dulles—that the economic effects of this and the question involving the potential shared debt service between the two airports be addressed. This was an issue, again, that we were not able to resolve, but I appreciate the chair, the ranking member and their staffs' willingness to continue to work as this bill goes to conference.

It is very important that we get this bill passed and we move forward on NextGen and all the other important parts of the FAA bill.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, there have been a lot of negotiations on this amendment, but I do think we now have a breakthrough and a way forward to solve the unresolved issues and pass a very good FAA bill.

In general, the amendment does relax the perimeter rule, with exemptions. There will be five new entrant capabilities—"new entrant" meaning air carriers that do not serve National Airport now at all—and limited incumbents that have fewer flights from National Airport will get five new slots that will be able to go outside of the

1,250-mile perimeter that has been a standard restriction at National Airport. In addition, there will be seven flights that incumbent carriers can exchange from inside the perimeter to outside the perimeter.

Earlier the Senators from outside the perimeter, which is basically west of St. Louis or Denver, have wanted 75 new flights. They came down to 30, then they came down to 21, and now we are at 16. That would be total because the last four would come later, after a study has shown that there would not be disruptions or congestion at National Airport. So I think we have a very limited number of flights that will be coming in to National Airport—a total of 16 but, of those 16, 11 are already flights that go in and out of National. Thanks to the good work of the Senators from Virginia and Maryland, there will be very little increase or disruption in the National Airport area.

In addition, although the western Senators negotiated down significantly from what they originally wanted, the Senators from the northwest also wanted to have the capability for more competition and more consumer access, and I agree with them. I think they did a great job. Senator WYDEN, Senator CANTWELL, Senator MERKLEY, and Senator MURRAY also had great concerns, along with the Senators from Alaska, Senator MURKOWSKI and Senator BEGICH. They had concerns we had to address. And the California Senators most certainly have wanted more access from California, and that is a huge population base that will now have better access to National Airport as well as Dulles.

I think that is the outline of the amendment we have just adopted, and we are going to continue to work in conference. The House bill has five new entrants only, and we have 16. We have conversions; the House does not. So there will be a lot of talk and a lot of input, but my goal is to have more competition, to have strengthened air carriers for our overall U.S. air competition, and to ensure that the people west of the Mississippi River have access to National Airport.

I think we have made a good start, and I commend all of those who have been involved in a very delicate negotiation. I especially thank my chairman, Senator ROCKEFELLER of the Commerce Committee, for helping us to get to this point where we could pass an FAA bill.

As has been mentioned, we are on our 18th short-term extension of FAA, and if we are going to have the next-generation air traffic control system, a modernization of the air traffic control system and the safety requirements, we have to pass the underlying bill. So we have taken a major first step. It is not the end by any means, but it is the beginning of the end.

I now recognize Senator WYDEN, who was very much a part of resurrecting from the dead, I would say is not too strong a term, the amendment that

would have gone by the wayside but for his persistence in ensuring that we could come to terms that would make no one happy but also no one truly unhappy.

Mr. WYDEN. Madam President, I yield to the distinguished chairman of the Commerce Committee, and I ask unanimous consent that I be allowed to speak briefly after the chairman of the Commerce Committee has spoken.

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

The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I wish to echo what Senator HUTCHISON has just said. In the process of legislation, if you look at it logically, you do it over a period of years—1 or 2—or a number of months, and people get their amendments in. That has not been the case here. On the other hand, one has to recognize that people feel very strongly, and when Senators feel very strongly, they have that right, and they have the right to try, therefore, to affect the legislation even though it may be at the very last moment. I think everybody is acting in good faith.

I appreciate very much the Senator from Washington, MARIA CANTWELL, because she has given up a lot and she has also been very cooperative. She is going to be the new chair of the aviation subcommittee, which I look forward to and appreciate. I also appreciate the leadership of Senator HUTCHISON and all other Members—the Senator from Virginia whose time I have taken, Senator WYDEN—who have participated in trying to work this out. It is not a beautiful process, but it is one that throughout the Senate has been solid and strong, and it needs to be voted for when that time comes. As I said, slots are not the only issue. The other issues are huge, and they are resolved without any contentiousness at all. So in that spirit of really thanking all who fought for what they have a right to fight for and saying that we have tried to respond as best we could—and if nobody is entirely happy, that probably means it is a good bill, a good approach—I wish to thank everyone.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I appreciate the chance to speak for just a few minutes.

I particularly wish to thank Senator HUTCHISON and Senator ROCKEFELLER and tell colleagues that last night, at 10 o'clock, after hours and hours worth of negotiation, I thought the prospect of working this out was absolutely gone. I thought that once again the Senate would walk away from the idea of trying to come up with a way to have a more competitive market-oriented system in the aviation sector.

Obviously, this is not all that needs to be done, but this issue of slots, I would say to colleagues and the folks who are listening, is not about adding

more gambling machines; this is about the right to land a plane. In much of our country, we have crowded airports, and folks are very concerned about that because it really relates to the business climate and it relates to quality of life. And it is not just in my part of the country but lots of other parts.

So this morning we still had three or four outstanding issues. A group of Senators, on a bipartisan basis, got together. We were just a little ways up here in the building, and in good faith we worked through a variety of issues—issues to make sure everybody was treated fairly in terms of scheduling, issues to ensure fairness with respect to the new flights and to something called conversion, which essentially involves taking short distance flights and turning them into long distance flights. We still have some matters, obviously, that we are going to have to review with respect to studying this issue and ensuring all airlines have equal access to the markets. It is a sensitive subject, particularly to folks here in Virginia and Maryland. So these are areas that are going to take some additional work, but I think, with the new provisions that have been added, particularly to make sure we would have the five new round-trip flights from Reagan National, ensuring these new slots would be intended for long-distance, for out-of-perimeter, we have moved a long way to ensure that the Senate will go into conference on a bipartisan basis in a unified fashion.

Madam President, I would like to take particular note of the extraordinary work done by Senator CANTWELL, my colleague from the Pacific Northwest. When you reach an agreement such as this, which had three or four provisions, in effect, that were still being thrashed through this morning, it only comes together when colleagues say they have to find a way to get to some common ground and they can't simply go into a negotiation and have everything their way. Nobody, in my view, in these discussions moved more from the position they were most interested in than Senator CANTWELL.

Chairman ROCKEFELLER has been right to note that she will be the chair of the subcommittee. I can assure colleagues that no one will do more to protect the consumer, protect competition, and to protect the marketplace that we would like in the aviation sector than Senator CANTWELL. She was instrumental last night and this morning, where we practically could have been fed intravenously and she just stayed put and kept negotiating to get to the point where we had an agreement on these slots.

I referenced, Chairman ROCKEFELLER, when the Senator was off the floor, that we can continue this kind of cooperation as we have this bill pass the Senate and we go to conference. There is a reason we couldn't resolve the slots issue in the past; that is, despite efforts to come together, we just

couldn't get Senators to focus on these three or four outstanding issues that were dealt with this morning. I think we have been fair to the big markets under this agreement as well as the smaller markets.

So as the chairman goes into the conference, I think the good will that came about as a result particularly of last night's efforts and this morning's efforts and all the cooperation he and Senator HUTCHISON have shown—he will be able to take an issue that was seen as absolutely impossible to resolve even as of late last night—because I felt when I walked in this morning that we were just going to hang drapes on this question and possibly the whole bill. I think now this bipartisan effort in good will shown by a lot of Senators on both sides of the aisle, led by the chairman and Senator HUTCHISON, is going to pay off. It is a very good start to an issue that isn't going to be resolved today, but some of the principles that have been laid out today are going to make a huge difference.

I wish to close by saying that my colleague from the Pacific Northwest, Senator CANTWELL, who I believe knows as much about aviation as anybody on the planet at this point, did an awful lot to bring people together.

I look forward to working with the chairman as we go to conference, and I thank him for his cooperation. I also look forward to talking about some additional issues that he knows I care a lot about—the drones that are so important to central Oregon—but I acknowledge that he has made it possible for us to make an enormous amount of headway today, and I look forward to working with him and Senator HUTCHISON in the days ahead.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Georgia.

(The remarks of Mr. ISAKSON are printed in today's RECORD under "Morning Business.")

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

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

#### FCC RESOLUTION OF DISAPPROVAL

Mr. ENSIGN. Mr. President, yesterday, along with Senators HUTCHISON and MCCONNELL, I introduced a Resolution of Disapproval that if adopted, will overturn the FCC's attempt to regulate the Internet through its recent Open Internet Order.

In December, the FCC, defying Congress and the Judiciary, announced an order that will give it sweeping new authority to regulate content on, and access to, the Internet. Particularly in today's economy, the Internet and associated applications should be able to

evolve without unnecessary government interference that could stifle innovation. The last thing the government needs to do is once again burden the private sector with additional burdensome regulatory red tape. While the FCC's action is certainly concerning, it should come as no surprise considering this administration's history of usurping the private sector's role in our economy and replacing it with more heavy-handed federal regulation. As we have learned, such regulation only serves to micro-manage private businesses and limits the ability of companies to grow. On the contrary, this order will serve to smother creative new uses for the Internet and to slow the expansion of advanced broadband networks.

As you know, the Internet has become an indispensable part of our economy and an integral part of our society. It is a source of innovation, information, entertainment, commerce, and communication. Largely unfettered by government laws and regulations, the Internet owes much of its success to innovators and entrepreneurs having the freedom to imagine, explore, and create new uses for the Internet. The innovation and ingenuity associated with the creation and development of the Internet in this country is a prime example of what the private sector is capable of if its hands are not tied by Washington bureaucrats. The problem with the FCC's order is that it puts the FCC in the position of being the final arbiter of what broadband service providers can and cannot do with their networks. As the Internet evolves, new network services and management practices may be necessary or desirable. Yet, I fear that companies will now either be barred from innovating or will have to seek the FCC's permission first.

Under the order, Internet providers "shall not block lawful content, applications, services, or non-harmful devices, subject to reasonable network management". The order also states that these providers "shall not unreasonably discriminate in transmitting lawful network traffic over a consumer's broadband Internet access service." Guess who gets to make the determinations as to what constitutes "lawful" or "reasonable"? Not the consumer. Not Congress. Rather, it is the unelected bureaucrats at the FCC, alone, that will make those determinations. This gives the Federal Government, for the first time, the power to make decisions that will affect what websites consumers can and cannot access and how they may access them.

I continue to believe that the competitive market is the best means to preserve and advance the future of the Internet. That is why I have continued to fight the FCC's attempts at regulating the Internet under the guise of preserving "openness". In 2009, I co-sponsored an amendment with Senator HUTCHISON that would have prohibited the FCC from using any appropriated

funds "to adopt, implement, or otherwise litigate any network neutrality based rules, protocols, or standards." Also, late last year, I authored a letter, signed by 28 of my colleagues, to the FCC urging it not to proceed with this order.

With the sweeping new authority the FCC has given itself, one question that should be asked: Is this order even necessary? How many people in this country have been unable to access the Internet like this order would suggest? Do the American people really want more government oversight when it comes to the Internet? The Internet is that last frontier when it comes to innovation without government interference, do we really want to jeopardize this? Isn't this more like a solution looking for a problem?

Consumers today have more access to more Internet services than ever before. Business has invested tens of billions of dollars in new broadband infrastructure. Internet entrepreneurs continue to offer new services, applications, devices, and content to users of broadband Internet networks. In this type of environment, there is little justification for this type of proposed intrusion into the broadband marketplace. It appears, then, that this Order is simply a solution in search of a problem that does not exist. As we have seen time and again in Washington, this is a recipe for producing unintended consequences.

I do believe that government does have a significant role to play in guiding the future of the Internet. There is a role for the government in guiding the future of broadband, but net neutrality misses the mark. The new government restrictions provided for under the FCC's order will only serve to reduce the private sector's investment in our nation's broadband infrastructure. Rather, Congress should work with industry to find ways to encourage broadband investment and to promote competition among Internet providers. Investors are eager. During this economic downturn, tens of billions of dollars have been invested in new broadband infrastructure. In turn, this has enabled Internet entrepreneurs to offer new services, applications, devices, and content to more and more users of broadband Internet networks.

President Obama recently announced his initiative to expand broadband deployment so that 98 percent of Americans have access to wireless Internet service. I support this goal. However, for this goal to be achievable, there needs to be substantial private sector investment and participation, which cannot coexist with the FCC's order. In fact, I am confident that if Congress and the courts do not act to reverse this order, it will discourage investment, stifle innovation, and cost this country more jobs.

The FCC's order is anti-free market, anti-competitive, will threaten American innovation and cost American jobs. What possible reason would the

private sector agree to invest under this type of heavy-handed regulatory environment provided under this order? I cannot think of one. In fact, this order only creates disincentives for private investment and innovation, which will only put us behind the rest of the world. Consumers today use and have access to more Internet services than ever before. While the FCC order will have little positive impact for consumers, it will certainly reduce the potential for innovation and investment in broadband networks. This will dramatically slow the pace of that innovation and jeopardize billions of dollars of future investment into broadband networks.

The good news is that Congress has the tools to correct this. I encourage my colleagues to support the Hutchison-McConnell-Ensign Resolution of Disapproval. This will allow Congress to repeal the FCC's dangerous order on net neutrality. I yield the floor.

THE PRESIDING OFFICER. The Senator from Illinois is recognized.

MR. KIRK. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### SILVER FLEECE AWARD

MR. KIRK. Mr. President, we are spending money that we do not have. The administration's budget proposes taxing the American people to the tune of \$2.6 trillion, spending \$3.7 trillion, and borrowing \$1.1 trillion. Under the budget, interest payments on the debt are set to quadruple from \$200 billion this year to \$900 billion in 10 years.

The great Harvard economic historian, Naill Ferguson, has stated that the decline of a country can be measured when it pays its money lenders more than its Army. We will hit that level in the next few fiscal years.

Now, in response today, I am announcing our first Silver Fleece Award. It is not a Golden Fleece Award because in this time of austerity, we can no longer afford that. We pay homage to Senator William Proxmire of Wisconsin that put forward the Golden Fleece Award in the late 1970s and 1980s.

Working with Senator TOM COBURN of Oklahoma, we feature what is in his "Wastebook" on a new site called "Wastebook on Facebook." There, the Silver Fleece Award is being proposed in three parts for a vote by people who wish to participate.

This month we had three nominees for the Silver Fleece Award. The second runner up was a pair of National Science Foundation grants worth \$456,000. These grants went to studies on why political candidates make vague statements and how Americans use online dating. The first runner up was for \$615,000 in a grant to create a library archive about the Grateful Dead, a well-known rock-and-roll band.

However, neither of these two projects were voted on as the worst of

the current waste we see. Instead, the inaugural winner of the Silver Fleece Award is for a nearly \$1 million grant going to fund signs to display poetry in zoos. The organization administering the program, Poets House and Public Libraries, states that the goal of the program is to “deepen public awareness of environmental issues through poetry.” I would add, using borrowed taxpayer funds.

Thanks to this nearly \$1 million program, a visitor to the Little Rock Zoo in Arkansas can now read the words of author Hans Christian Andersen saying:

Just as living is not enough, said the butterfly. One must have sunshine, freedom and a little flower.

I would argue that future generations would be far more interested in a life without debt, and taxpayers should not pick up the bill for such projects.

I ask unanimous consent to have printed in the RECORD the 2008 Readers’ Digest article, the Poets House and Public Libraries statement on the Language of Conservation, and the April 15, 2010, article from the Arkansas Democrat Gazette.

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

POETS HOUSE AND PUBLIC LIBRARIES  
PUBLIC LIBRARIES: THE LANGUAGE OF  
CONSERVATION

The Language of Conservation is a Poets House program designed to deepen public awareness of environmental issues through poetry. The program features poetry installations in zoos, which are complemented by poetry, nature and conservation resources and programs at public libraries. Working with five zoos and four public libraries in New Orleans, Milwaukee, Little Rock, Jacksonville, and Chicago, Poets-in-Residence collaborated with wildlife biologists and exhibit designers to curate exhibitions in zoos that feature poems celebrating the natural world and the connection between species. The installations debuted in 2010 on the following dates: Little Rock on April 17; Jacksonville on May 14; New Orleans on May 15; Brookfield on May 22; and Milwaukee on June 19.

The Poets-in-Residence are Mark Doty in New Orleans, Joseph Bruchac in Little Rock, Alison Hawthorne Deming in Jacksonville, Pattian Rogers in Milwaukee, and Project Leader Sandra Alcosser in Brookfield, IL (just outside of Chicago). The Chicago-based American Library Association is collaborating with Poets House to share the outcomes of the project—which is designed to be replicated—with libraries throughout the United States and beyond. The Language of Conservation is made possible with funding from the Institute for Museum and Library Services.

This partnership between poetry and science began as a successful program developed by Poets House and the Wildlife Conservation Society that incorporated poetry into wildlife exhibits at the Central Park Zoo in New York City. Through the Central Park Zoo project, Wildlife Conservation Society researchers discovered that the use of poetry installations made zoo visitors dramatically more aware of the impact humans have on ecosystems.

A story about the Language of Conservation, with a focus on Project Leader Sandra Alcosser, appears in 360, San Diego State University’s blog.

[From the Arkansas Democrat-Gazette  
(Little Rock), Apr. 15, 2010]  
POETRY DRIVES HOME MESSAGE AT ZOO: 50  
PIECES GOING UP TO GET PATRONS TO  
THINK ABOUT NATURE, THEIR ROLE IN IT  
(By L. Lamor Williams)

Conservation was a foreign concept when notable 19th-century author Hans Christian Andersen wrote: “Just living is not enough, said the butterfly. One must have sunshine, freedom and a little flower.” The Little Rock Zoo is hoping such poetry posted around the park will inspire patrons to think of their place in the world alongside nature.

The Little Rock Zoo is one of five around the country chosen to participate in a \$1 million federal grant program aimed at promoting conservation through poetry.

“The goal of the installation is to make you think a little bit more about the place of humanity in nature,” said Susan Altrui, a spokesman for the zoo. “The impact that we have on our environment and the natural world is something we should all consider.” The zoo’s share of the grant was \$31,000, which covers the cost of the signs and their installation around the park. The other zoos are in Chicago, New Orleans, Milwaukee and Jacksonville, Fla.

Little Rock Zoo employees have been working to install excerpts of nature-inspired poems around the park and plan to have all 50 pieces up by Saturday morning.

The banner that displays Andersen’s quote hangs in a play area near the exhibits that house small North American animals such as geese and prairie dogs. The yellow words seem to float on a blue sky next to a lone monarch butterfly above a field of sunflowers. Many may be familiar with such Andersen works as *The Little Mermaid* and *The Ugly Duckling*.

The program is funded by the Institute of Museum and Library Science—created by the federal Museum and Library Services Act of 1996—in conjunction with the Central Arkansas Library System, the Poets House nonprofit group, the Little Rock Zoo and the Institute for Learning Innovation, Altrui said.

The five zoos were chosen by the Institute for Learning Innovation—a nonprofit group that seeks to support museums, libraries and other learning institutions—and the Poet’s House—a national poetry library and literary center—to mimic a program started at New York City’s Central Park Zoo last year, she said.

“They saw a lot of success with it. It was done with the same organizations. They saw quite a shift in attitude before and after in how people viewed conservation,” Altrui said. “The installation was making them think more. It was making them understand the connection between animals, wildlife and humanity’s place in the world and in nature.” The Institute for Learning Innovation has already randomly surveyed zoo visitors and will conduct another survey sometime after the program is in full swing to measure attitudes toward conservation and whether the project had any impact on Little Rock Zoo visitors, Altrui said.

“The [follow-up] survey will gauge whether or not this has had any effect on attitudes and whether or not someone has learned,” Altrui said. “If we’re not doing something that encourages learning, then why are we spending the money on it. Having that measurement tool is important when you have a federal grant. We want that measurement tool also to make sure that what we’re doing is effective.” A grand-opening ceremony will serve as a highlight of the zoo’s Earth Day celebration, which begins Friday at 9 a.m. and runs through closing time Saturday. The grand opening of the Language of Conservation poetry installation begins at 10 a.m. Saturday at the Civitan Pavilion.

Among the speakers will be Little Rock Mayor Mark Stodola and poet Joseph Bruchac, who wrote some of the poetry featured around the park, Altrui said. A full list of the zoo’s Earth Day Party for the Planet events, is available at [littlerockzoo.com](http://littlerockzoo.com).

J.J. Muehlhausen, project director, said she has been on pins and needles waiting for the final pieces to be installed. Among them, a large print poem that will greet visitors at the arch over the zoo’s entryway.

Her favorite poem has already been installed above the entrance to the park’s Cafe Africa. It’s a simple piece by W.S. Merwin that reads: “On the last day of the world I would want to plant a tree.” “I think that even when we leave this world there will still be trees on this world,” she said. “The first job that God gave us as humans after he created us was to take care of the flora and fauna—the plants and animals—of this world. That was our No. 1 job assignment.”

Mr. KIRK. I would also like to now announce the new nominees for the next March Silver Fleece Award. First, we will have the opportunity to vote to give the Silver Fleece Award for a \$150,000 transportation grant to create a “wildlife crossing” at Monkton, VT. This is a technical term for a tunnel that will allow salamanders and other animals to cross below a road.

Our second nominee is a \$46,000 grant from the National Science Foundation to study why people lie in text messages.

Third, we will nominate funding for a videogame called *WolfQuest* which was funded by a \$508,253 grant from the National Science Foundation to a Minnesota zoo. We invite your votes and your feedback on “Wastebook on Facebook” to decide what next month’s silver fleece award winner will be.

The sad thing is, the only loser currently is the American people.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. 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. ROCKEFELLER. Mr. President, in about 5 minutes, we are going to be, hopefully, voting for cloture on the underlying bill, the basic FAA bill, which has been the product of an awful lot of work. I think, generally speaking, we have tried to bring everybody in. Senators do have rights, and as a bill comes closer to a cloture vote or passage vote, some of those rights are exercised, which then complicates things. On the other hand, it is what the system is, and people ought to have those rights. You cannot ask everybody to sort of sit back and think through a whole bill. Something occurs to them at the last moment, and they need to come down and address that. We have tried to do that.

I think we are pretty close to a slots amendment agreement. Not everybody is happy about it, but everybody has

given up and everybody has gotten from it.

So we will have this vote, and then we will continue work on various aspects of the bill. I hope we can get it done tonight from the Senate side. Then we have to go negotiate with the House, and their bill is quite different.

But what is interesting about the aviation bill, it truly does affect America vastly. I do not know how many times I have said it employs 11 million people. Actually, it employs, directly and indirectly, probably closer to 13 million people, and it affects people's lives in every single way. They are trying to build a high-speed rail system. You cannot build a high-speed interstate system. You can take a chance at it, but it does not work very well.

So travel by aviation is how people get to where they want to go. It is a complicated industry. Costs go up. Sometimes it is because of fuel. Passengers are held on tarmacs. Sometimes it is because there is just congestion or there is a crisis at the airport of some sort. Passengers, when they are on their way from one place to another, do not sort of think about the problems the airline industry or airports are going through. They just think about the fact that they are being inconvenienced, if, in fact, they are being inconvenienced.

But I think it is a very good bill, and it has been worked on a very long time by myself and an extraordinarily wonderful Senator, KAY BAILEY HUTCHISON, whom I call cochair of the Commerce Committee, because she is.

People have operated in good faith. We have had a lot of scums and huddles about on the Senate floor. But that is the way legislation probably needs to work. It is a very complicated bill, but it is a bill that I think we will get cloture on, and people should actually be very anxious to vote for it when it comes to final passage.

I will give a talk about that. But I just remind people again, we have an air traffic control system which is so antiquated that there are actually very many near misses in the sky because we are using a radar system and planes often come very close to running into each other on the tarmac. It is a very old system. It is a 50-year-old system. This bill will fix that and make it safer for people to travel. More planes can take off and fly.

So I hope we invoke cloture at 2 o'clock, and then we will continue to work on the bill. It is important for America, and it is important to satisfy as many people as we possibly can.

I thank the Presiding Officer.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. ROCKEFELLER. Mr. President, I ask to move to the vote.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

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. 5, S. 223, FAA Air Transportation Modernization and Safety Improvement Act:

Harry Reid, John D. Rockefeller IV, Kent Conrad, Bernard Sanders, Benjamin L. Cardin, Sheldon Whitehouse, Patrick J. Leahy, John F. Kerry, Amy Klobuchar, Jeff Bingaman, Jack Reed, Tom Harkin, Carl Levin, Kirsten E. Gillibrand, Christopher A. Coons, Claire McCaskill, Richard J. Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 223, the FAA Air Transportation Modernization and Safety Improvement Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 96, nays 2, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—96

Akaka	Feinstein	Merkley
Alexander	Franken	Mikulski
Ayotte	Gillibrand	Moran
Barrasso	Graham	Murkowski
Baucus	Grassley	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Hatch	Portman
Blumenthal	Hoeven	Pryor
Blunt	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Risch
Brown (MA)	Isakson	Roberts
Brown (OH)	Johanns	Rockefeller
Burr	Johnson (SD)	Rubio
Cantwell	Johnson (WI)	Sanders
Cardin	Kirk	Schumer
Carper	Klobuchar	Sessions
Casey	Kohl	Shaheen
Chambliss	Kyl	Shelby
Coats	Landrieu	Snowe
Coburn	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Lee	Thune
Conrad	Levin	Toomey
Coons	Lieberman	Udall (CO)
Corker	Lugar	Udall (NM)
Cornyn	Manchin	Warner
Crapo	McCain	Webb
Durbin	McCaskill	Whitehouse
Ensign	McConnell	Wicker
Enzi	Menendez	Wyden

NAYS—2

DeMint Paul

NOT VOTING—2

Kerry Vitter

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 2. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the cloture vote on S. 223. If I had attended today's session, I would have voted to invoke cloture. •

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I and Senator MERKLEY and many of the Senators spent a great deal of time working on the question of slots, which, in plain English, is about the right to land a plane. I am very pleased we were able to work out our bipartisan agreement. I outlined why it was so important earlier in the morning.

Given all the attention that discussion received, I want to make sure the Senate did not lose sight of another important aviation issue. Chairman ROCKEFELLER has been very supportive of our efforts to try to expand and improve the unmanned aerial systems—what are known as UAS programs—that are so essential for the future of the aviation sector.

In this part of the aviation sector, we have seen enormous growth in the last few years. A lot of folks know these systems are critical to military operations. They have been of enormous importance in Iraq and Afghanistan. But people may not be as aware that these unmanned aerial systems also have enormous potential in the civilian sector. I am talking now about firefighting, law enforcement, border patrol, search and rescue, environmental monitoring. Law enforcement in rural areas, that is much of my State, but I know other parts of the country are also very concerned about this issue.

As yet, the Federal Aviation Administration has not come up with a good plan for how to integrate these unmanned aerial system vehicles into the airspace.

I am pleased that the bill before us includes requirements for the Federal Aviation Administration to work on a plan for these systems and establish test sites for UAS research.

It is my hope as we go forward—and Chairman ROCKEFELLER has been very supportive of our efforts; we have discussed this many times—that it is going to be possible to expand these sites. Senator MERKLEY, Senator TESTER, Senator BAUCUS, Senator SCHUMER and a number of other colleagues are interested in this issue. This is a chance for the Federal Aviation Administration to finally give these unmanned aerial systems the attention and the priority that is warranted.

There is enormous potential in the civilian sector. We talked about it in the military sector.

I yield now to the chairman of the committee who has been exceptionally

helpful to me, not just on this question of the unmanned aerial systems but for his patience as we worked through the slots issues where we finally got a breakthrough this morning. I am glad to yield to him for any comments he may have.

Mr. ROCKEFELLER. Mr. President, I thank the Senator very much. I thank him. I agree with what the Senator from Oregon is saying. I want to be helpful, and we will continue to be helpful. There are some in positions not to be helpful and are not being helpful. I understand that. Such is life. I will continue to be helpful on this issue, not just on the substance because he has been so important in the resolution of what he mentioned at the very end, the slots. He has been a non-stop peacemaker, sort of the Secretary General of the UN. He really has. I respect that, and I appreciate it.

This is complicated. It is emotional. He has been great. I will continue to work with him on this issue to try and get to our mutual goal.

Mr. WYDEN. Mr. President, I thank the chairman of the full committee. He has been exceptionally gracious. I think Senators understand we would not be here other than the fact that the chairman and Senator HUTCHISON have prosecuted this case relentlessly in a bipartisan way. We knew if we stayed at it on the slots issue we would get it resolved.

I thank him, given all the other things he has on his plate, for his help on the unmanned aerial systems. As my colleague knows, Senator SCHUMER and I have strong views on this issue, and we are fairly passionate characters. The chairman has been very patient. We know we have challenges in terms of working out the exact number of additional sites. We thank him for his thoughtfulness.

This is going to be a good bill. We are going to conference in a good position. It could not have happened without his tenacity and Senator HUTCHISON's.

Mr. ROCKEFELLER. Mr. President, I thank the Senator from Oregon. I like what he said.

Mr. WYDEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to add my voice of thanks to all involved in the whole slots issue. I know at the last minute Senator WYDEN was actually shuttling back and forth between one side of the Chamber and the other. I think it turned out well. It could not have happened without the support of the chairman and ranking member.

Coming from the largest State in the Union, we have one flight into Washington, DC. It makes no sense. It is not good for the economy. It is inconvenient. It adds a lot of congestion on the highways. We are very pleased that we are on our way to passing a good bill.

Mr. President, I ask unanimous consent to speak as in morning business.

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

The Senator from California is recognized.

Mrs. BOXER. I thank the Chair.

(The remarks of Mrs. BOXER pertaining to the introduction of S. 388 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. BOXER. Mr. President, I thank the Chair, I yield the floor, and unless Senators ROCKEFELLER or HUTCHISON want to speak, 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. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### BUDGET DEBATE

Mr. HATCH. Mr. President, this week the Senate began a debate about nothing less than the future of this country. Next year we face a \$1.65 trillion deficit, the third year in a row where the United States will run a deficit of over a trillion dollars. Even more daunting, we are over \$14 trillion in total debt.

According to the non-partisan Congressional Budget Office, or CBO, the debt held by the public is projected to reach \$18.3 trillion—or 77 percent of GDP—by the end of 2021. This is a problem that truly threatens the well-being of this Nation.

CBO projects that the cost of simply paying the interest on all of this debt will rise to \$792 billion—or 3.3 percent of GDP—in 2021. When you are pushing \$1 trillion a year in interest payments alone, you are reaching a day when the national government will not have the resources to accomplish even the limited mission delegated to it by the Constitution. This is what ADM Mike Mullen, the Chairman of the Joint Chiefs of Staff, meant when he testified today that "our debt is the greatest threat to national security."

The President could have led on this issue, when he released his budget earlier this week. But he took a pass instead. Apparently he and his Democratic congressional allies have done some polling that tells them two things.

First, the American people are demanding that Washington tackle our annual deficits and skyrocketing debt.

And second, Democrats can benefit politically by standing aside, letting Republicans propose solutions to this problem, and then demagoguing the daylights out of any effort to restrain spending.

The coming debate is going to be a bruising one. But as we go forward, it is critical that we keep one thing in mind. We cannot get out of this hole by taking more of taxpayers' hard-earned money. Our debt and deficit problems exist because Washington spends too much, not because taxes are too low. It is a terrible idea to propose raising taxes by over \$1.6 trillion on net over

the next 10 years alone. Yet, that is exactly what the Obama administration's budget, released earlier this week, proposes.

I said it earlier this week, and I will say it again. This budget proves once and for all that our deficits and debt are not caused by our taxes being too low.

The President has proposed a net tax increase of over \$1.6 trillion. Yet for next year—and every year—of his 10-year budget, he runs a deficit. At their best, the annual deficits dip to roughly \$600 billion. Even after these astronomical tax increases, the President is still unable to balance the budget. And there are not many more easy targets for Democrats to tax.

In 2012, in a foolish attempt at class warfare, Democrats are prepared to let the tax rates expire with far reaching consequences for the small business owners who account for half of all small business flow-through income. Those small business owners would see their marginal rates hiked by 17 percent to 24 percent under this budget. In Obamacare they taxed medical devices, insurance plans, prescription drugs, small businesses, and individual Americans. The result—a surprise only to the most hardened ideologues—is the loss of 800,000 jobs according to the Congressional Budget Office. And yet they still can't balance the budget. So who else do they propose to tax?

The bottom line is that there isn't anyone left to tax, unless the President and his Democratic allies are willing to crush the middle class with additional tax burdens. There is only one way out. We need to restrain spending. As the chairman of the House Budget Committee, Congressman PAUL RYAN, explained, we need to get spending in line with revenue, not the other way around. The analyses of the Congressional Budget Office, or CBO, confirm this.

The CBO is the nonpartisan official scorekeeper for Congress. According to its January 2011 Budget and Economic Outlook, from 1971 to 2010, taxes have averaged 18 percent of gross domestic product, or GDP. So in recent history, we have had an average level of taxation of 18 percent of GDP.

Take a look at this chart that was made using CBO's January 2011 document. CBO explains that if no changes in law are made, taxes will go up to 20.8 percent of GDP by 2021, and will average 19.9 percent from 2012 to 2021. Taxes at 20.8 percent of GDP would represent a tax increase of 16 percent from their recent historical average.

CBO also states that if most of the provisions from the December 2010 tax act were made permanent, then "annual revenues would average about 18 percent of GDP through 2021—which is equal to their 40-year average." So, according to CBO, even if all the Bush-era tax rates were permanently extended, taxes would still be high enough when measured against the level of taxation in recent history.

So, if taxes are high enough already, should we raise them anyway? I will go ahead and answer my own rhetorical question. Of course we shouldn't raise taxes any higher.

On August 14, 2008, Jason Furman and Austan Goolsbee wrote a Wall Street Journal editorial. In that editorial, Furman and Goolsbee stated that Candidate Obama's tax plan would reduce "revenues to less than 18.2% of GDP—the level of taxes that prevailed under President Reagan." Today, Austan Goolsbee is the Chairman of the Obama administration's Council of Economic Advisers and Jason Furman is the Deputy Director of the Obama administration's National Economic Council. The President must have missed their editorial, because his recently released budget ignores the campaign promises of these top officials, and raises taxes well above their historical levels. As one writer has put it, all of the President's campaign promises seem to come with an expiration date.

As this debate over the debt and deficits rages on, pay close attention to the words that Republicans and Democrats use. You will hear Republicans say that we need spending restraint. By contrast, you will hear Democrats say that we need to deal with the deficit.

Let's be clear. Dealing with the deficit is code for raising taxes. Liberal pundit after liberal pundit will pronounce confidently that you can't deal with the deficit solely with spending restraint. Yet they won't say why, and they won't explain how you can deal with the deficit and debt through tax increases. That is because they can't. If they came clean with the American people, they would have to admit that their intention is to raise taxes on everyone and everything.

As I have already shown, taxes are high enough already, and we should not be raising them even higher.

Yet the bottom line is that rather than dealing seriously with out-of-control spending, tax-and-spend Democrats want to raise taxes to pay for more out-of-control spending. And guess what: If we raised taxes to eliminate the deficit, the current levels of spending would just cause a new deficit to arise.

I have a chart here that demonstrates just how futile it is to raise the top tax rate if the goal is to raise more money. When the top tax rate has been raised over the years, taxes as a percentage of GDP still hovered around their historical average of 18 percent. This held true even when the top tax rate was raised to a confiscatory level of over 90 percent.

The conventional wisdom on the other side of the aisle is that we can simply raise more tax revenue by increasing tax rates. However, the history is pretty clear. This strategy simply does not work. Just take another look at this chart if you don't believe me. Instead of raising tax rates, what we need to do is implement a pro-

growth tax policy. That starts with not raising taxes.

For 2 years, we were able to fight off tax increases on small businesses proposed by President Obama and congressional Democratic leadership. However, I have another chart here that shows the relationship between the annual growth of Federal revenues and GDP. As you can see from this chart, when GDP increases, Federal revenues increase. Similarly, when GDP decreases, Federal revenues decrease. This should not be a shocking revelation.

When the economy is growing, the government collects more money in tax revenues because there is more taxable income being earned. The key is to have commonsense, pro-growth tax and regulatory policies. And as I mentioned before, a pro-growth agenda starts with refusing to raise taxes. Part of the difference between Republicans and Democrats on whether to increase taxes comes from different ways of looking at the world. Conservative Republicans look at the money earned by the American people and understand that it belongs to the people. As free men and women, America's citizens have a right to the fruit of their own labors. Americans work too hard—they sacrifice too much—for Washington to blithely raise their taxes to pay for an ever expanding Federal Government.

Yet liberal Democrats have a different view. Listening to President Obama and many congressional Democrats, it is clear that they view the money earned by the American people as the Federal Government's money first. It is only by the grace of the Federal bureaucracy that citizens are given an allowance to live on. This is a huge difference. You hear it when liberals talk about the cost of tax cuts. The cost of tax cuts? Cost to whom? When Democrats talk like this, they are effectively saying that anything you earn is the government's to spend. And it is a cost to the government when they decide to let you keep your money. For most Americans, this is an odd way of looking at the world.

Government costs money when it spends trillions of dollars on who-knows-what. The taxpayer does not cost the government money when he keeps what he earns. Yet this liberal worldview was on clear display in the recent debate about whether to extend the 2001 and 2003 tax bills.

President Obama and many congressional Democrats said that we shouldn't be giving tax breaks to certain taxpayers. Since when did keeping your own hard-earned money constitute the government giving you anything? That is not how the American people view it. And it is not how I view it.

President Obama and many congressional Democrats viewed a failure to increase taxes as a giveaway to taxpayers that increased the deficit. Republicans view the job-killing tax increase with nearly 10 percent unemployment as a terrible idea. The way to

deal with the deficit is not to raise taxes. The way to deal with the deficit is to live within our means, as families and individuals do across America. The Federal Government should only spend what it takes in.

The President and his allies like to say they inherited these deficits. That is only a half truth. They inherited some debt and deficits. But they have helped create much more. For example, nearly \$1 trillion was added to our debt by President Obama's partisan stimulus bill. That bill was loaded with pent-up Democratic agenda items and was sold with the promise that it would keep unemployment below 8 percent. We all know that by the President's own standard the stimulus bill has failed miserably. Unemployment has been at or above 9 percent for the last 21 months. That stimulus debt was not inherited by President Obama, it was created by President Obama, and he is bequeathing it to all of our children and grandchildren.

The numbers do not lie. When Democrats took over Washington, it was like setting Homer Simpson loose at an all-you-can-eat buffet. For too long, the desire of unions and government workers and special interest groups to create new programs and grow the size of government had gone unfulfilled, and when they finally seized the reins of power in 2008, liberal Democrats went hog wild. Our Nation's deficit has gone from \$161 billion in 2007, when Democrats took over control of Congress—remember, they had 2 years before President Obama even got elected. The Democrats were in control of Congress. It went from \$161 billion in 2007 to \$1.65 trillion in 2011.

With respect to the debt, when congressional Democrats took over control of Congress in 2007, the debt was \$8.68 trillion. It is now over \$14 trillion. So when Democrats are talking about what a bad situation they inherited, let's remember that these folks have been in charge of Congress for the last 4 years. They acted as though the bills on their spending would never come due. And like a college student who maxed out his parent's credit card, Democrats are now looking for someone to bail them out.

Unfortunately, they are looking to the American taxpayers to foot the bill. This cannot happen. The American taxpayer is already overburdened. Citizens are not going to stand for tax hikes when spending restraint is called for. The bottom line is simple. We cannot tax our way out of this problem. I personally will resist any effort to do so.

That is one of the reasons why I am for a balanced budget constitutional amendment. I have found Congress is incapable, fiscally incapable, of getting this mess under control. It is hard to believe we are that incapable, but we are. So we need to put some restraints on Congress, and the best way to do that, in my opinion, is a balanced budget amendment. I think that would be the best way.

There are some who are looking at putting caps on spending, and that sounds good, except for one thing. If you break the caps, you have got to increase taxes. I think we would find ourselves increasing taxes all the time around here, and that is a big mistake as far as I am concerned. So I am very strongly for the balanced budget constitutional amendment. I believe with the mess we are in, good people on both sides of the aisle ought to be interested as well.

The last time I brought up the balanced budget amendment, we had 66 votes for it in the Senate. It passed the House overwhelmingly. If we had had one more vote back in 1997 we would have had a different situation today, because the balanced budget constitutional amendment would have passed, and I believe 38 States would have ratified it in a very quick fashion, certainly within a year or so.

Had that happened, we would not be in the mess we are in today. We are in a terrible mess. One of the reasons is Congress cannot get its fiscal house in order, and the reason it cannot is because of what I have been talking about. I think it is going to take restraints that the balanced budget amendment would bring to force Congress to have to live within its means or at least vote to break the budget.

Most people who spend do not want that provision, because they know when they vote to break the budget, their constituents are going to see that and they may not be here the next election. So as much as I would prefer to not have any artificial approach, I have come to the conclusion that Congress plain cannot handle its own problems. It does not have the fiscal restraint to do it.

A balanced budget amendment would be a constitutional amendment, locked into our beloved Constitution. It would, like all of the States in this country, except Vermont, require us to balance the budget or at least show a reason why not and to vote so that we have to vote on why not.

Germany has a balanced budget amendment. They meet those restraints. Switzerland has a balanced budget amendment. They meet those restraints. If they can do it, why can't we? I think we have got to get real around here and start doing some things that will help save the country, rather than push it right into bankruptcy.

We spend too much. Congress and the President pushed Build America Bonds. Why do you think they did that? The government is going to pay—it has been paying 35 percent on those bonds. Guess who pays that 35 percent. All of the States that have lived with fiscal restraint will be paying for the profligacy of States that do not live with fiscal restraint. That is not the way to go. It is not fair to the States that are careful with their money. We know which States they are. In almost every case, they are States that are domi-

nated by my friends on the other side. The fact is, I am totally opposed to this proposal.

In this budget, the President wants to make these bonds permanent, while bringing down the 35 percent government match to 28 percent. But think about that. That is still 28 percent from American taxpayers, most of whom have lived with fiscal restraint in their respective States, to help States that have not and that probably will not behave responsibly. As long as they can get free money from the government, why not, in their eyes?

Some of these states are in such dire straits that even some of these Governors who have been big raging liberals in the past are starting to say, we have got to do something about it. I want to pay particular praise to them. I hope they will get spending under control, because their lack of fiscal restraint and our lack of fiscal restraint here is hurting our country.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL.) The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

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

#### INFRASTRUCTURE INVESTMENT

Mr. DURBIN. Madam President, the budget the President released Monday includes more than \$1 trillion in deficit reduction and two-thirds of it comes from spending cuts. That puts the Nation on the path toward fiscal sustainability. But it also reflects the urgency to invest now in programs that will pay off for a long time. Investing in transportation and infrastructure is the best way to ensure economic recovery now and economic growth well into the future.

It has been 2 years since the President signed into law the American Recovery and Restoration Act. The investments made in infrastructure over 2 years have either saved or created over a million jobs all across the Nation. In the first year alone, that Recovery Act led to 350,000 direct on-project jobs. Direct job creation from these projects has resulted in payroll expenditures of over \$4 billion.

Using this data, the House Transportation Committee calculates that \$717 million in unemployment checks have been avoided as a result of this direct job creation.

In his State of the Union Address, President Obama challenged us to start rebuilding our infrastructure for the 21st century. Our aging network of roads and rails was built from a long time past. Our infrastructure used to be the best. But let's be honest, Amer-

ica has lost its lead. Mongolia has a more advanced air traffic control system than America. South Korea has faster and easier access to the Internet than America. Europe and China have high-speed rail systems far more advanced than America. Dozens of commissions, academics, groups, the smartest people in America, have all come to the same conclusion: Our infrastructure is old and we need to invest in fixing it.

We have to reduce the debt and deficit. I was a member of the Deficit Commission. I understand it as well as anyone. But the American people do not want us to do this at the expense of critical infrastructure that will be needed to grow our economy.

Unfortunately, the House Republicans currently are in a debate on the floor of the House proposing that we cut off our investments in transportation—right in the middle of the year, right before the construction season. House Republicans are debating that this week.

Their plan cuts billions in funding for roads, rail, and mass transit. It is going to cost us over 300,000 private-sector jobs. Let me repeat that: 300,000 private-sector jobs; not government jobs, 300,000 jobs in the private sector. Can we afford that?

Let me give you some examples of what the House Republican budget cuts. They cut money from the Clean Water State Revolving Loan Fund—over \$1 billion of it. That provides low-interest and no-interest loans to our local communities to help them build and make safe wastewater and drinking water. Most communities cannot afford to do this on their own without raising property taxes through the roof, and EPA's funding is vital if these projects are going to get done. This cut alone by the House Republicans would result in 454 fewer sewer projects and 214 fewer clean water projects across America. And it would cost us over 33,000 jobs.

There is a program called the TIGER grants. Mayors know all about it because what President Obama said is, we are going to cut out the middleman. We are not going through the State capitals and the State departments of transportation. If a mayor comes to us with a good idea of a transportation project right at the local level, we are going to send that money directly in a TIGER grant.

So what did the House Republicans decide to do? They took \$1.1 billion from that program. That, unfortunately, would eliminate all funding for this program this year, cutting off this construction season, \$500 million worth of investment in our Nation's infrastructure. Worse, it rescinds \$600 million for projects that have already been awarded.

The Department of Transportation announced these projects last year. Now the House Republicans want to cut them off. Communities in 40 States across the country have been planning

for these funds for up to 75 projects, which would be absolutely abolished by the House Republican action.

The House proposal will literally take away funding promised for these projects, stopping work. Cutting \$1.1 billion from TIGER programs will put more than 30,000 private-sector workers out of work in America.

Then they want to cut \$7.1 billion from High Speed and Intercity Passenger Rail Grants. I know all about that because, Madam President, as you know, that route from Saint Louis to Chicago on Amtrak is one of the prime areas for high-speed rail in America. The Republican proposal would completely eliminate it, stop it cold.

Worse, they would rescind more than \$6 billion for projects already awarded funding. They take away funding from 54 projects in 23 States across the country. The U.S. Department of Transportation tells us that cutting \$7.1 billion from high-speed rail will put more than 200,000 private-sector jobs at risk.

At a time when we should be creating jobs and building the economy and building the infrastructure for even more jobs to follow, the House Republicans have decided to start cutting jobs in America.

As the Speaker said when asked about whether he was concerned about the loss of jobs from the House Republican cuts, he said: So be it.

I am sorry, but the Speaker has missed the obvious message from the American people. They want us to create jobs, preserve jobs, right here in America. Killing jobs in the U.S. House of Representatives was not the mission that anyone was sent on in the last election.

Compare that cutting with the President's budget. The President understands we have to invest in infrastructure. The unemployment rate in the construction industry—a private-sector industry—is over 20 percent. Construction costs at this moment are low, and local governments are moving forward where they can on projects because they are saving money—at the same time the House Republicans want to stop construction in America on these important projects. We need to make these investments in infrastructure.

The President's budget calls for a 6-year, \$556 billion reauthorization of national transportation programs. He frontloads this 6-year bill with a \$50 billion infusion of investments in fiscal year 2012. This will help us get the biggest bang for the buck. He creates an Infrastructure Bank. Madam President, \$5 billion is set aside to provide credit assistance and loans to attract private investment into public infrastructure.

The President is investing \$3.3 billion in high-speed rail. He wants to bring that high-speed rail to 80 percent of the American population within 25 years. This is the first step in a long-term infrastructure investment by our country, while the President still freezes spending, reduces the deficit, and brings our domestic discretionary

spending to a lower level than it was under President Eisenhower in the 1950s.

We can invest in infrastructure in a way that is fiscally responsible and will lead to stronger economic growth long into the future.

The House is proposing slashing investments in transportation and infrastructure. That will cost us jobs, and it will stop us from the economic recovery we desperately need. We need to enact a balanced plan: cut spending, reduce the deficit, but remember that education, innovation, and infrastructure are critical if America is going to continue to be competitive in the 21st century.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 386 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. 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. ROCKEFELLER. Madam President, I ask unanimous consent that the Senate resume consideration of the McCain amendment No. 4 and proceed to a vote in relation to that amendment; that upon disposition of the McCain amendment, the Senate resume consideration of the Paul amendment No. 18 and there be 4 minutes equally divided prior to a vote in relation to that amendment; that no amendments be in order to the amendments prior to the votes; and that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### AMENDMENT NO. 4

The McCain amendment No. 4 is the pending question.

Mrs. HUTCHISON. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays were previously ordered.

Mr. ROCKEFELLER. I move to table.

Mrs. HUTCHISON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 21 Leg.]

#### YEAS—61

Akaka	Feinstein	Murray
Alexander	Franken	Nelson (NE)
Baucus	Gillibrand	Pryor
Begich	Harkin	Reed
Bennet	Hoeben	Reid
Bingaman	Hutchison	Roberts
Blumenthal	Inouye	Rockefeller
Blunt	Johanns	Sanders
Boozman	Johnson (SD)	Schumer
Boxer	Klobuchar	Snowe
Brown (MA)	Landrieu	Stabenow
Brown (OH)	Leahy	Tester
Cantwell	Levin	Udall (CO)
Cardin	Lieberman	Udall (NM)
Carper	Manchin	Warner
Casey	McCaskill	Webb
Cochran	McConnell	Whitehouse
Collins	Merkley	Wicker
Conrad	Mikulski	Wyden
Coons	Moran	
Durbin	Murkowski	

#### NAYS—38

Ayotte	Grassley	Menendez
Barrasso	Hagan	Nelson (FL)
Burr	Hatch	Paul
Chambliss	Inhofe	Portman
Coats	Isakson	Risch
Coburn	Johnson (WI)	Rubio
Corker	Kirk	Sessions
Cornyn	Kohl	Shaheen
Crapo	Kyl	Shelby
DeMint	Lautenberg	Thune
Ensign	Lee	Toomey
Enzi	Lugar	Vitter
Graham	McCain	

#### NOT VOTING—1

Kerry

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

#### AMENDMENT NO. 18

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided prior to a vote in relation to amendment No. 18 offered by the Senator from Kentucky, Mr. PAUL.

The Senator from Kentucky.

Mr. PAUL. Madam President, this amendment will keep OSHA out of the cockpit. This amendment is not about safety. OSHA wants to get into the cockpit to add regulatory burden. But already the airlines voluntarily adhere to OSHA regulations.

Before you vote to bring OSHA into the cockpit, you need to know and remember that 20 airlines have gone bankrupt in the last 10 years. Do we want to add more regulatory burden? Do we want to add more regulatory cost? The opposite side, the President included, has said they want less regulatory burden. Here is their chance. They have a small chance here. Keep OSHA out of the cockpit.

OSHA has 2,000 pages of rules. OSHA regulations cost the economy \$50 billion. Ronald Reagan was talking about OSHA way back in 1976 when he commented on OSHA's 144 regulations with regard to climbing a ladder. I repeat: 144 regulations about how to climb a ladder. No. 1 among those regulations: Remember to face the ladder when you are going to climb it.

He also mentioned the hazards of being on a farm. From the OSHA manual on hazards on being on a farm: When you walk around, look around carefully and make sure you look down because there could be a slippery substance. You could step in it and fall. That is from the 31-page OSHA manual.

OSHA isn't all about safety. It is about regulatory burden—undue regulatory burden—on businesses, and I hope you will reject this. There is a slippery substance around here that we need to avoid, and that is more government regulations. I recommend that we vote not to allow OSHA into the cockpit.

The PRESIDING OFFICER (Mr. COONS). The Senator from Iowa.

Mr. HARKIN. Mr. President, this has nothing to do with OSHA and the cockpit at all. Frankly, the Bureau of Labor Statistics said the people who work in the airline industry, people who handle the airplanes, flight attendants, have one of the highest rates of accidents and illnesses in any part of the private sector. What happened is Congress urged the FAA to consult with OSHA about workplace safety. They entered into a memorandum of understanding. All this bill says is that FAA should consult with OSHA, work together to increase workplace safety in the airline industry. OSHA will have no regulatory power, they will have no subpoena power, they cannot issue citations, they cannot get in the cockpit. FAA merely consults with them. FAA still retains all of their authority, and it will not change in any way the way airline safety is regulated. FAA will continue to keep all of that authority. It will be the sole purview of the FAA.

In addition, by terms of this memorandum of understanding, the FAA will not adopt any OSHA standard unless there is no impact on airline security. So that is a nonissue. Keeping OSHA out of the cockpit—OSHA is not about to get into the cockpit. What we do want to do is to have the FAA get the best expertise and advice on what they should do for safety around our airplanes and in our airports.

Mr. President, I move to table the Paul amendment No. 18. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—52

Akaka	Begich	Bingaman
Baucus	Bennet	Blumenthal

Boxer	Klobuchar	Reed
Brown (OH)	Kohl	Reid
Cantwell	Landrieu	Rockefeller
Cardin	Lautenberg	Sanders
Carper	Leahy	Schumer
Casey	Levin	Shaheen
Conrad	Lieberman	Stabenow
Coons	Manchin	Tester
Durbin	McCaskill	Udall (CO)
Feinstein	Menendez	Udall (NM)
Franken	Merkley	Warner
Gillibrand	Mikulski	Webb
Hagan	Murray	Whitehouse
Harkin	Nelson (NE)	Wyden
Inouye	Nelson (FL)	
Johnson (SD)	Pryor	

NAYS—47

Alexander	Ensign	McConnell
Ayotte	Enzi	Moran
Barrasso	Graham	Murkowski
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Brown (MA)	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wyden
DeMint	McCain	Wicker

NOT VOTING—1

Kerry

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the votes on the FAA Authorization bill regarding the McCain amendment No. 4 to repeal the Essential Air Service Program and Paul amendment No. 18 to strike the clarifying memorandum of understanding between the Federal Aviation Administration and the Occupational Safety and Health Administration. Had I attended today's session, I would have opposed or supported any motion to table both the McCain and the Paul amendments.

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

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

Mr. REID. Mr. President, first of all, I express my appreciation, as I have before, to the manager of this bill, Senator ROCKEFELLER, who has worked so hard for so long on this bill—years. I appreciate the work done by the ranking member of this committee, Senator HUTCHISON, who has worked with him for years on this legislation.

I ask unanimous consent the pending amendments be set aside and Senator COBURN be recognized to offer his amendment No. 64; that after the amendment is reported, the Senate proceed to a vote in relation to the Coburn amendment and that no amend-

ments be in order to the Coburn amendment prior to the vote.

Upon disposition of the Coburn amendment No. 64, the pending amendments be set aside and Senator COBURN be recognized for up to 10 minutes to offer amendment No. 80, with a modification which is at the desk, Nos. 81 and 91; and Senator SCHUMER be recognized up to 2 minutes to offer amendment No. 71; Senator BROWN of Ohio be recognized for up to 2 minutes to call up the Brown-Portman amendment No. 105 to the Ensign amendment No. 32, and the Reid of Nevada amendment No. 54 and the Udall amendment No. 51 be modified with the changes that are at the desk; the Wyden amendment No. 27 be withdrawn; and the Senate then proceed to votes in relation to the following amendments in the order listed: Brown-Portman amendment No. 105; Ensign No. 32, as amended; Reid No. 54, as modified; Udall No. 49, as modified; Udall No. 51, as further modified; Coburn No. 80, as modified; Coburn No. 81; Coburn No. 91; and Schumer No. 71.

Further, there be 2 minutes, equally divided, prior to each voted listed above; that notwithstanding rule XXII, the Leahy-Inhofe amendment No. 50 remain in order and that upon disposition of the Schumer No. 71, there be 10 minutes of debate, equally divided, prior to a vote in relation to the Leahy-Inhofe amendment No. 50; that the Leahy-Inhofe amendment be subject to a 60-vote threshold for passage; that if it does not achieve 60 affirmative votes, the amendment not be agreed to; and that there be no amendments in order to any of the amendments listed in this agreement prior to the votes.

Further, upon disposition of the Leahy-Inhofe amendment, there be no further amendments or motions in order to the bill, except for a managers' package, to be agreed to if it has the concurrence of the majority and Republican leaders; the bill then be read a third time and the Senate proceed to a vote on passage of the bill, as amended; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; and if the bill is passed, it be held at the desk.

Finally, that when the Senate receives the House companion to S. 223, as determined by the two leaders, it be in order for the majority leader to proceed to its immediate consideration; strike all after the enacting clause and insert the text of S. 223, as passed by the Senate, in lieu thereof; that the companion bill, as amended, be read a third time, the statutory pay-go statement be read and the bill be passed; the motions to reconsider be considered made and laid upon the table; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses; and the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 5 to 4; all with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 54), as modified, and the amendment (No. 51), as further modified, are as follows:

AMENDMENT NO. 54, AS MODIFIED

On page 27, strike line 11 and all that follows through “or transfer” on line 23, and insert the following:

(2) in subsection (c)—  
(A) in paragraph (2)—

(i) in subparagraph (A)(i), by striking “purpose;” and inserting the following: “purpose, which includes serving as noise buffer land that may be—

“(I) undeveloped; or

“(II) developed in a way that is compatible with using the land for noise buffering purposes;”;

(ii) in subparagraph (B)(iii), by striking “paid to the Secretary for deposit in the Fund if another eligible project does not exist.” and inserting “reinvested in another project at the airport or transferred to another airport as the Secretary prescribes.”;

(B) by redesignating paragraph (3) as paragraph (5); and

(C) by inserting after paragraph (2) the following:

“(3)(A) A lease by an airport owner or operator of land acquired for a noise compatibility purpose using a grant provided under this subchapter shall not be considered a disposal for purposes of paragraph (2).

“(B) The airport owner or operator may use revenues from a lease described in subparagraph (A) for capital purposes.

“(C) The Administrator of the Federal Aviation Administration shall coordinate with each airport owner or operator to ensure that leases described in subparagraph (A) are consistent with noise buffering purposes.

“(D) The provisions of this paragraph apply to all land acquired before, on, or after the date of the enactment of this paragraph.

“(4) In approving the reinvestment or transfer

AMENDMENT NO. 51, AS FURTHER MODIFIED

On page 311, between lines 11 and 12, insert the following:

**SEC. 733. PRIVACY PROTECTIONS FOR AIRCRAFT PASSENGER SCREENING WITH ADVANCED IMAGING TECHNOLOGY.**

(a) IN GENERAL.—Section 44901 is amended by adding at the end the following:

“(1) LIMITATIONS ON USE OF ADVANCED IMAGING TECHNOLOGY FOR SCREENING PASSENGERS.—

“(1) IN GENERAL.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall ensure that advanced imaging technology is used for the screening of passengers under this section only in accordance with this subsection.

“(2) IMPLEMENTATION OF AUTOMATED TARGET RECOGNITION SOFTWARE.—Beginning January 1, 2012, all advanced imaging technology used as a primary screening method for passengers shall be equipped with automatic target recognition software.

“(3) DEFINITIONS.—In this subsection:

“(A) ADVANCED IMAGING TECHNOLOGY.—The term ‘advanced imaging technology’—

“(i) means a device that creates a visual image of an individual showing the surface of the skin beneath clothing and revealing other objects on the body that are covered by the clothing; and

“(ii) includes devices using backscatter x-rays or millimeter waves and devices referred to as ‘whole-body imaging technology’ or ‘body scanning’.

“(B) AUTOMATIC TARGET RECOGNITION SOFTWARE.—The term ‘automatic target recogni-

tion software’ means software installed on an advanced imaging technology machine that produces a generic image of the individual being screened that is the same as the images produced for all other screened individuals.

“(C) PRIMARY SCREENING.—The term ‘primary screening’ means the initial examination of any passenger at an airport checkpoint, including using available screening technologies to detect weapons, explosives, narcotics, or other indications of unlawful action, in order to determine whether to clear the passenger to board an aircraft or to further examine the passenger.”.

(b) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2012, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the appropriate congressional committees a report on the implementation of section 44901(l) of title 49, United States Code, as added by subsection (a).

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

(A) A description of all matters the Assistant Secretary considers relevant to the implementation of such section.

(B) The status of the compliance of the Transportation Security Administration with the provisions of such section.

(C) If the Administration is not in full compliance with such provisions—

(i) the reasons for such non-compliance; and

(ii) a timeline depicting when the Assistant Secretary expects the Administration to achieve full compliance.

(3) SECURITY CLASSIFICATION.—The report required by paragraph (1) shall be submitted, to the greatest extent practicable, in an unclassified format, with a classified annex, if necessary.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Commerce, Science, and Transportation and Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security of the House of Representatives.

Mr. REID. Mr. President, I ask unanimous consent to set aside the pending amendments so I may call up amendment No. 79 regarding a Grand Canyon economic impact study for air tour operators, and that it be in order notwithstanding rule XXII.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, until the Senator from Oklahoma is ready to start, I want to say I so appreciate the majority leader working with us, as well as Senator ROCKEFELLER, Senator COBURN, all of the people who have had so many interests in this bill. I think we are finally on the glidepath now, if I can use an aviation metaphor. I am pleased to see that Senator COBURN is on the floor because now I believe we will be able to achieve the passage of this bill after a few votes tonight. I am very grateful to everyone for staying here to finish this important document.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 64

Mr. COBURN. Mr. President, I ask unanimous consent to call up amendment No. 64.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 64.

The amendment is as follows:

(Purpose: To rescind unused earmarks)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ORPHAN EARMARKS ACT.**

(a) SHORT TITLE.—This section may be cited as the “Orphan Earmarks Act”.

(b) UNUSED EARMARKS.—

(1) DEFINITION.—In this subsection, the term “earmark” means the following:

(A) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(B) A congressional earmark, as defined for purposes of Rule XXI of the Rules of the House of Representatives.

(2) RESCISSION.—Any earmark of funds provided for any Federal agency with more than 90 percent of the appropriated amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effective at the end of that 9th fiscal year, except that the agency head may delay any such rescission if the agency head determines that an additional obligation of the earmark is likely to occur during the following 12-month period.

(3) IDENTIFICATION AND REPORT.—

(A) AGENCY IDENTIFICATION.—Each Federal agency shall identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of OMB.

(B) ANNUAL REPORT.—The Director of OMB shall submit to Congress and publicly post on the website of OMB an annual report that includes—

(i) a listing and accounting for earmarks with unobligated balances summarized by agency including the amount of the original earmark, amount of the unobligated balance, and the year when the funding expires, if applicable;

(ii) the number of rescissions resulting from this section and the annual savings resulting from this section for the previous fiscal year; and

(iii) a listing and accounting for earmarks provided for Federal agencies scheduled to be rescinded at the end of the current fiscal year.

Mr. COBURN. Amendment No. 64 is an amendment by myself and Senator BEGICH from Alaska. It is an orphan earmark amendment where we instruct the agencies to eliminate moneys that have been sitting for 9 years or longer and have not expended it. That is close to \$500 million that we could count so far, probably \$1 billion. It helps the agencies. It is money we have already allocated that will never be spent, that is unaccounted for. I believe we are going to have a voice vote on it and I appreciate everybody's support of that amendment.

Mr. INOUE. Mr. President, the Appropriations Committee will not oppose this amendment not because we think it is a good idea—it is not—but

because this amendment does nothing that is not already covered by title X of the bill.

Sadly, this is the kind of amendment that took up far too much of the Senate's time and effort in the last session, and none of it with any discernable value to the American people.

Specifically, we asked CBO to score this amendment and they said they could not. They pointed out that the definition provided in the amendment did not exist 9 years ago; consequently, there are no earmarks older than 9 years that meet this definition. So any claims that this amendment saves the American taxpayer money is simply not substantiated by CBO.

Mr. President, we took the further step of asking agencies across the Federal Government if they could tell us what is out there that could possibly meet the Coburn standard. There are indeed a few projects at the Department of Transportation, but they are already covered by title X of the underlying bill.

Outside of the Department of Transportation, we discovered that there are a few sewer grants still on the books, but they total less than \$5 million.

And outside of those two agencies, there may be anecdotal evidence of an earmark here or an earmark there, but that is it. Meanwhile, I note that this amendment as well as title X may well end up costing the American taxpayer more than the amendment claims to save.

The requirement that OMB must create and administer a database and maintain it on its Web site costs money, not to mention the time and labor necessary to establish the criterion for what defines a Congressional earmark for the purposes of this amendment.

In the spirit of President Obama, I will not take this opportunity to relitigate our past debates over the worthiness of Congressionally directed spending requests.

Since my announcement of a moratorium on earmarks this year, it is no surprise to me to see a number of press reports about the communities across the country that are now finding themselves without resources they urgently need.

However, I must say, in the spirit of our many past debates over earmarks, that I find this amendment to be duplicative, ineffective, and a potential waste of the taxpayers' dollars. And if it had come up for a vote, I would most certainly have voted no.

We have serious financial issues before us, and we need to get to work.

The PRESIDING OFFICER. Under the previous order, the amendment is considered adopted.

The amendment (No. 64) was agreed to.

AMENDMENT NO. 80, AS MODIFIED

Mr. COBURN. Mr. President, I ask unanimous consent to call up amendment No. 80, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 80, as modified.

The amendment is as follows:

On page 141, between lines 9 and 10, insert the following:

**SEC. 420. LIMITATION ON ESSENTIAL AIR SERVICE TO LOCATIONS THAT ARE 90 OR MORE MILES AWAY FROM THE NEAREST MEDIUM OR LARGE HUB AIRPORT.**

(a) IN GENERAL.—Section 41731(a)(1) is amended—

(1) in subparagraph (A), by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively;

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

(3) in clause (i)(I), as redesignated, by inserting “(A)” before “(i)(I)”;

(4) in subparagraph (A)(ii), as redesignated, by striking the period at the end and inserting “; and”;

(5) by adding at the end the following: “(B) is located not less than 90 miles from the nearest medium or large hub airport.”

(6) The secretary may waive the requirements of this subsection as a result of geographic characteristics resulting in undue difficulty accessing the nearest medium or large hub airport.

(b) EXCEPTIONS FOR LOCATIONS IN ALASKA.—Section 41731 is amended by adding at the end the following:

“(c) EXCEPTION FOR LOCATIONS IN ALASKA.—Subsection (a)(1)(B) shall not apply with respect to locations in the State of Alaska.”

Mr. COBURN. Mr. President, this is an amendment regarding Essential Air Service. The amendment of Senator MCCAIN is to eliminate Essential Air Service, which is basically a subsidy for people who have to drive short distances—not long distances—to the airport. But we have selectively said certain people in this country can be advantaged by driving certain distances.

What this amendment as modified says is, provided the Secretary doesn't see extraneous circumstances otherwise, you have to be at 90 miles or greater to qualify for Essential Air Service. We started out with 100 and we saw there were significant difficulties that people actually had with that requirement. What we have done is taken this amendment and moved it to 90 miles. It does not affect a large number of airports but there are several within this that have minimal enplanements.

Remember, the average American drives over an hour to get to the airport now. We are saying we are not going to do it if you are driving an hour and a half, 90 miles, unless there is a circumstance where the Secretary of Transportation says otherwise, such as some particular places in West Virginia where it is tremendously mountainous and the time and distance does not meet with the average. All it does is lessen it.

Remember, in this bill we are increasing the amount of funds at a time we are going bankrupt. We are increasing the amount of funds for Essential Air Service. What we have done is a compromise to extend it to those who

actually need it but also not subsidize something we should not. It affects less than 26 airports, and now less than that, now that we have modified it. I appreciate my colleagues' support on that. I think we will have actual votes on that in a minute.

AMENDMENT NO. 81

I call up amendment No. 81.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 81.

The amendment is as follows:

(Purpose: To limit essential air service to locations that average 10 or more enplanements per day)

On page 141, between lines 9 and 10, insert the following:

**SEC. 420. LIMITATION ON ESSENTIAL AIR SERVICE TO LOCATIONS THAT AVERAGE 10 OR MORE ENPLANEMENTS PER DAY.**

(a) IN GENERAL.—Section 41731(a)(1) is amended—

(1) in subparagraph (A), by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively;

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

(3) in clause (i)(I), as redesignated, by inserting “(A)” before “(i)(I)”;

(4) in subparagraph (A)(ii), as redesignated, by striking the period at the end and inserting “; and”;

(5) by adding at the end the following:

“(B) had an average of 10 enplanements per day or more in the most recent calendar year for which enplanement data is available to the Administrator.”

(b) EXCEPTIONS FOR LOCATIONS IN ALASKA.—Section 41731 is amended by adding at the end the following:

“(c) EXCEPTION FOR LOCATIONS IN ALASKA.—Subsection (a)(1)(B) shall not apply with respect to locations in the State of Alaska.”

(c) WAIVERS.—Such section is further amended by adding at the end the following:

“(d) WAIVERS.—The Administrator may waive subsection (a)(1)(B) with respect to a location if the Administrator determines that the reason the location averages fewer than 10 enplanements per day is not because of inherent issues with the location.”

Mr. COBURN. Mr. President, this is another amendment on Essential Air Service. This amendment eliminates Essential Air Service when the average enplanements are less than 10 a day. There is no way we can afford, given our financial situation, to subsidize Essential Air Service for the airports that have less than 10 a day.

I know that is a disagreement amongst us, especially for those who are having the benefit, that have subsidy today. By the way, the subsidy is supposed to be limited to \$200, but if you take what happens on many of these, it is over \$400; one of them is \$482 per person per subsidy on airports that have less than 10 enplanements a day. It is common sense, given the realities of where we are today, realities of a \$1.68 trillion deficit projected by the White House for this year. It makes common sense we would do this.

AMENDMENT NO. 91

Mr. President, I ask unanimous consent to call up amendment No. 91.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 91.

The amendment is as follows:

(Purpose: To decrease the Federal share of project costs under the airport improvement program for non-primary airports)

Strike section 207 and insert the following:  
**SEC. 207. FEDERAL SHARE OF AIRPORT IMPROVEMENT PROJECT COSTS FOR NON-PRIMARY AIRPORTS.**

Notwithstanding section 47109(a) of title 49, United States Code, section 47109(e) of such title (as added by section 204(a)(2) of this Act), or any other provision of law, the United States Government's share of allowable project costs for a grant made under chapter 471 of title 49, United States Code, for an airport improvement project for an airport that is not a primary airport is—

- (1) for fiscal year 2012, 85 percent;
- (2) for fiscal year 2013, 80 percent; and
- (3) for fiscal year 2014, 75 percent.

Mr. COBURN. Mr. President, the Airport Improvement Program is a needed program but what we do regularly in the Airport Improvement Program is we are incentivizing the expenditure of moneys in a way that does not recognize the priorities of this country. The way we do that is we have a cost sharing in which the Federal Government pays for 95 percent of all these programs.

What has happened, and even in my own State, we have spent money in airports that have very few landings every day. There is no commercial service but very few private planes landing. All this amendment does is it says if you are going to qualify for the AIP for airport improvement, that over the next 3 years we would take that from 95 percent down to 75 percent, which is well above the average of every other grant program that we have in the Federal Government.

It is not about trying to eliminate, it is trying to say if we are going to set priorities, what we should do is lower the amount of Federal funds so that the State or the community that wants to utilize these funds will recognize, by their having to pony up a little bit more of the money, in fact it is a legitimate thing. At 95 percent we are having all sorts of money wasted on things that are not a priority for our country given the financial situation we are in.

With that, I think I have responded in less than the time allocated to me, and I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 71

Mr. SCHUMER. Mr. President, I thank Senator ROCKEFELLER and Senator HUTCHISON for their help here. Pursuant to the previous order, I call up my amendment No. 71.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 71.

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

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

The amendment is as follows:

(Purpose: To control helicopter noise pollution in residential areas)

At the end of title VII, add the following:  
**SEC. 733. CONTROLLING HELICOPTER NOISE POLLUTION IN RESIDENTIAL AREAS.**

Section 44715 is amended by adding at the end the following:

“(g) CONTROLLING HELICOPTER NOISE POLLUTION IN RESIDENTIAL AREAS.—

“(1) IN GENERAL.—Notwithstanding section 47502, not later than the date that is 1 year and 90 days after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator of the Federal Aviation Administration shall prescribe—

“(A) standards to measure helicopter noise; and

“(B) regulations to control helicopter noise pollution in residential areas.

“(2) RULEMAKING WITH RESPECT TO REDUCING HELICOPTER NOISE POLLUTION IN NASSAU AND SUFFOLK COUNTIES IN NEW YORK STATE.—

“(A) IN GENERAL.—Not later than 1 year after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, and before finalizing the regulations required by paragraph (1), the Administrator shall prescribe regulations with respect to helicopters operating in the counties of Nassau and Suffolk in the State of New York that include—

“(i) requirements with respect to the flight paths and altitudes of helicopters flying over those counties to reduce helicopter noise pollution; and

“(ii) penalties for failing to comply with the requirements described in clause (i).

“(B) APPLICABILITY OF CERTAIN RULEMAKING PROCEDURES.—The requirements of Executive Order 12866 (58 Fed. Reg. 51735; relating to regulatory planning and review) (or any successor thereto) shall not apply to regulations prescribed under subparagraph (A).

“(3) EXCEPTIONS FOR EMERGENCY, LAW ENFORCEMENT, AND MILITARY HELICOPTERS.—In prescribing standards and regulations under paragraphs (1) and (2), the Administrator may provide for exceptions to any requirements with respect to reducing helicopter noise pollution in residential areas for helicopter activity related to emergency, law enforcement, or military activities.”.

Mr. SCHUMER. I yield the floor.

AMENDMENT NO. 105 TO AMENDMENT NO. 32

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent, on behalf of Senator BROWN of Ohio, to call up the Brown-Portman amendment No. 105 to the Ensign amendment No. 32.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for Mr. BROWN of Ohio, for himself and Mr. PORTMAN, proposes an amendment No. 105 to amendment No. 32.

The amendment is as follows:

(Purpose: To improve the provisions relating to integrating unmanned aerial systems into the National Airspace System)

Beginning on page 1, line 3, of the amendment, strike “(3) establishes” and all that follows through page 3, line 10, and insert the following:

(3) establishes a process to develop—

(A) air traffic requirements for all unmanned aerial systems at the test sites; and  
(B) certification and flight standards for nonmilitary unmanned aerial systems at the test sites;

(4) dedicates funding for unmanned aerial systems research and development relating to—

(A) air traffic requirements; and

(B) certification and flight standards for nonmilitary unmanned aerial systems in the National Airspace System;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) addresses both military and nonmilitary unmanned aerial system operations;

(7) ensures that the unmanned aircraft systems integration plan is incorporated in the Administration's NextGen Air Transportation System implementation plan; and

(8) provides for integration into the National Airspace System of safety standards and navigation procedures validated—

(A) under the pilot project created pursuant to paragraph (1); or

(B) through other related research and development activities carried out pursuant to paragraph (4).

(b) SELECTION OF TEST SITES.—

(1) INCREASED NUMBER OF TEST SITES; DEADLINE FOR PILOT PROJECT.—Notwithstanding subsection (a)(1), the plan developed under subsection (a) shall include a pilot project to integrate unmanned aerial systems into the National Airspace System at 6 test sites in the National Airspace System by December 31, 2012.

(2) TEST SITE CRITERIA.—The Administrator of the Federal Aviation Administration shall take into consideration geographical and climate diversity and appropriate facilities in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

(c) CERTIFICATION AND FLIGHT STANDARDS FOR MILITARY UNMANNED AERIAL SYSTEMS.—The Secretary of Defense shall establish a process to develop certification and flight standards for military unmanned aerial systems at the test sites referred to in subsection (a)(1).

(d) CERTIFICATION PROCESS.—The Administrator of the Federal Aviation Administration shall expedite the approval process for requests for certificates of authorization at test sites referred to in subsection (a)(1).

(e) REPORT ON SYSTEMS AND DETECTION TECHNIQUES.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration 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 and assessing the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense to develop detection techniques for small unmanned aerial vehicles and to validate sensor integration and operation of unmanned aerial systems.

Mr. BROWN of Ohio. Mr. President, I rise today to speak in support of Brown-Portman No. 105.

This is the first of what I imagine will be many bills and amendments my colleague Senator PORTMAN and I will be working on together.

What the Brown-Portman amendment does is twofold: it paves the way for further research and development of unmanned aerial systems into our national airspace and would designate six sites across the country to further test these new technologies.

This is clearly needed and I appreciate the work of Senator ROCKEFELLER, Senator HUTCHISON, and committee staff on the issue.

UASs are a growing and important sector of the aviation industry that is critical to our economy—whether it is protecting our men and women serving in Afghanistan, patrolling our border, or better monitoring our Nation's agricultural sector.

As further research and development is conducted, other scientific, environmental, and law enforcement uses will become more standard.

In Ohio, cutting edge work is already being done on UASs: at Wright-Patterson Air Force Base, the Springfield National Guard Base, and NASA Glenn in Cleveland.

There is great potential in this sector for job creation and I am confident Ohio will continue its role as the nation's leader in aviation and aeronautics manufacturing and R&D as it relates to UASs.

I thank my colleagues for their support.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROCKEFELLER. I yield back my time on our side.

## AMENDMENT NO. 105

The PRESIDING OFFICER. The question is on agreeing to the Brown-Portman amendment to the Ensign amendment.

Without objection, the second-degree amendment is agreed to.

The amendment (No. 105) was agreed to.

## AMENDMENT NO. 32

The PRESIDING OFFICER. The question is on agreeing to the Ensign amendment, as amended.

Without objection, that amendment, as amended, is agreed to.

The amendment (No. 32), as amended, was agreed to.

## AMENDMENT NO. 54, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the Reid amendment, No. 54, as modified.

Without objection, the amendment is agreed to.

The amendment (No. 54), as modified, was agreed to.

## AMENDMENT NO. 49, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the Udall amendment, No. 49, as modified.

Without objection, that amendment is agreed to.

The amendment (No. 49), as modified, was agreed to.

## AMENDMENT NO. 51, AS FURTHER MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the Udall amendment No. 51, as further modified.

Without objection, that amendment is agreed to.

The amendment (No. 51), as further modified, was agreed to.

## AMENDMENT NO. 80, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the Coburn amendment No. 80, as modified.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

Mr. ROCKEFELLER. I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 65, as follows:

[Rollcall Vote No. 23 Leg.]

## YEAS—34

Akaka	Inouye	Rockefeller
Alexander	Johnson (SD)	Sanders
Bingaman	Landrieu	Schumer
Blumenthal	Lautenberg	Snowe
Boxer	Leahy	Stabenow
Brown (OH)	Levin	Udall (NM)
Cardin	Mikulski	Warner
Casey	Nelson (NE)	Webb
Collins	Nelson (FL)	Whitehouse
Durbin	Pryor	Wyden
Feinstein	Reed	
Gillibrand	Reid	

## NAYS—65

Ayotte	Enzi	McCaskill
Barrasso	Franken	McConnell
Baucus	Graham	Menendez
Begich	Grassley	Merkley
Bennet	Hagan	Moran
Blunt	Harkin	Murkowski
Boozman	Hatch	Murray
Brown (MA)	Hoeven	Paul
Burr	Hutchison	Portman
Cantwell	Inhofe	Risch
Carper	Isakson	Roberts
Chambliss	Johanns	Rubio
Coats	Johnson (WI)	Sessions
Coburn	Kirk	Shaheen
Cochran	Klobuchar	Shelby
Conrad	Kohl	Tester
Coons	Kyl	Thune
Corker	Lee	Toomey
Cornyn	Lieberman	Udall (CO)
Crapo	Lugar	Vitter
DeMint	Manchin	Wicker
Ensign	McCain	

## NOT VOTING—1

Kerry

The motion was rejected.

## AMENDMENT NO. 80, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 80, as modified.

Without objection, the amendment is agreed to.

The amendment (No. 80), as modified, was agreed to.

Mr. REID. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority reader.

Mr. REID. I ask unanimous consent that the next votes be 10 minutes in duration.

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

## AMENDMENT NO. 81

The question is on agreeing to amendment No. 81, offered by Senator COBURN.

The amendment (No. 81) was agreed to.

## AMENDMENT NO. 91

The PRESIDING OFFICER. The question is on agreeing to Coburn amendment No. 91.

Mr. ROCKEFELLER. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 24 Leg.]

## YEAS—59

Akaka	Harkin	Nelson (FL)
Baucus	Hoeven	Pryor
Begich	Hutchison	Reed
Bennet	Inouye	Reid
Bingaman	Johnson (SD)	Roberts
Blumenthal	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Snowe
Casey	Levin	Stabenow
Cochran	Lieberman	Tester
Collins	Manchin	Udall (CO)
Conrad	Menendez	Udall (NM)
Coons	Merkley	Warner
Durbin	Mikulski	Webb
Feinstein	Moran	Whitehouse
Franken	Murkowski	Wicker
Gillibrand	Murray	Wyden
Hagan	Nelson (NE)	

## NAYS—40

Alexander	DeMint	McCain
Ayotte	Ensign	McCaskill
Barrasso	Enzi	McConnell
Blunt	Graham	Paul
Boozman	Grassley	Portman
Brown (MA)	Hatch	Risch
Burr	Inhofe	Rubio
Cantwell	Isakson	Sessions
Chambliss	Johanns	Shelby
Coats	Johnson (WI)	Thune
Coburn	Kirk	Toomey
Corker	Kyl	Vitter
Cornyn	Lee	
Crapo	Lugar	

## NOT VOTING—1

Kerry

The motion was agreed to.

## AMENDMENT NO. 71

The PRESIDING OFFICER. The question is on agreeing to Schumer amendment No. 71.

All time is yielded back.

The amendment (No. 71) was agreed to.

## AMENDMENT NO. 50

The PRESIDING OFFICER. There is now 10 minutes of debate, evenly divided, on the Leahy-Inhofe amendment No. 50.

Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, Senator LEAHY is somewhere around here. But since he is not on the floor, I will go ahead and present this amendment.

This is a Leahy-Inhofe amendment. It is on two almost unrelated things, but the Leahy portion of the amendment extends the public safety officer program benefits from 6 to 10 families whose loved ones died in voluntary services. It is fully offset for 10 years.

The important part of this amendment is mine, and that is—if I could have your attention over here, and I am speaking to the Republicans now, we have been trying to do this for a number of years, and Senator LEAHY and I have agreed to this. Those of us who have been pilots—and I have been for 55 years—I have been involved in a lot of humanitarian missions. What this does is offer liability protection to those of us who volunteer ourselves, our money, and our aircraft to do missions no one else will do. They are humanitarian missions. The longest one I did was all the way down to Dominica, North of Caracas, Venezuela, through two hurricanes, and we saved a lot of lives down there. This would offer liability protection to those individuals who make those sacrifices.

There are 8,000 of us, by the way, around the country, I am sure from every State represented here. So I would encourage my colleagues to support the amendment.

The PRESIDING OFFICER. The junior Senator from Oklahoma.

Mr. COBURN. Mr. President, I have no problem at all with my senior Senator's modification to the amendment. I am going to ask to have a voice vote on this to accommodate everybody, recognizing the late hour, but I want to make a point. What Senator LEAHY wants to do is great to help people. But the one question we have not asked is—and we are going to be asked to ask it all the time from here forward given where we are—is it a Federal responsibility to supply these benefits? You can't find it in the Constitution. You can't find it anywhere.

When we look at the hard decisions we are going to have to make over the next 2 years in terms of trimming both mandatory programs and discretionary programs, where we set an example that we are going to expand something that is not in our constitutional role, we are making a mistake and we are setting ourselves up for failure.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am pleased we will finally vote on the bipartisan amendment that Senator INHOFE and I have proposed. I thank the Commerce Committee chairman and ranking member.

Before we vote I would like to respond to some remarks made on the floor yesterday. The junior Senator from Oklahoma, Mr. COBURN, expressed some concern with the portion of our

amendment that makes an improvement to the Public Safety Officers Benefits Act. As I understand one of Senator COBURN's concerns, it is the belief that the PSOB improvement I propose exceeds Congress's proper role under the Constitution.

Section 8 of article 1 in the Constitution empowers Congress to provide for the "general welfare" of the United States. Supporting our first responders, and encouraging more Americans to serve their communities as first responders, who are our first line of national security, falls squarely within this clause.

Congress can and does legislate in many areas that support the general welfare of our Nation, whether providing funds to fight violent crime through joint law enforcement task forces, or providing disaster aid to the states following natural disasters. Congress has traditionally acted to support our Federal system through beneficial legislation for the states. I find it difficult to understand how supporting all of our Nation's first responders, on an equal basis, exceeds Congress's proper and traditional constitutional role.

According to my review, there have been 65 Federal cases concerning the PSOB program, and not one of them challenged its constitutionality. In 1986, the Supreme Court took up a case involving the PSOB program, which did not involve a constitutional challenge, and in fact invoked the Constitution's supremacy clause to hold that the Federal PSOB program's benefit could not be interfered with by any inconsistent state law.

Senators may disagree about the wisdom or necessity of legislating for the general welfare or in support of our first responders, but as a constitutional matter, Congress authority to enact programs like the Public Safety Officers Benefits Act is well established.

For over 30 years, since 1976, the Public Safety Officers Benefits Program has assisted the families of first responders lost in the line of duty, including local police, firefighters, and EMS technicians. This policy was enacted in part to encourage more Americans to serve their communities as police officers, firefighters, and paramedics. The importance of the services they provide is undeniable.

Senator COBURN also expressed concern that our amendment expanded Federal costs. So let me be clear on this point: while the estimated cost of this proposal is modest—less than \$13 million over 10 years—amendment is fully paid for through an included offset. Let me repeat that because I think there may be some confusion on this point—this amendment is completely paid for. It is deficit neutral and will have no budgetary impact given the included offset.

I also heard a concern about the fact that this amendment may not be germane to the underlying bill. If I am not mistaken, one of the very first amend-

ments the Senate voted on, and for which Senator COBURN voted in favor and had no procedural objection that I am aware of, was an amendment to repeal the health care law. I do not think that amendment would be ruled germane. Nonetheless, in the spirit of moving the legislative process forward, the Senate voted on it.

Senator INHOFE and I have worked together to try to advance two proposals that are important to us, and which will both support our Nation's first responders and encourage volunteerism. I thank Senator INHOFE once again, and I urge all Senators to join us in support of this amendment.

I ask unanimous consent that letters of support for my amendment from the American Ambulance Association, the National Association of EMTs, the International Association of Fire Fighters, and the International Association of Fire Chiefs be printed in the RECORD.

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

AMERICAN AMBULANCE  
ASSOCIATION,

*McLean, Virginia, February 4, 2011.*

The Hon. PATRICK LEAHY,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR LEAHY: On behalf of the membership of the American Ambulance Association (AAA), I am proud to convey our strong support for Amendment No. 50 to the FAA Air Transportation Modernization and Safety Improvement Act (S. 223). Your amendment would ensure that the survivors of paramedics and emergency medical technicians who die in the line of duty and who are employed by nonprofit ambulance service agencies are eligible for death benefits under the Public Safety Officers' Benefit program. It would also provide much needed liability protection to volunteer pilots.

We greatly appreciate that the amendment is named after Dale Long who lost his life in the line of duty in June of 2009. Dale was a certified paramedic and provided emergency medical care to patients for nearly twenty five years, most recently with the Bennington Rescue Squad. Just two months prior to his death, Dale was recognized by the American Ambulance Association as a Star of Life for his years of dedicated service to patients. In 2010, Dale was honored by the National EMS Memorial. Dale is deeply missed and we greatly appreciate your efforts on his behalf and those of thousands of paramedics and EMTs around the country.

The ambulance service agencies and EMS personnel which they employ, just like the communities they serve, are unique. Communities are served by governmental and non-profit agencies and a large portion by for-profit agencies. There is one characteristic, however, that is constant. When there is an emergency, all EMS personnel, regardless of by whom they are employed, put their lives on the line. We therefore applaud your leadership to make EMS personnel employed by nonprofit agencies eligible for public safety officer benefits and encourage you to ensure that eventually all EMS personnel are covered.

The AAA is the primary national trade association for providers of emergency and non-emergency ambulance services. The AAA is comprised of more than 600 ambulance service operations which account for providing services to over 75 percent of the

U.S. population. AAA members include private, public, fire-based, hospital-based and volunteer ambulance service providers serving urban, suburban and rural areas. The AAA was formed in 1979 in response to the need for improvements in medical transportation and emergency medical services.

Again, we strongly support Amendment No. 50 to S. 223 and greatly appreciate all of your efforts on the issue.

Sincerely,

STEVE WILLIAMSON,  
*President.*

NATIONAL ASSOCIATION  
OF EMERGENCY MEDICAL TECHNICIANS,  
*Clinton, Mississippi, February 4, 2011.*

Hon. PATRICK LEAHY,  
*U.S. Senate,  
Washington, DC.*

DEAR SENATOR LEAHY, The National Association of Emergency Medical Technicians, NAEMT, strongly supports Amendment No. 50 to the FAA Air Transportation Modernization and Safety Improvement Act (S. 223). In addition to providing liability protection to volunteer pilots, your amendment would ensure that the survivors of paramedics and emergency medical technicians who die in the line of duty and who are employed by nonprofit ambulance service agencies are eligible for death benefits under the Public Safety Officers' Benefit program. Your amendment would provide piece of mind to thousands of emergency medical service, EMS, personnel and their families including those of Dale Long.

The death in June of 2009 of Dale Long was a tragedy. Dale was a certified paramedic and provided emergency medical care to patients for nearly twenty five years and served with the Bennington Rescue Squad for the last four of those years. In 1998, he was recognized as the Vermont Advanced Provider of the Year. Dale will be deeply missed and we greatly appreciate you honoring Dale by naming this vital amendment after him.

The ambulance service agencies and EMS personnel which they employ, just like the communities they serve, are unique. Communities are served by governmental and non-profit agencies and a large portion by for-profit agencies. There is one characteristic, however, that is constant. When there is an emergency, all EMS personnel, regardless of by whom they are employed, are willing to put their lives on the line. We very much appreciate your leadership to make EMS personnel employed by nonprofit agencies eligible for federal death benefits and encourage you to ensure that eventually all EMS personnel are covered.

Again, we strongly support Amendment No. 50 to S. 223 and thank you for all of your efforts on this issue.

Sincerely,

CONNIE MEYER,  
*President, NAEMT.*

INTERNATIONAL ASSOCIATION  
OF FIRE FIGHTERS,  
*February 7, 2011.*

Hon. PATRICK LEAHY, Chairman,  
*Committee on the Judiciary, U.S. Senate,  
Washington, DC.*

DEAR MR. CHAIRMAN: On behalf of the nation's nearly 300,000 professional fire fighters and emergency medical personnel, I wish to express our support for the Dale Long Emergency Medical Service Providers Protection Act, and urge the Senate to adopt it as an amendment to the FAA reauthorization.

The legislation corrects an inequity in Public Safety Officers Benefit, PSOB, by extending coverage to those employees and volunteers of non-profit ambulance squads that serve public agencies. Throughout the

nation, many non-profit entities serve as the principal 911 emergency responder for their communities, and the emergency care providers who work or volunteer for such agencies should be treated as public safety officers. For example, Dale Long, the individual for whom this legislation is named, served as a paramedic for the Bennington Rescue

Squad, which is the designated 911 emergency response agency for the town of Bennington, VT.

We believe your amendment fixes this oversight without undermining the original purpose of the PSOB program to provide assistance to the families of fallen public safety officers. The amendment strikes, the appropriate balance, and we urge the Senate's support.

Thank you for your consideration of the views of America's professional fire fighters and emergency medical responders.

Sincerely,

BARRY KASINITZ,  
*Director of Governmental Affairs.*

INTERNATIONAL ASSOCIATION  
OF FIRE CHIEFS,  
*Fairfax, VA, February 8, 2011.*

Hon. PATRICK LEAHY,  
*Chairman, Senate Committee on the Judiciary,  
Senate Office Building, Washington, DC.*

DEAR CHAIRMAN LEAHY: On behalf of the nearly 13,000 chief fire and emergency officers of the International Association of Fire Chiefs (IAFC), I would like to express our support for your amendment to S. 223, FAA Air Transportation Modernization and Safety Improvement Act, which would add the "Dale Long Emergency Medical Service Providers Protection Act." This amendment strikes a proper balance between providing for the families and loved ones of fallen non-profit EMS personnel, and protecting the original intent of the Public Safety Officers' Benefits (PSOB) program.

The amendment would afford previously excluded survivor benefits through the U.S. Department of Justice's PSOB program to the families and loved ones of fallen EMS personnel who work or volunteer for a public or non-profit rescue squad or ambulance crew that is officially authorized or licensed to engage in rescue activity, and is officially designated as a pre-hospital emergency medical response agency.

Across the United States, many non-profits serve as the principal 9-1-1 emergency medical responder for their communities. These EMS personnel who work or volunteer for such agencies should be treated as public safety officers under the PSOB program. EMT specialist Dale R. Long, the individual for whom this legislation is named, served as a paramedic for the Bennington Rescue Squad, which is the designated 9-1-1 emergency response agency for the town of Bennington, Vermont.

Thank you for your continued support for America's public safety community.

Sincerely,

CHIEF JACK PAROW, MA, EFO, CFO,  
*President and Chairman of the Board.*

The PRESIDING OFFICER. Is all time yielded back?

Mr. DURBIN. I yield back the time.

Mr. COBURN. Mr. President, I ask unanimous consent to waive the 60-vote threshold on this vote and have a voice vote.

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

The question is on agreeing to the amendment.

The amendment (No. 50) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 10, AS MODIFIED; 22; 37, AS MODIFIED; 46, AS MODIFIED; 53, 57, 59, 65, 86, AND 94

Under the previous order, the managers' package is agreed to.

The amendments were agreed to as follows:

AMENDMENT NO. 10, AS MODIFIED

(Purpose: To change the effective date for certain noise level amendments)

On page 278, line 2, strike "5 years after the date of enactment of this Act." and insert "on Dec. 31, 2014."

AMENDMENT NO. 22

(Purpose: To cap the local cost share under the contract air traffic control tower program at 20 percent)

On page 143, beginning on line 10, strike "for" and all that follows through "enplanements" on line 13 and insert "capped at 20 percent".

AMENDMENT NO. 37, AS MODIFIED

(Purpose: To clarify the allowable costs standards for public-use airport projects)

Strike section 214, and insert the following:

**SEC. 214. ALLOWABLE PROJECT COSTS.**

(a) ALLOWABLE PROJECT COSTS.—Section 47110(b)(2)(D) is amended to read as follows:

"(D) if the cost is for airport development and is incurred before execution of the grant agreement, but in the same fiscal year as execution of the grant agreement, and if—

"(i) the cost was incurred before execution of the grant agreement due to climactic conditions affecting the construction season in the vicinity of the airport;

"(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after execution of the grant agreement including submission of a complete grant application to the appropriate regional or district office of the Federal Aviation Administration;

"(iii) the sponsor notifies the Secretary before authorizing work to commence on the project;

"(iv) the sponsor has an alternative funding source available to fund the project; and

"(v) the sponsor's decision to proceed with the project in advance of execution of the grant agreement does not affect the priority assigned to the project by the Secretary for the allocation of discretionary funds;"

AMENDMENT NO. 46, AS MODIFIED

(Purpose: To allow the IRA rollover of amounts received in airline carrier bankruptcy)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY.**

(a) GENERAL RULES.—

(1) ROLLOVER OF AIRLINE PAYMENT AMOUNT.—If a qualified airline employee receives any airline payment amount and transfers any portion of such amount to a traditional IRA within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then

such amount (to the extent so transferred) shall be treated as a rollover contribution described in section 402(c) of the Internal Revenue Code of 1986. A qualified airline employee making such a transfer may exclude from gross income the amount transferred, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(2) **TRANSFER OF AMOUNTS ATTRIBUTABLE TO AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER TO ROTH IRA.**—A qualified airline employee who has contributed an airline payment amount to a Roth IRA that is treated as a qualified rollover contribution pursuant to section 125 of the Worker, Retiree, and Employer Recovery Act of 2008, may transfer to a traditional IRA, in a trustee-to-trustee transfer, all or any part of the contribution (together with any net income allocable to such contribution), and the transfer to the traditional IRA will be deemed to have been made at the time of the rollover to the Roth IRA, if such transfer is made within 180 days of the date of the enactment of this Act. A qualified airline employee making such a transfer may exclude from gross income the airline payment amount previously rolled over to the Roth IRA, to the extent an amount attributable to the previous rollover was transferred to a traditional IRA, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier. No amount so transferred to a traditional IRA may be treated as a qualified rollover contribution with respect to a Roth IRA within the 5-taxable year period beginning with the taxable year in which such transfer was made.

(3) **EXTENSION OF TIME TO FILE CLAIM FOR REFUND.**—A qualified airline employee who excludes an amount from gross income in a prior taxable year under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of limitation under section 6511(a) (or, if later, April 15, 2012).

(b) **TREATMENT OF AIRLINE PAYMENT AMOUNTS AND TRANSFERS FOR EMPLOYMENT TAXES.**—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an airline payment amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is excluded from the qualified airline employee's gross income under subsection (a).

(c) **DEFINITIONS AND SPECIAL RULES.**—For purposes of this section—

(1) **AIRLINE PAYMENT AMOUNT.**—

(A) **IN GENERAL.**—The term “airline payment amount” means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007, and

(ii) in respect of the qualified airline employee's interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount.

The amount of such payment shall be determined without regard to any requirement to deduct and withhold tax from such payment under sections 3102(a) and 3402(a).

(B) **EXCEPTION.**—An airline payment amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) **QUALIFIED AIRLINE EMPLOYEE.**—The term “qualified airline employee” means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) **TRADITIONAL IRA.**—The term “traditional IRA” means an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) which is not a Roth IRA.

(4) **ROTH IRA.**—The term “Roth IRA” has the meaning given such term by section 408A(b) of such Code.

(d) **SURVIVING SPOUSE.**—If a qualified airline employee died after receiving an airline payment amount, or if an airline payment amount was paid to the surviving spouse of a qualified airline employee in respect of the qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted under section 125 of the Worker, Retiree and Employer Recovery Act of 2008, or under this section, to the same extent that the qualified airline employee could have done had the qualified airline employee survived.

(e) **EFFECTIVE DATE.**—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

**SEC. \_\_\_\_ . APPLICATION OF LEVY TO PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.**

(a) **IN GENERAL.**—Section 6331(h)(3) of the Internal Revenue Code of 1986 is amended by striking “goods or services” and inserting “property, goods, or services”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to levies issued after the date of the enactment of this Act.

**SEC. \_\_\_\_ . MODIFICATION OF CONTROL DEFINITION FOR PURPOSES OF SECTION 249.**

(a) **IN GENERAL.**—Section 249(a) of the Internal Revenue Code of 1986 is amended by striking “, or a corporation in control of, or controlled by,” and inserting “, or a corporation in the same parent-subsidiary controlled group (within the meaning of section 1563(a)(1) as”.

(b) **CONFORMING AMENDMENT.**—Section 249(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking “subsection (a)—” and all that follows through “The adjusted issue price” and inserting “subsection (a), the adjusted issue price”, and

(2) by striking paragraph (2).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to repurchases after the date of the enactment of this Act.

**AMENDMENT NO. 53**

(Purpose: To require the Administrator of the Federal Aviation Administration to improve the inspection, mounting, and retention of emergency locator transmitters)

On page 208, between lines 19 and 20, insert the following:

**(c) IMPLEMENTATION OF NTSB SAFETY RECOMMENDATIONS.**—

(1) **INSPECTION.**—As part of the annual inspection of general aviation aircraft, the Administrator of the Federal Aviation Administration (referred to in this section as the “Administrator”) shall require a detailed in-

spection of each emergency locator transmitter (referred to in this section as “ELT”) installed in general aviation aircraft operating in the United States to ensure that each ELT is mounted and retained in accordance with the manufacturer's specifications.

(2) **MOUNTING AND RETENTION.**—

(A) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Administrator shall determine if the ELT mounting requirements and retention tests specified by Technical Standard Orders C91a and C126 are adequate to assess retention capabilities in ELT designs.

(B) **REVISION.**—Based on the results of the determination conducted under subparagraph (A), the Administrator shall make any necessary revisions to the requirements and tests referred to in subparagraph (A) to ensure that emergency locator transmitters are properly retained in the event of an airplane accident.

(3) **REPORT.**—Upon the completion of the revisions required under paragraph (2)(B), the Administrator shall submit a report on the implementation of this subsection to—

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

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

**AMENDMENT NO. 57**

(Purpose: To authorize the Administrator of the Federal Aviation Administration to authorize general aviation airport sponsors to allocate mineral revenues not needed to carry out 5-year projected airport maintenance needs for other transportation infrastructure projects)

On page 54, between lines 3 and 4, insert the following:

**SEC. 224. USE OF MINERAL REVENUE AT CERTAIN AIRPORTS.**

(a) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(2) **GENERAL AVIATION AIRPORT.**—The term “general aviation airport” means an airport that does not receive scheduled passenger aircraft service.

(b) **IN GENERAL.**—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration (referred to in this section as the “Administrator”) may declare certain revenue derived from or generated by mineral extraction, production, lease or other means at any general aviation airport to be revenue greater than the amount needed to carry out the 5-year projected maintenance needs of the airport in order to comply with the applicable design and safety standards of the Federal Aviation Administration.

(c) **USE OF REVENUE.**—An airport sponsor that is in compliance with the conditions under subsection (d) may allocate revenue identified by the Administrator under subsection (b) for Federal, State, or local transportation infrastructure projects carried out by the airport sponsor or by a governing body within the geographical limits of the airport sponsor's jurisdiction.

(d) **CONDITIONS.**—An airport sponsor may not allocate revenue identified by the Administrator under subsection (b) unless the airport sponsor—

(1) enters into a written agreement with the Administrator that sets forth a 5-year capital improvement program for the airport, which—

(A) includes the projected costs for the operation, maintenance, and capacity needs of the airport in order to comply with applicable design and safety standards of the Federal Aviation Administration; and

(B) appropriately adjusts such costs to account for inflation;

(2) agrees in writing—

(A) to waive all rights to receive entitlement funds or discretionary funds to be used at the airport under section 47114 or 47115 of title 49, United States Code, during the 5-year period of the capital improvement plan described in paragraph (1);

(B) to perpetually comply with sections 47107(b) and 47133 of such title, unless granted specific exceptions by the Administrator in accordance with this section; and

(C) to operate the airport as a public-use airport, unless the Administrator specifically grants a request to allow the airport to close; and

(3) complies with all grant assurance obligations in effect as of the date of the enactment of this Act during the 20-year period beginning on the date of enactment of this Act;

(e) **COMPLETION OF DETERMINATION.**—Not later than 90 days after receiving an airport sponsor's application and requisite supporting documentation to declare that certain mineral revenue is not needed to carry out the 5-year capital improvement program at such airport, the Administrator shall determine whether the airport sponsor's request should be granted. The Administrator may not unreasonably deny an application under this subsection.

(f) **RULEMAKING.**—Not later than 90 days after the date of the enactment of this Act, the Administrator shall promulgate regulations to carry out this section.

AMENDMENT NO. 59

(Purpose: To require a report on the use of explosive pest control devices)

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

**SEC. 523. USE OF EXPLOSIVE PEST CONTROL DEVICES.**

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report that—

(1) describes the use throughout the United States of explosive pest control devices in mitigating bird strikes in flight operations;

(2) evaluates the utility, cost-effectiveness, and safety of using explosive pest control devices in wildlife management; and

(3) evaluates the potential impact on flight safety and operations if explosive pest control devices were made unavailable or more costly during subsequent calendar years.

AMENDMENT NO. 65

(Purpose: To accelerate the implementation of required navigation performance procedures)

On page 80, beginning with line 8 strike through line 25 on page 83 and insert the following:

(a) **OEP AIRPORT PROCEDURES.**—

(1) **IN GENERAL.**—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, aircraft and avionics manufacturers, and third parties that have received letters of qualification from the Administration to design and validate required navigation performance flight paths for public use (in this section referred to as “qualified third parties”) that includes the following:

(A) **RNP OPERATIONS.**—A list of required navigation performance procedures (as defined in FAA order 8260.52(d)) to be developed, certified, and published, and the air traffic control operational changes, to maximize the efficiency and capacity of NextGen commercial operations at the 137 small, medium, and large hub airports. The Adminis-

trator shall clearly identify each required navigation performance operation that is an overlay of an existing instrument flight procedure.

(B) **COORDINATION AND IMPLEMENTATION ACTIVITIES.**—A description of the activities and operational changes and approvals required to coordinate and to utilize those procedures at each of the airports in subparagraph (A).

(C) **IMPLEMENTATION PLAN.**—A plan for implementation of those procedures that establishes—

(i) clearly defined budget, schedule, project organization, environmental, and leadership requirements;

(ii) specific implementation and transition steps;

(iii) coordination and communications mechanisms with qualified third parties;

(iv) specific procedures for engaging the appropriate Administration employee groups to ensure that human factors, training and other issues surrounding the adoption of required navigation performance procedures in the en route and terminal environments are addressed;

(v) baseline and performance metrics for measuring the Administration's progress in implementing the plan, including the percentage utilization of required navigation performance in the National Airspace System;

(vi) outcome-based performance metrics to measure progress in implementing RNP procedures that reduce fuel burn and emissions;

(vii) a description of the software and database information, such as a current version of the Noise Integrated Routing System or the Integrated Noise Model that the Administration will need to make available to qualified third parties to enable those third parties to design procedures that will meet the broad range of requirements of the Administration;

(viii) lifecycle management for RNP procedures; and

(ix) an expedited validation process that allows an air carrier using a RNP procedure validated by the Administrator at an airport for a specific model of aircraft and equipment to transfer all of the information associated with the use of that procedure to another air carrier for use at the same airport for the same model of aircraft and equipment.

(2) **IMPLEMENTATION SCHEDULE.**—The Administrator shall certify, publish, and implement—

(A) 30 percent of the required procedures within 18 months after the date of enactment of this Act;

(B) 60 percent of the procedures within 30 months after the date of enactment of this Act; and

(C) 100 percent of the procedures before January 1, 2014.

(b) **OTHER AIRPORTS.**—

(1) **IN GENERAL.**—Within one year after the date of enactment of this Act, the Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, aircraft and avionics manufacturers, and qualified third parties, that includes a plan for applying the procedures, requirements, criteria, and metrics described in subsection (a)(1) to other airports across the Nation, with priority given to those airports where procedures developed, certified, and published under this section will provide the greatest benefits in terms of safety, capacity, fuel burn, and emissions.

(2) **SURVEYING OBSTACLES SURROUNDING REGIONAL AIRPORTS.**—Not later than 1 year after the date of enactment of that Act, the Administrator, in consultation with the State secretaries of transportation and state, shall identify options and funding

mechanisms for surveying obstacles in areas around airports such that can be used as an input to future RNP procedures.

(3) **IMPLEMENTATION SCHEDULE.**—The Administration shall certify, publish, and implement—

(A) 25 percent of the required procedures at such other airports within 18 months after the date of enactment of this Act;

(B) 50 percent of the procedures at such other airports within 30 months after the date of enactment of this Act;

(C) 75 percent of the procedures at such other airports within 42 months after the date of enactment of this Act; and

(D) 100 percent of the procedures before January 1, 2016.

(c) **ESTABLISHMENT OF PRIORITIES.**—The Administration shall extend the charter of the Performance Based Navigation Aviation Rulemaking Committee as necessary to authorize and request it to establish priorities for the development, certification, publication, and implementation of the navigation performance procedures based on their potential safety, efficiency, and congestion benefits.

(d) **COORDINATED AND EXPEDITED REVIEW.**—Required Navigation Performance and other performance-based navigation procedures developed, certified, published, and implemented under this section that will measurably reduce aircraft emissions and result in an absolute reduction or no net increase in noise levels shall be presumed to have no significant environmental impact and the Administrator shall issue and file a categorical exclusion for such procedures.

AMENDMENT NO. 86

(Purpose: To provide for use of model aircraft for recreational and other purposes)

On page 245, between lines 7 and 8, insert the following:

(g) **SPECIAL RULE FOR MODEL AIRCRAFT.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law relating to the incorporation of unmanned aircraft systems into FAA plans and policies, including this section, the Administrator shall not promulgate any rules or regulations regarding model aircraft or aircraft being developed as model aircraft if such aircraft is—

(A) flown strictly for recreational, sport, competition, or academic purposes;

(B) operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization; and

(C) limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program currently administered by a community-based organization.

(2) **MODEL AIRCRAFT DEFINED.**—For purposes of this subsection, the term “model aircraft” means a nonhuman-carrying (unmanned) radio-controlled aircraft capable of sustained flight in the atmosphere, navigating the airspace and flown within visual line-of-sight of the operator for the exclusive and intended use for sport, recreation, competition, or academic purposes.

AMENDMENT NO. 94

(Purpose: To require the disclosure of the dimensions of seats on aircraft to enable parents to determine if their child safety seats will fit in those seats)

On page 128, between lines 2 and 3, insert the following:

**SEC. 408. DISCLOSURE OF SEAT DIMENSIONS TO FACILITATE THE USE OF CHILD SAFETY SEATS ON AIRCRAFT.**

Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall prescribe regulations requiring

each air carrier operating under part 121 of title 14, Code of Federal Regulations, to post on the website of the air carrier the maximum dimensions of a child safety seat that can be used on each aircraft operated by the air carrier to enable passengers to determine which child safety seats can be used on those aircraft.

#### THROUGH THE FENCE AGREEMENTS

Mr. WYDEN. I want to thank Chairman ROCKEFELLER for the opportunity to have this colloquy with him today on the topic of through the fence agreements. Now, most folks don't know this, but there are a few different developments throughout the country that have houses with plane hangars near airports, and they have what is called a through the fence agreement to use the airway runway. Is the Senator familiar with these agreements?

Mr. ROCKEFELLER. I am aware of these agreements.

Mr. WYDEN. As the Senator might know, one place that has had a residential airpark for many decades is in my home State, in a town called Independence, OR. Since 1974, folks at the Independence Airpark have had an agreement with the Independence airport to taxi their planes up to the runway and use it for recreation and travel purposes.

But recently, the FAA decided to change the rules on all through the fence agreements and the folks at Independence Airpark and elsewhere may not be able to continue an arrangement they have had nearly 40 years with no significant safety issues and no significant noise complaints.

That just doesn't seem fair. So I have introduced an amendment I believe will safely provide a path forward for places like the Independence Airpark to continue to exist. Is the Senator aware of the amendment I filed?

Mr. ROCKEFELLER. I am aware that the Senator has filed an amendment on this issue, and I understand his concerns about this issue and its effect on his constituents.

Mr. WYDEN. While I understand we may not have an opportunity to vote on my amendment, Mr. Chairman, as we moved forward on this FAA reauthorization bill, can the Senator commit to working with me to find a solution so folks who have never gone afoul of the law or regulations are treated fairly?

Mr. ROCKEFELLER. I would be glad to continue working with the Senator on this issue, and I appreciate his work to ensure that there is fairness in this regard.

Mr. WYDEN. I thank the Senator, both for his important work on this larger FAA bill, and for his willingness to work with me in addressing this issue.

Mr. LEVIN. Mr. President, I will vote in support of S. 223, of the FAA Air Transportation Modernization and Safety Improvement Act and I urge its adoption and enactment.

The Senate is already on record in support of the contents of this bill. This is because the bill we are voting

on today is almost identical to the FAA authorization bill that passed the Senate 93-0 in March of 2010. The last reauthorization bill expired at the end of fiscal year 2007 and since then we have passed 17 short-term extensions. We are well overdue to enact a long-term reauthorization of FAA's programs in order to provide important funding increases and program improvements that will enhance the safety and efficiency of our Nation's aviation system. In so doing we will make key investments in our nation's aviation infrastructure as well as create good jobs in the process.

Our global economy depends on the smooth and efficient movement of goods, services and people from city to city and across international borders. A safe and efficient aviation system goes hand in hand with a strong economy. We are fortunate to have the best aviation system in the world and we must continue to make the necessary investments and upgrades to retain that high standard. The FAA reauthorization bill helps us to do this by addressing problems of capacity, congestion and delays. This will ensure our aviation system can handle the projected growth in airlines passengers.

The FAA reauthorization bill being considered by the Senate today will create much needed jobs by providing the funding and directives for safety improvements at our airports and in the aviation industry. For instance, in Michigan the FAA is building two new air traffic control towers, at Kalamazoo and Traverse City. The FAA is also repaving numerous runways and taxiways, including at Detroit Metropolitan Wayne County Airport, Alpena County Regional Airport, Bishop International Airport, Sawyer International Airport and at other airports around the state. The FAA is also constructing new terminal buildings at Kalamazoo/Battle Creek International Airport and at MBS International Airport in Freeport, Michigan. Additionally, FAA funds are paying for the design of a new building for aircraft rescue and firefighting and snow removal equipment at Pellston Regional Airport in Emmet County. These are much needed upgrades to Michigan airports and will make flying into and around Michigan safer and easier. These are the kinds of improvements this bill will continue to make possible in the future.

A key component of S. 223 will modernize our air traffic control system by building the Next Generation Air Transportation System—NextGen—of satellite-based navigation. The NextGen system will be more accurate and more efficient than the current radar-based air traffic control system. It will also result in significant fuel efficiencies and time savings by allowing aircraft to fly more direct routes. This is good for the environment, good for air carriers and good for the flying public. The bill also provides flexibility to airports in using Airport Improvement Program funds as well as studying

ways to raise revenue for airport projects through a pilot program.

This bill also includes important passenger rights protections. It requires airlines to plan for delays and protect passengers while they are on an aircraft, including how airlines will provide adequate food, water and access to restrooms. It also requires that passengers be allowed to deplane after 3 hours on the tarmac.

And this bill makes important improvements to the Essential Air Service Program, which provides rural communities with access to the national air transportation system. The EAS program is important to Michigan because we have eight communities that rely on EAS subsidies to help provide them with daily commercial air service. This bill increases EAS program funding by \$73 million a year to \$200 million annually. I joined my colleagues in defeating a McCain amendment that would have eliminated the Essential Air Service Program. I strongly oppose attempts to deprive Michiganders living in the less populated areas of our State of commercial air service. For businesses in the affected communities, this service is an economic lifeline that connects them to the web of both national and international commerce. At a time when we're doing everything we can to compete and to increase the number of jobs, cutting off that access makes no sense.

Again, I am pleased to vote yes on final passage of the FAA Air Transportation Modernization and Safety Improvement Act and I hope the House of Representatives will also act quickly to adopt a bill.

Mr. ROCKEFELLER. Mr. President, I believe this bill is fundamental to our Nation's long-term economic competitiveness. It will create good-paying jobs across the country. It will improve the safety and efficiency of our Nation's air transportation system. And it will help to make sure the United States remains the global leader in aviation.

As we approach a final vote on the FAA reauthorization, I want to close by touching briefly on why this is so important—and why we have spent 3 weeks working on this bill.

This FAA reauthorization is about more than aviation, it is about stimulating the economy and securing jobs and retaining jobs.

The aviation sector supports over \$1 trillion in economic activity and over 11 million jobs in the United States. This bill will support hundreds of thousands of aviation jobs annually. Moreover, it is critical to the businesses that rely on aviation and will provide a base for financial success in an increasingly global economy.

This bill is about improving commercial airline service to small and rural communities, making sure all areas of the country have adequate access to the Nation's air transportation network.

It also establishes better consumer rights protections for travelers, giving passengers a more consistent and improved air travel experience.

Ultimately, it is about improving safety and modernizing our system.

In other words, it is about people's lives every day—the safety of our skies for passengers and their families is critical and we must get this right.

Statistically, the United States has the safest air transportation system in the world. But statistics do not always tell the whole story.

It has been just over 2 years since the crash of Flight 3407 in Buffalo, NY, took the lives of 50 people. This tragedy reminds us that we must remain vigilant in making the national airspace system as safe as possible.

Although we were able to take important steps last August to improve pilot training and fatigue, this bill still has several critical provisions that will further improve the safety of our skies.

Modernizing the air traffic control system will not just make our skies more efficient, it represents a quantum leap forward for aviation safety by providing our air traffic controllers and pilots' real-time traffic and weather information.

The bill also takes steps to strengthen inspections of airline operations, require better oversight of foreign repair stations, and improve helicopter emergency service operations.

This bill is also about equality and economic stability. It will provide needed resources to airports large and small, urban and rural.

Although the U.S. airline industry has begun to recover from the recent economic downturn, hundreds of rural communities across our country continue to struggle.

The future of small communities' economic standing depends on access to air service.

I have witnessed firsthand the positive impact that aviation has made on my home State of West Virginia, and I have seen time and time again how important a lifeline it is for local communities.

The Federal Government must continue the commitment it made when the industry deregulated to provide the resources and tools small communities need to attract adequate air service.

Our legislation accomplishes this by building on existing programs and strengthening them with appropriate reforms.

This bill also strengthens passenger protections by incorporating a passenger bill of rights to deal with the most serious flight delays and cancellations.

Passengers have had it with endless delays—especially when they are stuck on the tarmac. They have had it with being overlooked and dismissed by the aviation system.

The Department of Transportation, DOT, has already begun implementing similar measures and seen great success—this legislation makes certain

the Federal Government continues to focus on passengers' rights.

Our air traffic control system is outdated and strained beyond its capacity.

America's air traffic control network is still using WWII-era technology. We are behind Mongolia, and that is unacceptable.

The Next Generation Air Transportation System, NextGen, will save our economy billions by creating additional capacity and more direct routes. This will allow aircraft to move more efficiently and effectively.

Drastic reductions in fuel consumption will reduce carbon and noise emissions in the aviation sector.

And as I noted before, NextGen will dramatically improve safety.

A modern air traffic control system will provide pilots and air traffic controllers with better situational awareness—giving them the tools to see other aircraft and detailed weather maps in real time.

But achieving a modernized air transportation system requires sustained focus and substantial resources.

This reauthorization bill takes concrete steps to accelerate implementation of a modern, satellite based air traffic control system so we can begin to reap these benefits now.

We must move boldly or risk losing our leadership in the world. Over the 3 weeks, I have spoken about the primary goals we set out to achieve with this bill: 1, to address critical safety concerns; 2, to establish a clear roadmap for the implementation of NextGen and accelerate the FAA's key modernization programs; 3, to invest in airport infrastructure; and 4, to continue improving small communities' access to the Nation's aviation system.

I am proud of how far we have come. I also want to thank Senator HUTCHISON, the ranking member of the Commerce Committee and my able partner, for her work on this bill. It is truly a bipartisan bill that reflects a shared vision and goal of making sure the United States continues to have the safest, most efficient, and most modern aviation system possible.

This bill passed 93 to 0 last year. I know a few of my colleagues have had substantial differences over the issue of slots at National Airport. But this issue is minor compared to the benefits provided by the larger bill.

Flights at National Airport should not bring down a bill that is critical to so many Americans and supports so many jobs.

I urge my colleagues to move forward and give the FAA the tools, the resources, the direction, and the deadlines to make sure the agency can provide effective oversight of the aviation industry.

I urge my colleagues to support reauthorization and advance our system now. We cannot afford to wait any longer.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on passage of the bill, as amended.

Mr. ROCKEFELLER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER) and the Senator from Arizona (Mr. McCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 8, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—87

Akaka	Feinstein	Merkley
Alexander	Franken	Mikulski
Ayotte	Gillibrand	Moran
Barrasso	Graham	Murkowski
Baucus	Grassley	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Hatch	Portman
Blumenthal	Hoeben	Pryor
Blunt	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Roberts
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johanns	Rubio
Burr	Johnson (SD)	Schumer
Cantwell	Kirk	Sessions
Cardin	Klobuchar	Shaheen
Carper	Kohl	Shelby
Casey	Kyl	Snowe
Chambliss	Landrieu	Stabenow
Coats	Lautenberg	Tester
Coburn	Leahy	Thune
Cochran	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lugar	Warner
Cornyn	Manchin	Webb
Durbin	McCaskill	Whitehouse
Ensign	McConnell	Wicker
Enzi	Menendez	Wyden

NAYS—8

Crapo	Lee	Toomey
DeMint	Paul	Vitter
Johnson (WI)	Risch	

NOT VOTING—5

Coons	Kerry	Sanders
Corker	McCain	

The bill (S. 223), as amended, was passed.

The bill will be printed in a future edition of the RECORD.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table, and the measure will be held at the desk.

The Senator from Alaska.

CHANGE OF VOTE

Ms. MURKOWSKI. Mr. President, on rollcall vote No. 24, I voted "nay." It was my intention to vote "yea." Therefore, I ask unanimous consent I be permitted to change my vote since it will not affect the outcome.

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

(The aforementioned tally has been changed to reflect the above order.)

#### VOTE EXPLANATION

Mr. KERRY. Mr. President, I was necessarily absent for the following votes: (1) vote in relation to Coburn amendment No. 91 to decrease the Federal share of project costs under airport improvement program for nonprimary airports; (2) vote in relation to Coburn amendment No. 80 to limit essential air service to locations that are 100 or more miles away from the nearest medium or large hub airport; (3) vote in relation to Coburn amendment No. 81 to limit essential air service to locations that average 10 or more enplanements per day; (4) vote on Leahy-Inhofe amendment No. 50 to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include nonprofits and volunteer ground and air ambulance crew members and first responders for certain benefits, and to clarify the liability protection for volunteer pilots that fly for public benefits; and (5) final passage of the FAA reauthorization act, S. 223.

Had I attended today's session, I would have voted (1) to oppose Coburn amendment No. 91 or to support any motion to lay that amendment on the table; (2) to oppose Coburn amendment No. 80 or to support any motion to lay that amendment on the table; (3) to oppose Coburn amendment No. 81 or to support any motion to lay that amendment on the table; (4) to support Leahy-Inhofe amendment No. 50; and (5) to support final passage of the FAA reauthorization act, S. 223.

#### MORNING BUSINESS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### THANKING STAFF

Mr. ROCKEFELLER. Mr. President, before we wrap this up entirely, there is just a couple of people I want to thank. I particularly want to thank my ranking member, whom I refer to as my cochair, Senator KAY BAILEY HUTCHISON, for her incredibly hard, smart, indefatigable commitment and pure determination to see this bill through. I could not have asked for a better partner on this bill or as a partner on the Commerce Committee. We work in sync. It doesn't mean we have to agree on everything, but it happens we usually do.

I know, and our colleagues should know, this bill simply would not have happened without her hard work, without her negotiating skills everywhere, constantly. She was tenacious in get-

ting a lot of deals done on what was the most contentious issue, slots. She was patient and she was fair. I want my colleagues and the whole world to know how much I admire her as a person and as a professional, and I am grateful she has applied her considerable expertise and legislative savvy to this effort.

I also want to take a moment to tell my colleagues that I am very disappointed that Senator HUTCHISON has chosen not to seek reelection. She has been a model public servant—she is a model public servant—who has made a real difference in the lives of Americans. She has made Texas proud. The Senate will be worse off without her. The Commerce Committee will be worse off without her. The aviation world will be worse off without her. Most importantly, the people of Texas will miss her talent and her clear ability to represent their interests at the Federal level. She is amazing.

I will reluctantly not begrudge her the opportunity to bring her considerable talents to her post-Senate life, which she fully deserves. But I have her as my partner in the Commerce Committee for 2 more years, and for that I am very grateful. We have 2 more years to team up and see what we can accomplish together and as a committee. We have a full agenda, and this bill is just the first of what I hope will be many joint successes in this Congress.

I want to take a few minutes to thank the staff who have worked so incredibly hard on this bill. The issues we deal with are very difficult. Sometimes they are very boring. And sometimes they are just persistent. You have to scratch them all the time. They are always arcane. We would not be able to do our jobs without the assistance of a very dedicated and smart staff on both sides of the aisle.

I am going to start with Senator HUTCHISON's staff first. I would like to thank Jarrod Thompson, Senator HUTCHISON's lead aviation staffer, who worked seamlessly with my staff. Such is not always the case in this body. The importance of his work on this bill cannot be overstated. He managed every issue in this bill with a calm professionalism that made a challenging process a lot easier.

I would also like to thank her staff director, Ann Begeman, who is truly a gem—that is called a jewel. Ann has been nominated to be Commissioner on the Surface Transportation Board, and she is going to be a great asset to that commission. The committee will consider her nomination soon. Not trying to look ahead too far, I hate the thought of losing her, but she is going to make a fantastic Commissioner.

Finally, I would like to recognize the work of Brian Hendricks, whose fierce tenacity was essential to getting this bill done. He was instrumental in quietly working away, constantly getting things done.

For my part, I am fortunate to have a tremendous staff, too—in my State,

in my personal office, and on the committee. I am genuinely lucky I have managed to hold on to a very talented group of people who each fundamentally appreciate it is a privilege to be in public service. If you don't have that instinct, you are not going to do a lot around here.

The staff of the aviation subcommittee is truly exceptional because Gael Sullivan never seeks recognition. I want to spend a minute on giving him the enormous credit and recognition he deserves. Gael Sullivan has spent 10 years on the subcommittee and almost 20 years as a staffer on the Commerce Committee. He knows everything there is to know about aviation. He works enormously hard day in and day out, whether we are on the floor or just trying to solve a problem of a rural airport or a small community depending on Essential Air Service. Gael is here because he is absolutely dedicated to making a difference. He has been critical to every aviation bill that we have tried on this committee. His hard work has helped produce a safer and more efficient air traffic control system and a more secure aviation system.

Working with Gael is Rich Swayze. Rich is an aviation expert as well. From his Ph.D. thesis on air service to his work at GAO, Rich has developed his aviation expertise and the committee and my Senate colleagues have benefitted from that. They may not know that, but they have. Rich has put countless hours into this bill over the last 3 years. He has worked tirelessly on helping resolve the thorniest of issues, such as, for example, slots.

Adam Duffy is the third member of my aviation team. Adam keeps the subcommittee running. Besides helping draft briefing materials for the bill and preparing points for the floor, he has done yeomen's work managing the paper—the amendments—and making sure I had what I needed. His is not a glamorous job at times, but sometimes those are the most important jobs of all.

Finally, there is James Reid. James Reid, for many years, has been a senior adviser to me on Commerce Committee issues—both in my office in the Hart Building and at the committee—including aviation. He has been the deputy staff director of the Commerce Committee since I became chair, and I don't know what I would do without him—literally don't know.

I have known James for many years. I know how smart he is. The tragedy of how things get done is that staff is never recognized for who they really are—the group who puts all of it together—and how funny he is. Now, it is an art form to get to the funny part, but he is one of the funniest people I know, and he has a good heart. I still marvel at the sheer skill he has. Whether it is working through the details of a vexing legislative dilemma or thinking through the best strategic maneuver to achieve success, James can do it all. I totally rely on him. I