



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 157

WASHINGTON, THURSDAY, FEBRUARY 10, 2011

No. 21

## Senate

The Senate met at 4 p.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

### PRAYER

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

Let us pray.

Mighty God, thank You for Your great compassion that removes our guilt and purifies us from transgressions. As our lawmakers and those who work with them face the challenges to liberty, give them light for their path and courage to live for You. Lord, enrich them with the durable satisfaction that comes from doing Your will. In their attitudes and expressions, remind them that those who are slow to anger are better than the mighty. Give them courage to passionately seek the truth and the reverence to follow Your light that illuminates their path.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable AMY KLOBUCHAR, a Senator from the State of Minnesota, 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. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 10, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable AMY KLOBUCHAR, a Senator from the State of Minnesota, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Ms. KLOBUCHAR 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 with Senators allowed to speak for up to 10 minutes each.

There will be no rollcall votes during today's session of the Senate. However, I hope we will be able to extend the trade adjustment assistance legislation today.

Senators should expect the next series of votes to begin at 5:30 p.m. on Monday. We hope to have as many as three votes on Monday starting at 5:30.

### CUTTING GOVERNMENT SPENDING

Mr. REID. Madam President, saying you want to cut government spending is an easy applause line. We all want to lower the deficit. We all wish Americans had less debt sitting in the treasuries of other countries. None of us wants to leave the most difficult decisions to the next generation. They deserve better from us.

But actually figuring out what and where to cut is the hard work. That is an entirely different story. The American people do not need to hear an applause line. They need us to ease the burden on our Nation's bottom line, and there is a fine line between doing so responsibly and recklessly.

It is our job to do that hard work, to figure out what and where to cut, to do the math carefully and practically and with common sense. It is our responsibility to remember we are not just taking numbers off a ledger. In many cases, these proposals may mean taking workers off the assembly line, taking teachers out of the classroom or police officers off the street.

I want to talk about taking police officers off the street. In the Republicans' haste to make as many cuts as possible, they have proposed eliminating the COPS hiring program. COPS stands for Community Oriented Policing Services, and it has helped put thousands and thousands of police officers and sheriffs on patrol around the country, about 450 of them in Nevada.

Under the Republican plan, many could lose those jobs and many more who want to join the force will not be able to. The COPS program also helps our law enforcement departments afford the computers and communications equipment they need to do their jobs. These jobs are keeping us safe. So cutting COPS does not just put them at risk, it puts all of us at risk.

This is not the kind of investment we gain from losing. This extreme plan does nothing to grow our economy or keep us competitive. It does not make our future more secure; it makes our neighborhoods less so. We have to cut responsibly. That is not the kind of cut we have talked about, wiping out the COPS program. We cannot support that.

When we talk about cutting government waste and excess, this is what we mean, among other things. We mean eliminating handouts to oil companies that are already making record profits. We mean cutting billions in wasteful Pentagon spending to contractors such as Halliburton. It means stopping the government giveaways to companies that ship American jobs overseas. These are commonsense cuts and a good place to start the conversation.

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



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But so far Republicans have shown no interest in meeting us halfway and have shown every intention of protecting their rich corporate friends. As this conversation continues, Democrats do not need any lectures from the other side on fiscal responsibility. Remember, we were the ones who balanced the budget during the Clinton years. We did it. We were accused of reducing the deficit too much. We were spending less money than we were taking in. Because of the work we did during the last of the Clinton administration, even President Bush, during his first year, because he got all of the progress from the Clinton administration, turned in a record budget surplus. But as soon as his policies went into effect, he changed that very quickly. In a matter of months, he turned a record surplus into a record deficit that we are fighting today.

In conclusion, any budget debate is going to be about numbers. That is the way it should be. But that is not the real priority, and those figures should not blind us to the real story behind the numbers. Our goal and our charge is not to cut billions of dollars just to say we did it. Our task is to make our government more efficient, our economy healthier, and our future more secure. Our challenge is to do so in a way that does not put our public safety at risk or break our promise to seniors.

So we need to think about what we are cutting and making sure those cuts are not counterproductive. We need to pay attention to the quality of those cuts, not just the quantity of those cuts. After all, you can lose a lot of weight by cutting off your arms and legs but no doctor would recommend it.

#### 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 with Senators permitted to speak therein for up to 10 minutes each.

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

#### TAA AND HCTC EXTENSION

Mr. BROWN of Ohio. Madam President, I thank the majority leader for his support on our upcoming efforts. I am joined on the Senate floor by Senator CASEY, the senior Senator from Pennsylvania, who has been a leader for workers in this body.

I want to make some brief comments about something very important for workers and businesses and international trade. Then Senator CASEY will make a couple of unanimous-con-

sent requests. He will make one that I hope is agreed to. If it is, then he will not need to make a second, and I will not need to make a third.

In December, just before the 111th Congress adjourned, it extended two critical trade programs which Senator CASEY and I were on the Senate floor working on. First, we extended the Andean Trade Preferences Act, thanks in part to Senator MCCAIN of Arizona. It provides assistance to Latin American countries and also helps American businesses and workers by granting access to new inputs and products.

Second, critically important to our two States, Pennsylvania and Ohio, and I know to the Presiding Officer's State of Minnesota, we extended trade adjustment assistance. That is the least we can do when this Congress passes wrong-headed trade agreements.

We extended the health coverage tax credit so that together workers who lose their jobs because of bad trade agreements, such as NAFTA and CAFTA, and bad trade positioning such as PNTR for China, can at least get some help for retraining so they can get back to work in comparably paying jobs, we hope, and get some assistance, some tax credits to buy health insurance for them and their families.

As a result, thousands of workers and retirees who depend on TAA and the HCTC made it through the holidays, when we did this in late December, at the last minute—it should not have been that long, but in the last minute—with these critical sources of support.

The Andean Trade Preferences Act has brought benefits for our businesses and workers. It is nice that sunflowers from Colombia will be in florist shops for Valentine's Day next week because of this act. But the difficult reality faced by too many workers reliant on TAA, reliant on the health care tax credit, reminds us of the effects of trade and globalization, the downside of trade and globalization.

It reminds us that our actions bring consequences. We hear Presidents and Congresses trumped the advantages of free trade. Yet they forget about fair trade, what happens to too many workers. Good for investors, good for some companies, good for some countries, not always good for our workers—they forget about that.

By this weekend, if we fail to act, crucial improvements to TAA and the health care tax credit will expire. Workers again will be hurt not just by loss of jobs but loss of these benefits. It will expire at the expense of workers who played by the rules, who lost their jobs, most of their pensions, and their health care—or all three.

Just last month I visited the Mahoning Valley on the Pennsylvania border in Northeast Ohio—the Mahoning Valley One Stop to visit with workers who are using TAA to develop new skills and training to find new secure jobs. One industrial manufacture worker, I believe, in her forties

has a child, a daughter, I believe, in her late teens. She and her daughter both were in the same school studying to be health care workers, both becoming professionals, both getting their lives and their futures in order—the mother able to do it because of trade adjustment assistance.

I was there with a simple message: We cannot keep passing trade agreements that undermine Ohio workers and then turn our backs on those workers when their jobs are offshored.

The TAA and HCTC enhancements are not expensive; they are not complicated. They are modest improvements that Congress passed to programs that help tens of thousands of Americans either get back to work or regain some measure of the financial security that had been stripped unceremoniously from them.

Last week, 12 Senators and I, including the majority leader, sent House leadership a request for a long-term extension of trade adjustment assistance, the health care tax credit, and the Andean Trade Preferences Act. TAA is a critical part of our Nation's competitiveness strategy.

In the last 2 years, more than 155,000 additional trade-affected workers across the country who might not have been certified under the former TAA program became eligible for TAA benefits because a year and a half, almost 2 years ago, in the Recovery Act, we added expanded trade adjustment to help those workers who had lost their jobs because of trade.

These Americans are rubber workers from Johnson Rubber Company in Wood County. They are furniture makers from Masco in Jackson County or aluminum castings workers from Mansfield Brass and Aluminum in my home county of Richland. In addition, workers in the service industry are eligible for TAA because of these changes. Those workers include engineers at Belcan Engineering in Cincinnati and computer programmers at Electronic Data Systems in Fairborn, a suburb of Dayton. It includes researchers at the Transportation Research Center in Moraine.

In total, 360,000-plus workers nationwide have been certified eligible for TAA since 2009. These workers use TAA to acquire new skills to return to work as quickly as possible. This is not theory; this is not some game. This is workers who have lost their jobs because of decisions in this body and in the White House that cost people those jobs. And it is helping those workers so they can get back on their feet.

It is not a game; it is not a happy time. It is the least we can do for those workers. Health coverage tax credit programs also help those same trade-affected workers and retirees who lose their benefits. I could go on about this. I will stop.

I hope Republicans do not object. The combination of TAA and HCTC, trade adjustment and health care tax credit, is a winner for business. The combination is a winner for workers; it is a

winner for our economy. It will boost the economy. It is too important for the country. For decades there has been bipartisan support for the TAA program.

In 1962, President Kennedy, when this was conceived, said: Those injured by foreign competition should not be required to bear the brunt of it.

When there are no replacements for good-paying, secure jobs, TAA and HCTC are there. They help workers acquire new skills. They help businesses compete. They are keys to our Nation's economic recovery. They are keys to our competitiveness. They are, simply put, the right thing to do.

I yield to the Senator from Pennsylvania, I believe, for a unanimous consent request.

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

#### UNANIMOUS CONSENT REQUESTS— H.R. 359

Mr. CASEY. First, I thank Senator BROWN and others who have helped us in this battle. Just a couple of words about trade adjustment assistance as it relates to Pennsylvania and, more importantly, Pennsylvania workers.

As many people know, the trade adjustment assistance provisions were enhanced by amendments made to the program in 2009. It was updated in two critical ways. First, it expanded coverage to more workers, including service workers and workers whose jobs have been offshored to places around the world. The change was essential because it made workers whose jobs were lost to China and India eligible for assistance which these days is an essential safeguard for those workers. The amendments also increased and improved training, health coverage, and other benefits available to trade adjustment assistance certified workers.

What does that mean for Pennsylvania? The 587 certifications issued in Pennsylvania cover an estimated 67,000 workers. To give one example, General Electric announced in 2009 that they would be cutting 1,500 jobs. We have worked with them and others to get them through this period. They recently got a solution in the form of trade adjustment assistance. As a result of their certification, the workers have been able to go to school, feed their families, and contribute to the local economy. So General Electric in Pennsylvania is hiring again with the help of trade adjustment assistance.

With that by way of background, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 359, which was received from the House and is at the desk; that a Casey substitute amendment providing an 18-month extension of trade adjustment assistance and the Andean Trade Preference Act be agreed to; the bill, as amended, be read a third time and passed; and the motions to reconsider be laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BARRASSO. Madam President, reserving the right to object, the Senator's unanimous-consent request contains components he knows are controversial and opposed by numerous Senators and for that reason that proposal cannot pass the Senate today. Specifically, the proposal would extend the TAA-related provisions of the American Recovery and Reinvestment Act of 2009, better known as the failed stimulus package, which most Members of this side of the aisle strenuously opposed for very sound reasons. That stimulus spent approximately \$1 trillion under the guise that it would keep unemployment rates below 8 percent. Yet nearly 2 years later, we are still at a point where unemployment rates, which had risen to the area of 10 percent, are now still at 9 percent. I am reminded this is nearly double the average annual rate of the last administration.

It would be one thing if there was clear evidence that differing TAA programs were effective in meeting these intended goals, but research suggests the efficacy of the TAA training funding is not as convincing. At the insistence of Senators COBURN and ENZI, the GAO found that in fiscal year 2009, nine Federal agencies spent approximately \$18 billion to administer 47 separate employment and job training programs, including TAA. Despite large Federal spending, GAO could not conclude whether the programs have had any meaningful benefit. The GAO report states:

Little is known about the effectiveness of the employment and training programs we identified because only 5 reported demonstrating whether outcomes can be attributed to the program through an impact study.

As a result, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BROWN of Ohio. Madam President, will the Senator from Wyoming yield for a question?

Mr. BARRASSO. Yes.

Mr. BROWN of Ohio. Is he aware that 155,000 new workers have been certified, that under the new TAA program since May 2009, 155,000 Americans have been assisted under TAA?

Mr. BARRASSO. Madam President, I would be happy to, as a matter of record, submit for the record the GAO study that was reported by Senators COBURN and ENZI to outline the entire study and the reason I am objecting today.

Mr. BROWN of Ohio. Madam President, if the Senator would be willing to give us more specifics, it is very important to those 155,000 workers. I know a lot of them live in Pennsylvania. I don't know how many of them live in Wyoming. I could find that out. I understand his criticism of the Recovery Act, but that is a debate for another time. I understand Senator COBURN's disagreement and perhaps his too with

worker training programs. I wish to see a better consolidation. This President is actually beginning to do that. President Bush, I don't believe, ever attempted that.

More precisely, strip away all the other discussions of the Recovery Act. Precisely what did we do that you object to when we expanded the TAA language in the Recovery Act? We have the Recovery Act in place. We have the TAA in place. We expanded TAA so that more workers could be covered, those workers who lost their jobs from trade agreements—not from trade agreements, lost their jobs from trade losses from trade, not just in countries we had free trade agreements with but other countries. We expanded it there. We also expanded it to service workers. Since you are speaking for Mr. COBURN and others, what precisely was the expansion in TAA that you objected to? This is not a debate on all the worker training programs. This is a debate on making them more efficient. We should have that debate. We should make it more efficient. This is not a debate on the Recovery Act, even though any fair-minded economist will say it is not a well-known failure. It actually worked. But that is another debate.

But precisely the expansion of TAA to cover service workers and to cover those workers who lost jobs to countries with whom we did not have an FTA, what is your objection to those, the precise specific expansion of TAA that Senator CASEY's unanimous consent is trying to expand, to continue?

Mr. BARRASSO. Madam President, I do look forward to having those additional discussions and debates on all the issues raised by my distinguished colleague from Ohio. That is why, after the two distinguished Senators on the floor today offer the three different proposals, I have a counterproposal that I hope they would accept, an alternative package that maintains the underlying bill H.R. 359. It extends the Andean Trade Preference Act for 18 months and extends the permanent staffing prohibition for 18 months. I will be offering that after we have finished an additional discussion by the other side.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I have a second unanimous-consent request which I will offer. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 359, which was received from the House and is at the desk; that a Casey substitute amendment providing for a 4½ month extension of trade adjustment assistance and the Andean Trade Preference Act be agreed to; the bill, as amended, be read a third time and passed; and the motions to reconsider be laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BARRASSO. Madam President, reserving the right to object, and for

the reasons I have stated during the previous request and debate, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BROWN of Ohio. Madam President, I am not surprised by this, but I am very disappointed. These are American workers who have lost their jobs. This body is responsible in part with a bunch of multinational corporations that have moved jobs out of this country, in some cases to get cheaper labor, to get trade advantages, to take advantage of tax breaks, to evade environmental laws, to evade worker safety and labor laws. They have moved out of this country with assistance from this Chamber. I don't know if it is Senator BARRASSO or COBURN or who, but we are turning our backs on those workers who have lost jobs not through their own doing. I am very disappointed.

I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 359, which was received from the House and is at the desk; that a Brown substitute amendment providing an 18-month extension for the health insurance cost tax credit be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BARRASSO. Madam President, reserving the right to object, this third proposal deals solely with the health coverage tax credit, including the increases contained in the stimulus that went from 65 percent to 80 percent. It is important to note that the health coverage tax credit is not going away. It is merely reverting to the previous level which will require recipients to increase their contribution for health coverage. The health coverage tax credit stimulus level of 80 percent, which represents one of the most generous health care premium subsidies provided by the Federal Government, is unsustainable.

As a result, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BROWN of Ohio. Madam President, I am again disappointed. This is a tax credit. The Senator from Wyoming knows this, as many colleagues do. This brings back the issue of health care generally. A bunch of us in this body who get our health insurance from taxpayers are not willing to assist people who have lost their jobs. The health care tax credit is available, just as COBRA is available. But tell me for most American workers that COBRA is not a cruel hoax. COBRA is what you get if you lose your job. You can keep your insurance. You have to pay the employer side and your own side. You are working at a job making \$40,000 a year. You pay your insurance, and your employer pays part of your insurance also. If you lose your job, you keep paying your own insurance, but you have to pay the employer's part too. What kind of workers can get laid off

and have the money to pay both? Is it still available? Sure it is. Isn't that a wonderful thing? Aren't we great in this body?

The fact is, it is not available. For Senators who want to repeal health care, for Senators who want to strip any assistance, because in the end it does strip assistance that the health care tax credit gives, it is basically turning our backs and saying to these workers: Sorry about that. Sorry about NAFTA. Sorry about PNTR. I know you lost your job because of the trade agreements. Sorry about losing your health insurance. Sorry about not having any job training money. And if your house is foreclosed on, that is just too damn bad too.

I don't get this. I don't understand why people in this body can't at least help those citizens who don't dress like this every day, who don't make \$170,000 a year, who don't have good health insurance provided by taxpayers. Why are we turning our backs on them?

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. CASEY. Madam President, let me add a few words to what Senator BROWN said.

Think of what is happening here, what happened in the last couple minutes. We had three unanimous-consent requests. The first one I offered was an 18-month extension of trade adjustment assistance. What are we talking about? Trade adjustment assistance is basic to people's lives when they lose a job. Over the years it has had a lot of support from both parties. It is about training, income support, reemployment so people can get from joblessness through no fault of their own to a job. It is a very basic program. It works well. The evidence is clear. I asked for an 18-month extension. That was objected to.

Then we tried again. The next consent request I offered was a 4½ month extension. Just as we were leaving here in December, Senator BROWN and I worked out an agreement with two Members of the Republican side, two Members who said: Let's extend it for a short period, a much shorter period than I wanted and a much shorter period than Senator BROWN wanted, but we got an extension. That is what we are asking for here, helping people in the midst of what is still a very tough economy, almost 14 million people out of work, 13.9 according to the last number. That is what we are talking about, not some fuzzy theoretical program. This is a program we know works. It is a program that helps people get from here to there, from joblessness to a job, and provides some training and skills. Why is this objected to time after time by people on the other side? Then you add to that the health care provisions Senator BROWN talked about.

Everyone in this Chamber—every elected official in this Chamber—has both a steady income and health care. All we are asking for is to extend, for

a very short period of time, a program that helps people in the midst of a tough economy, and the other side objects and objects and objects.

It is hard to understand, as Senator BROWN said. It makes no sense. This is not some new program we are experimenting with. This is a program that works. As I said before, in our State, 67,000 workers are positively impacted by this program. So I would like to hear more from the other side about why they keep objecting to a program we know works in every State and we know people need at this time.

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

Mr. BARRASSO. Madam President, there are those folks around the country—and I go home to Wyoming repeatedly; I will be there again tomorrow evening—who are concerned about a \$14 trillion debt this country is trying to live with, a deficit this year of \$1.5 trillion. The United States, in this last year, spent \$3.7 trillion and brought in \$2.2 trillion. That is not sustainable. It cannot continue. We simply cannot continue at this level, where 41 cents of every dollar we spend in this country is borrowed, much of it from people overseas.

It should not catch anyone by surprise today that the stimulus provisions we are talking about—the provisions from that stimulus package—are set to expire. In fact, it has been well known since the day the stimulus passed.

The current financial position of the United States forces us to examine all Federal programs and make some very tough and difficult decisions.

I agree the Senate should extend the prohibition on implementation of the Department of Labor's merit staffing rule which I believe is harmful and unnecessary. For these reasons, I propose an alternative package that maintains the underlying bill, H.R. 359, regarding the elimination of the taxpayer-funded Presidential election campaigns, extends the ATPA, the Andean Trade Preference Act, for 18 months, and extends the merit staffing prohibition for 18 months.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 359, that all after the enacting clause be stricken, the amendment at the desk be agreed to, and the bill, as amended, be read a third time and passed.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I reserve the right to object.

I cannot walk out of here—and I think Senator CASEY feels the same—saying yes to workers governed by the Andean trade preferences—in other words, yes, we are going to help workers in Colombia and Peru and Ecuador and Bolivia—we are going to say yes to workers there—but the Senator from Wyoming wants us to walk out and

have said no to workers in Harrisburg and Columbus and Toledo and Erie and Sharon and Youngstown, so, Madam President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Pennsylvania is recognized.

Mr. CASEY. Madam President, I think both sides understand these should move together as a package, both trade adjustment assistance and the Andean trade preference legislation as well. But let's try something here. We have talked about the arguments back and forth.

I would ask my friend from Wyoming if he would agree to an extension through Mother's Day, which is Sunday, May 8. I would ask him to respond to that request.

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

Mr. BARRASSO. Madam President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Pennsylvania.

Mr. CASEY. What you have just heard is another objection. They object to another short period of time. Let me go through it again. They object to a 4½ month extension, they object to an 18-month extension, and now they object to an extension through Mother's Day. I do not think it is asking that much to go from here to May 8.

I do not think we are helping the economy at a very difficult time when there is objection after objection. But I hope the American people understand what is at stake here in the midst of a still recovering and for some people still—for many people I should say; millions of people—a horrific economic circumstance.

Madam President, I yield the floor.

#### LINCOLN'S FAREWELL SPEECH

Mr. DURBIN. Mr. President, I want to recognize the work of organizers in Springfield, IL, who are kicking off the national Civil War Sesquicentennial observation by reading President Abraham Lincoln's "Farewell Address" on the 150th anniversary of its original delivery. The speech will be reenacted in Springfield and individuals across the Nation are invited to join them online for a simultaneous reading of it. Organizers hope to set a Guinness World Record for the most people reading aloud from the same document simultaneously.

This year marks the sesquicentennial of two momentous chapters in our national history: President Abraham Lincoln's inauguration and the beginning of the Civil War. Two years ago, we celebrated the bicentennial of Abraham Lincoln's birth. As part of that earlier celebration, the Library of Congress displayed a remarkable collection of Lincoln artifacts. They included copies, written in Lincoln's own hand, of his first and second inaugural ad-

resses and his immortal Gettysburg Address. Also included was a copy of President Lincoln's poignant "Farewell Address" to Springfield, his adopted home, on February 11, 1861. More than a thousand residents came out that day to wish Mr. Lincoln goodbye as he headed to Washington to become President. He delivered his remarks extemporaneously:

My friend—No one, not in my situation, can appreciate my feeling of sadness at this parting. To this place, and the kindness of these people, I owe every thing. Here I have lived a quarter of a century, and have passed from a young to an old man. Here my children have been born, and one is buried. I now leave, not knowing when, or whether ever, I may return, with a task before me greater than that which rested upon Washington. Without the assistance of that Divine Being, who ever attended him, I cannot succeed. With that assistance I cannot fail. Trusting in Him, who can go with me, and remain with you and be every where for good, let us confidently hope that all will yet be well. To His care commending you, as I hope in your prayers you will commend me, I bid you an affectionate farewell.

President Lincoln, of course, did not live long enough to help write all of the chapters of American history that he had hoped for us. It has fallen to each generation of Americans since him to take up that pencil and write the next chapters: the Civil Rights Act, the Voting Rights Act . . . the first African American president, another lanky lawyer from Illinois. But we know there are chapters that still need to be written.

I urge my fellow Senators to join me in recognizing the 150th anniversary of President Lincoln's first inauguration, even as people in Springfield and around the country recite his Farewell Address.

#### VOTE EXPLANATION

Mr. LIEBERMAN. Mr. President, I regret having missed the February 8 vote to consider an amendment to the FAA Air Transportation Modernization and Safety Improvement Act. I was celebrating the joyous occasion of my newest grandson's birth with my wife and children.

Had I been present, I would have voted in favor of Senator NELSON's amendment to strike section 605. Section 605 would have established an advisory committee on aeronautics, but such a committee is not necessary because NASA already plays that role.

#### FAA REAUTHORIZATION

Mr. SESSIONS. Mr. President, I rise today to speak on behalf of Senator NELSON's amendment preventing the establishment of an extra advisory committee for NASA.

It is ironic that in his recent State of the Union Address, President Obama spoke of needing a "sputnik" moment to push America forward while the administration is supporting actions that complicate and weaken NASA and outsource its core capabilities.

Why should we transfer the responsibility for deciding how to affect aeronautics research from the National Aeronautics and Space Administration, the responsible agency? NASA provides the Nation's fundamental aeronautics research capability and any further dilution of its capabilities will negatively impact not only our research and development abilities but America's future space missions.

Furthermore, the advisory committee's function would directly and adversely affect the separate authorization of appropriations, Public Law 109-155, for NASA, wherein the Agency's lead role in civil aeronautics research was reaffirmed—Sec. 411.

This is why I voted in favor of Senator NELSON's amendment, which passed by a vote of 96 to 1. It is good that the formation of this committee has been struck by the Nelson amendment. The proposal has not been fully considered. It is unwise and goes against what Congress has already established.

I strongly believe it is of critical importance for the United States to maintain our competitive edge in human space exploration and civil aeronautics research. We should not abandon our position as an international leader in human space exploration. Creating another bureaucracy, blurring lines of responsibility and complicating decisionmaking by the responsible agency, NASA, will not be a step forward.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO JAMES BOYD

• Mr. SESSIONS. Mr. President, I wish to speak today about the noble service of a great American from the State of Alabama, Mr. James Boyd. Mr. Boyd serves the city of Anniston as a police officer and has served as a civilian adviser to the Afghan Police Force in Khost and Kabul, Afghanistan, from November of 2009 to November of 2010. He is currently featured in the laudable project "100 Faces of the War Experience." This exhibition displays portraits and brief stories of those who have served in the multitude of possible ways in the theatres of war. The portraits are not for sale and not done at any cost to the participants. Mr. Boyd's story is as follows:

January 7th was the day of my war experience. I was embedded with the U.S. military in Afghanistan, advising the Afghan border police. We returned to our combat outpost at 3:20 PM after a supply mission. Right away I noticed that the local border police we lived with were all but gone and my police instinct immediately told me something was wrong. My partner and I were talking to the Lieutenant and Sergeant outside our building and decided to change into cold weather gear for the night. Just as it got dark, we started receiving heavy enemy gunfire; it was relentless and was all at head level. I could hear the Sergeant yelling, "Incoming!" A suicide bomber drove a 4,000 lb vehicle-

borne improvised explosive device into our compound wall injuring 13 U.S. soldiers. I ran to those who were calling for help and found the Sergeant I had been speaking with moments before; he was severely injured and later died. My partner and I ran back-and-forth across the compound under heavy gunfire to get medical bags and stretchers, and to give combat aid. More than a dozen Taliban tried to breach our compound throughout the attack but the team held them back. The rush of emotions throughout was unbelievable—the highest of highs and lowest of lows. The carnage of war is horrendous. The valor of warriors is inspiring. We should all be grateful to the members of our military who defend our enduring freedom and I am honored to support them in their mission.

I thank Mr. Boyd and his family for their honorable contributions toward the goals of our great Nation. I wish him and his family only the best in their future endeavors.●

#### MESSAGE FROM THE HOUSE

At 4:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 188. An act to designate the United States courthouse under construction at 98 West First Street, Yuma, Arizona, as the "John M. Roll United States Courthouse".

The message also announced that pursuant to section 4 of the Ronald Reagan Centennial Commission Act (Public Law 111-25), the Minority Leader appoints the following Member of the House of Representatives to the Ronald Reagan Centennial Commission: Mr. SILVESTRE REYES of Texas.

The message further announced that pursuant to section 4 of the Ronald Reagan Centennial Commission Act (Public Law 111-25), and the order of the House of January 5, 2011, the Speaker appoints the following Member of the House of Representatives to the Ronald Reagan Centennial Commission: Mr. SCHOCK of Illinois.

The message also announced that pursuant to section 4404(c)(2) of the Congressional Hunger Fellows Act of 2002 (2 U.S.C. 1161) the Minority Leader re-appoints the following Member of the House of Representatives to the Board of Trustees of the Congressional Hunger Fellows Program: Mr. JAMES P. MCGOVERN of Worcester, Massachusetts.

The message further announced that pursuant to the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 955(b) note), the Minority Leader re-appoints the following Member of the House of Representatives to the National Council on the Arts: Ms. BETTY MCCOLLUM of Minnesota.

The message also announced that pursuant to section 803(a) of the Congressional Recognition for Excellence in Arts Education Act (2 U.S.C. 803(a)), the Minority Leader appoints the following Member of the House of Representatives to the Congressional Award Board: Ms. JACKSON LEE of Texas.

The message further announced that pursuant to 22 U.S.C. 3003, and the order of the House of January 5, 2011, the Speaker appoints the following Member of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. BURGESS of Texas.

The message also announced that pursuant to 22 U.S.C. 3003, and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. SMITH of New Jersey, Chairman, Mr. PITTS of Pennsylvania, Mr. ADERHOLT of Alabama, and Mr. GINGREY of Georgia.

The message further announced that pursuant to 2 U.S.C. 2081, the Minority Leader re-appoints the following Member of the House of Representatives to the United States Capitol Preservation Commission: Ms. KAPTUR of Ohio.

#### 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 Mrs. HUTCHISON (for herself, Mr. BURR, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. INHOFE, Mr. RISCH, Mr. WICKER, and Mr. BLUNT):

S. 312. A bill to amend the Patient Protection and Affordable Care Act to repeal certain limitations on health care benefits; to the Committee on Finance.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 313. A bill to authorize the Secretary of the Interior to issue permits for a microhydro project in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JOHANNIS (for himself, Mr. BOOZMAN, Mr. BURR, Mr. COCHRAN, Mr. CRAPO, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. INHOFE, Mr. ISAKSON, Mr. KYL, Mr. MORAN, Mr. RISCH, Mr. ROBERTS, Mr. THUNE, Mr. VITTER, and Mr. WICKER):

S. 314. A bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENSIGN (for himself, Mr. LIEBERMAN, and Mr. BROWN of Massachusetts):

S. 315. A bill to amend section 798 of title 18, United States Code, to provide penalties for disclosure of classified information related to certain intelligence activities of the United States and for other purposes; to the Committee on the Judiciary.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 316. A bill to ensure that the victims and victims' families of the November 5, 2009, attack at Fort Hood, Texas, receive the same treatment, benefits, and honors as those Americans who have been killed or wounded in a combat zone overseas and their families; to the Committee on Armed Services.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 317. A bill to allow for use of existing Section 8 housing funds, so as to preserve and revitalize affordable housing options for low-income individuals; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LAUTENBERG:

S. 318. A bill to increase the use of security cameras at airport security screening checkpoints and exits, to impose increased penalties on individuals who circumvent security screening at airports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Ms. STABENOW, Mr. VITTER, Mr. MCCAIN, Ms. KLOBUCHAR, Mr. GRASSLEY, Mr. KOHL, Ms. COLLINS, Mr. BROWN of Ohio, Mr. KERRY, Mr. SANDERS, Mr. LEVIN, Mrs. SHAHEEN, Mr. LEAHY, Mr. JOHNSON of South Dakota, Mr. BINGAMAN, Mrs. McCASKILL, Mr. BEGICH, and Mr. NELSON of Florida):

S. 319. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY:

S. 320. A bill for the relief of Genesio Januario Oliveira; to the Committee on the Judiciary.

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

S. 321. A bill to provide for the status of the Northern Rocky Mountain distinct population segment of the gray wolf, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 322. A bill to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CARPER (for himself and Mr. COONS):

S. 323. A bill to establish the First State National Historical Park in the State of Delaware, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 324. A bill to amend the Chesapeake and Ohio Canal Development Act to extend to the Chesapeake and Ohio Canal National Historical Park Commission; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY (for herself and Mrs. McCASKILL):

S. 325. A bill to amend title 10, United States Code, to require the provision of behavioral health services to members of the reserve components of the Armed Forces necessary to meet pre-deployment and post-deployment readiness and fitness standards, and for other purposes; to the Committee on Armed Services.

By Mr. ROCKEFELLER (for himself and Mr. LAUTENBERG):

S. 326. A bill to amend title 49, United States Code, to establish national purposes and goals for the Federal surface transportation activities and programs and create a national surface transportation plan; 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. ROBERTS (for himself and Mr. MORAN):



S. Res. 47. A resolution recognizing the importance of biosecurity and agrodefense in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KOHL (for himself and Mr. JOHNSON of Wisconsin):

S. Res. 48. A resolution congratulating the Green Bay Packers on winning Super Bowl XLV; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 91

At the request of Mr. WICKER, the names of the Senator from Nebraska (Mr. JOHANNES) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 91, a bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and unborn human person.

S. 197

At the request of Mr. ENSIGN, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 197, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 210

At the request of Mr. COBURN, the names of the Senator from Montana (Mr. TESTER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Massachusetts (Mr. KERRY), the Senator from Wyoming (Mr. ENZI), the Senator from Wisconsin (Mr. KOHL) and the Senator from Delaware (Mr. CARPER) were added as cosponsors 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.

S. 218

At the request of Mr. ENSIGN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 218, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 219

At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 219, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 226

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr.

CHAMBLISS) was added as a cosponsor of S. 226, a bill to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review.

S. 228

At the request of Mr. BARRASSO, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 228, a bill to preempt regulation of, action relating to, or consideration of greenhouse gases under Federal and common law on enactment of a Federal policy to mitigate climate change.

S. 238

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 238, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to require that fishery impact statements be updated each year and for other purposes.

S. 259

At the request of Mr. VITTER, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 259, a bill to require that the Government give priority to payment of all obligations on the debt held by the public and payment of Social Security benefits in the event that the debt limit is reached.

S. 281

At the request of Mrs. HUTCHISON, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Arizona (Mr. MCCAIN), the Senator from Alabama (Mr. SHELBY), the Senator from Georgia (Mr. ISAKSON), the Senator from Alabama (Mr. SESSIONS), the Senator from South Carolina (Mr. DEMINT), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Florida (Mr. RUBIO), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Utah (Mr. LEE), the Senator from Iowa (Mr. GRASSLEY), the Senator from Wyoming (Mr. ENZI), the Senator from Indiana (Mr. LUGAR) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 281, a bill to delay the implementation of the health reform law in the United States until there is a final resolution in pending lawsuits.

S. 282

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Utah (Mr. LEE), the Senator from North Carolina (Mr. BURR) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 282, a bill to rescind unused earmarks.

S. 306

At the request of Mr. WEBB, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 306, a bill to establish the National Criminal Justice Commission.

S.J. RES. 3

At the request of Mr. HATCH, the names of the Senator from Mississippi

(Mr. WICKER) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

AMENDMENT NO. 27

At the request of Mr. WYDEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 27 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 Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 313. A bill to authorize the Secretary of the Interior to issue permits for a microhydro project in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to reintroduce legislation, cosponsored by my colleague MARK BEGICH from Alaska, that represents an important step in the conversion to renewable energy sources in rural Alaska.

Today I introduce the Kantishna Hills Renewable Energy Act of 2011.

The Kantishna Roadhouse, owned by Doyon Tourism, Inc., is located 100 miles inside Denali National Park and Preserve. The settlement of Kantishna was founded in 1905 as a mining camp near the juncture of Eureka and Moose Creeks. Gold in the region brought a flurry of prospectors in the early days, but as the gold began to run out, so did interest in mining the Kantishna Hills. The original roadhouse at Kantishna was built in the early 1900s, serving as a private residence, a community center, post office, and informal hotel accommodations for those who visited Kantishna in Denali Park.

The Roadhouse, like many structures within Denali National Park, is entirely off the grid and generates all of its electricity needs with a diesel generator. As a result, all guests and supplies, including diesel, are trucked through the Park to the Roadhouse over National Park roads. The construction of the micro hydro project would allow the Roadhouse to cut down their diesel usage by approximately 50%, which would result in a decrease in diesel truck traffic on the Park Road, improved local air quality, and less sound pollution in this remote area, as well as reduce disturbance and vehicle impacts on park wildlife, allowing for an enhanced visitor experience for tourists within the National Park.

My bill will authorize the National Park Service to exchange roughly 10 acres of National Park land for an equivalent amount of land currently owned by Doyon Tourism, and would allow the National Park Service to obtain the highly desired Galena tract of land, located just off the Park Road in the Kantishna region. Doyon Tourism would obtain land over which the hydro project would be implemented. In the interim period, prior to completion of the land exchange, the National Park Service will issue a permit to allow Doyon Tourism, Inc., to construct the micro hydro unit.

I want to emphasize how important I believe that this bill is. The benefit to the citizens of Alaska, especially rural Alaska, of reducing their dependence on expensive diesel generation through access to renewable and clean sources of energy is enormous. This type of Micro-Hydro project within Denali provides an excellent blueprint for others around the State to follow suit.

I would like to thank Senator BEGICH, an original co-sponsor of this bill, for his and his staff's hard work in moving this bill forward. It is our hope that this bill will receive quick but careful consideration as the very short construction season in Alaska lasts only from May through September.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 317. A bill to allow for use of existing Section 8 housing funds, so as to preserve and revitalize affordable housing options for low-income individuals; to the Committee on Banking, Housing, and Urban Affairs.

Mr. WYDEN. Mr. President, today I rise to introduce the Affordable Housing Preservation and Revitalization Act. I am delighted and honored to be joined in this effort by my good friend and colleague, Senator JEFF MERKLEY. It has been my privilege to work with Senator MERKLEY and his staff on an issue that is so important to our State of Oregon and to folks around the country.

There has been a lot of talk about housing in the media over the past year. The topic of most of these conversations has been the foreclosure crisis and the continued fallout from the mortgage meltdown.

But there is another housing story here, even though it may not get the same attention or airtime: It is the story of homelessness and the struggle to find affordable housing, and for thousands of Oregonians it's a daily reality.

Like many States, Oregon is experiencing a sharp rise in homelessness.

The most recent count available from Oregon, found 19,208 people homeless on a particular night. That number represented a 12 percent increase in homelessness over 2009.

This same count also indicates that 31 percent of those experiencing homelessness were children and the number of homeless families with children rose 33 percent from 2009.

In times like these, the Federal Government can hardly stand to lose its stock of affordable housing. Sadly, that is exactly what's happening.

As long-term contracts are coming due, many landlords are leaving the business of affordable housing for the private market. As these owners convert to market rents, which is in their economic interest, the low-income tenants will be unable to afford their homes. With fewer and fewer places to turn, many of these folks will end up on the street.

Some of these properties have what are known as residual receipts—funds left over once the operating expenses and owner's distribution have been paid. Currently, this money can only be used in the most extreme of situations. As a result, many of these residual receipts have accumulated for nearly 3 decades. In Oregon alone, estimates suggest there are more than \$10 million in untapped residual receipts.

Senator MERKLEY and I believe these funds represent a substantial asset that could be used to help preserve affordable housing projects with expiring contracts. That is why we are introducing the Affordable Housing Preservation and Revitalization Act.

Our legislation would permit residual receipts to be transferred with affordable housing properties that are sold to non-profits, provided the non-profits commit to preserving and maintaining the housing stock as affordable.

Our legislation isn't a magic bullet and it certainly will not ensure that every American can put a roof over their head. But we think it's the kind of commonsense approach that Americans can get behind. I hope that our colleagues will join us in supporting this bill.

By Ms. SNOWE (for herself, Ms. STABENOW, Mr. VITTER, Mr. MCCAIN, Ms. KLOBUCHAR, Mr. GRASSLEY, Mr. KOHL, Ms. COLLINS, Mr. BROWN of Ohio, Mr. KERRY, Mr. SANDERS, Mr. LEVIN, Mrs. SHAHEEN, Mr. LEAHY, Mr. JOHNSON of South Dakota, Mr. BINGAMAN, Mrs. McCASKILL, Mr. BEGICH, and Mr. NELSON of Florida):

S. 319. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I am proud to introduce the Pharmaceutical Market Access and Drug Safety Act of 2011. I am enormously grateful to partner with Senator STABENOW in this endeavor and to have the support of 17 additional bipartisan cosponsors. I also want to salute former Senator Byron Dorgan, who was such a tremendous ally on this issue for nearly a decade.

During health reform, I was disappointed with the \$80 billion deal struck by the drug industry in exchange for supporting the legislation.

Make no mistake—this is hardly a generous offer from the industry. Consider the fact that last August, a report issued by AARP on retail prices of brand-name drugs showed that the 217 products most used by older Americans increased by an average of 8.3 percent during 2009, even as inflation was negative. So in other words, we have the industry setting a new pricing baseline that is entirely off kilter with the rest of the economy . . . widely unaffordable for the American people . . . and clearly unsustainable for the future. Negotiating concessions is no substitute for instilling market competition—which is exactly what this legislation will do.

It is unconscionable that more and more individuals are forced to skip doses or split pills as prices increase while our economy contracts. Today our bill could already be providing the access that Americans deserve to the more affordable drug prices available in other industrialized nations. It is simply indisputable that Americans pay far too much for prescription drugs—when other countries pay 35–55 percent less. And the cost of brand drugs in the U.S. increases at two to three times the inflation rate.

When nations institute safe, regulated trade in pharmaceuticals they see results—as Sweden did when it entered the European system of trade and saw a reduction of 12–19 percent in the price of traded drugs. Now, opponents claim importation will cause harm, but they fail to note the greatest prescription drug threat to the safety of Americans . . . that the inability to take a drug as it is prescribed . . . exacts a tremendous toll on thousands of American lives every year.

The bottom line is that safety is the foundation of our bill—our legislation not only addresses the safety of imports, but also was the first to provide FDA with the resources to improve inspection of foreign drug plants—many of which today produce medications marketed here by U.S. firms which consumers assume to be “domestic.”

They have also failed to understand or acknowledge we have left no stone unturned to assure importation will be safe . . . why we require FDA approval of all imported drugs . . . that the agency regulate, inspect and monitor those who handle medications . . . that we require strong prescription controls, improved labeling, anti-counterfeiting technology and tracking of shipments to assure the security of medications. We don't rely on “certifying safety”—this legislation ensures safety.

Indeed when all the provisions of this legislation are considered, this legislation will set a new standard for domestic drug safety. Because, right now—today—many of the drugs which Americans use every day are in fact manufactured in foreign factories. Yet today foreign plants are seldom inspected—it can be as many as 12 years between inspections. The fact is, global sourcing



of production to lower cost countries—including those with inadequate regulatory oversight—means that FDA simply must be examining all facilities where our medications are made.

Under our bill, such plants—and in fact every step in the drug supply chain—are to be inspected and regulated by FDA. And we include long-sought incentives, to improve drug safety such as anti-counterfeiting technologies, drug “pedigrees,” and improved regulation and oversight of the handling of prescription drugs.

At the same time, this legislation will ensure that importation is effective in delivering savings to consumers. The Congressional Budget Office reports our bill will generate savings of \$19.4 billion to the Federal Government alone. Isn't that exactly the kind of savings we should achieve at a time of escalating health care costs?

So it is clear that the time for enactment of this legislation is certainly long overdue—and today the need for this legislation is actually greater . . . not less. Among working age adults—only those with Medicare coverage saw any improvement in their ability to fill their prescriptions. All others saw a rise in their inability to obtain needed medications! Among the uninsured more than 1 in 3 individuals went without a required prescription—and in those with chronic disease that number doubles! So despite manufacturer assistance programs—despite the increased use of generics—the high and escalating cost of brand name drugs is directly impacting the health of millions.

It is indeed time to engender more competition, and the more affordable pricing that will bring. That is why I look forward to moving forward together to see passage of our bill this year.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 324. A bill to amend the Chesapeake And Ohio Canal Development Act to extend to the Chesapeake and Ohio Canal National Historical Park Commission; to the Committee on Energy and Natural Resources.

Mr. CARDIN. Mr. President, today I am proud to re-introduce legislation to support greater public involvement in the administration of one of Maryland's most treasured National Parks. The Chesapeake and Ohio Canal National Historical Park Advisory Commission Act ensures that the communities located along the 184.5 mile long C&O Canal National Historical Park have a voice with the National Park Service regarding decisions affecting the administration of the Park. The Commission keeps the people and small businesses most affected by the operation of the C&O Canal National Historical Park informed and involved in the decisions surrounding the Park. Citizen involvement in the governmental process is a hallmark of our democracy and the C&O Canal National

Historical Park Advisory Commission Act exemplifies the goal of ensuring the public's role in government decision making.

The importance of the Commission is intrinsically tied to the uniqueness of the C&O Canal National Historical Park. The Park covers an area of 20,000 acres winding North and West along the Potomac River from the heart of Georgetown's old industrial district in Washington D.C. to Cumberland, MD nestled in the valleys and mountains of Western Maryland. The Park's watered canal, contiguous towpath, popular among cyclists, backpackers, day hikers and runners, hundreds of historic structures and towns like Hancock, Hagerstown, Harpers Ferry, Williamsport and Sharpsburg that grew during the Canal's heyday, all tell the story of how the C&O Canal once served as a crucial East/West commercial link. The Park also preserves pristine views of the Potomac River, evocative of the C&O Canal's working days. At its widest points, the C&O Canal National Historical Park spans less than  $\frac{3}{4}$  of a mile across and in many areas directly abuts neighboring commercial and residential properties bordering the Park.

During the commercial operation of the C&O Canal, these towns were local commercial centers where area farmers and tradesman utilized the canal boats to deliver their goods to market. Today, the hospitality and tourism industries of these communities thrive upon the C&O Canal National Historical Park's popularity and are integral to enhancing the park user experience. Whether it is hotel or bed and breakfast to spend the night in, a restaurant or diner to grab a meal, stores to shop in and perhaps stock up on camping provisions, boathouses to rent a canoe for the afternoon, bike shops to service a flat tire or make repairs to your bike or any of the myriad of goods and services park visitors may need, the communities along the C&O Canal are as important to the Park user experience as the Park's users are to maintaining their businesses.

In 2009, more than 3.75 million people visited the C&O Canal National Historical Park. To put it in perspective, in 2009, more people visited this historic treasure than the number of people who visited Yellowstone, Yosemite, the Everglades or Shenandoah National Park. Much of the C&O Canal National Historical Park's success is attributable to the positive relationship that has developed over time between the National Park Service and the local community leaders that span the length of the Park. The Park's Commission has greatly facilitated this relationship.

The Commission provides the vital link between the affected committee that the Park runs through and the National Park Service. The Commission ensures that the public is engaged in the numerous processes surrounding operational policy and infrastructure

maintenance and restoration projects on the C&O Canal National Historic Park. The Commission plays a vital consultation and planning role for park activities and operations. The cooperation that has developed between the Commission and the National Park Service helps ties to the Park to its communities. The Commission serves a purely advisory function and does not have the authority to make binding park policy.

The Commission was first established as part of the 1971 Chesapeake and Ohio Canal Development Act sponsored by Rep. Gilbert Gude, R-MD. Every ten years, a bill like mine comes before congress, when the 10-year extension of the Commission's authorization expires. Three times over a 40-year period extension bills have passed by unanimous consent and without controversy. My bill is another 10-year extension of the Advisory Commission's authorization and makes no changes to the Commission's authority. Legislative precedent has never set an authorization amount for the Commission, but the Commission has always functioned at a nominal cost.

The General Services Administration's Federal Advisory Commissions Act database determined that the C&O Canal Advisory Commission's expenses totaled \$33,199 for fiscal year 2010. All expenses came out of the National Park Service's general operating budget. Expenses covered the cost of travel for commission members, \$295, Federal staff time, \$28,074, and miscellaneous expenses, \$4,830, like meeting space, printing, supplies and website maintenance.

The National Park System is a showcase of America's natural and historical treasures. So much of the National Park System's success is rooted in the citizen stewardship projects and the involvement of caring citizens and community leaders. Like so many of our National Parks the C&O Canal National Historical Park has an extensive backlog of maintenance and repair projects. The Commission plays a critical role in helping keep these projects moving forward and assisting the National Park Service with their completion because there is recognition of the shared responsibility between the Park Service and the Commission about the importance of continuing to make the Park a desirable tourism and outdoor recreation destination. The Commission provides that bridge between the government and public. I urge my colleagues to support this bill.

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. 324

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

# SECTION 1. CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION.

Section 6(g) of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y-4(g)) is amended by striking “40” and inserting “50”.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 47—RECOGNIZING THE IMPORTANCE OF BIOSECURITY AND AGRO-DEFENSE IN THE UNITED STATES

Mr. ROBERTS (for himself and Mr. MORAN) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 47

Whereas following the attacks of September 11, 2001, the Nation took notice of the global threat of terrorism;

Whereas the new reality after the attacks of September 11, 2001, led to an increase of resources focused on combating attack from the enemies of the United States;

Whereas Congress established the Department of Homeland Security in 2002 with the intent of meeting the challenges plaguing our Nation;

Whereas the attacks made visible the vulnerability of our food supply and agriculture economy;

Whereas the President of the United States issued a Homeland Security Directive entitled the “Defense of United States Agriculture and Food” on January 30, 2004;

Whereas the Department of Homeland Security in partnership with the Department of Agriculture recognized the challenges of agroterrorism early on;

Whereas the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism assessed in its 2008 report entitled “World At Risk”, “the U.S. government has invested most of its non-proliferation efforts and diplomatic capital in preventing nuclear terrorism. The Commission believes that it should make the more likely threat—bioterrorism—a higher priority. Only by elevating the priority of the biological weapons threat will it be possible to bring about substantial improvements in global biosecurity”; and

Whereas the threat of attack from the enemies of the United States continues and there is much remaining work: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) while the United States continues to combat terrorism in all forms around the world, the safety, security, and health of our livestock and agriculture commodities must not be forgotten;

(2) research and investment in biosecurity and biosafety should remain a top priority for Congress;

(3) providing the resources, both intellectually and materially, for the advancement of vaccines and hopeful eradication of deadly pathogens and emerging zoonotic disease is an integral part of providing homeland defense;

(4) a laboratory capable of handling such deadly diseases is necessary to meet the demand for such resources, and such laboratory should be constructed to the highest standards of safety and security, and should meet the requirements of a biosafety level 4 laboratory;

(5) without the tools necessary to protect the citizens, agriculture economy, and food supply of the United States, the United States remains vulnerable to attack and chaos;

(6) the world depends on the food and fiber that the United States produces;

(7) the world depends on the leadership of the United States in science and technology;

(8) the United States must remain the leader in the fight against bioterrorism; and

(9) biosecurity and agrodefense are achievable goals for the United States in the global war on terrorism.

### SENATE RESOLUTION 48—CONGRATULATING THE GREEN BAY PACKERS ON WINNING SUPER BOWL XLV

Mr. KOHL (for himself and Mr. JOHNSON of Wisconsin) submitted the following resolution; which was considered and agreed to:

S. RES. 48

Whereas on Sunday, February 6, 2011, the Green Bay Packers defeated the Pittsburgh Steelers with a score of 31 to 25 in Super Bowl XLV, in Arlington, Texas;

Whereas the victory marks the thirteenth championship win for the Green Bay Packers, the most of any team in the history of the National Football League, and the fourth Super Bowl win for the Green Bay Packers;

Whereas the victory brings the Vince Lombardi Trophy, which was named after the legendary Green Bay Packers coach, back to Green Bay, Wisconsin, also known as “Titletown, U.S.A.”;

Whereas the Green Bay Packers are publicly owned by diehard fans of the team, making the team unique in professional sports;

Whereas the Green Bay Packers are known all over the world for their devoted fans, as demonstrated by the nearly 300 consecutive sellout games at Lambeau Field, the home field of the Green Bay Packers, and a season ticket waiting list that contains more than 80,000 names;

Whereas the Green Bay Packers never trailed an opponent by more than 7 points during the entire 2010-2011 season;

Whereas the Green Bay Packers overcame injuries to multiple players to secure a berth in the playoffs on the final day of the regular season, following must-win games in the final 2 weeks of the season against the New York Giants and the Chicago Bears;

Whereas the Green Bay Packers defeated the top 3 seeded teams in the National Football Conference to advance to the Super Bowl and became only the second 6th-seed to win the Super Bowl;

Whereas the Green Bay Packers won the Super Bowl due to contributions from an excellent offense, led by Super Bowl Most Valuable Player Aaron Rodgers’ 304-yard, 3-touchdown performance, and a superb defense that forced 3 turnovers, including Nick Collins’ 37-yard interception return for a touchdown; and

Whereas Head Coach Mike McCarthy, General Manager Ted Thompson, and President Mark Murphy compiled a team that exemplified the hard work, discipline, determination, and humility of Green Bay, Wisconsin, the home city of the Green Bay Packers: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Green Bay Packers on winning Super Bowl XLV; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the Head Coach of the Green Bay Packers, Mike McCarthy;

(B) the General Manager of the Green Bay Packers, Ted Thompson; and

(C) the President of the Green Bay Packers, Mark Murphy.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 60. Ms. SNOWE (for herself and Mr. PRYOR) submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 61. Mr. RUBIO (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 62. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 63. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 64. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 65. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 66. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 67. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 68. Mrs. MURRAY (for herself, Ms. CANTWELL, and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 69. Mr. WYDEN (for himself, Mr. MERKLEY, Mrs. MURRAY, Ms. CANTWELL, and 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 70. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 71. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 72. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 73. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

SA 60. Ms. SNOWE (for herself and Mr. PRYOR) submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic

control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 733. REGULATORY FLEXIBILITY.**

(a) **PANEL REQUIREMENT.**—Section 609(d) of title 5, United States Code, as amended by section 1100G of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203; 124 Stat. 2112), is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following: “(4) the Department of Transportation.”.

(b) **APPLICABILITY.**—Paragraph (4) of section 609(d) of title 5, United States Code, as added by this Act, shall apply on and after the date of enactment of this Act.

**SA 61.** Mr. RUBIO (for himself and Mr. MENENDEZ) 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. PROHIBITION ON EXPANSION OF FLIGHTS TO LOCATIONS IN COUNTRIES THAT ARE STATE SPONSORS OF TERRORISM.**

(a) **DESIGNATED AS A STATE SPONSOR OF TERRORISM DEFINED.**—In this section, the term “state sponsor of terrorism” means, with respect to a country, that the Secretary of State has designated the country as a country that has repeatedly provided support for acts of international terrorism for purposes of—

(1) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.));

(2) section 40 of the Arms Export Control Act (22 U.S.C. 2780); and

(3) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

(b) **PROHIBITION.**—In any fiscal year, the Administrator of the Federal Aviation Administration may not authorize more flights in foreign air commerce (as defined in section 40102 of title 49, United States Code) between locations in the United States and locations in countries that are designated as state sponsors of terrorism than were authorized in the last fiscal year ending before the date of the enactment of this Act.

**SA 62.** Mr. COBURN 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 207 and insert the following:

**SEC. 207. FEDERAL SHARE OF AIRPORT IMPROVEMENT PROJECT COSTS.**

Notwithstanding section 47109(a) of title 49, United States Code, section 47109(e) of such

title (as added by section 204(a)(2) of this Act), or any other provision of law, the United States Government's share of allowable project costs for a grant made under chapter 471 of title 49, United States Code, for an airport improvement project is—

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

**SA 63.** Mr. COBURN 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 207 and insert the following:

**SEC. 207. FEDERAL SHARE OF AIRPORT IMPROVEMENT PROJECT COSTS.**

(a) **IN GENERAL.**—Section 47109(a) of title 49, United States Code, is amended by striking “90 percent” each place it appears and inserting “75 percent”.

(b) **PROJECT COSTS FOR AIRPORTS TRANSITIONING FROM SMALL HUB TO MEDIUM HUB AIRPORTS.**—Subsection (e) of section 47109 of title 49, United States Code, as added by section 204(a)(2) of this Act, is further amended by striking “95 percent” and inserting “75 percent”.

**SA 64.** Mr. COBURN 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. . ORPHAN EARMARKS ACT.**

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

(b) **UNUSED EARMARKS.**—

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

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

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

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

(3) **IDENTIFICATION AND REPORT.**—

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

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

(i) a listing and accounting for earmarks with unobligated balances summarized by

agency including the amount of the original earmark, amount of the unobligated balance, and the year when the funding expires, if applicable;

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

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

**SA 65.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

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

(a) **OEP AIRPORT PROCEDURES.**—

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

(A) **RNP OPERATIONS.**—A list of required navigation performance procedures (as defined in FAA order 8260.52(d)) to be developed, certified, and published, and the air traffic control operational changes, to maximize the efficiency and capacity of NextGen commercial operations at the 137 small, medium, and large hub airports. The Administrator shall clearly identify each required navigation performance operation that is an overlay of an existing instrument flight procedure.

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

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

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

(ii) specific implementation and transition steps;

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

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

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

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

(vii) a description of the software and database information, such as a current version

of the Noise Integrated Routing System or the Integrated Noise Model that the Administration will need to make available to qualified third parties to enable those third parties to design procedures that will meet the broad range of requirements of the Administration;

(viii) lifecycle management for RNP procedures; and

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

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

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

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

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

(b) OTHER AIRPORTS.—

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

(2) SURVEYING OBSTACLES SURROUNDING REGIONAL AIRPORTS.—Not later than 1 year after the date of enactment of that Act, the Administrator, in consultation with the State secretaries of transportation and state, shall identify options and funding mechanisms for surveying obstacles in areas around airports such that can be used as an input to future RNP procedures.

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

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

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

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

(D) 100 percent of the procedures before January 1, 2016.

(c) ESTABLISHMENT OF PRIORITIES.—The Administration shall extend the charter of the Performance Based Navigation Aviation Rulemaking Committee as necessary to authorize and request it to establish priorities for the development, certification, publication, and implementation of the navigation performance procedures based on their potential safety, efficiency, and congestion benefits.

(d) COORDINATED AND EXPEDITED REVIEW.—Required Navigation Performance and other performance-based navigation procedures developed, certified, published, and implemented under this section that will measurably reduce aircraft emissions and result in an absolute reduction or no net increase in noise levels shall be presumed to have no significant environmental impact and the Ad-

ministrator shall issue and file a categorical exclusion for such procedures.

**SA 66.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 252, line 19, strike all through page 254, line 2.

**SA 67.** Mr. LAUTENBERG 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 VIII, add the following:

**SEC. 733. SECURING AIRPORT TERMINALS.**

(a) SCREENING LOCATION AND STERILE AREA DEFINED.—In this Act, the terms “screening location” and “sterile area” have the meanings given those terms in section 1540.5 of title 49, Code of Federal Regulations (or any corresponding similar rule or regulation).

(b) INCREASED USE OF SECURITY CAMERAS AT AIRPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall prescribe regulations that—

(A) require the use of security cameras at all screening locations and all locations where passengers exit the sterile area at airports in the United States;

(B) set forth requirements for the use, maintenance, and testing of security cameras and other technological devices used for security at airports in the United States; and

(C) specify that employees of the Transportation Security Administration have access to all security cameras and technological devices described in subparagraph (B) and data or recordings from such cameras and devices that relate to airport security, including standards for—

(i) the timing of such access;

(ii) the accessibility of copies and acceptable formats for such data or recordings;

(iii) the period for which such data or recordings must be maintained; and

(iv) the permissible uses of such data or recordings.

(2) INTERIM REGULATIONS.—The Secretary of Homeland Security may issue interim final rules under paragraph (1) without regard to the provisions of chapter 5 of title 5, United States Code.

(c) IMPROVED MONITORING OF EXITS FROM STERILE AREAS IN AIRPORTS.—

(1) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the committees specified in paragraph (2) a report that—

(A) makes recommendations for improving the security of each location at an airport where passengers exit the sterile area; and

(B) assesses—

(i) differences in configurations of such locations; and

(ii) options for improving security at such locations, such as increasing personnel assigned to such locations and the use of technology to improve security.

(2) COMMITTEES SPECIFIED.—The committees specified in this subsection are—

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

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

(3) REGULATIONS.—The Secretary of Homeland Security may prescribe regulations, including interim final rules implemented without regard to the provisions of chapter 5 of title 5, United States Code, requiring standards for security at each location at an airport where passengers exit the sterile area.

(d) INCREASED PENALTIES FOR CIRCUMVENTING SECURITY SCREENING.—

(1) CIVIL PENALTIES.—Section 46301(a)(5)(A)(i) of title 49, United States Code, is amended—

(A) by striking “or chapter 449” and inserting “chapter 449”; and

(B) by inserting “, or section 46314(a)” after “44909”.

(2) CRIMINAL PENALTIES.—Section 46314(b) of title 49, United States Code, is amended to read as follows:

“(b) CRIMINAL PENALTY.—A person violating subsection (a) of this section shall be fined under title 18, imprisoned for not more than 10 years, or both.”

(3) NOTICE OF PENALTIES.—

(A) IN GENERAL.—Each operator of an airport in the United States that is required to establish an air transportation security program pursuant to section 44903(c) of title 49, United States Code, shall ensure that signs that meet such requirements as the Secretary of Homeland Security may prescribe providing notice of the penalties imposed under sections 46301(a)(5)(A)(i) and 46314(b) of title 49, United States Code, as amended by this subsection, are displayed near all screening locations, all locations where passengers exit the sterile area, and such other locations at the airport as the Secretary of Homeland Security determines appropriate.

(B) EFFECT OF SIGNS ON PENALTIES.—An individual shall be subject to a penalty imposed under section 46301(a)(5)(A)(i) or 46314(b) of title 49, United States Code, as amended by this subsection, without regard to whether signs are displayed at an airport as required by subparagraph (A).

**SA 68.** Mrs. MURRAY (for herself, Ms. CANTWELL, and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 256, between lines 19 and 20, insert the following:

**SEC. 614. AEROSPACE WORKFORCE CENTERS OF EXCELLENCE.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation, in coordination with the Administrator of the National Aeronautics and Space Administration and the heads of other Federal agencies, as appropriate, shall leverage existing resources to establish a program to develop

education and career pathways in occupations within existing or emerging sectors in a regional aerospace industry cluster through grants or other measures, including reimbursable agreements with other Federal agencies.

(b) **PARTICIPATION IN PROGRAM.**—The Secretary shall ensure that participants in the program established under subsection (a) include—

(1) employers or employer groups in the regional aerospace industry cluster;

(2) educational and research institutions that have existing facilities and experience in research, development, and commercialization in the aerospace industry;

(3) institutions of higher education (including community colleges) with experience providing education and training for aerospace industry occupations;

(4) high schools with demonstrated experience in providing career and technical education and training in occupations related to the aerospace industry;

(5) a State or local workforce investment board established under section 111 or 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2821 and 2832, as appropriate);

(6) representatives of workers in the regional aerospace industry cluster; and

(7) other appropriate organizations.

(c) **COMPETITIVE GRANT PROCESS.**—The Secretary shall require applicants to submit an application, at such time and in such a manner as the Secretary may reasonably require. The application shall contain a description of the eligible participants under subsection (b) and shall require applicants to describe how participants will work together to accomplish the purposes of the program.

(d) **DESIGNATION AS CENTERS OF EXCELLENCE.**—

(1) **IN GENERAL.**—The Secretary and the Administrator of the Federal Aviation Administration shall award grants to not fewer than 6 applicants, which shall be designated as Regional Centers of Excellence in Aerospace Career Pathways.

(2) **CONSIDERATIONS.**—In making designations under paragraph (1), the Secretary and the Administrator shall—

(A) consider the existing aerospace industry presence and aerospace-related education, workforce training, and research and development activities in the region; and

(B) take any necessary measures to ensure—

(i) an equitable geographic distribution of funds; and

(ii) an appropriate balance in addressing the needs of aerospace industry segments.

**SA 69.** Mr. WYDEN (for himself, Mr. MERKLEY, Mrs. MURRAY, Ms. CANTWELL, and 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:

At the end of title VII, add the following:  
**SEC. 733. FLIGHT OPERATIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.**

(a) **NUMBER OF EXEMPTIONS.**—Section 41718 is amended—

(1) in subsection (a), by striking “24” and inserting “48”;

(2) in subsection (b), by striking “20” and inserting “28”;

(3) in subsection (c)(2), by striking “3” and inserting “6”;

(4) in subsection (c)(3)(A), by striking “six” and inserting “eight”;

(5) in subsection (c)(3)(B), by striking “ten” and inserting “twelve”; and

(6) in subsection (c)(3)(C), by striking “four” and inserting “six”.

(b) **SCHEDULING PRIORITY.**—Section 41718 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

“(e) **SCHEDULING PRIORITY.**—In administering this section, the Secretary shall afford a scheduling priority to operations conducted by new entrant and limited incumbent air carriers over operations conducted by other air carriers granted exemptions pursuant to this section, with the highest scheduling priority afforded to beyond-perimeter operations conducted by new entrant and limited incumbent air carriers.”.

(c) **ALLOCATION OF BEYOND-PERIMETER EXEMPTIONS.**—Section 41718(c) is amended by adding at the end the following:

“(5) **SLOTS.**—The Administrator of the Federal Aviation Administration shall reduce by 32 the total number of slots available for air carriers at Ronald Reagan Washington National Airport during a 24-hour period by eliminating slots during the 1-hour periods beginning at 6:00 a.m., 10:00 p.m., and 11:00 p.m. that are available for allocation, in order to grant exemptions under subsections (a) and (b).”.

(d) **WITHIN-PERIMETER EXEMPTION CRITERIA.**—Section 41718(b) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following:

“(4) to State capitals;”.

(e) **UPDATING THE DCA ACCESS STANDARD SECURITY PLAN.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration, in consultation with the Administrator of the Federal Aviation Administration and other relevant agencies, shall—

(1) assess alternatives to simplify the DCA Access Standard Security Plan for general aviation users who want to fly into Ronald Reagan Washington National Airport that will also ensure a high level of security;

(2) update and modify the Plan to incorporate the best alternative assessed under paragraph (1); and

(3) submit a report on the assessment and modification to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SA 70.** Mr. SCHUMER 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 333, between lines 11 and 12, insert the following:

**SEC. 808. FEES FOR CARRY-ON BAGGAGE TREATED AS PAID FOR TAXABLE TRANSPORTATION.**

(a) **IN GENERAL.**—Subsection (e) of section 4261 is amended by adding at the end the following new paragraph:

“(6) **AMOUNTS PAID FOR CARRY-ON BAGGAGE.**—Any amount paid for baggage person-

ally carried into the cabin of an aircraft by a person shall be treated for purposes of subsection (a) as an amount paid for taxable transportation.”.

(b) **EFFECTIVE DATE.**—The amendment may by this section shall apply to transportation beginning on or after the date of the enactment of this Act.

**SA 71.** Mr. SCHUMER 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. CONTROLLING HELICOPTER NOISE POLLUTION IN RESIDENTIAL AREAS.**

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

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

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

“(A) standards to measure helicopter noise; and

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

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

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

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

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

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

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

**SA 72.** Mr. SCHUMER 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. NOTIFICATION REQUIREMENT WITH RESPECT TO WILDLIFE STRIKES ON AIRCRAFT.**

(a) IN GENERAL.—Chapter 447, as amended by sections 521, 558, and 562, is amended by adding at the end the following:

**“§ 44733. Notification of wildlife strikes**

“The Administrator of the Federal Aviation Administration shall be notified, by the most expeditious means available—

“(1) by the operator of a civil aircraft or a public aircraft (other than a public aircraft operated by the armed forces or by an intelligence agency of the United States), if the aircraft collides with 1 or more birds or other wildlife;

“(2) by airport personnel or personnel of the operator of an aircraft described in paragraph (1), if such personnel see such a collision; and

“(3) by aircraft maintenance personnel, if such personnel identify damage to an aircraft resulting from such a collision.”.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 447, as amended, is amended by adding at the end the following: “44733. Notification of wildlife strikes.”.

**SA 73.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 157, between lines 18 and 19, insert the following:

(d) IMPLEMENTATION OF FLIGHT ATTENDANT FATIGUE STUDY RECOMMENDATIONS.—Within 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a process to carry out the recommendations of the Civil Aerospace Medical Institute study on flight attendant fatigue.

**CONGRATULATING THE GREEN BAY PACKERS ON WINNING SUPER BOWL XLV**

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 48 submitted earlier today.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 48) congratulating the Green Bay Packers on winning Super Bowl XLV.

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

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the matter be printed in the RECORD.

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

The resolution (S. Res. 48) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 48**

Whereas on Sunday, February 6, 2011, the Green Bay Packers defeated the Pittsburgh Steelers with a score of 31 to 25 in Super Bowl XLV, in Arlington, Texas;

Whereas the victory marks the thirteenth championship win for the Green Bay Packers, the most of any team in the history of the National Football League, and the fourth Super Bowl win for the Green Bay Packers;

Whereas the victory brings the Vince Lombardi Trophy, which was named after the legendary Green Bay Packers coach, back to Green Bay, Wisconsin, also known as “Titletown, U.S.A.”;

Whereas the Green Bay Packers are publicly owned by diehard fans of the team, making the team unique in professional sports;

Whereas the Green Bay Packers are known all over the world for their devoted fans, as demonstrated by the nearly 300 consecutive sellout games at Lambeau Field, the home field of the Green Bay Packers, and a season ticket waiting list that contains more than 80,000 names;

Whereas the Green Bay Packers never trailed an opponent by more than 7 points during the entire 2010-2011 season;

Whereas the Green Bay Packers overcame injuries to multiple players to secure a berth in the playoffs on the final day of the regular season, following must-win games in the final 2 weeks of the season against the New York Giants and the Chicago Bears;

Whereas the Green Bay Packers defeated the top 3 seeded teams in the National Football Conference to advance to the Super Bowl and became only the second 6th-seed to win the Super Bowl;

Whereas the Green Bay Packers won the Super Bowl due to contributions from an excellent offense, led by Super Bowl Most Valuable Player Aaron Rodgers’ 304-yard, 3-touchdown performance, and a superb defense that forced 3 turnovers, including Nick Collins’ 37-yard interception return for a touchdown; and

Whereas Head Coach Mike McCarthy, General Manager Ted Thompson, and President Mark Murphy compiled a team that exemplified the hard work, discipline, determination, and humility of Green Bay, Wisconsin, the home city of the Green Bay Packers: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Green Bay Packers on winning Super Bowl XLV; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the Head Coach of the Green Bay Packers, Mike McCarthy;

(B) the General Manager of the Green Bay Packers, Ted Thompson; and

(C) the President of the Green Bay Packers, Mark Murphy.

**ORDER OF PROCEDURE—  
EXECUTIVE CALENDAR**

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that on Monday, February 14, 2011, at 4:30 p.m., the Senate proceed to executive session to consider the following nominations: Calendar No. 1 and Calendar No. 5; that there be 1 hour for debate, equally divided in the usual form; that upon the use or yielding back of time, the Sen-

ate proceed to vote, without intervening action or debate, on Calendar No. 1 and Calendar No. 5, in that order; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order for any of the nominations; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate’s action and the Senate resume legislative session.

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

Ms. KLOBUCHAR. The vote on the Graves nomination will be by voice vote. The vote on the Davila nomination will be a rollcall vote.

**ORDERS FOR MONDAY, FEBRUARY  
14, 2011**

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, February 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of S. 223, the Federal Aviation Administration authorization bill, and at 4:30 p.m. the Senate proceed to executive session, as provided under the previous order.

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

**PROGRAM**

Ms. KLOBUCHAR. Mr. President, on Monday, we will continue to work through amendments to the FAA bill, and we will also consider two executive nominations. Under a previous order, at 4:30 p.m., the Senate will debate for 1 hour the nominations of James Graves of Mississippi to be a U.S. circuit judge for the Fifth Circuit and Edward Davila of California to be a U.S. district judge for the Northern District of California. At 5:30 p.m. on Monday, Senators should expect a voice vote on the confirmation of the Graves nomination, a rollcall vote on confirmation of the Davila nomination, and additional votes in relation to amendments to the FAA bill.

**ADJOURNMENT UNTIL MONDAY,  
FEBRUARY 14, 2011, AT 2 P.M.**

Ms. KLOBUCHAR. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn until Monday, February 14, Valentine’s Day, as under the previous order.

There being no objection, the Senate, at 5:05 p.m., adjourned until Monday, February 14, 2011, at 2 p.m.