United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, WEDNESDAY, FEBRUARY 16, 2011 No. 25

Senate

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

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

Let us pray.

O God, the hope of the world, let Your kingdom come. Let Your will be done on Earth as it is in heaven.

Fill the minds of our lawmakers with Your truth so that they will labor for freedom with integrity and compassion. Lord, use them to establish Your rule in the life of our Nation. May they be guides who lead us away from sin, sorrow, and destruction, toward truth, justice, and peace. Shelter them in their coming in and going out, in their labor and leisure, as they seek to advance Your kingdom.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 16, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following any leader remarks, there will be a period of morning business until 11 a.m., with Senators permitted to speak up to 10 minutes each. That time will be equally divided and controlled between the leaders or their designees.

At 11 this morning, the Senate will resume consideration of the FAA authorization bill. As a result of cloture being filed yesterday, any germane first-degree amendments must be filed at the desk prior to 1 p.m. today in order for the amendments to be in order postcloture. We have the opportunity to complete this legislation tomorrow. There will be two cloture votes in the morning. We hope to be able to have some votes today. Senators will be notified when rollcall votes are scheduled.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

SPENDING FREEZE

Mr. MCCONNELL. Madam President, as the debate over government spending comes into focus this week, I think it is worth noting once again how this debate has shifted in recent weeks.

After 2 years of bailouts and stimulus bills, we are finally talking about how much government should cut instead of how much it should spend.

Obviously, the details matter. And we will be working those out in the weeks ahead. But the fact that this debate has shifted is a testament to the millions of Americans who insisted that their voices be heard on this issue. They have made a difference. It is important we acknowledge that.

Now the question shifts to whether those in power will actually follow through in any serious way. Will Democratic leaders in Washington really do something to rein in a government we can no longer afford or will they just pretend to and hope the American people focus on their words instead of their actions.

Unfortunately, the early signs are discouraging.

The President's response to the growing national alarm about spending and debt was a proposal to freeze government spending at the already-irresponsible levels that he himself has set over the past 2 years—levels that, if maintained, will only intensify the current crisis by putting us deeper and deeper in debt.

The consensus on the President's proposal is that it is both unserious and irresponsible, and that, despite what the President may say, he is not in fact treating this crisis with the seriousness it demands. The President even seemed to concede the point yesterday, saying his budget wasn't adequate to the task and suggesting that maybe Congress could do something more meaningful than he has.

And what do we find in Congress?

Well, we find one party in the House of Representatives making a genuine effort to cut spending and debt, and we find Democrats in the Senate announcing today that they intend to line up behind the President's timid proposal for a partial spending freeze.

In other words, Democratic leaders in Congress intend to join the President

in resigning themselves to a future of growing debts and deficits at a time when Americans are demanding cuts instead.

So here is what we have learned this week: on the most pressing issue of the day, the President and Democratic leaders in Congress have decided to take a pass. They are either unwilling to admit that Washington needs to live within its means or they are completely unwilling to make the tough choices that will get us there.

It is hard to believe, really.

Americans are screaming at us to do something about a $14 trillion debt, the President proposes a budget that nearly doubles it, and Democrats clap their hands in approval.

Maybe Democrats were so focused on passing their health care bill last year they didn't notice what has been going on in Europe.

Maybe they were so focused on defending their stimulus that they missed a national uprising right here at home about the spending and the debt they have racked up.

Maybe they missed the fact that while they were busy adding $3 trillion to the debt, nearly 3 million Americans lost their jobs.

Maybe they have been so focused on passing their agenda that they didn't notice the fact that the American people just repudiated their entire agenda.

They need to get real.

The men and women who were sent to Washington this year were not sent here on a mission to keep spending at the levels this administration has set. They were sent here to change the culture, to convince the administration that it needs to change its ways.

Democrats in Washington seem to think they can wait it out; that if they just agree to freeze current spending levels in place people will think they are listening. Don't they realize that current levels of spending are the reason we just had the biggest wave election in a generation?

The senior Senator from New York seems to think that anything short of freezing current spending levels is extreme.

I will tell you what is extreme: extreme is to insist in the middle of a jobs and debt crisis that government has to spend a trillion dollars more than we take in every year.

That is extreme.

Extreme is a view of the world that says government will not live within its means, even when the American people demand it.

Extreme is a view of the world that says the survival of this or that program is more important than the survival of the American dream itself.

Extreme is telling our children they may have to do without because we refuse to do with less.

So I suggest to my Democratic colleagues that they stop thinking about what they can get away with and start thinking about what is actually needed to solve this crisis.

I suggest they start listening to the American people who are telling us in no uncertain terms that a freeze will not cut it.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

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

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

The bill clerk proceeded to call the roll.

Ms. COLLINS. Madam 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.

Ms. COLLINS. Madam President, I ask unanimous consent that I be permitted to proceed for 15 minutes in morning business.

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

Ms. COLLINS. Thank you, Madam President.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 361 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

Mr. INHOFE. I thank the Chair.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 360 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. ROBERTS. Madam 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. ROBERTS. Madam President, I understand the time for morning business has come and gone, but I ask unanimous consent to speak as in morning business for 20 minutes.

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

REGULATORY RESPONSIBILITY FOR OUR ECONOMY ACT OF 2011

Mr. ROBERTS. Madam President, I recently introduced a bill called the Regulatory Responsibility for Our Economy Act of 2011—it is S. 358—and I would urge my colleagues who would like to, after hearing my remarks, to cosponsor this. I realize the bill is a mouthful—the Regulatory Responsibility for Our Economy Act—but I think it is appropriate.

This bill would strengthen and codify President Obama's Executive order from January 18. In that Executive order, the President made a commitment to review, to modify, to streamline, to expand or repeal—that is a lot of things, to review, modify, streamline, expand, and repeal—those regulatory actions that are duplicative, unnecessary, overly burdensome, or would have significant economic impacts on Americans. So the Regulatory Responsibility for Our Economy Act of 2011 would ensure just that.

My legislation would require that all regulations put forth by the current and future administrations—regardless of the President—consider the economic burden on American businesses, ensure stakeholder input—i.e., the people who are affected—during the regulatory process, and promote innovation. Back on January 18, the President signed an Executive order to do precisely that, we thought. It was for ''improving regulation and regulatory review.'' But the President also released a factsheet on the intent for his regulatory strategy. It was in detail. Per the factsheet, ''In this Executive Order, the President requires Federal agencies to design cost-effective, evidence-based regulations that are compatible with economic growth, job creation, and competitiveness.'' My legislation would ensure that would actually happen.

In addition, the President published an op-ed in the Wall Street Journal detailing the administration's commitment to reviewing regulations. As part of this op-ed, the President stated:

> We have preserved freedom of commerce while applying those rules and regulations necessary to protect the public against threats to our health and safety and to safeguard people in business from abuse.

But he also noted that—and this is the key:

> Sometimes those rules have gotten out of balance, placing unreasonable burdens on business—burdens that have stifled innovation and had a chilling effect on growth and jobs.

I must say I absolutely agree with the President. I was extremely pleased when he came out with the Executive order on January 16. And as I travel across my home State, I have heard Kansan after Kansan, regardless of the business, regardless of where they are on Main Street, who find themselves weighed down by the burden of too many regulations. As a matter of fact, I think if any Member of this Senate would like to get a standing ovation from even a group of five at a coffee shop or at a meeting of any organization that is business-oriented or just folks, you can talk about the debt, you

can talk about spending, you can talk about other issues, but the one that really grabs them is this business of overregulation.

This has been going on for too many years—too many decades. As a matter of fact, you can come into a meeting, and you will probably get the question—even the distinguished President pro tempore, the Senator from New York, would get the question, though probably a little nicer than I would get it, and certainly the other Senator from New York, who is now leaving the Chamber—the question usually comes as: PAT, what on Earth are you doing back there, saddling us with paperwork and regulations that are costly, burdensome, and that we don't even know about? All of a sudden, on a Wednesday morning we wake up and we face this regulatory dictate. It is counterproductive, and the cost outweighs the benefit. What is going on back there? What are you guys doing?

My response: Well, let's stop there for just a minute. I am not a ''you guy,'' I am an ''us guy.''

Clear back in the days when I was in the House of Representatives and I had the privilege of serving in that body, we were all trying to do something about unnecessary and burdensome regulations. So I have had a longstanding concern with the regulatory process, and that is the one issue that is a tinderbox issue. It is one where you really get an immediate response, with people saying: Amen. Somebody needs to do something about that. And they were so pleased with the President when he came out with the Executive order, saying: Hey, I am going to do something about this.

As of January 3, 2011, less than 6 months after the Dodd-Frank act was signed into law, regulators have issued over 1,000 pages of regulatory proposals and 360 pages of final rules. Talk about asking Senators whether they have read a bill, I know that nobody in the Senate has read over the 1,000 pages of regulatory proposals and 360 pages of final rules on the regulatory reform act. And many more pages of regulations—upwards of 5,000—are expected.

Regulations such as those put forth by the Department of Health and Human Services, along with the Departments of Labor and Treasury, have resulted in the child-only insurance market effectively disappearing in 20 States because of the regulations. The idea was to provide just the opposite but in 20 States today, that is not the case.

The Environmental Protection Agency began implementing its greenhouse gas regulations on stationary sources of energy that emit 75,000 or more tons of CO_2 a year, which, on its surface, aims to only regulate those largest emitters, such as powerplants and oil refineries, but it is only a matter of time—it is only a matter of time—before stricter regulations are handed down that will impact every corner of commerce.

Let me just say that the EPA—knowing, of course, that Congress said no to cap and trade—is trying very hard to go around the Congress to try to put forth these regulations into compliance with the law.

Last year, the Grain Inspection, Packers and Stockyard Administration—and everything has to have an acronym in Washington, but the one for that is called GIPSA—published a proposed rule that would change longstanding rules governing the production and marketing of livestock. This is an agriculture thing. This proposed rule goes far beyond what was intended in the last farm bill. In fact, a number of items in the proposed rule were defeated here on the Senate floor, and yet they were put in the proposed rule.

A number of private economic studies show the loss of gross domestic product is in excess of $1 billion—much more costly than the $100 million threshold required for an economic analysis to be completed. Unfortunately, an economic analysis is yet to be completed.

So I was encouraged, Madam President. I was a happy camper there for a little bit by President Obama's commitment to a new regulatory strategy. But the devil is in the details, and with staff help, after reviewing the Executive order, I must say I was left with some larger concerns. I was upset.

The Executive order states:

> In applying these principles, each agency is directed to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.

Wonderful. We will have a cost-benefit yardstick applied to all of the regulations pouring out of all the agencies in Washington. The distinguished Speaker of the House said the other day that we had 200,000 more Federal employees in Washington than we did 2 years ago. I can assure you they are not twiddling their thumbs. They are issuing regulations, and they tend to be agenda-oriented, not really getting down to sound science or determining the unanticipated effects of their regulations.

Picking up again on what the President said:

> Where appropriate and permitted by law, each agency may consider and discuss qualitatively values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts.

The partridge in the pear tree was left out.

Let me read this again.

> Where appropriate and permitted by law, each agency—

As they go through the regulations to determine which are counterproductive to this economy, costing billions in regard to manufacturing and businesses and harming our economy where it should not be harmed, they say, OK, but, but, but—

> Where appropriate and permitted by law, each agency may consider—

And this is the part where we ought to really take a look at it—

> values that are difficult or impossible to quantify—

How are you going to do that? How are you going to quantify values that are difficult or impossible—

> including equity—

Everybody is for that—

> human dignity—

I don't know anyone who is against that—

> fairness, and distributive impacts.

Now, try to figure that out if you are working in a Federal agency and you are trying to issue a regulation. If that isn't a loophole large enough to drive a truck through, I don't know what is.

As the Wall Street Journal captured so eloquently in their response to President Obama's editorial, ''These amorphous concepts are not measurable at all.'' You can't do it. You can't measure them.

On the surface, I think this language has the potential to be a very large loophole. This, coupled with an exception for independent agencies such as the FDIC, the SEC, or the EPA, has the potential to result in no changes at all. So we issue an Executive order saying: Let's take a tough look at the regulations that are so terribly counterproductive, and we may end up with nothing, more especially without the independent agencies. Note I said the FDIC. Note I said the SEC. Read Dodd-Frank, read financial regulatory reform. Read the reach into the small community banks and what they are going to have to put up with and hire a bunch of bad news bears—employees—to figure out and tell the rest of the employees how on Earth they are going to comply with these new regulations.

And my favorite, the EPA, which had the temerity and the unmitigated gall, after this loophole came out, to say: Well, none of our regulations even apply. Our regulations are just fine. I got news for the EPA. The chairwoman of the Agriculture Committee, DEBORAH STABENOW, and I have agreed to hold a hearing on this to determine just exactly where we are, and where we are is not good.

My legislation would close the loophole in President Obama's Executive order and would close other existing loopholes, including those that the administration has been using to bypass valuable stakeholder input on regulations. Again, there is that word—''stakeholder.'' That is a Senate word. Those are the people who are getting smacked right up alongside the face in regard to the regulations they do not even know adhere to their business or what they are about.

The President has also agreed—and here is the key word or phrase:

> Sometimes, those rules have gotten out of balance, placing unreasonable burdens on businesses—burdens that have stifled innovation and have had a chilling effect on growth and jobs.

The President went on to say, ''At other times, we have failed to meet our

basic responsibility to protect the public interest leading to disastrous consequences,'' precisely what I am trying to demonstrate here. My legislation would assure a review of these regulations to assure fewer burdensome and economically irresponsible regulatory actions on struggling businesses in the United States.

President Obama's Executive order ''requires the Federal agencies ensure that regulations protect our safety, our health and environment while promoting economic growth.'' So does my legislation. ''And it orders a government-wide review of the rules already on the books to remove outdated regulations that stifle job creation and make our economy less competitive.''

That is what the President's Executive order does, and so does my legislation.

The President said, ''It's a review that will help bring order to regulations that have become a patchwork of overlapping rules, the result of tinkering by administrations and legislators of both parties and the influence of special interests in Washington over decades.''

The President was right. My legislation would do this but would add some teeth to the commitment—sharp teeth—by cutting out the loopholes, the very loophole I read. I am not going to read it again. I defy anybody to tell me what it means or how anybody could use that kind of language in determining the cost-benefit of any regulation.

The President has made it his ''mission to root out regulations that conflict,''—and I am quoting here—''that are not worth the cost or are just plain dumb.'' That is pretty clear, if the President says these regulations are just plain dumb. I said ''counterproductive.'' That is the Senate word. He said ''dumb.'' That is the Dodge City word and I think Dodge City would agree. I think my legislation is something the administration can support. So while the President believes his Executive order ''makes clear, we are seeking more affordable, less intrusive means to achieve the same ends—giving careful consideration to benefits and costs,'' and that it ''means writing rules with more input from experts, businesses and ordinary citizens,'' there were a number of loopholes in the Executive order I am happy to address with the administration in my legislation.

My bill would keep the President accountable for another promise to Americans, and I urge my colleagues to support this legislation, the details of which I am happy to share with my colleagues. I hope we get a great number of colleagues to help us codify the Executive order, put some teeth in it, make it work, and get at regulatory reform as opposed to being disingenuous. I think that is exactly what has happened in regard to this, what turned out to be a very noble effort, but the end result had so many loopholes in it as to be completely ineffective.

I yield any time I may have.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

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 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 remotely 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, New Mexico, 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.

Rockefeller (for Baucus) further modified amendment No. 75, of a perfecting nature.

Hutchison modified amendment No. 93 (to modified amendment No. 7), to provide for an increase in the number of slots available at Ronald Reagan Washington National Airport.

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

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

Mr. ROCKEFELLER. Madam President, I wish to catch up the membership on the floor and off the floor a little bit about where we are. We are at midweek for a third week of consideration of the FAA reauthorization bill. Last night, Senator REID filed cloture on this bill. In a perfect world we would have finished this bill already without filing cloture, but we need to finish and that is what cloture motions are for. I will support cloture, needless to say.

Senator HUTCHISON also filed cloture on an amendment that will bring conclusion to a debate on slots at National Airport. I will talk about that issue in more detail later. But I am saying right now slots are very important but they do not need to consume all of the arguments and all of the discussion on the floor about this bill. They are a very small part of the bill—an important part of the bill, recognizing the West has to be served much better than it is being—but it is not the entire bill. It is a very small part of the bill.

Last night we disposed of two pending amendments by voice vote. I believe we have made progress to resolve some of the pending amendments, but votes will be required on several of them and I expect we will have those votes today. Senator HUTCHISON and I are trying to clear a number of other filed amendments. There were at one point 100 of them. I hope we can accept a number of them. I have heard from any number of my colleagues on their amendments and I am trying to be helpful in getting them adopted where they contribute to the bill.

I know Senator HUTCHISON is committed to supporting the bill. We need to resolve the issue of slots. She has been working—we have all been working diligently and almost exclusively on that matter, and we will do this with a vote. We will resolve that issue.

After that vote we will vote on cloture, which I believe will pass and I am extremely hopeful we will reach agreement to get this bill done this week. The farthest possible day and most unhappy thought would be if we had to go through the recess and do it on the day we came back. I think it is far better that we get it done this week. There is no excuse for not doing it.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, we now have, I think, a glidepath to passing this important legislation. We worked late into the night, Senator ROCKEFELLER and I did, to try to accommodate needs, concerns, amendments of Members. Now we have the cloture motion in play and hope we can come to a real agreement on the Reagan Airport perimeter issue so we could even do it before cloture is invoked—but hopefully, if we are not

able to come to a complete agreement, we would at least be able to get cloture and move on.

I hope our Members know we are going to continue to work to address everyone's concerns. We have concerns of western Senators and concerns of Senators within the Washington, DC metropolitan area. We have small community concerns and we have eastern seaboard community concerns. We have been working for years, actually—but months and then weeks to address concerns. We are open to do that. But it is time to wind this bill up so we can go to conference with the House with a strong Senate position and do the big picture policy issues that need to be addressed.

We must have the next generation of air traffic control started. We must have a satellite-based system that is for the whole world—for the people coming into our country and the people using our airspace. We need to have the safety and the consumer protections that are in this bill. We need to have a responsible way for people from all over our country to come into Reagan Washington National Airport while also protecting the people around the area from congestion.

We have a lot of concerns. I think this is a good bill and it is getting better every day. I do think we can come up with the right mix that will put our aviation system in the forefront of the world because half of the air traffic of the world comes into and out of the United States. We certainly need to be the best and that is what this bill will put us on the glidepath to do.

I yield the floor and 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. Madam 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.

SUPPLEMENTAL CARRIERS

Mr. INHOFE. Madam President, the supplemental carriers provide a valuable and unique service to our economy as well as our military's ability to move troops and materiel around the world in a safe and timely manner. Current flight and duty rules for carriers recognize differences in operations and provide the necessary flexibility for supplemental carriers, given the challenging worldwide environments they operate in such as Afghanistan, Kyrgyzstan, Iraq, and other Middle East destinations.

Supplemental carriers have a long track record of safe operations. In more than 15 years, the National Transportation Safety Board, NTSB, has not cited fatigue as a primary cause in any nonscheduled/supplemental airline accident while flying under supplemental rules, 14 CFR Part 121, subpart S. There have been no fatalities attributed to any accident where fatigue was even remotely considered a contributing factor.

In the months preceding FAA's notice of proposed rulemaking, the agency's lack of interest in the operations of nonscheduled carriers led many to believe their unique operating procedures and status as small business entities would be addressed in a separate rulemaking. FAA issued its notice of proposed rulemaking, NPRM, to the public on September 14, 2010, and it was clear supplemental carriers were, indeed, covered by the NPRM, but the impacts of this proposal on supplemental carriers were not taken into consideration. This oversight is unprecedented. The FAA collected data from scheduled carriers to analyze their operations but acknowledged in the Regulatory Impact Analysis that it collected no data from NACA's nonscheduled airlines. FAA has a legal obligation to examine the impacts of this proposed rule on all segments of industry, which they failed to do. In the coming weeks and months I hope you will join me in encouraging the FAA to consider supplemental carriers flying under subpart S separately in the rulemaking proceeding.

Mr. ROCKEFELLER. I appreciate my colleague's concerns about how supplemental carriers have been treated in the FAA's rulemaking process dealing with pilot flight and duty time. As you are aware, modernizing the pilot flight and duty regulations has been one of the highest priorities of the FAA as well as many in Congress. In fact, when H.R. 5900 was signed into law last year by the President, Congress mandated the FAA complete the final rule overhauling these regulations by August 1 of this year.

I agree that all the regulated parties affected by this and other rulemakings should be treated fairly. I am willing to work with Senator INHOFE, Senator MURKOWSKI, and other interested parties to ensure supplemental carriers receive fair and thorough consideration, and that their industry data be considered, before any new rules for those carriers are promulgated.

Mr. INHOFE. I thank the Senator for his gracious commitment to insure that these carriers are treated fairly and in accordance with well established precedent.

Mr. ROCKEFELLER. Let me catch up a bit on where we are. The Senate has been working on this national slots issue for close to 1 year or it may be 10 years. I don't know. It has been an awfully long time. But we have been unable to achieve a resolution so far on the matter. That is a problem.

When we began consideration of the FAA reauthorization bill, Senator HUTCHISON and I decided we should focus on helping consumers. Everybody was talking about helping airliners. We were talking about people. Airliners fly around. People have to be able to do it. So we decided to focus on them.

So we both believed the growth of Western States must be recognized. I come from an Eastern State, sort of. The Presiding Officer comes from an Eastern State, totally. But the growth is in the West. They are underserved. That cannot be debated. It is embarrassing how few flights there are back and forth between National and them. The National Capital is a fairly important place. People need to go there, either for tourism or for business or whatever, and we need more access to the National Capital to be provided to the citizens from there on a ''bothway'' basis.

So time is running short for the consideration of the FAA package. This bill is too important to the country to let it languish over this issue. It is virtually all we have talked about, and I regret that because it does not reflect the nature and the priorities of the bill.

Unlike the national slot issue, the FAA bill has direct impacts on the whole Nation all the time. It will help our economy now. It will help our economy in the future with immediate job support and long-term impact on our role in the global marketplace.

To move forward on the bill, Senator HUTCHISON offered a slots amendment, a national slots amendment, that I feel offers a fair and reasonable solution on this issue. Over the past 2½ weeks, she and I have worked closely with other Members and their staffs in an effort to achieve a compromise on this issue.

Many of their needs and ideas have been incorporated into her amendment. It still may not be perfect, but it represents an attempt to fairly balance the competing needs of Members and their constituents inside and outside the perimeter. It is fascinating when people have it in their minds that something has to happen. They have to have so many flights or flights have to go to this city or that city or whatever. Then people sort of get attached to airlines. They feel they have to represent an airline.

I sort of thought we were here to represent the people of the States from which we come but, more importantly, in some sense, the entire country, particularly on an issue such as this.

Her amendment will permit some additional beyond-perimeter flights shortly after enactment of the bill. Then this very interesting part about the Department of Transportation, we have introduced that into the bill. It is a very good part of the bill. The Department of Transportation, which is neutral, which is professional, which is fully engaged in all of this, is required to study the effect of those flights over the next year.

Some people will say that is kind of a dodge. It is not kind of a dodge. Because slots are so controversial, it takes the Department of Transportation and their analysis to guide us about whether there is an overload at National, whether there is an underload. My own view is there is an underload at National, lots of slots available. But that is not the prevailing view on the part of some. They

feel we cannot have a single additional flight.

So DOT can study that. If they find there is no negative impact, a limited number can be added at the appropriate time or not, depending on what we want to do.

Specifically, the amendment provides network carriers an opportunity to swap existing flights they conduct within the perimeter and use them for flights to Western States beyond the perimeter. Seven round-trip flights could be converted under this provision.

Under this construct a carrier could use flights to large hub airports within the perimeter where significant service already is provided. This protects States and small communities within the perimeter and limits the number of new flights at the airport as requested by local officials.

The amendment also provides five new flight exemptions that would only be distributed to new entrant or limited incumbent carriers. To provide maximum flexibility for the carriers, these could be used for new flights within or beyond the perimeter. All of this is kind of opaque, like a puzzle, but it does happen to work.

We have had approximately 100 amendments filed to the FAA reauthorization bill. Much of the talk is focused on slots at National Airport. There are lots of airports, but National Airport has received the bulk of the amendments. I don't resent that or regret it. I just wish we could get to the rest of the bill, which I think is probably going to be entirely acceptable to people because it is a very reasonable approach.

Only three other amendments have been filed that directly address the issue of west coast access to National. The Ensign amendment would allow carriers to have unlimited conversions or swaps beyond the perimeter. I believe this proposal goes too far and could have a significant negative impact locally and for small communities serviced within the perimeter. I do think Senators ENSIGN and KYL, with whom I have worked on this issue over the past year, can appreciate this position and will receive opportunities for their constituents through passage of our amendment.

The Merkley and Wyden and Cantwell-Murray-Merkley-Begich amendments are the only other two amendments that have been filed with a focus on the issue of beyond-perimeter flights at National. They would both allow for new flight exemptions at the airport that would favor distribution to limited incumbents or new entrants. The Merkley amendment would provide eight new round-trips for beyond-perimeter service. The Wyden amendment would add 12 new round-trips beyond the perimeter and 4 new round-trips within the perimeter for a total of 16 new flights. While the Hutchison amendment may not provide the same level of opportunity for services to their States that they desire, her amendment does provide ample room for their constituencies to obtain new service with 5 exemptions rather than 12 beyond perimeter.

I believe we must strike an appropriate balance. We have no choice. We can't make everybody happy. Senator HUTCHISON's and my approach has been to go down the middle. People who don't want anything more and people who want a lot more, kind of edge them together and go right down the middle. That is all we can do in a bill of this sort where emotions run very high.

I do believe we must strike an appropriate balance between new service from incumbent carriers and service from limited or new-entrant carriers if we are going to give consumers the greatest options on choice and competition. Consumers are really what this is about. Airlines are obviously important. They are going to fly where the business is. That makes all of us—the Presiding Officer, for part of her State which is not in the New York area—very sensitive to rural situations. West Virginia is entirely rural. It has no city larger than slightly over 50,000 people, that being the State capital. Flights in and out of that State are very important to me. Most of them are done by propeller. Most of them are not particularly comfortable. But they do get one to where one wants to go. Now we have switched to Dulles so we can feed out from Dulles to anywhere in the world. Taking care of rural areas is incredibly important to us.

Again, the DOT study included in the amendment will also provide valuable insight into the impact of additional flights at National Airport on this or any other aspect of it. Under the amendment, if DOT finds that more access is appropriate, it can permit up to four additional flights at National. These would be provided to incumbent carriers to swap service from large hubs within the perimeter, resulting in no new air traffic at the airport. Senator HUTCHISON and I would like to emphasize those words, ''no new flights.'' They have room for flights. A GAO study showed that, really quite a lot of flights. But the prevailing wish is not to have noise and disruption.

The fact is, the planes are getting quieter, and they will get much more quieter as they are entered into all markets.

In total, as few as 12 or as many as 16 additional beyond-perimeter flights could result from the amendment over a 2-year period. If the DOT determines the initial 12 flights have had a direct negative impact on the DC market—I emphasize, we are putting DOT right on the case so they can watch it closely; whatever people might think, they are neutral and professional and they do this for a living—it will limit the likelihood of adding additional flights in future FAA reauthorizations. That makes sense. Let them be the arbiters of that rather than us battling it out here.

This type of review is long overdue and will provide far greater understanding of local needs by any carrier seeking access at National. If DOT finds there is enough room for up to 16 flights, the amendment would seek to balance them among various stakeholders. Eleven of these flights would be swaps or conversions of service to incumbent carriers already providing this, resulting, again, in no new traffic at that particular airport—there are other airports in the country; I have to keep telling myself that, but it is hard to recognize that looking at the debate so far—and minimizing the impacts of flights on a local basis generally.

Five of the flights would be dedicated to new entrants or limited incumbents to receive new exemptions. These could be used for service within or beyond the perimeter so all communities in the country would have an opportunity to obtain a flight.

In closing, I recognize every amendment addressing slots at National will be considered flawed in some corners. That is in the nature of our world. However, I do think it is important that we have votes on these amendments to determine a Senate position on this issue.

I believe the Hutchison amendment is a very reasonable offer. I hope it will obtain the support of the majority of the Senate.

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

The PRESIDING OFFICER (Mr. FRANKEN). 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.

AMENDMENT NO. 75, AS FURTHER MODIFIED

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate resume consideration of the Baucus amendment No. 75, as further modified—this is the amendment for the finance title of the bill we are on which was reported out by the Finance Committee last week—further, that the amendment, as further modified, be agreed to; and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 75), as further modified, was agreed to, as follows:

Strike title VIII and insert the following:

TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

SEC. 800. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) is amended by striking ''March 31, 2011'' and inserting ''September 30, 2013''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) is amended by striking ''March 31, 2011'' and inserting ''September 30, 2013''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) is amended by striking ''March 31, 2011'' and inserting ''September 30, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2011.

SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended—

(1) by striking ''April 1, 2011'' in the matter preceding subparagraph (A) and inserting ''October 1, 2013'', and

(2) by striking the semicolon at the end of subparagraph (A) and inserting ''or the FAA Air Transportation Modernization and Safety Improvement Act;''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) is amended by striking ''April 1, 2011'' and inserting ''October 1, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2011.

SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE USED IN AVIATION.

(a) RATE OF TAX ON AVIATION-GRADE KEROSENE.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.''.

(2) FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.—Subparagraph (C) of section 4081(a)(2) is amended to read as follows:

''(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.''.

(3) EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.—Subsection (e) of section 4082 is amended—

(A) by striking ''kerosene'' and inserting ''aviation-grade kerosene'',

(B) by striking ''section 4081(a)(2)(A)(iii)'' and inserting ''section 4081(a)(2)(A)(iv)'', and

(C) by striking ''KEROSENE'' in the heading and inserting ''AVIATION-GRADE KEROSENE''.

(4) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 4081(a)(2)(A) is amended by inserting ''other than aviation-grade kerosene'' after ''kerosene''.

(B) The following provisions are each amended by striking ''kerosene'' and inserting ''aviation-grade kerosene'':

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Subparagraph (D) of section 4081(a)(3) is amended—

(i) by striking ''paragraph (2)(C)(i)'' in clause (i) and inserting ''paragraph (2)(C)'', and

(ii) by striking ''paragraph (2)(C)(ii)'' in clause (ii) and inserting ''paragraph (2)(A)(iv)''.

(D) Paragraph (4) of section 4081(a) is amended—

(i) by striking ''KEROSENE'' in the heading and inserting ''AVIATION-GRADE KEROSENE'', and

(ii) by striking ''paragraph (2)(C)(i)'' and inserting ''paragraph (2)(C)''.

(E) Paragraph (2) of section 4081(d) is amended by striking ''(a)(2)(C)(ii)'' and inserting ''(a)(2)(A)(iv)''.

(b) RETAIL TAX ON AVIATION FUEL.—

(1) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—Paragraph (2) of section 4041(c) is amended by inserting ''at the rate specified in subsection (a)(2)(A)(iv) thereof'' after ''section 4081''.

(2) RATE OF TAX.—Paragraph (3) of section 4041(c) is amended to read as follows:

''(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).''.

(c) REFUNDS RELATING TO AVIATION-GRADE KEROSENE.—

(1) AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION.—Clause (ii) of section 6427(l)(4)(A) is amended by striking ''specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be,'' and inserting ''so imposed''.

(2) KEROSENE USED IN AVIATION.—Paragraph (4) of section 6427(l) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

''(B) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(3) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (l) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.''.

(4) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 4082(d)(2) is amended by striking ''6427(l)(5)(B)'' and inserting ''6427(l)(6)(B)''.

(B) Paragraph (4) of section 6427(i) is amended—

(i) by striking ''(4)(C) or (5)'' and inserting ''(4)(B) or (6)'', and

(ii) by striking '', (l)(4)(C)(ii), and (l)(5)'' and inserting ''and (l)(6)''.

(C) Subsection (l) of section 6427 is amended by striking ''DIESEL FUEL AND KEROSENE'' in the heading and inserting ''DIESEL FUEL, KEROSENE, AND AVIATION FUEL''.

(D) Paragraph (1) of section 6427(l) is amended by striking ''paragraph (4)(C)(i)'' and inserting ''paragraph (4)(B)''.

(E) Paragraph (4) of section 6427(l) is amended—

(i) by striking ''KEROSENE USED IN AVIATION'' in the heading and inserting ''AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION'', and

(ii) in subparagraph (A)—

(I) by striking ''kerosene'' and inserting ''aviation-grade kerosene'',

(II) by striking ''KEROSENE USED IN COMMERCIAL AVIATION'' in the heading and inserting ''IN GENERAL''.

(d) TRANSFERS TO THE AIRPORT AND AIRWAY TRUST FUND.—

(1) IN GENERAL.—Subparagraph (C) of section 9502(b)(1) is amended to read as follows:

''(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and''.

(2) TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.—

(A) IN GENERAL.—Subsection (d) of section 9502 is amended—

(i) by striking ''(other than subsection (l)(4) thereof)'' in paragraph (2), and

(ii) by striking ''(other than payments made by reason of paragraph (4) of section 6427(l))'' in paragraph (3).

(B) CONFORMING AMENDMENTS.—

(i) Paragraph (4) of section 9503(b) is amended by striking ''or'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following new subparagraphs:

''(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

''(F) section 4041(c).''.

(ii) Subsection (c) of section 9503 is amended by striking paragraph (5).

(iii) Subsection (a) of section 9502 is amended—

(I) by striking ''appropriated, credited, or paid into'' and inserting ''appropriated or credited to'', and

(II) by striking '', section 9503(c)(5),''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels removed, entered, or sold after March 31, 2011.

(f) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of aviation-grade kerosene fuel which is held on April 1, 2011, by any person, there is hereby imposed a floor stocks tax on aviation-grade kerosene equal to—

(A) the tax which would have been imposed before such date on such kerosene had the amendments made by this section been in effect at all times before such date, reduced by

(B) the tax imposed before such date on such kerosene under section 4081 of the Internal Revenue Code of 1986, as in effect on such date.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation-grade kerosene on April 1, 2011, shall be liable for such tax.

(B) TIME AND METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury shall prescribe.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by section 4081(a)(2)(A)(iv) of the Internal Revenue Code of 1986.

(4) DEFINITIONS.—For purposes of this subsection—

(A) AVIATION-GRADE KEROSENE.—The term ''aviation-grade kerosene'' means aviation-grade kerosene as such term is used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation-grade kerosene shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(5) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to any aviation-grade kerosene held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF AVIATION-GRADE KEROSENE.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation-grade kerosene held on April 1, 2011, by any person if the aggregate amount of such aviation-grade kerosene held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT AVIATION-GRADE KEROSENE.—For purposes of subparagraph (A), there shall not be taken into account any aviation-grade kerosene held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (5).

(C) CONTROLLED GROUPS.—For purposes of this subsection—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of the Internal Revenue Code of 1986 on the aviation-grade kerosene involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.

(a) IN GENERAL.—Section 9502 is amended by adding at the end the following new subsection:

''(f) ESTABLISHMENT OF AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—

''(1) CREATION OF ACCOUNT.—There is established in the Airport and Airway Trust Fund a separate account to be known as the 'Air Traffic Control System Modernization Account' consisting of such amounts as may be transferred or credited to the Air Traffic Control System Modernization Account as provided in this subsection or section 9602(b).

''(2) TRANSFERS TO AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—On October 1, 2011, and annually thereafter the Secretary shall transfer $400,000,000 to the Air Traffic Control System Modernization Account from amounts appropriated to the Airport and Airway Trust Fund under subsection (b) which are attributable to taxes on aviation-grade kerosene.

''(3) EXPENDITURES FROM ACCOUNT.—Amounts in the Air Traffic Control System Modernization Account shall be available subject to appropriation for expenditures relating to the modernization of the air traffic control system (including facility and equipment account expenditures).''.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 9502(d) is amended by striking ''Amounts'' and inserting ''Except as provided in subsection (f), amounts''.

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

SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNERSHIP PROGRAMS.

(a) FUEL SURTAX.—

(1) IN GENERAL.—Subchapter B of chapter 31 is amended by adding at the end the following new section:

''SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF A FRACTIONAL OWNERSHIP PROGRAM.

''(a) IN GENERAL.—There is hereby imposed a tax on any liquid used during any calendar quarter by any person as a fuel in an aircraft which is—

''(1) registered in the United States, and

''(2) part of a fractional ownership aircraft program.

''(b) AMOUNT OF TAX.—The rate of tax imposed by subsection (a) is 14.1 cents per gallon.

''(c) FRACTIONAL OWNERSHIP AIRCRAFT PROGRAM.—For purposes of this section—

''(1) IN GENERAL.—The term 'fractional ownership aircraft program' means a program under which—

''(A) a single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners,

''(B) 2 or more airworthy aircraft are part of the program,

''(C) there are 1 or more fractional owners per program aircraft, with at least 1 program aircraft having more than 1 owner,

''(D) each fractional owner possesses at least a minimum fractional ownership interest in 1 or more program aircraft,

''(E) there exists a dry-lease aircraft exchange arrangement among all of the fractional owners, and

''(F) there are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

''(2) MINIMUM FRACTIONAL OWNERSHIP INTEREST.—

''(A) IN GENERAL.—The term 'minimum fractional ownership interest' means, with respect to each type of aircraft—

''(i) a fractional ownership interest equal to or greater than 1/16 of at least 1 subsonic, fixed wing or powered lift program aircraft, or

''(ii) a fractional ownership interest equal to or greater than 1/32 of a least 1 rotorcraft program aircraft.

''(B) FRACTIONAL OWNERSHIP INTEREST.—The term 'fractional ownership interest' means—

''(i) the ownership of an interest in a program aircraft,

''(ii) the holding of a multi-year leasehold interest in a program aircraft, or

''(iii) the holding of a multi-year leasehold interest which is convertible into an ownership interest in a program aircraft.

''(3) DRY-LEASE AIRCRAFT EXCHANGE.—The term 'dry-lease aircraft exchange' means an agreement, documented by the written program agreements, under which the program aircraft are available, on an as needed basis without crew, to each fractional owner.

''(d) TERMINATION.—This section shall not apply to liquids used as a fuel in an aircraft after September 30, 2013.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 4082 is amended by inserting ''(other than an aircraft described in section 4043(a))'' after ''an aircraft''.

(3) TRANSFER OF REVENUES TO AIRPORT AND AIRWAY TRUST FUND.—Subsection (1) of section 9502(b) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

''(B) section 4043 (relating to surtax on fuel used in aircraft part of a fractional ownership program),''.

(4) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 31 is amended by adding at the end the following new item:

''Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership program.''.

(b) FRACTIONAL OWNERSHIP PROGRAMS TREATED AS NON-COMMERCIAL AVIATION.—Subsection (b) of section 4083 is amended by adding at the end the following new sentence: ''For uses of aircraft before October 1, 2013, such term shall not include the use of any aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).''.

(c) EXEMPTION FROM TAX ON TRANSPORTATION OF PERSONS.—Section 4261, as amended by this Act, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

''(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be imposed by this section or section 4271 on any air transportation provided before October 1, 2013, by an aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).''.

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to fuel used after March 31, 2011.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to uses of aircraft after March 31, 2011.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable transportation provided after March 31, 2011.

SEC. 806. TERMINATION OF EXEMPTION FOR SMALL JET AIRCRAFT ON NON-ESTABLISHED LINES.

(a) IN GENERAL.—the first sentence of section 4281 is amended by inserting ''or when such aircraft is a turbine engine powered aircraft'' after ''an established line''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable transportation provided after March 31, 2011.

SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLOSURES.

(a) IN GENERAL.—Section 7275 (relating to penalty for offenses relating to certain airline tickets and advertising) is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by striking ''subsection (a) or (b)'' in subsection (d), as so redesignated, and inserting ''subsection (a), (b), or (c)'', and

(3) by inserting after subsection (b) the following new subsection:

''(c) NON-TAX CHARGES.—

''(1) IN GENERAL.—In the case of transportation by air for which disclosure on the ticket or advertising for such transportation of the amounts paid for passenger taxes is required by subsection (a)(2) or (b)(1)(B), if such amounts are separately disclosed, it shall be unlawful for the disclosure of such amounts to include any amounts not attributable to such taxes.

''(2) INCLUSION IN TRANSPORTATION COST.—Nothing in this subsection shall prohibit the inclusion of amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261 in the disclosure of the amount paid for transportation as required by subsection (a)(1) or (b)(1)(A), or in a separate disclosure of amounts not attributable to such taxes.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after March 31, 2011.

SEC. 808. TAX-EXEMPT BOND FINANCING FOR FIXED-WING EMERGENCY MEDICAL AIRCRAFT.

(a) IN GENERAL.—Subsection (e) of section 147 is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to any fixed-wing aircraft equipped for, and exclusively dedicated to providing, acute care emergency medical services (within the meaning of 4261(g)(2)).''

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

SEC. 809. PROTECTION OF AIRPORT AND AIRWAY TRUST FUND SOLVENCY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended by adding at the end the following new sentence: ''Unless otherwise provided by this section, for purposes of this paragraph for fiscal year 2012 or 2013, the amount available for making expenditures for such fiscal year shall not exceed 90 percent of the receipts of the Airport and Airway Trust Fund plus interest credited to such Trust Fund for such fiscal year as estimated by the Secretary of the Treasury.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fiscal years beginning after September 30, 2011.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I come to the floor today to speak about comments I have heard from both the chairman and the ranking member this morning about the FAA bill.

First of all, I wish to thank them for their hard work and diligence on this legislation. This hasn't just come now, this year; this is something the chairman and ranking member have been working on for several years.

I had a chance yesterday to talk about the NextGen system and how many jobs are going to be created from high-wage technology that is going to be used to modernize our transportation system. It is going to deliver flights that are probably 20 percent more on time, it will save us probably 5 or 6 percent on fuel, it is going to lower CO_2, and it is going to improve the experience for passengers. So I am all for the FAA underlying bill and I applaud my colleagues for their hard work in trying to make this legislation a reality and doing so this week.

I have concerns about the proposed Hutchison amendment. I know the Senator from Texas indicated she is still talking with people and working with people in an effort to make everyone happy. In this place I don't think we make everyone happy, but I thank the Senator for her willingness to at least on the floor say she is trying to make everyone happy, and I think she is probably sincere in her efforts.

I have been involved with this issue now for probably 3 or 4 years—not just the FAA bill but the slots issue and air transportation—and my former colleague, Senator Gordon Smith from Oregon, and I were involved with this issue and several years before that with numerous other members of the Commerce Committee. It is probably one of the thornier issues the Congress has to deal with, primarily because the issue is one that is fused both by issues of economic development around airports, as well as transportation interests of the flying public, and probably a little bit of a dose of what Members' own personal experiences and interests are.

For me, getting access to the West, to the Nation's capital, is an important issue. It is not the primary way I come to work every week. I actually fly in and out of the other airport in the region and do so—I don't know if I would say happily because, frankly, I think Dulles Airport—although I don't know what they have done lately, but they got rid of their mobile lounges and now have invested in some transport system where you probably walk as far on that system as you do on the previous system. There are people smiling on the floor. I think they have already been through it. I think they are saying, Yes, I have done that drill, and what is up at Dulles?

Putting that aside, that is the way I fly 80 percent of the time back and forth to the Nation's capital. I am pleased to have that flight schedule that accommodates me and actually accommodates many Washingtonians, because I think there are plenty of my Washingtonians who are coming back to the region to do business on a variety of issues in that corridor and see that as an access point as well.

The issue, though, is about whether the West has enough access to National Airport. In the past two debates we have had on this issue in 2000 and 2003, the Congress decided the West did not have enough access to National Airport. In both of those instances this body passed legislation opening more slots to the West through a process whereby the Department of Transportation basically decided what were the best areas of the West to service, which were the best networks to possibly service those areas, and how to get that traffic from one destination to the Nation's capital. In both instances, in 2000 and in 2003, when that very broad directive was given to the Department of Transportation, each time six new flight paths were opened to the Nation's capital, and I think that process worked very well. It worked very well because the debate was not here on the Senate floor about whose service was going to be delivered, but it was given to the Department of Transportation, the broad outline. In each instance, increasing access from the West to the Nation's capital is about having the flying public gain access to the Nation's capital and it is also about economic interests. That is why I still have concerns about this proposal on the table and about the fair access it may not provide to many people in the West.

In this particular proposal, unlike the two previous access issues in 2000 and 2003, in each point six new slots were given and the Department of Transportation had a fair and open process about it.

This particular proposal focuses on the airlines that already service the Nation's Capital, and in this case over 60 percent of the Nation's Capital slots are controlled by two specific airlines. This proposal would open those carriers's ability to trade out slots they already have with other cities, thereby giving them access to the West. In fact, the proposal of my colleague from Texas, even on those new slots, new incumbent carriers they are saying can give access to the West are carriers that are currently operating even inside the perimeter today. If you think this proposal is about helping access the West, it is primarily about accessing the West by people who already control the real estate at National Airport, which are two carriers.

I noticed the Department of Justice looked at this larger issue. That is because many of my colleagues who do not want to spend a lot of time on this—I guess I am glad I am educated on it, but I wish I had time to work on other things. The issue is, the national interest or policy question comes into play when you have access to what are limited footprint destinations, such as National Airport, such as La Guardia. Those are times when the U.S. Government has said we want to make sure there is a fair process about this because there is a small footprint and, obviously, if somebody controls too much of that footprint, it is an issue.

In the most recent debate, Delta and US Airways have been trying to do a swap exchange between La Guardia and DCA, and the Department of Justice says: Not such a good idea. You already own too much of the market share. If you want to do this, why don't you divest some of the slots you have now. Instead of doing that, the airlines are going to go down a path of continuing to accumulate and dominate in the East.

I hope my colleagues will take into consideration that I know the chairman and ranking member are trying to work in good faith, both on this issue and to move the bill forward. For this Member who wants to see a healthy transportation network, I am very concerned about the existing incumbents at National Airport continuing to dominate, with 60 percent of the market, and perhaps cancelling a lot of flights that they currently have now within this region only to benefit from the more lucrative long-haul flights across the country.

I am for a fair process. I think everybody should be able to bid on any new flights that are going to be put on the table. The two processes Congress followed in 2000 and 2003 were closer to what I believe, personally, is a more fair and open process.

I hope we can continue working and dialoging on these issues. I do think they are important. They are probably more important for the long run of what a transportation network system

looks like in this country, to be sure the consumer interests are taken care of and that there is a fair and competitive price.

I know some of the people who have been involved in this debate—probably not on the floor but out in the public—are talking about the amount of money airlines have invested in these airports, as if somehow that means they own the airports. The facts will show, in both these cases, the majority of money poured into the infrastructure at both these facilities is basically taxpayer dollars through bonding authority. It is not as if some airline owns the rights, owns the ability to control 50 or 60 percent of one of these airports just because they have paid for airport improvements. We all have been paying for airport improvements. As I said, I, personally, think the airport improvements made at Dulles are not so much of an improvement. I am going to continue with that and continue to fly through that particular airport.

I hope my colleagues will keep discussing this issue, and I hope we can get somewhere on it. My concern is that a proposal with conversion in it will mean many of my colleagues on the Senate floor will have their flights canceled to their favorite locations, and basically they will start servicing long-haul across the country with a very big share of the existing national market.

I hope we can do something that will instigate more competition, more diversity, and something that will help get this legislation passed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the Senate floor today because, on Monday, President Obama introduced his new budget. What we saw in that budget is, for the most part, more of the same—more spending, more taxes, more borrowing. We see this budget from a President who doesn't seem to understand the gravity of the Nation's fiscal crisis.

When we start digging down into the budget the President proposed and look into the Internal Revenue Service component of that budget, what we see is the Internal Revenue Service is starting to focus in and audit ObamaCare. There is a glaring difference in the budget this year from previous years because of the President's new health spending law. The IRS now has unprecedented power over health care in America.

In fact, when we take a look at this budget, and specifically the Internal Revenue Service's fiscal year 2012 budget request, over 250 times the Affordable Care Act—known in the budget as the ACA but known by people all across the country as ObamaCare—is mentioned. Over 250 times.

To me, the goal of the health care law has been to let people all across this country get the care they need from the doctors they want at a price they can afford.

As a member of my party, looking at our economy, looking at the deficit, looking at the incredible debt, what I think we need to do is make it cheaper and easier to create private sector jobs in this country. That is the way we get the economy going again. But when I read this budget, and specifically IRS requests, it seems to me it is making it harder and more expensive to create private sector jobs in our country.

The people of this country are not taxed too little. The problem is that the government spends too much. When I take a look at this budget, that is exactly what I see being rejected by this administration because it seems this administration is more interested in taxing, in raising taxes, rather than cutting spending.

When you take a look at what the IRS says in the budget, it says:

> The implementation of the Affordable Care Act of 2010 presents a major challenge to the Internal Revenue Service.

This is the IRS talking about the law that was crammed down the throats of the American people in the middle of the night, written behind closed doors. We are all familiar with it. Now it is presenting a major challenge to the Internal Revenue Service.

The Internal Revenue Service goes on to say:

> This law represents the largest set of tax law changes in more than 20 years, with more than 40 provisions that amend the tax laws.

The Wall Street Journal reported earlier this week that the budget gives the IRS the ability to hire 5,000 new workers. After taking a close look at the IRS's plans, we know they will have to hire over 1,000 new IRS bureaucrats, Washington bureaucrats, to implement ObamaCare measures. What are some of those that we are now going to have IRS agents coming and looking into? One is the tanning tax, the component that promotes compliance with the new excise tax on tanning facilities. The IRS is requesting another $1.5 million and requesting 81 more full-time equivalents to go ahead and implement this tanning tax. For oversight—they call it ''strengthen oversight of exempt hospitals.'' These are tax-exempt hospitals, hospitals that do not pay taxes, but to do an oversight of these hospitals, they want another $9.9 million and another 84 full-time employees. For the new health coverage information reporting, they want $34 million and 100 full-time employees. For something I call ObamaCare 101—assisting taxpayers in understanding the new provisions—the IRS is requesting $22.2 million and hiring another 150 full-time equivalents. And then, of course, for the call centers, IRS call centers—so if someone has a question, they can call and ask a question—they want another $15 million because of the complexity of this new health care law that is going to be difficult for people to understand.

The American people and small business owners—and those are the job creators of this country—want the IRS to make their lives easier, not tougher, not audit their health care choices and health care decisions. But adding hundreds of new jobs and millions of new dollars to the IRS is not going to make health care better. It is not going to make care more available for anyone.

I am going to continue to come to the floor with a doctor's second opinion to fight to repeal and replace this health care law and to do it with patient-centered reforms that help the private sector, not the IRS, create more jobs.

This morning, we had a little event called Wyoming Wednesdays where people from Wyoming who are here come together in Senator ENZI's office, and we have coffee and doughnuts and visit.

One of the people here from Wyoming said: I saw a sign that was worrisome.

I said: What is the sign?

He said that this location where they are putting in offices used to be a parking lot. When you are replacing a parking lot with more offices for more Washington bureaucrats, that is not a good sign for the rest of America.

Here we have the IRS saying they are dealing with a major challenge because of the health care law. It represents the largest tax law change in more than 20 years. More than 40 provisions are being amended in the tax law to go after things. They want this kind of money to implement the tax changes with regard to the indoor tanning services—81 new full-time equivalents—and they say what is involved in this. The IRS says there are as many as 25,000 businesses that provide indoor tanning services they are now going to tax, including about 10,000 businesses that offer tanning services along with other services such as spas, health clubs, and beauty salons.

We are here in the Senate, in Congress, with 9 percent unemployment in this country, with people looking for work, and more government jobs are being created, and these people are creating government jobs to make it harder on small businesses. It gets right to the crux of it right here because the IRS even says these entities, all these tanning entities, typically do not have experience filing Federal excise tax returns. So what is the government going to do? Come in, make them file claims and forms they do not have experience with. It is going to be costly; it is

going to take time; it is going to increase taxes. That is not a way to create new jobs.

They want 10 million more dollars to strengthen oversight on tax-exempt hospitals. These are tax-exempt hospitals. Why are the American taxpayers being asked to pay another $10 million to hire 84 full-time equivalents to deal with tax-exempt hospitals? Because, according to the law that was crammed down the throats of the American people, the IRS is now required to review at least every 3 years the benefit activities of tax-exempt hospital organizations, which number about 5,100 in this country. They actually say in the budget request by the IRS, as part of the President's budget that was submitted on Monday:

> These are new requirements for tax-exempt hospitals which include a majority of hospitals in the United States.

We are going to increase taxpayer dollars going for more IRS auditors and make it harder and more burdensome on the tax-exempt hospitals in terms of paperwork and what they need to do.

It goes on and on. That is why the American people are fed up with what is happening in Washington.

Let's talk a little bit about the CLASS Act because there is a whole component of the budget wanting 30 staff members added to the health department office overseeing implementation of what is called the CLASS Act. That stands for community living assistance services and supports.

The President's own debt commission—remember, the President appointed this commission about a year ago to say: Let's look into the debt. People thought that was a bold move, a bipartisan move, a lot of people coming together to take a look at this debt. For a year, the President said: We have a debt commission looking into this, so he did not deal with the debt. Now that the debt commission came out with its report in December, the President has mostly ignored it. Yet the debt commission—it was bipartisan, chaired by Erskine Bowles, a former Chief of Staff of the White House for Bill Clinton, and Al Simpson, a former Senator from my State of Wyoming—came out, took a look at the health care law, and specifically honed in on this CLASS Act.

One of the Members of this Senate, a colleague on the opposite side of the aisle, someone who voted for the health care law, called it a Ponzi scheme that Bernie Madoff would be proud of.

The President's budget commission, the bipartisan budget commission, looked at it, and they have significant concerns about the sustainability of the program and called for the program to either be repealed or reformed because it is not sustainable. They have raised concerns. People on both sides of the aisle have raised concerns. Yet the Secretary of Health and Human Services has, in her budget, money for 30 additional staff members added to the health department offices. Why? To go over the details of this act that people say ought to be repealed because, as it says, the details of the CLASS Act—they want to spend $93.5 million informing and educating people about the CLASS Act. I can tell them right now it is unsustainable, it is irresponsible, and it is something that should be repealed. Yet the Department of Health and Human Services wants to spend over $93 million of taxpayer money to inform and educate the public about this component of the health care law that people on both sides of the aisle think needs to go away.

Finally, as someone who believes this health care law is bad for patients, bad for providers—the nurses and doctors who take care of those patients—and bad for the taxpayers—what we saw in the President's budget that came out Monday, coming out for next year, is it is asking for over 1,000 new IRS agents to go ahead and implement the various components and responsibilities that have been put on their heads by this health care law. This is only the beginning. The entire health care law does not really come fully into play until 2014. That is when Americans are going to have more IRS agents, more money being spent looking into their own personal lives, looking into what kind of insurance they have.

Is it acceptable to the government? Is it government approved? That is why Senator GRAHAM and I have introduced legislation called the State Health Care Choice Act, to let States decide. Let States decide if Washington ought to be telling the people in their States that they must buy, that every individual must buy government-approved insurance. Let the States make that decision. Let the States opt out if they would like. Let the States decide if all the businesses in their States must provide government-approved insurance to their workers. Let the States decide as to Medicaid, a program for low-income Americans which is being expanded significantly by cramming 16 million more Americans into Medicaid. Governors all across the country in a bipartisan way are saying: Our States cannot afford this.

A New York Times story shows Jerry Brown from California and Andrew Cuomo from New York complaining about the mandates Medicaid is putting on their States, the additional burdens in terms of taxes and the mandates and what it is going to do to the people of the State who are trying to educate their kids and the cost and the pressure on education dollars because they are getting shifted to Medicaid, the cost of dollars shifted away from public safety, from firefighters, police officers, other public safety officers. As to this health care law, I think people at the State level ought to decide that, no, we don't want this to apply to us.

That is why I come today, again as a physician who practiced medicine in Wyoming for a quarter of a century, took care of thousands and thousands of patients and families, trying to help people get better, all in a way that now I think is being taken in the wrong direction by this health care law, and why I think we want to continue to look for ways to make sure people get the care they want from the doctors they need at a price they can afford. The health care law that was passed by this body fails in all of those respects, and now we see, with the President's budget, a request for money for another thousand IRS agents, not to help people get better, not to help people get the care they need from a doctor they want at a cost they can afford—no, not at all—but to audit the health care of the American people.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. I ask unanimous consent that the order for the quorum call be rescinded.

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

EFFECTS OF THE RECESSION

Mr. SANDERS. Mr. President, I rise to briefly do three things. No. 1, there are a lot of politicians and pundits and economists who are proclaiming all over the country that the recession is over. They have some economic models by which they determine that the recession is over. I suggest those pundits and economists and politicians take a look at the booklet we recently produced in my office. It is called ''Struggling Through the Recession—Letters from Vermont.''

We have also received letters from other States, people in other States as well. We sent out a request for people to tell us, as we enter the third year of this recession, what is happening in their lives. We got, from my small State, over 400 responses. That is a lot from a small State. We probably received an equal number from around the rest of the country.

The problem I had with these letters, some of them are so painful to read that it is hard to read more than a few at a time because you get sick to your stomach hearing what good and decent and hard-working people are going through.

I wish to take a few moments to read a handful of the letters I am receiving from Vermont, in answer to the question: Is the recession over?

This comes from a young lady from central Vermont. She says:

> I have been fortunate to hold onto my job throughout the past 3 years, especially since I have about $42,000 remaining on my school loans.

One of the recurring themes we hear from all over Vermont—and I suspect it is true in New Mexico and all over the country—is a lot of young people are graduating with a heck of a lot of debt. The jobs they are getting are not sufficient, in terms of pay, to help them pay off that debt.

She writes:

Anyway, what I want to write isn't about me—it's about my boyfriend, a talented mechanical engineer that graduated with about $80,000 in school loans.

We are telling the young people of this country: Go out and get an education. They are coming out with huge loans, having a hard time getting a job.

He was laid off in November 2009 and it has not only caused financial hardship, but it has put all of our future plans on hold. He fortunately has temporary employment now after nearly a year of searching, but my qualm is with the high cost of education and how people in their twenties are supposed to move forward with their lives with school debt lingering over them.

That is a very significant point.

Here is another one. This is a young man from Barre, VT, in the central part of the State.

In 2002, I received a scholarship to Saint Bonaventure University, the first in my family to attend college. Upon graduation in 2006, I was admitted to the Dickinson School of Law at Penn State University and graduated in 2009 with $150,000 of student debt.

That is not uncommon.

In Western New York I could find nothing better than a $10/hour position stuffing envelopes.

Another example of a young person graduating from college, doing all the right things, and yet ending up with very substantial debt.

That is from some of the younger people. Then we got letters from middle-aged people. This is from a woman from the central part of the State.

My husband lost his job in 2002 and has been self-employed as a carpenter ever since due to the lack of jobs in central Vermont.

I should tell you the recession has been less disastrous in Vermont than in other parts of the country. These are stories from a State that has not been hit as hard as other States.

He's had no insurance and we have not saved a cent since 2002. We've depleted our savings account paying for property taxes. We've been burning wood to save money heating the house. The cost of fuel for the house and vehicles puts a huge burden on making ends meet. Being self-employed is extremely challenging due to the economic situation.

Again, she is touching on an issue that millions of people are aware of. The price of gas to get to work is going up. The price of home heating fuel in States such as Vermont is going up. Wages are low for millions of people. How do they survive in that crisis?

We also have stories from older people. This is from a woman named Beth, who lives in the northeastern part of our State, a very rural part of Vermont. She is 69 years of age. She writes:

I don't know what kind of a future my grand kids will have. How will they be educated if we can't help them? It is great there are loans out there for education but they are being charged more for the schools than I paid for my house. They will be in debt their whole lives.

Here is a woman who is worried about her grandchildren. Here is another woman, Ellen, who lives in Rutland County.

All I can say is I still have a job for all it is worth. I feel making $8.81 an hour at 17 hours per week is ridiculous!

This woman is 63 years of age.

I don't bring home enough to help out with the major household expenses I used to pay half on. I'm lucky if my paycheck reaches $130 a week. By the time I pay a few bills gas up and pick up a few needed items I'm lucky if I have any left for spending. I earned less than $8,000 this year. It [is] just about what I made back in the 1970's and lived better.

So the point here is, A, if folks tell you the recession is over, read some of these stories. These stories are available on my Web site: ''Sanders.Senate.gov.'' These are mostly from Vermont, but I think they touch the same themes that exist all over our country. For millions and millions of people, not only those who are unemployed—those who are underemployed, those who are working full time and not making a living wage—trust me, the recession is not over.

The reason I ask people to send me these letters is I think it is important as a Senate to understand we have to address these economic issues. When 16 percent of our people are either unemployed or underemployed or have given up looking for work, when millions more are working with inadequate wages, we cannot say we should not be vigorously going forward in creating millions and millions of jobs that our people desperately need.

SOCIAL SECURITY

I also want to say a word on Social Security. What I want to say is, I get very tired watching the TV or hearing some of my colleagues tell me that Social Security is going bankrupt, that Social Security will not be there for our kids or that Social Security is part of the serious deficit and national debt problem we face. Let me say a few words on that.

No. 1, Social Security has existed in this country for 75 years, and it has been an enormous success. We take it for granted. But for 75 years, Social Security has paid out every nickel owed to every eligible American in good times and bad. When Wall Street collapsed a few years ago, millions of Americans lost all or part of their retirement savings when the stock market crashed. All over America, during the last 10, 20 years, corporations that had promised defined benefit pension plans to their employees rescinded on that promise. People had worked for years, expecting a pension from a company. That pension never came. Yet during all of that period, Social Security has paid out every nickel owed to every eligible American at minimal administrative cost. That is a pretty good record. Our job now is to make sure Social Security is strong and vibrant 75 years from now and continues to do the excellent job it has done in the past 75 years.

People say: Social Security is going broke. Social Security is in crisis. A lot of people believe that because they hear it over and over, and it is repeated in the media again, again, and again.

What are the facts? The facts are that not only is Social Security not going broke, Social Security has a $2.6 trillion surplus—a $2.6 trillion surplus—which, by the way, is going to go up before it goes down.

Social Security, according to the Social Security Administration and the Congressional Budget Office, can pay out every nickel owed to every eligible American for the next 25, 26, 27 years, at which point it will pay out between 75 and 80 percent of all of the benefits. The challenge we face, therefore, is how, in 25 or 30 years, do we make up that 20 percent gap? That is the challenge.

So Social Security is strong and will pay out every benefit owed to every eligible American for the next 25 or 30 years. People say: Oh, yeah, well, that is just worthless IOUs, that Social Security trust fund.

Absolutely not true. The U.S. Government, from the day of its inception, has paid its debt. Social Security is backed by the faith and credit of the United States of America. We have never yet—and I certainly hope we never will—default on our debt.

So the first point I want to make is, Social Security is strong. Social Security will pay out benefits for the next 26 years. For people to come forward and say we have to privatize Social Security, we have to raise the retirement age, we have to lower benefits, is absolutely wrong, to my mind. We made a promise to the American people regarding Social Security, and that is a promise we have to keep.

In the dialog around Washington, people lump the very serious problem of a $1.5 trillion deficit and a $14 trillion national debt with Social Security. So let's ask a very simple question. How much has Social Security contributed to our national debt? How much? The answer is, not one penny—not one penny—because Social Security is not paid out from the U.S. Treasury. Social Security comes from the payroll taxes that workers and employers contribute into the Social Security trust fund. That trust fund today has a $2.6 trillion surplus. So when people say we have a very significant national debt and, therefore, we have to cut Social Security, that is absolutely a wrong thing to say.

Let me say, I will do everything I can to protect a program that has worked extremely well for the American people.

Why are we hearing all of this opposition against Social Security? Where does it come from? It does not come from ordinary people. They know Social Security has been successful, it is worth preserving, worth protecting. By the way, as we all know, Social Security is not just there for the elderly, the retirees; it is there for people with disabilities; it is there for widows and orphans through the survivors fund.

Where is all of this opposition coming from?

It is coming from two places.

No. 1, it is coming from folks on Wall Street—from Wall Street—who are saying: Gee, we could make many billions of dollars if we ended the Social Security system right now and Americans had to invest in retirement accounts on Wall Street. And we can make all kinds of commissions doing that work.

That is one of the areas, one of the sources of the opposition to Social Security.

Second is from many of my very conservative Republican friends. Very honestly, they do not believe government should be playing a role in making sure elderly people have a secure and dignified retirement. They do not believe much in government. They do not think government should be playing a role in those areas, and they want to get government out of those areas.

I understand where they are coming from. It is an honest position. I strongly disagree with them. I think in a civilized, democratic society we have to make sure when you get old it has to be guaranteed—guaranteed—as it has been for 75 years, that you are going to get the help you need. I believe government should be playing that role.

I would remind you, Mr. President, before Social Security was developed in the mid 1930s, 50 percent of the elderly people of our country at that point lived in poverty. Today, that number is too high, but it is 10 percent—50 percent before Social Security; 10 percent today. That is a pretty good record.

So I would respectfully disagree with my Republican friends who say: Well, if people want a retirement account, let them invest in Wall Street, let them do it through the private sector. I do not agree with that. I think Social Security has worked well for 75 years. We have to make sure it works well for another 75 years. I will do everything I can as chairman of the new Defending Social Security Caucus to make that happen.

THE DEFICIT AND NATIONAL DEBT

The last point I want to make: I want to talk a little bit about the deficit and our national debt.

I think it is appropriate for the American people to be reminded about how we got into the very difficult situation we are in right now. I have to tell you, I find it a bit amusing that some of the ''loudest'' deficit hawks in the Congress are precisely the same people who helped drive up the deficit and the national debt—the same people.

Let's try to determine how we got into the recession.

No. 1, in the midst of a recession, by definition, less money is coming in. That is obviously an important part of why we have the deficit and the national debt we have today. But there are other factors.

Mr. President, you will recall that this country, during the Bush administration, began two wars—a war in Afghanistan, a war in Iraq. The war in Iraq is estimated, by the time we take care of the last veteran, to run up a tag of about $3 trillion. Does anybody quite remember how we paid for those wars? Well, the answer is we did not pay for those wars. Those wars were put on the credit card. President Bush said: We are going to go to war, but we do not have to worry about how we pay for them.

The second area: As a result of President Bush's tax policies, which have recently been extended, against my vote, in the Obama administration, we provided many hundreds of billions of dollars in tax breaks to millionaires and billionaires. The wealthiest people in this country are doing phenomenally well. The effective tax rate for the wealthiest people in this country is lower than at any time on record, in many cases lower than what working people are paying. Yet we decided, against my vote, to give them hundreds of billions of dollars in tax breaks, driving up the deficit.

Congress voted, against my vote, to bail out Wall Street—unpaid for, driving up the deficit. Some years ago, Congress, against my vote, decided to pass an insurance company-written Medicare Part D prescription drug program—very expensive program, unpaid for.

So all of these things are unpaired for. The national debt goes up, the deficit goes up. Then our Republican friends say: Oh, my goodness, we have a very large deficit. What are we going to do? We are going to have to cut back on programs that are important to working people and lower income people.

I think that is absolutely unacceptable.

So the first point I would make is, I regard it as incomprehensible that there are folks who supported hundreds of billions of dollars in tax breaks for millionaires and billionaires and then they tell us they are concerned about the deficit and the national debt. That is absolute hypocrisy.

In my view, the Congress should not be about cutting back on programs for low- and moderate-income people after we have given huge tax breaks to the wealthiest people in this country.

Second of all, I think the time is long overdue that we start ending a lot of the corporate tax loopholes which now are preventing this country and this government from getting the revenue we need. Before we talk about major cutbacks for our kids or for the elderly, maybe we should end the absurdity of the tax havens that exist in the Cayman Islands and Bermuda, where the wealthiest people in this country and large corporations are stashing their money away, to the tune of about $100 billion a year—$100 billion a year—in taxes that are not being paid because of the tax havens that exist.

I would also argue it is somewhat absurd we have a situation where last year ExxonMobil paid no Federal income taxes at all and got a $156 million rebate from the IRS, after earning $19 billion in profits.

What I would say is, yes, deficit and national debt are very important issues. But it is important for us to understand how we got to where we are. It is important for us to understand that the top 1 percent today earn more income than the bottom 50 percent and have enjoyed huge tax breaks. So before we start slashing programs the middle class and working families of this country need, let's take a look at some of those issues as well.

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

Mr. UDALL of New Mexico. Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. 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, TO AMENDMENT NO. 7, AS MODIFIED

Mrs. HUTCHISON. Mr. President, I have a modification of my amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment, as further modified, is as follows:

Strike out 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.—

''(A) DISTRIBUTION.—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.

''(C) USE.—Only a limited incumbent air carrier or new entrant air carrier may use an additional exemption granted under this subsection to provide service between Ronald Reagan Washington National Airport and an airport located within the perimeter described in section 49109.

''(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.

''(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.

''(D) 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.

''(E) 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.

''(F) 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 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.''.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

Mr. SESSIONS. I ask to speak as in morning business.

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

THE BUDGET

Mr. SESSIONS. Mr. President, we have had sort of a dustup, I guess you could say, in the Budget Committee yesterday with Mr. Lew from the Office of Management and Budget and a very likable individual, but we had a serious disagreement, a fundamental matter that I do not think can be brushed over and needs to be confronted and settled. There is only one way to settle it, I believe; that is, for Mr. Lew and the President to cease saying their budget does not add to the debt and somehow changes the trajectory on which we are going.

Mr. Lew, on a Sunday morning program, said: ''Our budget will get us, over the next several years, to the point where we can look the American people in the eye and say we're not adding to the debt anymore. . . . ''

''Our budget will get us to the point where we can look the American people in the eye and say we're not adding to the debt anymore; we are spending money that we have each year, and then we can work on bringing down our national debt.''

That is my goal. I believe that is achievable. But it is clear this budget does not do that.

Troubling, additionally, was the President, in his radio address Saturday, said the same thing. Then, again yesterday, while we were having this discussion, presumably at a similar time, the President said this: ''What my budget does is to put forward some tough choices, some significant spending cuts so that by the middle of this decade [2015] our annual spending will match our annual revenues. . . . ''

Our annual spending will match our annual revenues. We will not be adding more to the national debt.

That is an unequivocal statement. No matter what, it can have only one meaning to American citizens who hear it, that his budget calls for a situation in which our annual spending will match our annual revenues and we will not be adding to the national debt.

Those of us who have been wrestling with the budget know how hard it is. I believe we can achieve that in 10 years, but it is very hard. I have to admit it. I wish it were not. The Presiding Officer is on the Budget Committee and he

knows how hard that would be. It would be a heroic effort. I think we can do it. I think the American people are ready to do it. But it is not easy.

The President says that is what we are going to do and that is his plan. But, sadly, it is not correct. I asked Mr. Lew, was he not concerned and was not this misleading to the American people who heard it. He refused to say his statement was misleading.

What does the budget do? These are the numbers in his budget, the document they presented to us, written by the White House, the President's budget he is required by law to submit to Congress. This is what happens to the debt. The quote up there again is: ''We will not be adding more to the national debt.''

We add more under his plan, to the national debt, every single year. The numbers are stunning in size. They are consistent and, unfortunately, in the outer years of his 10-year budget, his numbers show the annual debt—annual deficit increasing, not going down. So this is what it amounts to in terms of total debt.

His plan, by his own budget that they submitted to us, would add, without dispute, $13 trillion in new debt, doubling it to $26 trillion. It started out at $13 trillion; in 10 years, it doubles to $26 trillion. How can this possibly be a position in which you will not be adding more to the debt? What world are we living in? What kind of fantastical accounting situation can occur that we can make such a statement as that?

I am going to ask my colleagues in the Senate, any single one of them who can defend this statement, I would like them to come down here and do so. Otherwise we need to call on the President to be honest with the American people. We have a serious debt crisis. To waltz out there in a press conference yesterday, to send out to speak on his radio program Saturday or to have his Budget Director on Sunday, and even at our committee hearing yesterday, insist that somehow they are not adding to the debt is not a way to begin a dialog about how to confront the serious problems this country has. I have to say that.

I do not think it is a little bitty matter. I don't think it is subject to gentlemen's disagreement. I don't think it is subject to anything other than black and white, yes and no. Is that an accurate statement or not? It is not true. The debt is added to every year. In fact, President Bush was criticized for his deficits—and I think rightly so. The highest deficit he ever had was $450, $460 billion. The lowest deficit in the 10 years, by the President's own budget document he sent to us, is over $600 billion—the lowest. It averages $720 billion a year in added debt. This is why we are on a dangerous course.

The essence of what we are talking about is can we get off this wrong road? Can we get on the road to prosperity? Can we get on the road to progress that gets us out of the debt disaster area we are headed toward?

Let me read a couple things because this is the real test of the budget. We can argue over the finer details. But the question is, Can we continue at the rate we are going? What I would say about the budget is that these numbers, this $13 trillion added debt, is what was being predicted before. According to the President, it would have been $14 trillion. He has reduced it to $13 trillion, which is not enough change, if it were to happen. But when the Congressional Budget Office independently scores the President's budget, it is going to show he doesn't have a $1.1 trillion reduction in spending—probably none. There is probably no reduction in the debt.

What I am saying is, this budget keeps us on the course we were on. I do not think that can be disputed. It does not alter the basic debt totals each year from what has been projected, and those are the numbers, the debt totals, that are unsustainable.

For example, in 2009, President Obama called the current deficit spending, on this basic trend, unsustainable—himself—and warned of skyrocketing interest rates for consumers if the United States continues to finance government by borrowing from other countries. This is Bloomberg:

> ''We can't keep on just borrowing from China,'' Obama said at a town-hall meeting at Rio Rancho, New Mexico, outside Albuquerque. ''We have to pay interest on that debt, and that means we are mortgaging our children's future. . . .''

That is correct.

Mr. Bernanke, the Chairman of the Federal Reserve Board, warned in June of last year that ''the federal budget appears to be on an unsustainable path.''

Mr. Geithner, the Secretary of the Treasury, in February—actually February 15—a couple days ago on ABC, said this—this is what the Secretary of Treasury said, Mr. Obama's Secretary:

> Our deficits are too high. They are unsustainable, and left unaddressed, these deficits will hurt economic growth and make us weaker as a nation. . . . We have to restore fiscal responsibility and go back to living within our means.

Peter Orszag, who was President Obama's Director of the Office of Management and Budget, said that the CBO report—he said this in June of last summer:

> . . . concludes that we are on an unsustainable fiscal course. About this, there is no ambiguity.

We are on an ''unsustainable fiscal course,'' there is no doubt about it, said Mr. Orszag last summer.

What I would say to you is, the President's budget does not change that direction and we have to change it. We have to be honest with the American people that we are not changing it, that the President's plan is his plan for the future. He can change the numbers any way he wants to. He can change the trajectory we are on. It is a voluntary thing. The numbers he put forth are his numbers, and they are a call for our country to follow his plan. That is not an acceptable plan. It is not an acceptable plan, and we have to change it.

Briefly, I will add this. The warnings that are out there—Alan Greenspan, our former Chairman of the Federal Reserve Board, said in December that it is a little better than 50–50, but not much, that we won't have a debt crisis in this country in 2 to 3 years.

Moody's, the organization most famous for rating government debt and private company debt—you know, AAA is the highest rating—Moody's, in December, sent a warning letter that, unless the United States changes its trajectory of debt, our debt could be downgraded from AAA in less than 2 years.

The International Monetary Fund has said we have to reduce our structural deficit more than Greece. They have to go to a 9-percent improvement; we have to go to a 12-percent improvement. Only Japan, says the International Monetary Fund, is worse off than we are and has to take stronger action.

So this budget is no action at all. It is no alteration of the trajectory. It is unacceptable. As Congressman RYAN said, it is debt on arrival.

We cannot pass this budget. It is unthinkable that we would. The American people are ready for change. They are supporting Governors and mayors around the country who are making tough choices, bringing their States and cities up to speed and being more effective. They are doing that. These cities are not ceasing to exist.

We increased discretionary spending, nondefense discretionary spending, in the last 2 years under President Obama's leadership and the Democratic majority in both Houses, 24 percent—12 percent a year, on average. Well, at a 7-percent-a-year increase, the total budget doubled in 10 years. I guess at 12 percent it will probably double in 6 or 7 years. This is the trend we are on. We have to come off of that. We are going to have to reduce those numbers because we do not have the money.

But I will tell you, this economy has vibrancy. It is trying to come out of this recession. If we create some stability and permanence in our rules, eliminate unnecessary regulations, allow our energy prices to be competitive and create more American energy and all of the things that make sense to bring down costs and increase productivity, bring this debt under control, we will be surprised how strong we can bounce back. But this is not the path to do it. This is the unsustainable path that can lead to danger. The closer we get to it, the more dangerous we are.

So I believe it is time to change course. Where we are going to go, I just cannot say. I am rather stunned that the President's budget—I did not expect a very strong budget, but I expected one that would make a lot more progress than this. So I guess we are

all befuddled right now what our choices will be. All of us have to work at it, though, because the future of our country is at stake.

I yield the floor.

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

Mr. COBURN. Mr. President, is there a pending amendment?

The PRESIDING OFFICER. The second-degree Hutchison amendment to the Inhofe amendment is pending.

Mr. COBURN. Thank you. Let me confine my remarks for a few minutes to how I see where we are from my perspective. My hope is that I can offer some amendments, at least get them pending, and then discuss with the chairman—I just discussed them with the ranking member—the disposition of those. I wonder whether the chairman has any comments on that.

Mr. ROCKEFELLER. I will be objecting to your amendments because you objected to the pending amendments, and there will be no reason to add more unless you lift your objection.

Mr. COBURN. I told them I would be happy——

Mr. ROCKEFELLER. I am very happy to listen to what you have to say.

Mr. COBURN. I told Senator LEAHY last night that I would be happy to lift my objection once my amendments were pending, and we can have a debate on his nongermane amendment.

Mr. ROCKEFELLER. I think the order has to be reversed.

Mr. COBURN. Well, if the chairman will assure me I will have the opportunity to, No. 1, debate Senator LEAHY's amendment——

Mr. ROCKEFELLER. I cannot assure that at this point. We have not arrived——

Mr. COBURN. Then I will continue with my objection.

Mr. ROCKEFELLER. If you have amendments you wish to offer—I think five—I am constrained to object to them.

Mr. COBURN. It is interesting. We have a nongermane amendment that is outside the bounds of the Constitution, doing something that is not the role of the Federal Government, that we are going to expand the cost at a time when we are bankrupt, and five germane amendments that actually lower the cost of the airport improvement fund, actually help NextGen in terms of money, help preserve the airport trust fund, and we are not going to be allowed to bring them up? If that is the way we are going to operate, then you can count on me, knowing procedure around here, that we will have a very difficult time moving ever to a Leahy amendment.

Mr. President, I came to the floor to discuss what we are trying to do and to be helpful in moving that along. I have now heard that I will not be allowed to offer these amendments or at least bring them up. I am going to discuss each one of them, and I will object to any unanimous consent moving forward on any area until we have an opportunity, as is the Senate tradition, to have a debate and bring up amendments. If we are not allowed to do that, then I am sure we are going to start going backward again.

Passing an FAA authorization bill, as the chairman and ranking member have tried to do, is a significant priority for Congress. We have a system of air traffic control that needs to be modernized. We have monies that we are putting forward to do that. We have not had the oversight, according to the inspector general, that is necessary for those programs.

In this bill, we have authorizations for moneys that are not priorities for this country at a time that we are facing a $1.6 trillion deficit, we have an unemployment rate in excess of 9 percent, and interest rates that are going to rise in the future.

My amendments, which I am happy to have voted on and voted down, lead us to a path that secures and enhances the airport improvement fund and the trust fund, makes common sense that 99 percent of the American people would agree with, excludes Alaska because it is a totally different animal when it comes to the Essential Air Service requirements, and will, in fact, enhance the trust fund. So I am very sorry the chairman refuses to allow my amendments to come up, but I will offer them and have him object in total.

What has to happen with every program in this country is that wasteful spending, low-priority spending, and duplicative spending has to be eliminated. Although I think the chairman and ranking member did a fairly good job on this bill, there are areas where we can eliminate wasteful spending, there are areas where we can eliminate duplicative spending, and there are areas where we can say: This can't be a priority now given the financial fix in which we find ourselves.

During our current budget deficit, the revenues coming into the airport trust fund are lower than expected, and we have this very real need on NextGen development. Congress has to limit somewhere and make a priority next year, and I think they have tried to go in that direction, and these amendments will do such a thing.

The first amendment I would like to talk about is the airport improvement Federal cost share reduction amendment. Across this country, we now have money being spent on low-priority projects in airports that have very little traffic or minimal traffic, and we are not spending money on the airports for safety and for the airports in which we have the vast majority of traffic. We have seen one program in particular where billions of dollars for low-priority projects have been spent.

I would just tell you, if we are ever going to get out of the jam we are in, some common sense has to be applied in that we cannot do everything everybody wants, and there is going to have to be some sacrifice in these areas.

The whole goal of this first amendment is to discourage low-priority, wasteful aviation projects that would not be funded by increasing the non-Federal cost share to just 25 percent over 3 years. In other words, it is 5 percent now, and so it is 95 percent of the government's money, and all we do is, over 3 years, move it to where you have to pay 25 percent. It is going to discourage a lot of low-priority projects because the communities or the States have to have a greater participation.

There is no program in the Federal Government that has a grant process and a funding process where the Federal Government pays 95 percent other than this program—not one. So we are encouraging money to be wasted on low-priority projects by maintaining 95 percent Federal funding. This gives us 3 years to adjust to 75 percent, which probably should be 50 percent but 75 percent given our fiscal issues.

Nonprimary airports could initially have up to 90 percent of their airport improvement projects covered by the Federal Government. In recent years, we raised that, under Public Law 108–176, to 95 percent. This is 20 percent higher than the same cost share for other airports qualifying for this $4 billion program. It is $4 billion a year.

Lest you think I am too critical, let me give you some examples. Two flights a day—two flights a day, noncommercial flights, just two private flights a day—is the average for Kentucky's Williamsburg-Whitley County Airport. We spent $11 million there to build an airport with a 5,500-foot lighted runway, a colonial-style terminal, and hundreds of acres for growth even though it does not have one airline passenger and averages two flights a day. Now, tell me, if you ask the average American: Should we spend $11 million there or should we make sure we can take care of the kids who do not have what they need in this country, should we spend $11 million there or not borrow another $11 million from the Chinese, should we spend $11 million there or should we, in fact, make sure the airport trust fund has the money to do high-priority projects, such as large airports or NextGen, which one would the average American think we should do?

Lest you think I am picking on Kentucky, Halliburton Field in Duncan, OK, got $700,000 for a pilot room and a reception room. We are building for private aviation with taxpayer money—a low priority. We are building a nice pilot room and a reception room for the private pilots who fly there. Now, tell me how that is a priority in our country today. That is my own State.

We are sending money down a hole because we refuse to make tough choices. All this amendment does is say: Let's move it from 95 percent, over 3 years, to 75 percent so we do not get the lower priority projects funded, because we are too generous with what

the Federal Government contributes. The chairman may not like it, but I will bet you the average American thinks it is a pretty smart thing to do given the state we are in.

All bets are off on the politics of this. I have never been accustomed to playing the politics of it at all, but there are just as many people on the left who think we ought to cut spending as there are on the right. America gets it. The only place that does not get it is here. And this does not do anything except enhance what can be done for higher priority issues within our aviation community. That is all it does. It is a small, simple step. And by rejecting or not allowing an amendment such as this to come forward, what we are saying is that we are going to keep kicking the can down the road; we are not going to pay attention to the American public. We are going to hide from the reality that is coming very soon for this country. We will not have any money to put into airport improvement programs. We will not have the money to fund a NextGen program. It will become a low-priority program unless we wake up and start doing what the rest of America recognizes we have to do; that is, start living within our means.

The next amendment is an amendment that is a bipartisan amendment between the Senator from Alaska and myself.

It is an earmark rescission amendment. All it says is the earmarks that have been out there, that the money hasn't been spent for over 9 years, giving 1 year for the agencies to decide whether they think that is so, should be rescinded. It puts $500 million, a half a billion dollars at a minimum, back in the public Treasury. Why would we not want to do that? We have $2.6 million sitting in Atlanta that can't be spent on anything except the 1996 Olympics. Why wouldn't we take back that $2.6 million? It was earmarked. It didn't get spent. But it is sitting out there in a hole. We can reverse that. Estimates are we will save a billion dollars. The conservative estimate at a minimum is $500 million. Yet we are not going to allow this amendment to be considered? It makes no sense.

The next amendment calls on us to sacrifice a little bit. The Essential Air Service Program has multiple subsidies where people can easily drive 1 hour and 20 minutes and get to a regional airport that doesn't require any subsidies. All this amendment does is move it to 100 miles from where it is today, which is 70. It moves it to 100 miles and says if you are less than 100 miles, you ought not be eligible, sometimes to the tune of $4 or $500 per person per flight, to have a subsidized flight when you could drive 70 minutes, 80 minutes, and have access to a ton of flights.

Again, it is priority. Is it priority for us to continue to spend money on a small group of airports, 36, that in no way pay for themselves, that are readily accessible throughout the country to major airports, and spend the kind of money we are spending?

Another amendment says if you have less than 10 emplanements a day, we ought to think about whether we are subsidizing Essential Air Service.

All these amendments are saying is, will we make the tough decisions. We can't do everything we want to do. Is it nice that we have an Essential Air Service Program so some people don't have to drive an hour? I guess so. What are we willing to sacrifice to get our house in order? These are little bitty amendments that will send a wonderful signal to the American public that we get it, we absolutely get it. And because we get it, we are going to make choices about priorities. We are going to enhance the airport trust fund. We are going to enhance the airport improvement program because we are going to take lower priorities off the board, which is exactly what they want us to do. They want us to focus on the big things, the important things, and they want us to cut the spending that is not absolutely necessary.

I can tell my colleagues, it is not absolutely necessary that we subsidize some of these smaller airports that are very close to regional airports or have less than 10 passengers a day. It is not absolutely essential. Would we ask some Americans to sacrifice? Yes. But do you know what will happen? We will all have to sacrifice before we get through this. The problem is the resistance in this Chamber and in this city. We don't want to make the hard choices. It is disappointing that we have not done that. We will have to do that. And we are either going to do it or somebody from the outside is going to tell us what we are going to do.

Then a fifth amendment—and I know the chairman will be against this amendment because it is his program that I am trying to eliminate—in the year 2000, we created another program called the Small Community Air Services Program. This is an amendment to repeal that. It was geared to help smaller communities enhance their air service in addition to Essential Air Service; in other words, make it more effective, to try to promote utilization, which is a good idea except it is not working. When we see the funds from this program, after the grant is over, do you know what happens? The airlines leave. They don't stay. They leave. So we are kind of spending money in a market that won't sustain what we are trying to put there, and then we are putting more money on top of it to try to promote it. When it doesn't work, what happens? We lose the Essential Air Service anyhow. It has happened in Oklahoma.

In this day and time that we live, we have to have an FAA bill. We can't continue to not have an FAA bill. Even if my amendments are voted down, considering that they are going to get a vote, I will probably support this bill. But it should be noted that we haven't gone far enough. We haven't made all the tough choices we need to make. I am highly disturbed that we take amendments that are absolutely germane and say they can't be offered because a time agreement, even though it has been agreed to, isn't disagreed to yet because the Senator from Vermont isn't on the floor.

I am going to offer the amendment and let the chairman object. Then I will utilize the procedures that are available to me as a Member of the Senate.

I ask unanimous consent to set aside the pending amendment and call up amendment No. 91.

The PRESIDING OFFICER. Is there objection?

Mr. ROCKEFELLER. There is objection.

The PRESIDING OFFICER. Objection is heard.

Mr. ROCKEFELLER. I would say to the Senator from Oklahoma, most of the pending amendments which are now pending have been objected to from his side of the aisle. I don't have any objection to looking at some of his amendments and seeing if we can vote on them. But I can't do that right now. I obviously can't give him any kind of consent right now.

It is a difficult situation. It is a sort of rolling veto type of situation. If objection is made, we can't have votes on amendments which are pending. I am willing to look at what he has suggested. As he talked through some of them, they sort of stung pretty hard in my State of West Virginia, but I am willing to look at them. But I can't do that without consent from folks on my side. So for the time being, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. I thank the chairman. I will go on and allow him to object to further amendments I have so it will be in the RECORD that I did attempt to offer them.

I ask unanimous consent to set aside the pending amendment and call up amendment No. 80.

Mr. ROCKEFELLER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. I ask unanimous consent to set aside the pending amendment and call up amendment No. 81.

Mr. ROCKEFELLER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. I ask unanimous consent to call up amendment No. 82 and set the pending amendment aside.

Mr. ROCKEFELLER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. I thank the chairman for his words. I will take him at his word and work with him and allow him to look at some of these. There are only two airports in West Virginia that this would have an impact on. Both of them are less than 75 miles from the regional airport. They both have minimal emplanements daily. They are

over 10 but not far over that. The point is, we ought to help who we can help, and it ought to make economic sense. They are not targeted because there are 36 airports in here, actually, where the average American would say, this is nuts to spend the kind of money we are.

I thank him for the time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. NELSON of Nebraska. Madam President, I rise today in order to speak in support of the Essential Air Service Program and explain why the program truly is essential, especially in rural States. In Nebraska, our two largest airports are separated by only 63 miles in a State that covers 77,000 square miles.

This means that thousands of Nebraskans are hours away from a large or even medium-sized airport requiring them to drive several hours to take a flight.

Due to these geographical barriers, many Nebraskans rely on Essential Air Service to keep themselves and their communities connected to the Nation's transportation network.

In Nebraska, we have Essential Air Service airports in many communities including my hometown of McCook, Alliance, Chadron, Grand Island, Kearney, North Platte, and Scottsbluff. Without the EAS Program, you would see the many hours it already takes to get to any type of air service increased significantly for people in rural areas.

The cost to travel on one of these EAS flights would become so cost-prohibitive that many would not even be able to afford to travel. And, quite frankly, there would probably be many cases where EAS airports would struggle to exist.

But the EAS Program isn't simply about cutting hours off a driver's time to make a flight. It is also about economic development in rural areas and job creation.

EAS promotes accessibility and growth in rural communities and in the surrounding rural areas—and I have seen the impact air service can have on a community's ability to attract employers firsthand.

When I was Governor of Nebraska, one of the first questions many companies would ask when they wanted to bring a manufacturing plant or warehouse distribution complex to town would be what is the air service situation in the area.

Because of these EAS airports, I could respond that the area provided an air service transportation option which gave these communities a job creation recruiting edge. But don't just take my word for it. Listen to other Nebraskans who are saying the same things about how important the essential air program is to their communities.

For example, John Chizek, the mayor in Chadron, NE has said:

As the Mayor and lifetime resident of Chadron I believe it is essential to continue support of the Essential Air Service Program. As a community we are active in the recruitment of new business. I firmly believe we have a unique atmosphere to offer to businesses looking to move or expand. Our county was recently identified as the poorest in the State and any limitations place on us by reducing EAS support will only hinder our hopes of growth.

Darwin Skelton, the airport director at Western Nebraska Regional Airport, has said:

Essential Air Service is very important to Western Nebraska Regional Airport and Western Nebraska as a whole, without this funding we would not have commercial air service to our community. We have many businesses in this community that use this airport (i.e. Aurora Loan Service, Vertex, Regional West Medical Center, Twin City Development, just to name a few).

When they are told of this plight, I am sure you will be receiving letters of support from many businesses/organizations from around the area . . . small, more rural markets need air service to grow and maintain connections with larger hubs and doing away with Essential Air Service would be saying to rural America that they are not valued as an important part of air service in the United States.

Kyle Pothoff, public works director for the city of McCook, said:

Having access to commercial air service is critical to the economic stability of communities like McCook and without this service it would make recruiting new businesses very difficult.

A statement that I have recently heard is that economic development does not come by bus or train, it comes by air. This statement could not be more true.

Finally, Dave Glenn, CEO of Pathology Services in North Platte, said:

With the economy finally showing signs of improvement, loss of EAS funding for airports like North Platte (LBF) would be disastrous. Pathology Services, P.C. serves 18 hospitals and over 50 clinics in Central and Western Nebraska, Northwest Kansas, and Northeast Colorado. To provide the Medicare required pathologist services, we rely on using our general aviation plane based at the North Platte airport.

Our hospital has also recently started a medical helicopter service which helps meet the health care needs of patients. Without EAS funding our business and the health of our citizens would be negatively impacted.

I am well aware that the Essential Air Service does have its critics who are concerned about providing government funding support to keep air service in rural America. Certainly a review of all government supported programs to find efficiencies and ways we can make a program run better and spend less I am always open to. But to simply try and eliminate the Essential Air Service Program which is a driver of economic activity in my State, as you can clearly see from these Nebraskans' stories, is the wrong approach. Essential Air Service truly is essential to rural Nebraska and rural America and why I oppose any efforts to eliminate this important program.

Ms. SNOWE. Madam President, I rise today, with my colleagues, Senator COLLINS, COBURN, and BROWN of Massachusetts to discuss an amendment to the S. 223, the FAA Air Transportation Modernization and Safety Improvement Act. Currently this bill contains language which adjusts for inflation the personal net worth cap in the Small Business Administration's 8(a) program. This would expand the net worth level established by the SBA in 1989 from $750,000 to approximately $1.4 million. Our amendment aims to strike that language from the bill.

In March of 2010, the Government Accountability Office, GAO, issued a report detailing extensive fraud within the 8(a) program. The report revealed that 14 ineligible firms received $325 million in sole-source and set-aside contracts even though these firms were not eligible for the 8(a) program. As ranking member of the Senate Committee on Small Business and Entrepreneurship, I take very seriously our committee's responsibility of vigorous oversight and am concerned with efforts to expand the SBA's 8(a) program when these issues have not been fully vetted through the regular order in the Small Business Committee. Moreover, there has not been a hearing to examine the GAO reports of fraud.

The SBA's 8(a) program is designed to help socially and economically disadvantaged small businesses gain access to Federal contracting opportunities. I support these goals and applaud the Federal Government for consistently meeting the goal for small disadvantaged businesses. However, I am deeply troubled by the program's current vulnerabilities to fraud and abuse which results in legitimate firms being excluded in favor of bad actors who have infiltrated the program. This is not a partisan issue. I recently sent a letter along with SBC Chair MARY LANDRIEU to Administrator Mills' where we stated unequivocally that our first priority in the 112th Congress is to ensure the SBA is taking the requisite steps to purge the contracting programs of any and all fraud and abuse.

When calculating an individual's net worth, the SBA currently excludes the value of their primary residence and the equity in the 8(a) company. The language contained in the FAA bill would result in allowing potential multimillionaires to be considered economically disadvantaged. Therefore, I wonder about the further effects this change would have on the program. I question whether expanding the net worth would result in crowding out of business owners with significantly lower net worth. Additionally, I worry lower income individuals would be at a disadvantage competing with those with substantially more resources.

In light of all these concerns, I fear the current net worth expansion is

fraught with unintended consequences and ignores the recent reports of fraud in the 8(a) program. I urge my colleagues to support the Snowe-Collins-Coburn-Brown amendment to strike this language.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, we have been working through this bill. I congratulate our manager, Senator ROCKEFELLER, who is one of the most experienced people in the Senate and is a good manager. He has worked well with Senator HUTCHISON, comanager of the bill. We have made significant progress. We have a few amendments on which we are trying to work a way to the end of this. I hope we can work out an agreement to complete this legislation maybe as early as tomorrow morning sometime. If we can't, the first cloture vote is tomorrow, and we will see what happens after that.

Everyone should understand. It is Wednesday. Tomorrow is Thursday. I know a lot of people have arrangements because we have a home work period the following week. We want to go home, if at all possible, late tomorrow night or early Friday morning, but we can't do that if there is work left to be done on this bill. I hope we can work something out so we can finish tomorrow. It would certainly be doable.

We know what we have left. Work on the different issues has been extremely difficult and time-consuming, but we have settled most everything on the Senate floor, as we are supposed to do.

There will be no more rollcall votes tonight. We hope we can move forward to complete work on this most important piece of legislation tomorrow. This legislation is extremely important for our country.

Let's keep in mind, this deals with people. Almost 300,000 jobs will be created or saved with this legislation. I repeat what I have said on the Senate floor once before. McCarran Airport in Las Vegas is the sixth busiest airport in the country. The manager of that airport, Randy Walker, when asked about this bill last week, said: If it passes, we will finally be able to stop using World War II technology to land and have airplanes take off.

It is not just McCarran in Las Vegas. At every airport in the country it is the same thing, World War II technology. We will be able to have a passengers' bill of rights. It is a very fine piece of legislation that has been years in the making. We are too close to the end of this to walk away. We have to finish this bill. It means jobs, real jobs, not make believe jobs.

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. I ask unanimous consent the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. REID. I now ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

COMMITTEE ON INDIAN AFFAIRS RULES OF PROCEDURE

Mr. AKAKA. Mr. President, I ask unanimous consent to have printed in the RECORD the Committee on Indian Affairs Rules of Procedure.

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

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, as supplemented by these rules, are adopted as the rules of the Committee to the extent the provisions of such Rules, Resolution, and Acts are applicable to the Committee on Indian Affairs.

MEETING OF THE COMMITTEE

Rule 2. The Committee shall meet on Thursday while the Congress is in session for the purpose of conducting business, unless for the convenience of the Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3(a). Hearings and business meetings of the Committee shall be open to the public except when the Chairman by a majority vote orders a closed hearing or meeting.

(b). Except as otherwise provided in the Rules of the Senate, a transcript or electronic recording shall be kept of each hearing and business meeting of the Committee.

HEARING PROCEDURE

Rule 4(a). Public notice, including notice to Members of the Committee, shall be given of the date, place and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee, with the concurrence of the Vice Chairman, determines that holding the hearing would be non-controversial or that special circumstances require expedited procedures and a majority of the Committee Members attending concurs. In no case shall a hearing be conducted with less than 24 hours notice.

(b). Each witness who is to appear before the Committee shall submit his or her testimony by way of electronic mail, at least 48 hours in advance of a hearing, in a format determined by the Committee and sent to an electronic mail address specified by the Committee.

(c). Each Member shall be limited to five (5) minutes of questioning of any witness until such time as all Members attending who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

(d). The Chairman and Vice Chairman or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such time as the Chairman and Vice Chairman or the Ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request by a Member for consideration of such measure or subject has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subjects on the Committee agenda in the absence of such request.

(b). Any bill, resolution, or other matter to be considered by the Committee at a business meeting shall be filed with the Clerk of the Committee. Notice of, and the agenda for, any business meeting of the Committee, and a copy of any bill, resolution, or other matter to be considered at the meeting, shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is published except by the approval of a majority of the Members of the Committee. The notice and agenda of any business meeting may be provided to the Members by electronic mail, provided that a paper copy will be provided to any Member upon request. The Clerk shall promptly notify absent Members of any action taken by the Committee on matters not included in the published agenda.

(c). Any amendment(s) to any bill or resolution to be considered shall be filed with the Clerk not less than 24 hours in advance. This rule may be waived by the Chairman with the concurrence of the Vice Chairman.

QUORUM

Rule 6(a). Except as provided in subsection (b), a majority of the Members shall constitute a quorum for the transaction of business of the Committee. Except as provided in Senate Rule XXVI 7(a), a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

(b). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee.

VOTING

Rule 7(a). A recorded vote of the Members shall be taken upon the request of any Member.

(b). A measure may be reported without a recorded vote from the Committee unless an objection is made by a Member, in which case a recorded vote by the Members shall be required. A Member shall have the right to have his or her additional views included in the Committee report in accordance with Senate Rule XXVI 10.

(c). A Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and conforming changes to the measure.

(d). Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only for the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8(a). Witnesses in Committee hearings may be required to give testimony under oath whenever the Chairman or Vice Chairman of the Committee deems it to be necessary.

(b). At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Member, any other witness shall be under oath. Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee, in executive session, determines that special circumstances require a full or partial exception to this rule.

(c). Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part, or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or her or otherwise adversely affect his or her reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony of evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, Internet, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AUTHORIZING SUBPOENAS

Rule 12. The Chairman may, with the agreement of the Vice Chairman, or the Committee may, by majority vote, authorize the issuance of subpoenas.

AMENDING THE RULES

Rule 13. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.

COMMITTEE ON THE BUDGET RULES OF PROCEDURE

Mr. CONRAD. Mr. President, I ask unanimous consent that the rules of the Committee on the Budget for the 112th Congress be printed in the RECORD.

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

RULES OF THE COMMITTEE ON THE BUDGET

I. MEETINGS

(1) The committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the chair as the chair deems necessary to expedite committee business.

(2) Each meeting of the committee, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(i) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(ii) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(3) Notice of, and the agenda for, any business meeting or markup shall be provided to each member and made available to the public at least 48 hours prior to such meeting or markup.

II. QUORUMS AND VOTING

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one-third of the membership of the entire committee: Provided, that proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: Provided, that proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator.

(4)(a) The committee may poll—

(i) internal committee matters including those concerning the committee's staff, records, and budget;

(ii) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and

(iii) other committee business that the committee has designated for polling at a meeting, except that the committee may not vote by poll on reporting to the Senate any measure, matter, or recommendation, and may not vote by poll on closing a meeting or hearing to the public.

(b) To conduct a poll, the chair shall circulate polling sheets to each member specifying the matter being polled and the time limit for completion of the poll. If any member requests, the matter shall be held for a meeting rather than being polled. The chief clerk shall keep a record of polls; if the committee determines by record vote in open session of a majority of the members of the committee present that the polled matter is one of those enumerated in rule I(2)(a)–(e), then the record of the poll shall be confidential. Any member may move at the committee meeting following a poll for a vote on the polled decision.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may vote by proxy if the absent member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded; except that no member may vote by proxy during the deliberations on Budget Resolutions.

IV. HEARINGS AND HEARING PROCEDURES

(1) The committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chair and ranking member determine that there is good cause to begin such hearing at an earlier date.

(2) In the event that the membership of the Senate is equally divided between the two parties, the ranking member is authorized to call witnesses to testify at any hearing in an amount equal to the number called by the chair. The previous sentence shall not apply in the case of a hearing at which the committee intends to call an official of the Federal government as the sole witness.

(3) A witness appearing before the committee shall file a written statement of proposed testimony at least 1 calendar day prior to appearance, unless the requirement is waived by the chair and the ranking member, following their determination that there is good cause for the failure of compliance.

V. COMMITTEE REPORTS

(1) When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the committee, who gives notice of an intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusions shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.

VI. USE OF DISPLAY MATERIALS IN COMMITTEE

Graphic displays used during any meetings or hearings of the committee are limited to the following:

Charts, photographs, or renderings:

Size: no larger than 36 inches by 48 inches.

Where: on an easel stand next to the member's seat or at the rear of the committee room.

When: only at the time the member is speaking.

Number: no more than two may be displayed at a time.

VII. CONFIRMATION STANDARDS AND PROCEDURES

(1) Standards. In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The committee shall recommend confirmation if it finds that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

(2) Information Concerning the Nominee. Each nominee shall submit the following information to the committee:

(a) A detailed biographical resume which contains information concerning education, employment, and background which generally relates to the position to which the individual is nominated, and which is to be made public;

(b) Information concerning financial and other background of the nominee which is to be made public; provided, that financial information that does not relate to the nominee's qualifications to hold the position to which the individual is nominated, tax returns or reports prepared by federal agencies that may be submitted by the nominee shall, after review by the chair, ranking member, or any other member of the committee upon request, be maintained in a manner to ensure confidentiality; and,

(c) Copies of other relevant documents and responses to questions as the committee may so request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office.

(3) Report on the Nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee may be prepared by the committee staff for the chair, the ranking member and, upon request, for any other member of the committee. The report shall summarize the steps taken and the results of the committee inquiry, including any unresolved matters that have been raised during the course of the inquiry.

(4) Hearings. The committee shall conduct a hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she would pursue while in that position. No hearing or meeting to consider the confirmation shall be held until at least 72 hours after the following events have occurred: the nominee has responded to the requirements set forth in subsection (2), and, if a report described in subsection (3) has been prepared, it has been presented to the chairman and ranking member, and is available to other members of the committee, upon request.

COMMITTEE ON ENERGY AND NATURAL RESOURCES RULES OF PROCEDURE

Mr. BINGAMAN. Mr. President, in accordance with Rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent to have the rules governing the procedure of the Committee on Energy and Natural Resources printed in the RECORD.

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

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

GENERAL RULES

Rule 1. The Standing Rules of the Senate, as supplemented by these rules, are adopted as the rules of the Committee and its Subcommittees.

MEETINGS OF THE COMMITTEE

Rule 2. (a) The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

(b) Hearings of any Subcommittee may be called by the Chairman of such Subcommittee, Provided, That no Subcommittee hearing other than a field hearing, shall be scheduled or held concurrently with a full Committee meeting or hearing, unless a majority of the Committee concurs in such concurrent hearing.

OPEN HEARINGS AND MEETINGS

Rule 3. (a) All hearings and business meetings of the Committee and all the hearings of any of its Subcommittees shall be open to the public unless the Committee or Subcommittee involved, by majority vote of all the Members of the Committee or such Subcommittee, orders the hearing or meeting to be closed in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

(b) A transcript shall be kept of each hearing of the Committee or any Subcommittee.

(c) A transcript shall be kept of each business meeting of the Committee unless a majority of all the Members of the Committee agrees that some other form of permanent record is preferable.

HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any Subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the Subcommittee involved determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of all the Members of the Committee or the Subcommittee involved concurs. In no case shall a hearing be conducted with less than twenty-four hours notice. Any document or report that is the subject of a hearing shall be provided to every Member of the Committee or Subcommittee involved at least 72 hours before the hearing unless the Chairman and Ranking Member determine otherwise.

(b) Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee or Subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

(c) Each Member shall be limited to five minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness.

(d) The Chairman and Ranking Minority Member of the Committee or Subcommittee or the Ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the Ranking Majority and Minority Members present may agree. No staff member may question a witness in the absence of a quorum for the taking of testimony.

BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure, nomination, or other matter shall be included on the agenda of the next following business meeting of the full Committee if a written request for such inclusion has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include a legislative measure, nomination, or other matter on the Committee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of all the Members of the Committee on matters not included on the public agenda. The Staff Director shall promptly notify absent Members of any action taken by the Committee on matters not included on the published agenda.

QUORUMS

Rule 6. (a) Except as provided in subsections (b) and (c), eight Members shall constitute a quorum for the conduct of business of the Committee.

(b) No measure or matter shall be ordered reported from the Committee unless twelve Members of the Committee are actually present at the time such action is taken.

(c) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee or any Subcommittee.

VOTING

Rule 7. (a) A rollcall of the Members shall be taken upon the request of any Member. Any Member who does not vote on any rollcall at the time the roll is called, may vote (in person or by proxy) on that rollcall at any later time during the same business meeting.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

(c) Each Committee report shall set forth the vote on the motion to report the measure or matter involved. Unless the Committee directs otherwise, the report will not set out any votes on amendments offered during Committee consideration. Any Member who did not vote on any rollcall shall have the opportunity to have his position recorded in the appropriate Committee record or Committee report.

(d) The Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and clerical corrections in the measure.

SUBCOMMITTEES

Rule 8. (a) The number of Members assigned to each Subcommittee and the division between Majority and Minority Members shall be fixed by the Chairman in consultation with the Ranking Minority Member.

(b) Assignment of Members to Subcommittees shall, insofar as possible, reflect the preferences of the Members. No Member will receive assignment to a second Subcommittee until, in order of seniority, all Members of the Committee have chosen assignments to one Subcommittee, and no Member shall receive assignment to a third Subcommittee until, in order of seniority, all Members have chosen assignments to two Subcommittees.

(c) Any Member of the Committee may sit with any Subcommittee during its hearings but shall not have the authority to vote on

any matters before the Subcommittee unless he is a Member of such Subcommittee.

NOMINATIONS

Rule 9. At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath. Every nominee shall submit a statement of his financial interests, including those of his spouse, his minor children, and other members of his immediate household, on a form approved by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. A statement of every nominee's financial interest shall be made available to the public on a form approved by the Committee unless the Committee in executive session determines that special circumstances require a full or partial exception to this rule.

INVESTIGATIONS

Rule 10. (a) Neither the Committee nor any of its Subcommittees may undertake an investigation or preliminary inquiry unless specifically authorized by a majority of all the Members of the Committee.

(b) A witness called to testify in an investigation or inquiry shall be informed of the matter or matters under investigation, given a copy of these rules, given the opportunity to make a brief and relevant oral statement before or after questioning, and be permitted to have counsel of his or her choosing present during his or her testimony at any public or closed hearing, or at any unsworn interview, to advise the witness of his or her legal rights.

(c) For purposes of this rule, the terms ''investigation'' and ''preliminary inquiry'' shall not include a review or study undertaken pursuant to paragraph 8 of Rule XXVI of the Standing Rules of the Senate or an initial review of any allegation of wrongdoing intended to determine whether there is substantial credible evidence that would warrant a preliminary inquiry or an investigation.

SWORN TESTIMONY

Rule 11. Witnesses in Committee or Subcommittee hearings may be required to give testimony under oath whenever the Chairman or Ranking Minority Member of the Committee or Subcommittee deems such to be necessary. If one or more witnesses at a hearing are required to testify under oath, all witnesses at such hearing shall be required to testify under oath.

SUBPOENAS

Rule 12. No subpoena for the attendance of a witness or for the production of any document, memorandum, record, or other material may be issued unless authorized by a majority of all the Members of the Committee, except that a resolution adopted pursuant to Rule 10(a) may authorize the Chairman, with the concurrence of the Ranking Minority Member, to issue subpoenas within the scope of the authorized investigation.

CONFIDENTIAL TESTIMONY

Rule 13. No confidential testimony taken by or any report of the proceedings of a closed Committee or Subcommittee meeting shall be made public, in whole or in part or by way of summary, unless authorized by a majority of all the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 14. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee or Subcommittee hearing tends to defame him or otherwise adversely affect his reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 15. Any meeting or hearing by the Committee or any Subcommittee which is open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 16. These rules may be amended only by vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS RULES OF PROCEDURE

Mrs. BOXER. Mr. President, the Committee on Environment and Public Works has adopted rules governing its procedures for the 112th Congress. Pursuant to Rules XXVI, paragraph 2, of the Standing Rules for the Senate, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Jurisdiction

Rule XXV, Standing Rules of the Senate

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(h)(1) Committee on Environment and Public Works, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Air pollution.
2. Construction and maintenance of highways.
3. Environmental aspects of Outer Continental Shelf lands.
4. Environmental effects of toxic substances, other than pesticides.
5. Environmental policy.
6. Environmental research and development.
7. Fisheries and wildlife.
8. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.
9. Noise pollution.
10. Nonmilitary environmental regulation and control of nuclear energy.
11. Ocean dumping.
12. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.
13. Public works, bridges, and dams.
14. Regional economic development.
15. Solid waste disposal and recycling.
16. Water pollution.
17. Water resources.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

RULES OF PROCEDURE

RULE 1. COMMITTEE MEETINGS IN GENERAL

(a) REGULAR MEETING DAYS: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 a.m. If there is no business before the committee, the regular meeting shall be omitted.

(b) ADDITIONAL MEETINGS: The chair may call additional meetings, after consulting with the ranking minority member. Subcommittee chairs may call meetings, with the concurrence of the chair, after consulting with the ranking minority members of the subcommittee and the committee.

(c) PRESIDING OFFICER:

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking majority member shall preside.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking majority member of the subcommittee shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) OPEN MEETINGS: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) BROADCASTING:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

RULE 2. QUORUMS

(a) BUSINESS MEETINGS: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, one third of the members of the committee, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) SUBCOMMITTEE MEETINGS: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) CONTINUING QUORUM: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) REPORTING: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) HEARINGS: One member constitutes a quorum for conducting a hearing.

RULE 3. HEARINGS

(a) ANNOUNCEMENTS: Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing.

(b) STATEMENTS OF WITNESSES:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a Federal agency, an Inspector General, or a nongovernmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.

RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS

(a) NOTICE: The chair of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday.

(b) AMENDMENTS: First-degree amendments must be filed with the chair of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) MODIFICATIONS: The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

RULE 5. BUSINESS MEETINGS: VOTING

(a) PROXY VOTING:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) SUBSEQUENT VOTING: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) PUBLIC ANNOUNCEMENT:

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

RULE 6. SUBCOMMITTEES

(a) REGULARLY ESTABLISHED SUBCOMMITTEES: The committee has seven subcommittees: Transportation and Infrastructure; Clean Air and Nuclear Safety; Superfund, Toxics and Environmental Health; Water and Wildlife; Green Jobs and the New Economy; Oversight; and Children's Health and Environmental Responsibility.

(b) MEMBERSHIP: The committee chair, after consulting with the ranking minority member, shall select members of the subcommittees.

RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS

(a) ENVIRONMENTAL IMPACT STATEMENTS: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) PROJECT APPROVALS:

(1) Whenever the committee authorizes a project under Public Law 89–298, the Rivers and Harbors Act of 1965; Public Law 83–566, the Watershed Protection and Flood Prevention Act; or Public Law 86–249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) BUILDING PROSPECTUSES:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted.

A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the General Services Administration and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) NAMING PUBLIC FACILITIES: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, former Justices of the United States Supreme Court over 70 years of age, or Federal judges who are fully retired and over 75 years of age or have taken senior status and are over 75 years of age.

RULE 8. AMENDING THE RULES

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

TRIBUTE TO EUGENE M. LANG

Mr. LEVIN. Mr. President, I am proud, for many reasons, that I am a graduate of Swarthmore College. But among those reasons is the fact that as a graduate of Swarthmore, I am in the same company as Eugene Lang, a 1938 graduate of the college. Few if any of our school's many distinguished graduates have matched Gene Lang's ability and determination to use his talents in the service of his fellow man.

If his resume consisted only of his extraordinarily successful business career, Gene would be an admirable figure. As founder of REFAC Technology Development Corporation, in more than a half a century of work, he has helped foster innovation, particularly in manufacturing, by helping American inventors and entrepreneurs profit from their ideas.

But what he has done with the earnings from that business is truly remarkable.

In 1981, Gene paid a visit to P.S. 121, the Harlem elementary school he had attended as a boy. He was going to speak to a group of sixth graders preparing to move on to middle school. Before his speech, he spoke with the principal, who told him that three out of every four of the students he would address would never finish high school.

To a man who entered college at the age of 14 and had an advanced business degree by his 20th birthday, this was unacceptable. And so he told the students that day: Education has allowed me to follow my dreams, and it can do the same for you too. He promised each and every student that day that if they would work hard, stay in school and

graduate from high school, he would pay their way to college.

Gene's promise became the ''I Have a Dream'' Foundation, and it did not just benefit the 61 students he addressed that day. It inspired similar promises all over the world, more than 200 now, where others who have enjoyed the benefits of education have followed Gene's example and invested in bringing those benefits to others. In my own State, the Kalamazoo Promise, a pledge by a small group of anonymous donors to give every Kalamazoo public school student a chance at a college education, is just one example of the kinds of programs Gene has inspired.

That is not all. Determined to connect America's universities more closely to the societies they serve, in 2001 he founded Project Pericles, which provides funding for more than 20 U.S. colleges and universities to help them include social responsibility and citizenship in their curricula. His donations to Swarthmore, Columbia, the New School University and other institutions have made him one of higher education's most important benefactors. President Clinton honored him in 1996 with the Presidential Medal of Freedom.

This weekend Swarthmore will honor Gene with a celebration of his life and work. Fittingly, this won't just be a celebratory dinner. It will also be a search for answers, for solutions on how to solve problems and improve our society. Symposia will focus on the role of social responsibility in education and on the link between social change and the arts.

I want to add my voice to those honoring Eugene Lang this weekend at Swarthmore. Thousands of American students have achieved their dreams thanks in part to his dedication, persistence and effectiveness. Swarthmore pride in Eugene Lang will be on display this weekend. This Swarthmorean is proud to call him my friend.

REMEMBERING REPRESENTATIVE HOWARD POLLOCK

Ms. MURKOWSKI. Mr. President, I rise today to honor Howard Pollock, an Alaskan political pioneer. I am saddened to report that Representative Pollock, a true Alaskan spirit and a greatly respected public servant, passed away at the age of 90 in Coronado, CA, on January 9, 2011.

Twenty-eight members of Howard's family were by his side during his final moments. Like all who knew and loved Howard, they will remember him as both a family man and a fighter for Alaska's best interests. He is respected by the people of my home State for his dedicated service during territorial days, his leadership in Juneau in the early days of Alaska's statehood, and for his continued service in Washington, DC, and other parts of the world. Howard recognized and valued Alaska's untilled potential and true grit spirit, and it was that very spirit that drew him north to Alaska as a young man.

Howard Pollock was born in Chicago on April 11, 1920. As a boy he grew up in New Orleans, and he won a Mississippi State boxing title in junior college. When World War II broke out, he answered his country's call to duty, enlisted as a Navy seaman, and served overseas.

On Easter Sunday in 1944, a grenade exploded during a training exercise and Howard lost his right forearm. This tragedy would be a setback for most, but it didn't slow Howard down one bit. He continued to rise through the ranks and retired in 1946 as a lieutenant commander. This prestigious rank was quite fitting for his distinguished career.

After the war Howard and his first wife Maryanne Passmore Pollock began their trek north to the territory of Alaska on the recently built Alaska-Canadian highway. Howard and Maryanne built a cabin and made their home on 80 wild acres of land south of Anchorage, nothing like the Anchorage we know today.

Alaska quickly became Howard's pride and focus. He juggled school and politics and earned a law degree from the University of Houston and a master's degree from MIT. And it wasn't long before he again answered the call to service. His official entrance into politics began when a friend dared him to run for mayor of Anchorage. Although he lost that race, he would stay involved in the affairs of Alaska—from then on.

Howard's dedication and involvement quickly earned him a seat at the table with the other young movers and shakers of those infamous years leading up to statehood. Teaming up with a passionate group of Alaskans, including a young Ted Stevens, they worked tirelessly to gain statehood and built upon what little infrastructure Alaska had at that time.

Howard also held office—both elected and appointed—for a number of years. He was elected to the territorial legislature in 1955 and served as a State senator for 5 years. In 1966, he became Alaska's sole Congressman, ably serving the Nation's largest State. He served in the U.S. House of Representatives until 1970. He would go on to serve as deputy director of the National Oceanic and Atmospheric Administration, and, following that, served as part of the American delegation to the Law of the Sea Conference. Also, Howard proudly served as the National Rifle Association president.

Despite his demanding public commitments, Howard never forgot how to have fun. After losing his arm in the war, he taught himself how to shoot left handed and enjoyed hunting. He loved fishing for marlin and traveling the world. He earned a black belt in Tae Kwon Do at the age of 75—the epitome of a man who was ''young at heart.'' If Howard's love of the Last Frontier didn't emulate the pioneer spirit enough already, his hobbies certainly did.

Howard Pollock made a difference not only in Alaskan politics, but also in the lives of Alaskans. He helped set a foundation that has allowed Alaska to become the greatest State in our Union. Last month, the Pollock family lost a loving father and husband. Alaskans lost a pioneer and a leader—a man who always fought for them. And our Nation lost a dedicated servant who had served with great distinction, first in World War II and ultimately in a public career that spanned several decades.

On behalf of all Alaskans, I extend my prayers and deepest sympathies to Howard's five children, his nine grandchildren, his family and friends, most particularly his companion Marina Goodenough, and all who knew and loved him.

ATTACKS IN HUNGARY AND THE CZECH REPUBLIC

Mr. CARDIN. Mr. President, as cochairman of the U.S. Helsinki Commission, I wanted to bring to the Senate's attention that next week, February 23, will mark a tragic anniversary. Two years ago on that date, assassins gathered outside the home of Robert Csorba. They threw a Molotov cocktail into the house. Although some family members escaped the blaze, five-year-old Robert Csorba and his father did not: as they tried to flee the flames, their attackers riddled them with bullets. The murderers were prepared: if the bomb did not finish them off, their guns would. They were prepared to kill men, women, and children.

The Csorbas were just two of the victims in a wave of racially motivated attacks against Roma that has roiled Hungary. According to the European Roma Rights Center, between January 2008 and July 2010 there were at least two dozen cases where Molotov cocktails, hand grenades or sniper fire were used. The victims included nine fatalities, including two children, and others who were seriously injured.

Among them was the 13-year-old daughter of Maria Balogh. Ms. Balogh was murdered when snipers shot into her home in the middle of the night on August 3, 2009, killing her and leaving her daughter an orphan. Her daughter was also grievously wounded: she was shot in the face, blinded in one eye, and maimed for life. It is no wonder that these attacks led one Romani activist to declare that Roma would need to arm themselves or flee, and another asserted that if these attacks continued, Hungary would be headed toward civil war.

There are some positive developments. The fatal attacks have stopped. Hungary's new government has reached out to the victims to provide support for rebuilding homes that were damaged or destroyed in arson attacks.

Hungary's new Minister for Social Inclusion, Zolton Balog, has demonstrated a rare and welcome compassion for his Romani fellow citizens.

But the wounded and the dead still wait for justice in Hungary. Although four men have been arrested on suspicion of carrying out the serial killings of Roma that occurred in 2008 and 2009, there have been no trials and no convictions.

The Czech Republic has also seen a dramatic rise in anti-Roma rhetoric and violent actions in the past few years. Last October, I joined Helsinki Commission cochairman, ALCEE HASTINGS in welcoming the lengthy sentences handed down in the Czech Republic to four neo-Nazis who firebombed a Romani home in 2009, an act which left an infant, widely known simply as ''Baby Natalka,'' with second and third degree burns over 80 percent of her body and a lifetime of painful rehabilitation ahead of her.

When that judgment was handed down against the four men who firebombed Baby Natalka, I was heartened. I also said I was watching another Czech case—one that is largely unknown.

On November 8, 2008, a roving mob attacked several Roma in the town of Havirov. One teenager was so savagely beaten, he was effectively left for dead. For a prolonged period of time afterwards, he was in a coma, and when he regained consciousness, he was unable to talk. Although he has learned to speak again, he has suffered permanent brain damage. He is paralyzed, was forced to end his studies, and may never be able to work.

A decision in the case is expected to be announced in the Ostrava regional court at 8:30 a.m. on February 24. Behind the high profile murder cases of Roma that make their way into the news, there is an even larger number of cases involving Roma who have been attacked, but not fatally; they do not die but are maimed, disabled, and traumatized for life by the racially motivated violence they have encountered. Their stories are often never told, but each of them stands as a living monument to everyone in their families and everyone in their communities, testifying to the government's failure to protect them. Each of them deserves justice, including Jaroslav Horvath, the teenager attacked in Havirov.

ADDITIONAL STATEMENTS

REMEMBERING CLARENCE MITCHELL, JR.

● Mr. CARDIN. Mr. President, today I wish to recognize and pay tribute to a fellow Marylander and civil rights champion, the late Clarence Mitchell, Jr., as we approach the 100th anniversary of his birthday. Clarence Mitchell was the chief lobbyist for the National Association for the Advancement of Colored People, NAACP, from 1950 to 1979. He worked alongside the Rev. Dr. Martin Luther King, Jr. and NAACP attorney Thurgood Marshall to secure rights and opportunities for African Americans.

Clarence Mitchell had faith. He believed in America's promise and in the democratic process. He believed that the will of the people could become the law of the land, and he believed that equality could be championed without bitterness. He dedicated his life to turning the disappointment and anger of the African-American community into political action. He understood that it was possible to take what was unjust and make it just.

Clarence Mitchell walked the Halls of Congress, lobbying friends and foes to set the wheels of justice in motion. He was quietly forceful as he worked tirelessly to pass comprehensive civil rights laws, including the 1957 Civil Rights Act, the 1960 Civil Rights Act, the 1964 Civil Rights Act, the 1965 Civil Rights Act, and the 1968 Fair Housing Act. In fact, his near constant presence in the Senate earned him the nickname the ''101st Senator.'' Former Majority Leader Howard Baker remarked, ''In those days, Clarence Mitchell was called the 101st Senator, but those of us who served here then knew full well that this magnificent lion in the lobby was a great deal more influential than most of us with seats in the Chamber.''

Clarence Mitchell's extraordinary achievements have shaped our lives and our country to this day. In 1980, President Carter appropriately awarded him the Presidential Medal of Freedom. On the centennial of his birth, I ask my colleagues to join me in honoring the late Clarence Mitchell, Jr., and recognize the enormous impact his life's work has had on our great Nation.●

SNELL LABORATORY'S 100TH ANNIVERSARY

● Mr. PRYOR. Mr. President, it is with the greatest pleasure that today I honor Snell Prosthetic & Orthotic Laboratory on their celebration of 100 years in business. Started in Little Rock, Snell Laboratory has grown from its earliest years and now has nine offices across the State of Arkansas.

Originally called Snell's Limbs and Braces, the company was founded by R. W. ''Pop'' Snell in 1911. With a mission and desire to provide the best possible care to his patients, Pop began handcrafting each custom-fitted artificial limb out of rawhide and red willow. Through both World Wars, the business continued to blossom as standards and practices evolved from the company's earliest days. Both the fields of prosthetics and orthotics have revolutionized since Pop opened his doors 100 years ago, and his company continues to be at the forefront of this industry.

Frank Snell, a great-nephew of the original founder, continues the family commitment to restoring the highest mobility and function to patients as the company's current president. With his eye on the future, Frank moved the company to its current Little Rock location in 1986 and began the expansion across the rest of the State. With more offices, Snell Laboratory was able to expand while providing high-quality customer service to more Arkansas communities.

Snell's commitment to the community extends beyond working in the office. Snell employees frequently donate their time to such worthy organizations as Easter Seals Arkansas, the American Diabetes Association, and the Baptist Health Foundation. Efforts by Snell employees landed the company the 2008 Arkansas Community Foundation Corporate Philanthropy Award. As the company continues to evolve, I know it will continue demonstrating a strong commitment to service in Arkansas both in and out of the office.

I ask my colleagues to join me today in congratulating Snell Prosthetic & Orthotic Laboratory on its 100th anniversary and in wishing the company another 100 years of success.●

RECOGNIZING SAUNDERS BROTHERS

● Ms. SNOWE. Mr. President, as we have heard time and time again, the American manufacturing sector is struggling. Manufacturers face a whole host of challenges, from oppressive regulations to increased energy costs to foreign competition. Indeed, it has been predicted that China will surpass the United States in 2011 as the world's biggest manufacturing nation in terms of output. In Maine, wood products manufacturers have been particularly harmed by the effects of unfair competition from overseas countries. Indeed, only three American factories still manufacture wooden dowels, which are often used to join pieces of furniture. When one of those factories that operated in my home State was shuttered last year, a group of Maine investors stepped forward to restart operations and provide economic opportunity to the region. Today I wish to recognize that company—Saunders Brothers—and the individuals who made the purchase of the firm.

Saunders Brothers was founded in 1900 by siblings Harry and Arthur, who built the small woodworking operation from the ground up, making wooden dowels. When the original mill in North Waterford burned down in 1916, the brothers moved their operation to Westbrook, near Maine's largest city of Portland, and finally settled at the present-day site in the western Maine community of Locke Mills, a small village in the town of Greenwood. Its recognizable smokestack is a local landmark, and its doors have welcomes hundreds of workers over the years.

However, with the calamitous economy, the owners were simply unable to

keep the doors opens, and the facility was forced to close last spring, leaving 55 employees without jobs. Yet just a few months later, investors Louise Jonaitis and Steve LaFreniere purchased the mill for $450,000 at a foreclosure auction, and have begun the process of re-employing some of those who lost their jobs. In September, they reopened the factory's doors and began operating the rolling pin line, with seven employees. The owners are also looking at ways to make the plant more energy efficient as well as examine which products and processes will make the factory most successful for years to come. For instance, Saunders Brothers also makes a number of other wood products, including rolling pins sold by companies like Williams Sonoma, in hopes of becoming ''the Rolling Pin Capital of New England.''

Furthermore, Ms. Jonaitis and Mr. LaFreniere have purchased a number of mills across the State during these tough economic times, seeking to bring economic prosperity to Maine's struggling mill towns. Mr. LaFreniere has noted that ''Our goal is to keep them from being torn down during these hard times so when the economy recovers, they can make a profit and be successful again.'' This unbridled optimism is a hallmark of America's entrepreneurial spirit, and I thank them for their actions.

The United States of America is a resilient nation. We know there will always be tough times, but we can never shake the notion that our best days are still ahead of us. That belief is what makes the actions of Louise Jonaitis and Steve LaFreniere so laudable. I sincerely wish everyone at Saunders Brothers much success as they continue their miraculous recovery in support of the company's motto, ''Let's Get Maine Rolling.''●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:06 a.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House has agreed to the following concurrent resolution:

H. Con. Res. 17. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–577. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Bank Secrecy Act Compliance; Fair Credit Reporting; Technical Amendments'' (RIN1557–AD38) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–578. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Office of the Ombudsman'' (RIN2590–AA20) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–579. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''(General Provisions) Contract Appeals and the Acquisition Regulation: General, Acquisition Planning, and Contracting Methods and Contract Types'' (RIN1991–AB81) received during adjournment of the Senate in the Office of the President of the Senate on February 11, 2011; to the Committee on Energy and Natural Resources.

EC–580. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the Arroyo Toad'' (RIN1018–AV89) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Environment and Public Works.

EC–581. A communication from the Members of the Railroad Retirement Board, transmitting, pursuant to law, the Board's Congressional Justification of Budget Estimates Report for Fiscal Year 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–582. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the Inspector General's Budget Justification Report for Fiscal Year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–583. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Disclosure of Medical Information to the Surrogate of a Patient Who Lacks Decision-Making Capacity'' (RIN2900–AN88) received in the Office of the President of the Senate on February 8, 2011; to the Committee on Veterans' Affairs.

EC–584. A communication from the Departmental Freedom of Information and Privacy Act Officer, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Disclosure of Government Information; Responsibility for Responding to Freedom of Information Requests'' (RIN0605–AA22) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC–585. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (107); Amdt. 3413'' (RIN2120–AA65) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–586. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (63); Amdt. 3412'' (RIN2120–AA65) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–587. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (69); Amdt. 3410'' (RIN2120–AA65) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–588. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Operations Specifications'' ((RIN2120–AJ45) (Docket No. FAA–2009–0140)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–589. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company (Type Certificate Previously Held by Columbia Aircraft Manufacturing (Previously The Lancair Company))'' ((RIN2120–AA64) (Docket No. FAA–2009–1186)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–590. A communication from the Staff Assistant, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Ejection Mitigation'' (RIN2127–AK23) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–591. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Incorporation of Certain Cargo Tank Special Permits into Regulations'' (RIN2137–AE56) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–592. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air'' (RIN2137–AE45) received in the Office of the President of the Senate on February 15, 2011; to the

Committee on Commerce, Science, and Transportation.

EC–593. A communication from the President and Chief Scout Executive, Boy Scouts of America, transmitting, pursuant to law, the organization's 2010 annual report; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–3. A petition from the Administrator of the Public Safety Personnel Retirement System, transmitting, pursuant to Arizona law, a report relative to the Arizona Terrorism Country Divestment act; to the Committee on Banking, Housing, and Urban Affairs.

The Public Safety Personnel Retirement System (''System'') and its affiliated retirement plans, the Elected Officials' Retirement Plan (''EORP'') and Corrections Officer Retirement Plan (''CORP''), and their group trust, the Arizona PSPRS Trust (''Trust'', which together with the System, EORP, CORP are collectively, the ''Plans''), are sending you this letter in accordance with Arizona Revised Statutes (''A.R.S.'') §35–392 (the ''Arizona Terrorism Country Divestment Act'').

The Arizona Terrorism Country Divestment Act requires public pension systems such as the Plans to create process for creating a list of investments in U.S. companies that have violated Section 6(j) of the Export Administration Act (the ''List''), determine a process to engage in certain communications with those companies and appropriate federal officials, including Arizona's congressional delegation, and then determine a process for divestment from companies on the List, all as outlined in the Arizona Terrorism Country Divestment Act. On or about December 17, 2008, the Plans adopted a Terrorism Country Divestments Compliance Policy (the ''Policy'') adopting the processes as required by the Arizona Terrorism Country Divestment Act.

Pursuant to the Policy, the Plans are required to submit a report (''Report'') that includes a copy of the List and an explanation of any planned or actual divestments made pursuant to its Policy to the Governor of Arizona, President of the Arizona Senate, Speaker of the Arizona House of Representatives, the President of the U.S. Senate and Speaker of the U.S. House of Representatives, the Director of the Department of Administration, the Arizona Treasurer, and the Arizona State Retirement System. See A.R.S. §35–392(C).

With respect to the List prepared by or on behalf of the Plans as of December 15, 2010, there were no companies appearing on the List and therefore, no formal List was prepared. In addition, since no companies appeared on the List divestment is not applicable and no formal Report is enclosed. Feel free to contact me with any questions.

REPORTS OF COMMITTEES ON FEBRUARY 15, 2011

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. Res. 50. An original resolution authorizing expenditures by the Committee on Environment and Public Works.

By Mr. KOHL, from the Special Committee on Aging, without amendment:

S. Res. 52. An original resolution authorizing expenditures by the Special Committee on Aging.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. Res. 53. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN, from the Select Committee on Intelligence, without amendment:

S. Res. 54. An original resolution authorizing expenditures by the Select Committee on Intelligence.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 56. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources.

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. Res. 57. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD, from the Committee on the Budget, without amendment:

S. Res. 58. An original resolution authorizing expenditures by the Committee on the Budget.

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 365. An original bill to make a technical amendment to the Education Sciences Reform Act of 2002.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

Mr. HARKIN. Mr. President, for the Committee on Health, Education, Labor, and Pensions I report favorably the following nomination list which was printed in the Record on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

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

Public Health Service nominations beginning with Eric P. Goosby and ending with Jeffrey L. Sumter, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. JOHANNS:

S. 359. A bill to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments, and for other purposes; to the Committee on Finance.

By Mr. INHOFE (for himself, Mr. BURR, Mr. COBURN, Mr. KYL, Mr. CRAPO, Mr. BOOZMAN, Mr. RISCH, Mr. GRAHAM, Mr. RUBIO, Mr. BLUNT, Mrs. HUTCHISON, Mr. WICKER, Mr. ISAKSON, Mr. BARRASSO, Mr. CHAMBLISS, Mr. JOHANNS, Mr. ENZI, Mr. GRASSLEY, Mr. THUNE, and Mr. CORNYN):

S. 360. A bill to reduce the deficit by establishing discretionary spending caps for non—security spending; to the Committee on the Budget.

By Ms. COLLINS:

S. 361. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself, Mr. KERRY, Mr. BEGICH, Mr. LUGAR, Ms. COLLINS, Mr. INOUYE, and Mr. BROWN of Ohio):

S. 362. A bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WICKER (for himself and Mr. COCHRAN):

S. 363. A bill to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PRYOR (for himself, Mr. BROWN of Massachusetts, and Mr. KOHL):

S. 364. A bill to amend the Internal Revenue Code of 1986 to establish a new Small Business Savings Account; to the Committee on Finance.

By Mr. HARKIN:

S. 365. An original bill to make a technical amendment to the Education Sciences Reform Act of 2002; from the Committee on Health, Education, Labor, and Pensions; placed on the calendar.

By Mrs. GILLIBRAND (for herself and Mr. KIRK):

S. 366. A bill to require disclosure to the Securities and Exchange Commission of certain sanctionable activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN of Massachusetts (for himself and Mrs. HAGAN):

S. 367. A bill to amend the Internal Revenue Code of 1986 to allow the work opportunity credit to small businesses which hire individuals who are members of the Ready Reserve or National Guard, and for other purposes; to the Committee on Finance.

By Mr. KOHL (for himself, Mr. GRASSLEY, Ms. LANDRIEU, Mr. UDALL of Colorado, Ms. KLOBUCHAR, Mr. DURBIN, Mr. BENNET, Mr. JOHNSON of South Dakota, Mr. HARKIN, Mr. LEAHY, Mr. NELSON of Nebraska, Mr. CONRAD, and Mrs. GILLIBRAND):

S. 368. A bill to amend the Consolidated Farm and Rural Development Act to suspend a limitation on the period for which certain borrowers are eligible for guaranteed assistance; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ENZI:

S. 369. A bill to award posthumously a Congressional Gold Medal to Giuseppe Garibaldi, and to Recognize the Republic of Italy on the 150th Anniversary of its Unification; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CASEY:

S. 370. A bill to require contractors to notify small business concerns that have been included in offers relating to contracts let by

Federal agencies, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. LAUTENBERG (for himself, Mrs. MURRAY, and Ms. CANTWELL):

S. 371. A bill to improve the efficiency, operation, and security of the national transportation system to move freight by leveraging investments and promoting partnerships that advance interstate and foreign commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself and Mr. WHITEHOUSE):

S. 372. A bill to reduce the ability of terrorists, spies, criminals, and other malicious actors to compromise, disrupt, damage, and destroy computer networks, critical infrastructure, and key resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER (for himself, Mrs. SHAHEEN, Mr. LEAHY, Mr. INOUYE, Ms. STABENOW, and Mr. SCHUMER):

S. 373. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself, Mr. MCCONNELL, Mr. ENSIGN, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Ms. COLLINS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. KIRK, Mr. KYL, Mr. LEE, Mr. MCCAIN, Mr. PAUL, Mr. RISCH, Mr. ROBERTS, Mr. SESSIONS, Mr. SHELBY, Ms. SNOWE, Mr. THUNE, Mr. TOOMEY, Mr. VITTER, and Mr. WICKER):

S.J. Res. 6. A joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BURR (for himself, Mr. INHOFE, Mr. BOOZMAN, Mr. COCHRAN, Mr. ISAKSON, and Mr. JOHANNS):

S. Res. 55. A resolution expressing support for designation of a ''Welcome Home Vietnam Veterans Day''; to the Committee on Veterans' Affairs .

By Mr. BINGAMAN:

S. Res. 56. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; from the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. HARKIN:

S. Res. 57. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions; from the Committee on Health, Education, Labor, and Pensions; to the Committee on Rules and Administration.

By Mr. CONRAD:

S. Res. 58. An original resolution authorizing expenditures by the Committee on the Budget; from the Committee on the Budget; to the Committee on Rules and Administration.

By Mr. CARDIN (for himself, Mr. GRASSLEY, Ms. MIKULSKI, Mr. REID, Mr. BINGAMAN, Mr. LEAHY, Mr. DURBIN, Mr. HARKIN, Mr. LAUTENBERG, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. KERRY, Mr. BROWN of Ohio, Mr. COONS, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. REED, Ms. STABENOW, Ms. LANDRIEU, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. Con. Res. 6. A concurrent resolution commending the National Association for the Advancement of Colored People on the occasion of its 102nd anniversary; considered and agreed to.

ADDITIONAL COSPONSORS

S. 73

At the request of Mr. SANDERS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 73, a bill to provide for an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act, and for other purposes.

S. 77

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 77, a bill to amend the Clean Air Act to reduce pollution and lower costs for building owners.

S. 82

At the request of Mr. JOHANNS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 82, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs, to repeal the sunset of the Patient Protection and Affordable Care Act with respect to increased dollar limitations for such credit and programs, and to allow the adoption credit to be claimed in the year expenses are incurred, regardless of when the adoption becomes final.

S. 96

At the request of Mr. VITTER, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 96, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions.

S. 163

At the request of Mr. TOOMEY, the names of the Senator from Indiana (Mr. COATS), the Senator from Texas (Mr. CORNYN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 163, a bill to require that the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached.

S. 210

At the request of Mr. COBURN, the name of the Senator from Iowa (Mr. GRASSLEY) was withdrawn as a cosponsor of S. 210, a bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress.

At the request of Mr. COBURN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 210, supra.

S. 256

At the request of Mr. PRYOR, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 256, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for equity investments in small business concerns.

S. 312

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 312, a bill to amend the Patient Protection and Affordable Care Act to repeal certain limitations on health care benefits.

S. 328

At the request of Mr. BROWN of Ohio, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 328, a bill to amend title VII of the Tariff Act of 1930 to clarify that countervailing duties may be imposed to address subsidies relating to fundamentally undervalued currency of any foreign country.

S. 344

At the request of Mr. REID, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 344, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 358

At the request of Mr. ROBERTS, the names of the Senator from Nebraska (Mr. JOHANNS), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Arizona (Mr. MCCAIN), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Utah (Mr. LEE), the Senator from North Carolina (Mr. BURR), the Senator from Alabama (Mr. SESSIONS), the Senator from South Carolina (Mr. DEMINT), the Senator from Georgia (Mr. ISAKSON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Utah (Mr. HATCH), the Senator from North Dakota (Mr. HOEVEN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Missouri (Mr. BLUNT), the Senator from Kentucky (Mr. PAUL), the Senator from Idaho (Mr. RISCH), the Senator from Mississippi (Mr. WICKER) and the Senator from Kansas (Mr. MORAN) were

added as cosponsors of S. 358, a bill to codify and modify regulatory requirements of Federal agencies.

AMENDMENT NO. 46

At the request of Ms. CANTWELL, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Ms. STABENOW) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of amendment No. 46 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 51

At the request of Mr. UDALL of New Mexico, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 51 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 68

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 68 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 76

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 76 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 83

At the request of Mrs. MURRAY, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oregon (Mr. MERKLEY) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 83 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE (for himself, Mr. BURR, Mr. COBURN, Mr. KYL, Mr. CRAPO, Mr. BOOZMAN, Mr. RISCH, Mr. GRAHAM, Mr. RUBIO, Mr. BLUNT, Mrs. HUTCHISON, Mr. WICKER, Mr. ISAKSON, Mr. BARRASSO, Mr. CHAMBLISS, Mr. JOHANNS, Mr. ENZI, Mr. GRASSLEY, Mr. THUNE, and Mr. CORNYN):

S. 360. A bill to reduce the deficit by establishing discretionary spending caps for non-security spending; to the Committee on the Budget.

Mr. INHOFE. Mr. President, we are trying to resolve one of the great problems I am sure my colleagues are sensitive to; that is, the infrastructure of this country. Today we have two witnesses next to each other, the head of the AFL–CIO and the head of the U.S. Chamber of Commerce, to show that liberals, conservatives, labor, and industry all feel this should be at least the second highest priority in America.

When I heard the President's budget yesterday and I looked at it, I shook my head in disbelief: $8.7 trillion in new spending, $1.6 trillion in new taxes—all these things. I remembered back when I was complaining in 1996 at this very podium during the Clinton administration. That was his budget. It was $1.5 trillion. Do my colleagues know that the deficit in this President's budget is greater than the entire budget of 1996—to run this whole thing called America. It was a shocker to me. It reminded me about how people talk about entitlements and how we are going to have to do something with that.

Something we can do right now is something I tried to do last year and the House Members are trying to do right now. When the President gave his message, he talked about how he was going to freeze nondefense discretionary spending and everyone applauded, thinking that was a great austerity program. In reality, he is talking about after he has increased it from 2008 levels to 2010 levels and then freezing in those increases. That is what I find unreasonable.

So I am reintroducing S. 360—I have a whole lot of cosponsors—to wind back the discretionary spending to 2008 levels and then freeze it at 2008 levels.

I will just tell you, briefly, what the bill does. It reduces the nonsecurity spending to 2008 levels and will hold it there for 5 years through 2016. After that, spending will be allowed to increase with the CPI of inflation between 2017 and 2021. The amount of money saved by this in that period of time would be over $1 trillion.

If I can put up the chart. This chart shows what is going to happen if we don't do that. The red is what is projected in the President's budget; the blue is what is projected if we are successful in doing this. I am very proud the House of Representatives Republicans in their budget have included my bill I introduced last year and that I am reintroducing today as S. 360 as part of their budget. I think it is responsible. We will be looking forward to getting cosponsors.

By Ms. COLLINS:

S. 361. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, Americans are resilient. Throughout our Nation's history, we have stood up to every challenge and we have stood together. At this moment in history, we face the challenge of recovering from the worst economic recession since the Great Depression. Through no fault of their own, too many Americans have lost their jobs and continue to struggle to find work in this tough economy. Putting Americans back to work is the key to economic recovery and must be the No. 1 goal for this Congress.

Today, I offer my own seven-point plan to help us reach that goal. This jobs plan recognizes that small businesses are America's job creators and, thus, our efforts must be targeted toward helping small businesses start up, grow, and prosper.

In Maine alone, we have 141,000 small businesses. During the past decade, America's small firms have created about 70 percent of all new jobs. But far too often Congress directs Federal policies and attention toward those businesses deemed too big to fail. Instead, we must redirect our efforts toward those small businesses that are too entrepreneurial to ignore.

The plan I am introducing today is based on extensive conversations I have had with small business owners and workers throughout the State of Maine. It also represents a great deal of hard work by my staff.

While each State has its own particular opportunities and challenges, the fundamentals of a jobs-oriented economic recovery are similar everywhere. As I illustrate my seven-point plan with examples from my home State of Maine, I believe the Presiding Officer and my colleagues will recognize similarities in their own home States.

First, my plan to build a 21st century economy begins with building a 21st century workforce. America's greatest asset is its people. Ensuring that American workers get the education and job training they need to compete in an increasingly global economy must be a top priority.

My plan amends the Workforce Investment Act to place special emphasis on job training programs that assist our manufacturing industry. I am tired of seeing so many manufacturing jobs leave my State and our Nation to go overseas. It is important we have a strategy to work with manufacturers, to work with local community colleges and universities to develop the manufacturing base curriculum, job training

programs, and research opportunities to ensure this generation and the next have the education and skills for the jobs of today and tomorrow. Some of those manufacturing jobs are gone forever. But others are coming online, and America must lead and Congress must support targeted funding to help provide the resources for this education and training.

In addition, we must provide workforce development assistance to those communities harmed as a direct consequence of the closure or realignment of military installations.

For example, the State of Maine is expected to lose more than 6,500 military and civilian jobs following the decisions made by the Base Realignment and Closure Commission in 2005. We are losing the Brunswick Naval Air Station in our State. There are many other States, including Illinois, Missouri, and New Jersey that are facing similar losses. In Virginia, nearly 40,000 jobs will be lost. In such cases where decisions made at the Federal level directly affect local employment, we have a special obligation to make sure displaced workers have the training and education they need to find new employment in their communities. After all, these communities have structured their economies to support military operations for decades, in many cases. Now that that lynchpin of the local economy is being pulled out, surely we have an obligation to help with the adjustment. My plan would redirect Economic Development Administration funds—EDA resources—to those communities most harmed by these decisions.

Targeted Federal funds can also be a catalyst for new economic opportunities. For example, I worked to secure one-time funding for a radiologic technician training program at a Maine community college. This program had broad support from local hospitals and from the college, but they simply couldn't afford the expensive equipment to get the program under way. With that one-time Federal investment, the program is now completely self-sustaining, and it produces between 18 and 20 graduates a year. Job placement has been 100 percent, with graduates earning starting salaries of about $40,000 a year. I am sure similar targeted job training success stories can be found in every State, and we ought to build on them.

We must also fix what has not worked as well as it should. Government agencies must provide more efficient and productive services to the American people. The Department of Labor, for example, should reduce paperwork and redtape associated with Federal job training programs. The Department should identify ways it could cut costs by working more closely with other government entities, such as the Department of Education, and with the private sector. The best programs I have seen at community colleges, for example, combine some job training funds with commitments from private employers to hire the graduates and to help shape those job training programs so we are training people for the jobs that exist or that are going to exist.

The second part of my plan would encourage innovation in Maine's natural resource-based economy. Nowhere is there greater potential than in energy. I want the United States to lead the world in developing renewable energy technologies, and that is going to require significant private and public investments to develop this technology and to make its deployment affordable. For example, deepwater offshore wind has enormous potential to help us meet our Nation's electricity needs, and it presents an exciting opportunity to create thousands of much needed, good-paying, and sustainable green jobs. Estimates show that the development of just 5 gigawatts of offshore wind off the coast of Maine—and that is just a fraction of the overall potential—could power more than 1 million homes, attract $20 billion of investment, and create more than 15,000 green energy jobs that would be sustained over 30 years.

Deepwater offshore wind is the key transformative technology that America needs in order to compete globally. Europe, China, Japan—our technology competitors—continue to make far larger investments in offshore wind R&D than we do. I am proud of the work of the University of Maine and the DeepCwind Consortium private sector investment to deploy loading wind turbines, which would be the first of its kind in the world, placing the United States in a position to lead in deepwater offshore wind technology.

Federal investments in programs to spur the advancement of deepwater offshore wind is an investment in America's future. Federal and State seed funding is expected to yield up to $4 billion in private sector investment over the next 10 years in Maine alone. With these investments, Maine is well positioned to be a global leader in this promising source of alternative energy. We must not lose these jobs to China, as has increasingly occurred with solar technology. Let's not let it happen with deepwater offshore wind technology.

We must also do more to promote agricultural exports. I know this is an issue of great interest to the Presiding Officer. In Maine, blueberries, potatoes, and lobster help create and sustain jobs in our State. Every $1 billion in agricultural exports supports 12,000 jobs. Therefore, increasing exports of our agricultural products could play an important role in reviving our economy. Boosting support for the Department of Agriculture's Foreign Agricultural Services will help promote our homegrown natural products abroad. This effort to increase agricultural exports could be paid for by strengthening our effort to curtail wasteful agricultural subsidies, such as payments to very wealthy corporate farmers who, frankly, do not need Federal assistance.

The corn-based ethanol tax break is another example of an extraordinarily expensive subsidy, costing taxpayers some $6 billion annually, and which has produced a host of problems from higher grain prices to impaired engine performance. We must reevaluate all programs that have not performed as promised and then reallocate their funding to job-creation initiatives and to deficit reduction.

Third, we simply must do more to encourage job creation and investment by small business. My plan includes a series of tax reform proposals targeted at these engines of job growth. The tax package agreed to by Congress and the President in December included a 2-percent cut in the employee portion of the payroll tax, but no cut was provided for the employer portion of the payroll tax.

With unemployment stuck above 9 percent for 21 consecutive months, we must do more to encourage businesses to hire. When I talk to small businesses, they tell me this is something we can do that would directly reduce the cost of hiring and encourage them to bring on more workers. My proposal includes a 2-percent reduction of the employer portion of the payroll tax on the first $50,000 of payroll for 1 year. This reduction in the employer portion of the payroll tax is estimated to lead to the creation of 1.4 million jobs. This will work.

As with the employee-side payroll tax relief we passed in December, my proposal would require the Treasury to reimburse the Social Security trust fund using general revenues. Again, the cost of this payroll tax relief can be offset by eliminating the ethanol and other wasteful subsidies and by implementing budget cuts for discretionary spending.

There are other provisions in my bill that are targeted toward small businesses. For example, section 179 is a provision of the Tax Code that small businesses have found to be very helpful. It allows them to immediately expense equipment purchases rather than depreciate those purchases over many years.

I also propose making permanent the tax provision allowing restaurants to depreciate equipment over 15 years rather than 39½ years. Think about it. If a restaurant is only renovating once every 40 years, that is not going to be very feasible or attractive to its patrons.

The plan would also reduce the depreciation periods on commercial and residential buildings to 15 years to encourage investment and jump-start the economy. We did that back in 1981, and it worked.

My fourth point is one that some small business owners, I know, would put at the very top of the list of what we should do; that is, we need to reduce the redtape that ties them in knots. Let me provide an illustration.

We need to make sure Federal regulations do not impose an unnecessary

burden on job creation. The EPA has proposed a new regulation known as the boiler MACT. This rule, as originally proposed, could cost Maine businesses $640 million to comply with, despite the fact there are less costly approaches to deal with boiler emissions. It also has Federal agencies working at cross-purposes. Here we have the Department of Energy trying to encourage the conversion to biomass boilers at the same time the EPA is putting burdensome new regulations on them.

The result in Maine was the Department of Energy awarded one Maine high school a $300,000 grant to help buy a new wood pellet boiler to reduce the school's use of fossil fuels. But because EPA's proposed regulations would have greatly increased the cost of that boiler, the school board ended up turning down the grant. This is an example of where the right hand did not know what the left was doing.

My point is that Federal agencies should take into account the impact on small businesses and job growth before imposing new rules. Thus, my plan contains several provisions to help reduce onerous regulations and cut redtape.

First, it requires Federal agencies to analyze the indirect costs of regulations, such as the impact on job creation, the cost of energy, and consumer prices.

Second, it obligates Federal agencies to comply with public notice and comment requirements and prohibits them from circumventing these requirements by issuing unofficial rules as ''guidance documents.''

Third, it creates a mechanism to protect small businesses from onerous penalties the very first time they fail to comply with a paperwork requirement as long as no harm comes from that failure. If it is an honest, first-time mistake that causes no harm, why do we want to slap that small business with a heavy fine? That does not make sense.

The fifth point in my plan is aimed at our transportation policies. Getting raw materials to the factory or farm and finished products to market quickly, efficiently, and safely must be a priority. But the inconsistent and inequitable Federal policy on truck weight limits on interstate highways provides a telling example of where we are doing the opposite. The consequences are particularly acute in Maine.

I have spoken on this issue many times, so I am going to briefly describe it. Maine's businesses and trucking firms are currently at a competitive disadvantage because Federal law prohibits the heaviest trucks from using Federal interstates and instead diverts them to downtown streets and secondary roads. This means, for example, that nearly 260 miles of nonturnpike interstates that are the major economic corridors in my State are off-limits. Yet these same trucks are permitted on many Federal interstates in New Hampshire, Massachusetts, parts of New York State, and neighboring provinces in Canada. That makes Maine and Vermont an island of noncompetitiveness. It just does not make sense. The heaviest trucks belong on the roads built for them.

In 2009, I authored a law to establish a 1-year pilot project to allow trucks weighing up to 100,000 pounds to travel on Maine's Federal interstates. This project was an enormous success. It helped to preserve and create jobs because it allowed our businesses to be more efficient. It lowered fuel costs. It resulted in fewer carbon emissions, and it made our roads safer. Working with Senator LEAHY, I am trying to make this permanent.

Point No. 6: We must invest in America's future. Research and development investment is critical to the breakthroughs we need to keep our economy competitive and to create good-paying jobs. The R&D tax credit provides an important incentive, but it needs to be updated so more companies can benefit from it. And there needs to be more certainty. Just having that tax credit from year to year discourages the kind of long-range planning and investment companies need. My plan includes a 5-year extension of the R&D tax credit. That is likely to happen, but by doing it year by year we create all these disincentives for investment.

Finally, the seventh point in my plan would help expand opportunities for small businesses and farmers to do business with the Federal Government. We need to help our small businesses, our farmers tap into markets they have not previously explored. As the former head of the New England Small Business Administration, I know how essential this drive for new markets is for job creation and for our economy.

One approach we are going to take is my Washington and State offices are going to redouble their efforts to help small businesses reach the Federal Government because the Federal Government is the largest consumer of goods and services in our country. I know that disturbs a lot of Americans right now, and it shows the size of the Federal Government. The fact is, the Federal Government purchased more than $535 billion worth of goods and services in this past fiscal year. Some 23 percent of that spending is directed to small businesses, and last year the value of Federal contracts to small businesses in my State alone was more than $250 million. If we can expand the opportunity for small businesses to do business with the Federal Government, that is a brandnew market for their products and services.

Last year, along with my colleague, Senator SNOWE, and in conjunction with the Department of Defense Northeast Regional Council and the Maine Procurement Technical Assistance Center, I sponsored a small business matchmaker conference that brought together government agencies and prime contractors with our small business community to match up the purchasing needs with goods and services. It was a 3-day conference in south Portland. It was a tremendous success. We had about 385 small business owners and representatives from 135 government agencies and prime contractors looking to subcontract work meet face to face, sit down, exchange ideas.

Let me give an example of a successful connection that was made. A representative of a $2 billion aerospace company sat across the table from the owner of a 40-employee Maine machine shop with experience in very high quality, high-end custom work. That first meeting led to a significant business relationship that continues to grow.

I note that at our conference in south Portland, our total number of registrants was 597 people, and that just shows how eager our small businesses are to expand their customer base.

One great benefit of the matchmaker approach is instead of a small business working for weeks or even months to try to find the right person in the vast government bureaucracy or the right prime contractor, our entrepreneurs merely need to sit down across the table with them. It is direct, effective, and efficient.

But, obviously, it is not easy to do business with Uncle Sam. The rules and regulations are often strict, cumbersome, and unfamiliar. That is where our offices can help.

My plan also calls for Congress to work harder to open the Federal marketplace beyond the Washington beltway to entrepreneurs in every State. That will benefit our job creators and the American taxpayer because there will be more competition.

The struggling economy has challenged our Nation's entrepreneurial spirit, but that spirit remains strong in Maine, in your State of New York, Madam President, and across the Nation. We will recover from this deep recession, but the recovery depends on the right policies in Washington to encourage the innovative and bold job creators of America. That means helping our small businesses start up, grow, prosper, sustain, and create good jobs.

My seven-point jobs plan offers a straightforward path forward for Congress to lead rather than impede job creation at this critical juncture in our history and in our recovery.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

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

SMALL BUSINESS & ENTREPRENEURSHIP COUNCIL,
Oakton, VA, February 16, 2011.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: The Small Business & Entrepreneurship Council (SBE Council) and its members across the nation appreciate and support your proposed ''Seven Point Plan for Growing Jobs Act.''

As you are aware, entrepreneurs, small businesses and the overall economy have been suffering due to uncertainty and rising

costs when it comes to federal tax and regulatory measures. Your legislation's sections on small business tax relief and regulatory reform thankfully would provide some relief and clarity.

For example, making permanent the expanded expensing levels for capital expenditures made by small businesses would be a plus for investment, creating jobs, and boosting incomes.

In addition, the repeal of the 1099 reporting requirements included in the Patient Protection and Affordable Care Act—i.e., that businesses must issue 1099 forms to all vendors for goods purchased exceeding $600—would remove a big, looming paperwork burden for the small business community.

In addition, the measures to improve upon the federal government's regulatory process are most welcome, including the requirement that agencies submit a cost-benefit analysis for each significant regulation, that this process be open and more transparent to the public, and that small businesses be given opportunities to seek waivers of penalties for first-time, non-harmful paperwork violations.

These are positive tax and regulatory reforms that will help small businesses in their ongoing struggles to deal with the otherwise mounting burdens from government.

Thank you for your leadership Senator Collins. SBE Council looks forward to working with you to ensure this important legislation is advanced into law.

Sincerely,

KAREN KERRIGAN,
President & CEO.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, February 16, 2011.

Senator SUSAN COLLINS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business organization, I am writing in support of the Seven Point Plan for Growing Jobs Act. Your bill would help to support a small business recovery by addressing two of their most important problems—taxes and regulations.

Small businesses account for about two-thirds of the net new jobs created, but they continue to struggle. The most recent monthly NFIB Small Business Economic Trends (SBET) Survey, found that small business confidence was up slightly, but still below prerecession levels and not improving fast enough to support meaningful job creation. While sales continues to be the number one problem facing small business, second and third in the survey are taxes and regulations.

The Seven Point Plan for Growing Jobs Act provides both short-term and long-term tax relief for small business. First, the bill would build on last year's payroll tax cut for employees by providing an equal reduction in the portion of the payroll tax paid by employers. Payroll tax relief will help to reduce the cost of hiring, making it less expensive for small businesses to retain and add new workers.

Over the last few years, capital expenditures have been at or near an all-time low in the SBET survey. To address this, the bill includes permanent investment incentives that will help small businesses cover the cost of new investments as they recover from the recession. Specifically, the bill would make permanent the increased and expanded section 179 expensing provision and shorter depreciation periods for business properties such as restaurants and retail spaces, as well as commercial buildings.

The proposal would also repeal the expanded 1099 reporting requirements included in the Patient Protection and Affordable Care Act (PPACA), reducing the tax-filing burden on small businesses. Based on an NFIB Small Business Survey, tax paperwork is already the most expensive paperwork burden placed on small business by the federal government and the new 1099 requirements would increase this cost dramatically.

The Seven Point Plan for Jobs Act also provides important regulatory reforms for small businesses. It allows for a reduction or waiver of penalties on small businesses the first time the business makes a non-harmful mistake on paperwork. Because the paperwork burden often falls on the small business owner—and because small businesses do not have dedicated compliance staff—this relief for innocent mistakes is most welcome.

The bill also provides agencies the ability to better analyze both direct and indirect costs and benefits, which will give the public more accurate information on the economic impact of proposed rulemakings. In addition, the bill requires agencies to treat guidance documents for significant rules as the enforceable standards they are. With this measure, small businesses and the public will have a greater input on these important documents.

Again, thank you for introducing this important legislation, which will help small business and support a meaningful economic recovery and job creation. We look forward to working with you.

Sincerely,

SUSAN ECKERLY,
Senior Vice President, Public Policy.

By Mr. CARDIN (for himself and Mr. WHITEHOUSE):

S. 372. A bill the ability of terrorists, spies, criminals, and other malicious actors to compromise, disrupt, damage, and destroy computer networks, critical infrastructure, and key resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. CARDIN. Mr. President, the Internet has had a profound impact on the daily lives of millions of Americans by enhancing communications, commerce, education and socialization between and among persons regardless of their location. Internationally, we have seen the transformative power of the Internet in places like Egypt. A free and open Internet gives strength and a voice to people worldwide and should be protected from censorship and other forms of suppression. But the Internet and those who engage in communications and commerce across cyberspace must be safe—protected from predators like criminals, terrorists and spies who wish to exploit or compromise information and systems connected to the Internet. Our Nation is vulnerable to such attacks, but working together, in partnership with the private sector, we can find a balance that keeps information flowing freely while keeping us all safe from harm.

I have been focusing on cybersecurity issues for quite some time. More than a year ago, as the former chairman of the Terrorism and Homeland Security Subcommittee of the Judiciary Committee, I chaired a Subcommittee hearing titled ''Cybersecurity: Preventing Terrorist Attacks and Protecting Privacy in Cyberspace.'' The hearing included witnesses from key federal agencies responsible for cybersecurity, as well as representatives of the private sector. We reviewed governmental and private sector efforts to prevent a terrorist cyber attack that could cripple large sectors of our government, economy, and essential services.

The cybersecurity expertise that I have developed has convinced me that the Government and the private sector can and should work together to protect the American people in cyberspace. As a result, I am reintroducing the Cybersecurity and Internet Safety Standards Act, CISSA. This bill, which is cosponsored by Senator WHITEHOUSE, will require the Secretary of Homeland Security, in consultation with the Attorney General, the Secretary of Commerce, and the Director of National Intelligence, to conduct an analysis to determine the costs and benefits of requiring internet service providers and others to develop and enforce minimum voluntary or mandatory cybersecurity and Internet safety standards. Under this bill, the Secretary of Homeland Security will be required to report to Congress within one year with specific recommendations. Cybersecurity must be a top priority. This bill will help secure our nation's digital future by keeping the American people and our cyber infrastructure safe without hampering the freedoms inherently found in an open and accessible Internet.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 372

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Cybersecurity and Internet Safety Standards Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMPUTERS.—Except as otherwise specifically provided, the term ''computers'' means computers and other devices that connect to the Internet.

(2) PROVIDERS.—The term ''providers'' means Internet service providers, communications service providers, electronic messaging providers, electronic mail providers, and other persons who provide a service or capability to enable computers to connect to the Internet.

(3) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of Homeland Security.

SEC. 3. FINDINGS.

Congress finds the following:

(1) While the Internet has had a profound impact on the daily lives of the people of the United States by enhancing communications, commerce, education, and socialization between and among persons regardless of their location, computers may be used, exploited, and compromised by terrorists, criminals, spies, and other malicious actors, and, therefore, computers pose a risk to computer networks, critical infrastructure, and

key resources in the United States. Indeed, users of computers are generally unaware that their computers may be used, exploited, and compromised by others with spam, viruses, and other malicious software and agents.

(2) Since computer networks, critical infrastructure, and key resources of the United States are at risk of being compromised, disrupted, damaged, or destroyed by terrorists, criminals, spies, and other malicious actors who use computers, cybersecurity and Internet safety is an urgent homeland security issue that needs to be addressed by providers, technology companies, and persons who use computers.

(3) The Government and the private sector need to work together to develop and enforce minimum voluntary or mandatory cybersecurity and Internet safety standards for users of computers to prevent terrorists, criminals, spies, and other malicious actors from compromising, disrupting, damaging, or destroying the computer networks, critical infrastructure, and key resources of the United States.

SEC. 4. COST-BENEFIT ANALYSIS.

(a) REQUIREMENT FOR ANALYSIS.—The Secretary, in consultation with the Attorney General, the Secretary of Commerce, and the Director of National Intelligence, shall conduct an analysis to determine the costs and benefits of requiring providers to develop and enforce voluntary or mandatory minimum cybersecurity and Internet safety standards for users of computers to prevent terrorists, criminals, spies, and other malicious actors from compromising, disrupting, damaging, or destroying computer networks, critical infrastructure, and key resources.

(b) FACTORS.—In conducting the analysis required by subsection (a), the Secretary shall consider—

(1) all relevant factors, including the effect that the development and enforcement of minimum voluntary or mandatory cybersecurity and Internet safety standards may have on homeland security, the global economy, innovation, individual liberty, and privacy; and

(2) any legal impediments that may exist to the implementation of such standards.

SEC. 5. CONSULTATION.

In conducting the analysis required by section 4, the Secretary shall consult with the Attorney General, the Secretary of Commerce, the Director of National Intelligence, the Federal Communications Commission, and relevant stakeholders in the Government and the private sector, including the academic community, groups, or other institutions, that have scientific and technical expertise related to standards for computer networks, critical infrastructure, or key resources.

SEC. 6. REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a final report on the results of the analysis required by section 4. Such report shall include the consensus recommendations, if any, for minimum voluntary or mandatory cybersecurity and Internet safety standards that should be developed and enforced for users of computers to prevent terrorists, criminals, spies, and other malicious actors from compromising, disrupting, damaging, or destroying computer networks, critical infrastructure, and key resources.

(b) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

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

(2) the Committee on Energy and Commerce, the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Oversight and Government Reform of the House of Representatives.

By Mr. ROCKEFELLER (for himself, Mrs. SHAHEEN, Mr. LEAHY, Mr. INOUYE, Ms. STABENOW, and Mr. SCHUMER):

S. 373. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today with my colleagues, Senators SHAHEEN, LEAHY, INOUYE, STABENOW, and SCHUMER, to reintroduce an important piece of legislation, the Fair Prescription Drug Competition Act. Our legislation eliminates one of the most prominent loopholes that brand name drug companies use to limit consumer access to lower-cost generic drugs; it ends the marketing of so-called ''authorized generic'' drugs during the 180-day exclusivity period that Congress designed to provide specific incentives to true generics to enter the market.

An authorized generic drug is a brand name prescription drug produced by the same brand manufacturer on the same manufacturing lines, yet repackaged as a generic. Some argue that authorized generic drugs are cheaper than brand name drugs and, therefore, benefit consumers. However, authorized generics only serve to reduce generic competition, extend brand monopolies, and lead to higher health care costs for consumers over the long-term.

After up to 20 years of holding a patent for a brand name drug—the brand-name manufacturer—which has already been handsomely rewarded for its investment—doesn't want to let go of its profits. So, it repackages the drug and refers to it as a generic in order to extend its market share, while cutting in half the financial incentive for an independent generic to enter the marketplace. This is a huge problem and one that is becoming even more prevalent as patents on some of the best-selling brand name pharmaceuticals expire.

In 1984, Congress passed the Drug Price Competition and Patent Term Restoration Act, known as the Hatch-Waxman Act, to provide consumers greater access to lower-cost generic drugs. The intent of this law was to improve generic competition, while preserving the ability of brand name manufacturers to discover and market new and innovative products. Specifically, the Hatch-Waxman Act provided for a 180-day marketing exclusivity period for the first generic firm that successfully challenges a brand-name patent under the Abbreviated New Drug Application, ANDA, process—thereby providing a crucial incentive for generic drug companies to enter the market and make prescription drugs more affordable for consumers.

Filing a patent challenge is expensive and requires enormous up-front costs for the generic company. Yet, the 180-day exclusivity incentive to launch a patent challenge is being widely undermined by authorized generics. According to one account, since 2004, ''authorized generic versions have appeared for nearly all drugs with expiring U.S. patents.'' And, because authorized generics are still allowed, an independent generic can get all the way to the end of a patent challenge—even winning in court—but still lose the anticipated reward of 180-day market exclusivity because the brand-name company can, and does, launch an authorized generic. The fact that the brand-name company can launch an authorized generic even if it loses a patent challenge to a generic company gives it an incentive to pursue multiple additional patents on dubious grounds, just for the sake of extending its market share. The fact remains that brand-name firms regularly introduce authorized generics on the eve of generic competition, further extending their hold on the market and chilling competition from independent generic drugs.

Every American agrees on the need to reduce health care costs. Today, generic medications comprise 69 percent of all prescriptions in this country, yet only 16 percent of all dollars spent on prescriptions. Furthermore, in 2007, the average retail price of a generic prescription drug was $34.34, compared to the $119.51 average retail price of a brand name prescription drug. In fact, generic drugs save consumers an estimated $8 billion to $10 billion a year at retail pharmacies. For working families, these savings can make a huge difference, particularly during difficult economic times.

Passage of the Fair Prescription Drug Competition Act would revitalize and protect the true intent of the 180-day marketing exclusivity period created in the Hatch-Waxman Act. This bill does just that by eliminating the authorized generics loophole, protecting the integrity of the 180-day exclusivity period, and improving consumer access to lower-cost generic drugs.

I urge my colleagues to support this timely and important piece of legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 55—EXPRESSING SUPPORT FOR DESIGNATION OF A ''WELCOME HOME VIETNAM VETERANS DAY''

Mr. BURR (for himself, Mr. INHOFE, Mr. BOOZMAN, Mr. COCHRAN, Mr. ISAKSON, and Mr. JOHANNS) submitted the following resolution; which was referred to the Committee on Veterans' Affairs:

S. RES. 55

Whereas the Vietnam War was fought in the Republic of South Vietnam from 1961 to 1975, and involved North Vietnamese regular forces and Viet Cong guerrilla forces in armed conflict with United States Armed Forces and the Army of the Republic of Vietnam;

Whereas the United States Armed Forces became involved in Vietnam because the United States Government wanted to provide direct military support to the Government of South Vietnam to defend itself against the growing Communist threat from North Vietnam;

Whereas members of the United States Armed Forces began serving in an advisory role to the Government of the Republic of South Vietnam in 1961;

Whereas, as a result of the Gulf of Tonkin incidents on August 2 and 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88–408), on August 7, 1964, which provided the authority to the President of the United States to prosecute the war against North Vietnam;

Whereas, in 1965, United States Armed Forces ground combat units arrived in Vietnam;

Whereas, by the end of 1965, there were 80,000 United States troops in Vietnam, and by 1969, a peak of approximately 543,000 troops was reached;

Whereas, on January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners-of-war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam;

Whereas, on March 30, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam;

Whereas, on April 30, 1975, North Vietnamese regular forces captured Saigon, the capitol of South Vietnam, effectively placing South Vietnam under Communist control;

Whereas more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the Armed Forces were wounded;

Whereas, in 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate those members of the United States Armed Forces who died or were declared missing-in-action in Vietnam;

Whereas the Vietnam War was an extremely divisive issue among the people of the United States and a conflict that caused a generation of veterans to wait too long for the United States public to acknowledge and honor the efforts and services of such veterans;

Whereas members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were often wrongly criticized for the policy decisions made by 4 presidential administrations in the United States;

Whereas the establishment of a ''Welcome Home Vietnam Veterans Day'' would be an appropriate way to honor those members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War; and

Whereas March 30, 2011, would be an appropriate day to establish as ''Welcome Home Vietnam Veterans Day'': Now, therefore, be it

Resolved, That the Senate—

(1) honors and recognizes the contributions of veterans who served in the United States Armed Forces in Vietnam during war and during peace;

(2) encourages States and local governments to also establish ''Welcome Home Vietnam Veterans Day''; and

(3) encourages the people of the United States to observe ''Welcome Home Vietnam Veterans Day'' with appropriate ceremonies and activities that—

(A) provide the appreciation Vietnam War veterans deserve, but did not receive upon returning home from the war;

(B) demonstrate the resolve that never again shall the Nation disregard and denigrate a generation of veterans;

(C) promote awareness of the faithful service and contributions of such veterans during their military service as well as to their communities since returning home;

(D) promote awareness of the importance of entire communities empowering veterans and the families of veterans to readjust to civilian life after military service; and

(E) promote opportunities for such veterans to assist younger veterans returning from the wars in Iraq and Afghanistan in rehabilitation from wounds, both seen and unseen, and to support the reintegration of younger veterans into civilian life.

SENATE RESOLUTION 56—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN submitted the following resolution; from the Committee on Energy and Natural Resources; which was referred to the Committee on Rules and Administration:

S RES. 56

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed $3,924,299.

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed $6,727,369.

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $2,803,070.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE RESOLUTION 57—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN submitted the following resolution; from the Committee on Health, Education, Labor, and Pensions; which was referred to the Committee on Rules and Administration:

S. RES. 57

Resolved, that, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed $6,115,313, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed $10,483,393, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $4,368,081, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 2012 and February 28, 2013, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011, October 1, 2011 through September 30, 2012; and October 1, 2012 through February 28, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 58—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mr. CONRAD submitted the following resolution from the Committee on the Budget; which was referred to the Committee on Rules and Administration:

S. RES. 58

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed $4,489,241, of which amount (1) not to exceed $35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $21,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed $7,695,840, of which amount (1) not to exceed $60,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $36,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $3,206,599, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $15,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE CONCURRENT RESOLUTION 6—COMMENDING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ON THE OCCASION OF ITS 102ND ANNIVERSARY

Mr. CARDIN (for himself, Mr. GRASSLEY, Ms. MIKULSKI, Mr. REID of Nevada, Mr. BINGAMAN, Mr. LEAHY, Mr. DURBIN, Mr. HARKIN, Mr. LAUTENBERG, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. KERRY, Mr. BROWN of Ohio, Mr. COONS, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. REED of Rhode Island, Ms. STABENOW, Ms. LANDRIEU, Mr. ROCKEFELLER, and Mr. SCHUMER) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 6

Whereas the National Association for the Advancement of Colored People (referred to in this preamble as the ''NAACP''), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of the date on which President Abraham Lincoln was born, by a multiracial group of activists who met in a national conference to discuss the civil and political rights of African-Americans;

Whereas the NAACP was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the NAACP National Headquarters is located in Baltimore, Maryland;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all people and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance on the press, the petition, the ballot, and the courts;

Whereas the NAACP has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minorities in the United States;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the decision issued by the Supreme Court in Brown v. Board of Education (347 U.S. 483 (1954));

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama, an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of—

(1) the Civil Rights Act of 1957 (Public Law 85–315; 71 Stat. 634);

(2) the Civil Rights Act of 1960 (Public Law 86–449; 74 Stat. 86);

(3) the Civil Rights Act of 1964 (Public Law 88–352; 78 Stat. 241);

(4) the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(5) the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109–246; 120 Stat. 577); and

(6) the Fair Housing Act (42 U.S.C. 3601 et seq.);

Whereas in 2005, the NAACP launched the Disaster Relief Fund to help hurricane survivors rebuild their lives in the States of Louisiana, Mississippi, Texas, Florida, and Alabama;

Whereas in the 110th Congress, the NAACP was prominent in lobbying for the passage of H. Res. 826, the resolved clause of which expresses that—

(1) the hanging of nooses is a horrible act when used for the purpose of intimidation;

(2) under certain circumstances, the hanging of nooses can be criminal; and

(3) the hanging of nooses should be investigated thoroughly by Federal authorities, and any criminal violations should be vigorously prosecuted;

Whereas in 2008, the NAACP vigorously supported the passage of the Emmett Till Unsolved Civil Rights Crime Act of 2007 (28 U.S.C. 509 note), a law that puts additional Federal resources into solving the heinous crimes that occurred during the early days of the civil rights struggle that remain unsolved and brings those who perpetrated those crimes to justice;

Whereas the NAACP has helped usher in the new millennium by charting a bold

course, beginning with the appointment of the youngest President and Chief Executive Officer in the history of the organization, Benjamin Todd Jealous, and its youngest female Board Chair, Roslyn M. Brock;

Whereas under the leadership of Benjamin Todd Jealous and Roslyn M. Brock, the NAACP has outlined a strategic plan to confront 21st century challenges in the critical areas of health, education, housing, criminal justice, and the environment;

Whereas on July 16, 2009, the NAACP celebrated its centennial anniversary in New York City, highlighting an extraordinary century of ''Bold Dreams, Big Victories'' with a historic address from the first African-American President of the United States, Barack Obama; and

Whereas as an advocate for sentencing reform, the NAACP applauded the enactment of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372), a landmark piece of legislation that reduces the quantity of crack cocaine that triggers a mandatory minimum sentence for a Federal conviction of crack cocaine distribution from 100 times that of people convicted of distributing the drug in powdered form to 18 times that sentence: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the 102nd anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) commends the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all people.

AMENDMENTS SUBMITTED AND PROPOSED

SA 95. Mr. BROWN of Ohio (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 96. Ms. SNOWE (for herself, Ms. COLLINS, Mr. COBURN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 97. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 98. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 99. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 100. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 101. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 102. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 51 proposed by Mr. UDALL of New Mexico to the bill S. 223, supra; which was ordered to lie on the table.

SA 103. Mr. BROWN of Ohio (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 32 proposed by Mr. ENSIGN (for himself, Mr. CONRAD, and Mr. HOEVEN) to the bill S. 223, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 95. Mr. BROWN of Ohio (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 320 and insert the following:

SEC. 320. UNMANNED AERIAL SYSTEMS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a plan to accelerate the integration of unmanned aerial systems into the National Airspace System that—

(1) creates a pilot project to integrate such systems into the National Airspace System at 6 test sites in the National Airspace System by December 31, 2012;

(2) creates a safe, non-exclusionary airspace designation for cooperative manned and unmanned flight operations in the National Airspace System;

(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) 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 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).

(d) 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.

SA 96. Ms. SNOWE (for herself, Ms. COLLLINS, Mr. COBURN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 289, strike line 23 and all that follows through page 291, line 4, and insert the following:

(e) BONDING REQUIREMENTS.—Section 47113 is amended by adding at the end the following:

''(e) PROHIBITION ON EXCESSIVE OR DISCRIMINATORY BONDING REQUIREMENTS.—

SA 97. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, strike lines 1 through 14.

SA 98. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 128, strike line 5 and all that follows through page 141, line 9.

SA 99. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 733. AUTHORITY TO EXTEND THE EMPLOYMENT OF CERTAIN REEMPLOYED ANNUITANTS OTHERWISE SUBJECT TO MANDATORY SEPARATION.

(a) COVERED REEMPLOYED ANNUITANT DEFINED.—In this section, the tem ''covered reemployed annuitant'' means any individual who—

(1) was involuntarily separated as a result of the reorganization of the Flight Services Unit following the outsourcing of flight service duties to a contractor after completing at least 15 years of service as an air traffic controller (as defined in section 8401 of title 5, United States Code);

(2) is in receipt of an annuity awarded under the provisions of section 8414(b)(1)(A) of such title based on such involuntary separation;

(3) was reemployed as an air traffic controller subject to the provisions of section 8468 of such title; and

(4) who has completed or can complete 20 years of service as an air traffic controller within 5 years after becoming reemployed as described by paragraph (3).

(b) EXTENSION OF EMPLOYMENT.—Notwithstanding any other provision of law, during the 5-year period of reemployment required for a recomputation of an annuity under section 8468 of title 5, United States Code, a covered reemployed annuitant shall not serve at the will of the appointing officer.

(c) CONSTRUCTION.—

(1) SEPARATION FOR CAUSE OR LACK OF FUNDS.—Nothing in this section shall be construed to prohibit the involuntary separation of a covered reemployed annuitant for cause or lack of funds.

(2) REASSIGNMENT.—Nothing in the section shall be construed to prohibit a covered reemployed annuitant from being reassigned to a position other than as an air traffic controller after completing 20 years of service as an air traffic controller if the covered reemployed annuitant's rate of pay is not reduced.

SA 100. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 733. IMPLEMENTATION BY THE TRANSPORTATION SECURITY ADMINISTRATION OF CERTAIN RECOMMENDATIONS RELATING TO CONTRACTS FOR SUPPORT SERVICES; ASSESSMENT OF CERTAIN PROCUREMENT POLICIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall implement the recommendations set forth in the report of the Office of the Inspector General of the Department of Homeland Security entitled ''Transportation Security Administration's Acquisition of Support Services Contracts'' (No. OIG-10-72), dated March 2010.

(b) MONITORING BY INSPECTOR GENERAL.—The Inspector General of the Department of Homeland Security shall—

(1) monitor the implementation of the recommendations described in subsection (a); and

(2) conduct an assessment of the process of the Transportation Security Administration for procuring technology and equipment for screening passengers at airports that includes an assessment of—

(A) the effectiveness of procurement procedures used by the Administration to obtain airport screening technology and equipment, including—

(i) the cost-benefit analysis utilized by the Administration; and

(ii) the resulting cost-effectiveness of technologies and equipment acquired by the Administration since 2007;

(B) the human health and personal privacy protection considerations that are taken into account in acquiring each type of screening technology and equipment;

(C) the efforts being made to improve procurement policies and reduce expenditures on screening technologies and equipment;

(D) the extent to which trends or patterns in procurement activity, and how those trends or patterns are impacted by evolving security breaches or threats, are being analyzed and considered;

(E) which events and circumstances prompt the procurement of new screening technology or equipment and how frequently such events or circumstances occur; and

(F) the process by which screening technology and equipment is assessed after being deployed, including the frequency of assessments and the metrics used during those assessments.

(c) REPORT BY INSPECTOR GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to Congress a report that—

(1) assesses the progress made by the Transportation Security Administration in implementing the recommendations described in subsection (a); and

(2) contains the results of the assessments required by subsection (b)(2); and

(3) makes recommendations with respect to how the Transportation Security Administration can better address the issues assessed under subsection (b)(2).

SA 101. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SUBSISTENCE CLAIMS.

(a) DEFINITIONS.—In this section:

(1) BARTER.—The term ''barter'' means the exchange of natural resources taken for subsistence uses for—

(A) other natural resources; or

(B) other food or for nonedible items other than money, if the exchange is of a limited and noncommercial nature.

(2) COMMUNITY USE.—The term ''community use'' means the sharing of natural resources with or among individuals (including among members of a family) who, collectively, are substantially dependent on, or substantially engaged in, the taking of natural resources for subsistence or to meet economic or social needs.

(3) FAMILY.—The term ''family'' means all individuals who—

(A) are related by blood, marriage, or adoption; and

(B) live within the same household on a permanent basis.

(4) NATURAL RESOURCES.—The term ''natural resources'' includes crustaceans, mollusks, fish, game, and wildlife, and parts of those species.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security, acting through the National Pollution Funds Center.

(6) SUBSISTENCE USE.—The term ''subsistence use'' means the customary and traditional use of any natural resource by an individual for—

(A) personal, family, or community consumption as food; or

(B) barter or sharing for personal, family, or community use.

(b) DAMAGES.—

(1) IN GENERAL.—In adjudicating a claim for loss of subsistence use of a natural resource that has been injured, destroyed, or lost in connection with the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon*, the Secretary shall fix the amount of damages available for the claim at an amount equal to the reasonable wholesale value of the quantity of the natural resource that would have been taken by the claimant for subsistence use at a place where such natural resources are sold to a retailer for resale, as of the date on which the natural resource would have been taken, as determined by the Secretary.

(2) ADDITIONAL AWARD.—Damages awarded for the loss of subsistence use of a natural resource may be in addition to damages awarded for any other economic loss that a claimant sustains.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator of the Gulf Coast Claims Facility, in adjudicating a claim for loss of subsistence use of natural resources that have been injured, destroyed, or lost in connection with the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon*, should calculate the value of damages in the same manner as described in subsection (b).

(d) REPORT.—Not later than 30 days after the date of enactment of this Act and every 90 days thereafter, the Secretary shall submit to the Committees on Homeland Security and Governmental Affairs and Environment and Public Works of the Senate and the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives a report that describes—

(1) the number of claims filed for loss of subsistence use of natural resources that have been injured, destroyed, or lost in connection with the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon*;

(2) the number of those claims that have been adjudicated during the preceding period; and

(3) the amount of damages claimed and awarded for each claim adjudicated.

SA 102. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 51 proposed by Mr. UDALL of New Mexico to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 12 through 22 and insert the following:

''(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 and revealing other objects on the body; and

''(ii) may include devices using backscatter x-rays or millimeter waves and devices referred to as 'whole-body imaging technology' or 'body scanning'.

SA 103. Mr. BROWN of Ohio (for himself and Mr. PORTMAN) submitted an

amendment intended to be proposed to amendment SA 32 proposed by Mr. ENSIGN (for himself, Mr. CONRAD, and Mr. HOEVEN) to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2 of the amendment, strike line 11 and all that follows through page 3, line 10, and insert the following:

(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 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).

(d) 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.

NOTICES OF INTENT TO SUSPEND THE RULES

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering the following amendment no. 64 on S. 223.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering the following amendment no. 80 on S. 223.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering the following amendment no. 81 on S. 223.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering the following amendment no. 82 on S. 223.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering the following amendment no. 91 on S. 223.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, February 17, 2011, at 3:30 p.m., to conduct its organization meeting for the 112th Congress.

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee on (202) 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 16, 2011, at 10 a.m., in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, ''Safeguarding Our Future: Building a Nationwide Network for First Responders.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on February 16, 2011, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on February 16, 2011, at 10 a.m., in Dirksen 406 to hold a hearing entitled, ''National Leaders' Call to Action on Transportation.''

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

COMMITTEE ON FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 16, 2011, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled, ''The President's Budget for Fiscal Year 2012.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on February 16, 2011, at 10:30 a.m., in SD–430.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 16, 2011, at 9:15 a.m. to conduct a hearing entitled ''The Value of Education Choices: Saving the D.C. Opportunity Scholarship Program.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on February 16, 2011, at 11:30 a.m. in Room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 16, 2011, at 10 a.m. in Room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Targeting Websites Dedicated To Stealing American Intellectual Property.''

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

COMMITTEE ON THE JUDICIARY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized

to meet during the session of the Senate on February 16, 2011, at 3 p.m. in Room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on February 16, 2011.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 16, 2011, at 10 a.m.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKPLACE, AND THE DISTRICT OF COLUMBIA

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on February 16, 2011, at 2:30 p.m. to conduct a hearing entitled ''Improving Federal Employment of People with Disabilities.''

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

COMMENDING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to S. Con. Res. 6.

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

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 6) commending the National Association for the Advancement of Colored People on the occasion of its 102nd anniversary.

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

Mr. CARDIN. Mr. President, I rise today to discuss this concurrent resolution that honors the National Association for the Advancement of Colored People, NAACP, on the occasion of its 102nd anniversary. I thank Senators GRASSLEY, LEAHY, and others for joining me in submitting this bipartisan resolution and would like to note that this resolution is particularly timely not only because the NAACP just celebrated its 102nd anniversary, but also because we are celebrating Black History Month.

The NAACP was created amidst great adversity. In 1905, a group of African American civil rights activists came together to discuss prominent issues that they and many others faced in our Nation. Among those discussed issues was disenfranchisement. Despite passage of the 15th amendment to the U.S. Constitution in 1870, African Americans throughout the country were denied their right to one of the fundamental methods of civic engagement: the right to vote. In many circumstances Jim Crow State laws. These discussions were held on the Canadian side of the Niagara Falls because hotels across America remained segregated. On February 12, 1909, the centennial of President Abraham Lincoln's birth, distinguished leaders in the struggle for civil and political liberty, which included W.E.B. DuBois, Ida Wells-Barnett, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling, created the National Association for the Advancement of Colored People. It is now the oldest and largest civil rights organization in the United States.

Its national headquarters is located in my home city of Baltimore, MD, and its mission is one that I hold dear; that is, to ensure the political, educational, social, and economic equality of the rights of all persons and to eliminate racial hatred and racial discrimination.

Over the years, the NAACP has advanced its mission of racial equality and has achieved concrete goals to that effect by nonviolent means through sheer moral force and legal persuasion. The NAACP initially focused on ending the use of lynching, bringing equality into the job market, and ensuring voting rights for all. Many of the significant legal victories came under the leadership of Charles Houston and his protégé and fellow Marylander, Thurgood Marshall. Houston is remembered for stating, ''[A] lawyer is either a social engineer or a parasite on society.''

The duo of Houston and Marshall successfully argued Murray v. Maryland, 1936, which resulted in the desegregation of the University of Maryland's Law School and in 1938 Missouri ex rel. Gaines v. Canada the Supreme Court ordered the admission of a Black student to the Law School at the University of Missouri. When Thurgood Marshall served as the NAACP's special counsel, the organization continued to fight for equality in cases such as Smith v. Allwright, 1944, where Marshall challenged ''White primaries,'' which prevented African Americans from voting in several Southern States. In Morgan v. Virginia, 1946, the Supreme Court struck down a State law that enforced segregation on buses and trains that were interstate carriers. In Shelley v Kraemer, 1948, the NAACP won a battle to end the enforcement of racially restrictive housing covenants, which denied access for African Americans to homes in what was considered White neighborhoods.

In 1950, the NAACP provided the legal resources to contest both Texas and Oklahoma laws allowing segregated graduate schools in Sweatt v. Painter, 1950, and McLaurin v. Oklahoma, 1950. Marshall and the team of lawyers argued and won unanimous decisions in the U.S. Supreme Court, stating the equal protection clause of the 14th amendment required those States to admit African-American students to their respective graduate and professional schools. These court rulings supported and led to the landmark decision in Brown v. Board of Education, 1954, which ended racial segregation in our public schools. Marshall went on to become the Nation's first African-American Solicitor General, and then the Nation's first African-American Supreme Court Justice.

Additionally, the NAACP has worked tirelessly to win passage of important legislation that protects the fundamental rights of all Americans. This legislation includes the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act. More recently, the NAACP played an integral role in ensuring passage of important contemporary civil rights bills that I was proud to cosponsor, including the Civil Rights Act of 2008, the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and the landmark Fair Sentencing Act, which reduced the gross racial disparity inherent in our sentencing laws for crack cocaine.

One of America's greatest strengths is its rich diversity. From Rosa Parks and the Reverend Dr. Martin Luther King Jr. to Marylanders Harriet Tubman, Frederick Douglass and Thurgood Marshall, strong African-American men and women have become role models for our Nation and others around the world who struggle for freedom. During the month of February, we all should take a moment to reflect upon the achievements and sacrifices of the African-American community—achievements that might not have been possible without the hard work and tireless effort of the NAACP. It also is a time to rededicate ourselves to the ideals enshrined in the U.S. Constitution—the ideals of equality, freedom and justice—and making sure they are protected for future generations. Because in the words of the late Senator Ted Kennedy: ''Civil rights is the unfinished business of the Nation.''

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, there be no intervening action or debate, and any statements be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 6) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 6

Whereas the National Association for the Advancement of Colored People (referred to in this preamble as the ''NAACP''), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of the date on which President Abraham Lincoln was born, by a multiracial group of activists who met in a national conference to discuss the civil and political rights of African-Americans;

Whereas the NAACP was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the NAACP National Headquarters is located in Baltimore, Maryland;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all people and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance on the press, the petition, the ballot, and the courts;

Whereas the NAACP has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minorities in the United States;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the decision issued by the Supreme Court in Brown v. Board of Education (347 U.S. 483 (1954));

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama, an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of—

(1) the Civil Rights Act of 1957 (Public Law 85–315; 71 Stat. 634);

(2) the Civil Rights Act of 1960 (Public Law 86–449; 74 Stat. 86);

(3) the Civil Rights Act of 1964 (Public Law 88–352; 78 Stat. 241);

(4) the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(5) the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109–246; 120 Stat. 577); and

(6) the Fair Housing Act (42 U.S.C. 3601 et seq.);

Whereas in 2005, the NAACP launched the Disaster Relief Fund to help hurricane survivors rebuild their lives in the States of Louisiana, Mississippi, Texas, Florida, and Alabama;

Whereas in the 110th Congress, the NAACP was prominent in lobbying for the passage of H. Res. 826, the resolved clause of which expresses that—

(1) the hanging of nooses is a horrible act when used for the purpose of intimidation;

(2) under certain circumstances, the hanging of nooses can be criminal; and

(3) the hanging of nooses should be investigated thoroughly by Federal authorities, and any criminal violations should be vigorously prosecuted;

Whereas in 2008, the NAACP vigorously supported the passage of the Emmett Till Unsolved Civil Rights Crime Act of 2007 (28 U.S.C. 509 note), a law that puts additional Federal resources into solving the heinous crimes that occurred during the early days of the civil rights struggle that remain unsolved and brings those who perpetrated those crimes to justice;

Whereas the NAACP has helped usher in the new millennium by charting a bold course, beginning with the appointment of the youngest President and Chief Executive Officer in the history of the organization, Benjamin Todd Jealous, and its youngest female Board Chair, Roslyn M. Brock;

Whereas under the leadership of Benjamin Todd Jealous and Roslyn M. Brock, the NAACP has outlined a strategic plan to confront 21st century challenges in the critical areas of health, education, housing, criminal justice, and the environment;

Whereas on July 16, 2009, the NAACP celebrated its centennial anniversary in New York City, highlighting an extraordinary century of ''Bold Dreams, Big Victories'' with a historic address from the first African-American President of the United States, Barack Obama; and

Whereas as an advocate for sentencing reform, the NAACP applauded the enactment of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372), a landmark piece of legislation that reduces the quantity of crack cocaine that triggers a mandatory minimum sentence for a Federal conviction of crack cocaine distribution from 100 times that of people convicted of distributing the drug in powdered form to 18 times that sentence: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the 102nd anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) commends the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all people.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces on behalf of the Committee on Finance, pursuant to section 8002 of title 26, U.S. Code, the designation of the following Senators as members of the Joint Committee on Taxation: the Senator from Montana (Mr. BAUCUS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from North Dakota (Mr. CONRAD), the Senator from Utah (Mr. HATCH), the Senator from Iowa (Mr. GRASSLEY).

ORDERS FOR THURSDAY, FEBRUARY 17, 2011

Mr. REID. Mr. President, I ask unanimous consent that at 1:30 p.m. tomorrow Senator COATS be recognized for up to 30 minutes.

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

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, February 17; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; further, that following any leader remarks, the Senate resume consideration of S. 223, the Federal Aviation Administration authorization bill, that there then be 2 hours of debate prior to a cloture vote on the Inhofe amendment, as modified, with the time equally divided and controlled between the proponents and opponents; finally, the filing deadline for second-degree amendments to S. 233 be 10 a.m. tomorrow morning.

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

PROGRAM

Mr. REID. Mr. President, Senators should expect the first vote of the day tomorrow to begin about 11:30, with additional votes occurring throughout the day in an effort to complete action on the FAA bill.

As I announced here a couple of hours ago, we can complete this FAA bill tomorrow. If not, we are going to have to work into the next day. We have two cloture votes that are set up and we are going to finish this bill before we leave. That could mean some extended time. Everyone knows that. Everyone has been alerted to that. There is no reason that we do that. All the issues have been laid before us. We know the votes we have. If people want to cooperate and finish this important piece of legislation, we can do that. If they do not, then they can sit around with the rest of us.

We will not accomplish anything by not finishing the bill tomorrow except use up a lot of time. I know next week is the President's Day recess. As I have said on a number of occasions, this is not a time that we go back to our States and hang around the swimming pool or take steam baths. The fact is, we go home to meet with constituents. We need to be home during the week so we can go to places of business, meet with government officials who are not working during the weekends.

I hope everyone will work toward that goal. If not, our first obligation is to complete legislation and we may have to be here longer than just tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, I ask unanimous consent we adjourn under the previous order.

There being no objection, the Senate, at 6:26 p.m., adjourned until Thursday, February 17, 2011, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

TIMOTHY M. CAIN, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA, VICE P. MICHAEL DUFFY, RETIRED.

SCOTT WESLEY SKAVDAHL, OF WYOMING, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF WYOMING, VICE WILLIAM F. DOWNES, RETIRING.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH L. VOTEL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. KAFFIA JONES

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

STACY J. TAYLOR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

TEMIDAYO L. ANDERSON
ALISON F. ATKINS
ANDREW R. ATKINS
MICHAEL E. BAHM
NATHAN J. BANKSON
AIMEE M. BATEMAN
JEFFREY K. BLANK
ANDREW T. BOCHAT
LOUIS J. BOSTON, JR.
CATHERINE L. BRANTLEY
LYNN Y. BRUCKELMEYER
PATRICK L. BRYAN
ERIK J. BURRIS
PAUL S. BUTLER
ERIK CLAUDIO
JASON A. COATS
CLAY A. COMPTON
MICHAEL C. CUSACK
TIFFANY K. DEWELL
JASON M. ELBERT
SHELLEY R. FARMER
REBECCA L. FARRELLKLIEM
NICOLE L. FISH
THERESA R. FORD
SEAN D. FOSTER
MELISSA E. GOFORTHKOENIG
NATHAN T. GOLDEN
MICHAEL P. GORDON
ALISON L. GREGOIRE
SAMUEL E. GREGORY
ROBERT A. GUILLEN, JR.
KARI L. HADLEY
CHARLES D. HALVERSON
ERIC K. HANSON
CHRISTOPHER S. HARRY
JOHN F. HARWOOD
JOE N. HILL
DANA M. HOLLYWOOD
ERIC C. HUSBY
LEWIS V. KLIEM
JOE B. KOBS
DAVID J. KRYNICKI
JAMES P. LEARY
ANDRE LEBLANC
NANCY J. LEWIS
LEAH D. LINGER
JOHN R. LONGLEY III
MATTHEW H. LUND
TYLER J. MCINTYRE
TRACY MORRIS
CHRISTOPHER P. MORSE
PAUL F. MUETHING III
DANIEL J. MURPHY
JENEVIEVE R. MURPHY
SEAN T. NGUYEN
EMEKA NWOFILI
THOMAS W. OAKLEY
MARK S. OPACHAN
MARK J. OPPEL
BOBIE B. OSEI
BRIAN B. OWENS
MARLIN D. PASCHAL
SHAWN L. PATTEN
KEITH A. PETTY
JEFFREY H. ROBERTSON
HANA A. ROLLINS
JUAN M. ROMAN, JR.
LAURA R. ROMAN
JESSE J. RONGITSCH
LISA M. SATTERFIELD
ALEXANDER R. SCHNEIDER
EVAN R. SEAMONE
EDWIN H. SHIN
CORY S. SIMPSON
SHAY STANFORD
JEREMY W. STEWARD
JOCELYN C. STEWART
JOSEPH L. STRAWN
LUCIUS E. TILLMAN
ELIZABETH A. TURNER
JENNIFER L. VENGHAUS
JOSEPH K. VENGHAUS
THEOLOGOS A. VOUDOURIS
WILLIAM D. WARD III
JASON C. WELLS
EAN P. WHITE
CANDACE N. WHITEHALVERSON
WAYNE H. WILLIAMS
SARAH E. WOLF
ALLEN P. ZENT

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOE H. ADKINS, JR.
JOHN L. ALBERS
TRAY J. ARDESE
JON M. AYTES
JAMES M. BAKER
ANTHONY S. BARNES
SCOTT F. BENEDICT
PAUL F. BERTHOLF
ANTHONY J. BIANCA
STEFAN E. BIEN
JASON Q. BOHM
WILLIAM J. BOWERS
MARK T. BRINKMAN
THOMAS A. BRUNO
GLEN G. BUTLER
CHRISTIAN G. CABANISS
MICHEL C. CANCELLIER
JOHN J. CARROLL, JR.
MITCHELL E. CASSELL
BRIAN W. CAVANAUGH
CLIFFORD D. CHEN
JEFFREY S. CHESTNEY
JAMES D. CHRISTMAS
VINCENT E. CLARK
SHAWN J. COAKLEY
SHANE B. CONRAD
MATTHEW H. COOPER
MATTHEW R. CRABILL
CHARLES M. CROMWELL
ROBERT D. CURTIS
DONALD J. DAVIS
MATTHEW A. DAY
TODD S. DESGROSSEILLIERS
JEFFREY J. DILL
TODD S. ECKLOFF
KATHERINE J. ESTES
JOHN P. FARNAM
ANTHONY A. FERENCE
ROBERT A. FIFER
JOHN S. FITZPATRICK
MICHAEL D. FLYNN
TODD D. FORD
JAMES S. FRAMPTON
TYSON B. GEISENDORFF
SEAN D. GIBSON
GREGORY G. GILLETTE
FLAY R. GOODWIN
GERALD C. GRAHAM
VERNON L. GRAHAM
STEVEN J. GRASS
THOMAS E. GRATTAN III
JESSE L. GRUTER
GLENN R. GUENTHER
WAYNE C. HARRISON
RYAN P. HERITAGE
JAMES B. HIGGINS, JR.
JONATHAN W. HITESMAN
TODD A. HOLMQUIST
CHRISTOPHER W. HUGHES
JAMES T. JENKINS II
JEFFREY J. JOHNSON
PAUL H. JOHNSON III
RICHARD E. JORDAN
GARY F. KEIM
BRIAN M. KENNEDY
GLENN M. KLASSA
ERIC R. KLEIS
TIMOTHY A. KOLB
ANDREW J. KOSTIC, JR.
ERIK B. KRAFT
DANIEL T. LATHROP
KEVIN J. LEE
STEPHEN E. LISZEWSKI
TODD W. LYONS
ARTURO J. MADRIL
BRIAN L. MAGNUSON
JOHN A. MANNLE
ANTHONY J. MANUEL
GREGORY R. MARTIN
RICARDO MARTINEZ
DOUGLAS S. MAYER
ROBERT E. MCCARTHY III
DEBORAH M. MCCONNELL
BRANDON D. MCGOWAN
ARCHIBALD M. MCLELLAN
CHRISTOPHER A. MCPHILLIPS
JOHN S. MEADE
JOHN P. MEE
MARK J. MENOTTI
JOHN E. MERNA
ANDREW R. MILBURN
LAWRENCE F. MILLER
MICHAEL A. MOORE
JOSEPH M. MURRAY
CHRISTOPHER L. NALER
TODD J. ONETO
DUANE A. OPPERMAN
CHRIS PAPPAS III
TIMOTHY M. PARKER
ARTHUR J. PASAGIAN
DOUGLAS R. PATTERSON
RICHARD W. PAULY
JOHN M. PECK
VON H. PIGG
WILLIAM N. PIGOTT, JR.
TRAVIS M. PROVOST
STEPHEN E. REDIFER
JOHN M. REED
KEITH D. REVENTLOW
GEORGE W. RIGGS
DONALD J. RILEY, JR.
DAVID W. ROWE
JOSEPH J. RUSSELL
KEITH E. RUTKOWSKI
MARK G. SCHRECKER
STEPHEN S. SCHWARZ
ROBERT R. SCOTT
CHARLES L. SIDES
STEVEN A. SIMMONS
ROBERT B. SOFGE, JR.
MARK E. SOJOURNER
JOSEPH P. SPATARO
CLAY A. STACKHOUSE
ROGER D. STANDFIELD
SCOTT F. STEBBINS
JAMES A. STOCKS
DANIEL M. SULLIVAN
MICHAEL W. TAYLOR
DAVID C. THOMPSON
ALPHONSO TRIMBLE
MATTHEW G. TROLLINGER
JEFFREY D. TUGGLE
LORETTA L. VANDENBERG
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