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Senate

The Senate met at 10 a.m., and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

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

Let us pray.

O God our strength, You fulfill the desires of those who trust in You. You are great in power and infinite in understanding. Give our lawmakers today a sense of Your nearness. May they open their hearts to Your presence, their minds to Your precepts, and their willingness to Your providence. Remind them, Lord, that You are the source of their abilities and the one who opens doors of opportunity that will keep this Nation strong. Dwell with them and make them productive for Your glory. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 8, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. SHAHEEN 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 leader remarks the Senate will resume consideration of the Federal Aviation Administration Authority bill. At 10:20 there will be up to 10 minutes of debate equally divided on the Nelson of Florida amendment—that is amendment No. 34—regarding NASA.

Senators should expect a rollcall vote at approximately 10:30 in relation to the Nelson of Florida amendment. Today will be only a short session in order to accommodate the Senators attending the Democratic issues conference.

FAA REAUTHORIZATION

Mr. REID. Madam President, I had a conversation last night with the Republican leader. For all Senators, we need to have amendments on this bill, the FAA bill, laid down. We all know there is a lot of feigning going on around here, a little posturing. We still have one issue left that deals with slots at airports. It is not going to be resolved. We have worked on this for years, and it will not be resolved except on the Senate floor. If it is not resolved and we do not have amendments laid down, taken care of, I will file cloture on this bill on Monday.

It is a shame. I wish I could blame the Republicans for the impasse, but it is both parties. We have people on both sides of the aisle who are trying to take advantage, as they see it, on this slot issue. This is an extremely important piece of legislation. I know the slots to individual Senators is important. But it is not important enough to hold up this bill. We have been trying for years—years—to get this bill passed. This will create or save 280,000 jobs. It will improve the safety of our air travels. It will give rights to people who are flying who do not have those rights. We have a passengers' bill of rights. It is a shame this one issue is holding up this bill.

I repeat, if we do not have this matter resolved Monday, I am filing cloture on this bill. We have to complete this legislation. Before we leave for our President's Day recess to go back to work in our States, we also have the FISA legislation that is a must. It expires. We have to take care of that before we leave. Of course, we have many other issues, but those are the two I am concerned about today. We have to pass the FAA bill, and we have to take care of the FISA legislation again.

So I would hope everyone understands that we are not going to be playing around with this slot issue for another year. This bill has to pass, and there is one way we can solve it: people offer their amendments, and we will vote on them right down here in the well.

I heard yesterday there are meetings going on to try to resolve this issue. These meetings have been going on for months and months and months, and they have held up this legislation. That is unfair. So I tell everyone, we have to move forward on this legislation, and if we do not have this issue worked out by Monday I am going to file cloture on this bill. It is a shame.

I repeat, this is a bipartisan bill. This is not something that Republicans are trying to hold up or Democrats are trying to jam through. This is a bill that Democrats and Republicans believe is for the best interests of our country.

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

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

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

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The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE REPUBLICAN LEADER

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

THE DEFICIT

Mr. MCCONNELL. Madam President, as the debate over spending gears up ahead of the President's budget next week, I thought it important that we just step back this morning and note one thing: and that is the fact that this debate has completely changed. Two years ago, the President and Democrats running Congress were not debating whether to cut spending. They were debating how much to spend.

You will recall that a lot of them were disappointed that the stimulus wasn't bigger than it ended up being. Some still are.

So we have seen a welcome shift. Today, the only debate is how much to cut. It is a debate that Republicans and, I think, the vast majority of Americans, are happy to have.

And it is in that context that I wanted to mention the President's pledge to freeze his already outrageous spending levels for the next 5 years, and some troubling estimates we got yesterday about what that would mean for the deficit from the people whose job it is to analyze spending and debt here in Washington.

In their monthly budget review, the Congressional Budget Office said that if the current spending levels are frozen at the same level as they are now, and Congress were to enact no other legislation affecting spending or revenues, the Federal Government would end this fiscal year with a deficit of $1.5 trillion, or about $200 billion more than the deficit Democrats ran last year.

In other words, even if we do not add another dime to the current spending levels, the deficit will get even worse than last year. That is what would happen under the President's best offer, which is to lock in the dramatically higher spending levels from the past 2 years and put the budget on cruise control. The deficit would not stand still, it will grow by $200 billion, over the next several months.

So yesterday's predictions by the CBO should be a wake up call to anyone who thinks they can hide behind a spending freeze. This is a dire warning that business as usual is a recipe for disaster. If we do not immediately reduce the size and scope of the Federal Government, the deficit will be even bigger than last year's record deficit.

So we have to get real. We need to listen to our constituents. Freezes are not going to cut it.

RESERVATION OF LEADER TIME

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

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

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

The legislative clerk read as follows:

A bill (S. 223) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

Pending:

Wicker modified amendment No. 14, to exclude employees of the Transportation Security Administration from the collective bargaining rights of Federal employees and provide employment rights and an employee engagement mechanism for passenger and property screeners.

Blunt amendment No. 5, to require the Under Secretary of Transportation for Security to approve applications from airports to authorize passenger and property screening to be carried out by a qualified private screening company.

Nelson (FL) amendment No. 34, to strike section 605.

Paul amendment No. 21, to reduce the total amount authorized to be appropriated for the Federal Aviation Administration for fiscal year 2011 to the total amount authorized to be appropriated for the Administration for fiscal year 2008.

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

Inhofe amendment No. 6, to provide liability protection to volunteer pilot nonprofit organizations that fly for public benefit and to the pilots and staff of such nonprofit organizations.

Inhofe amendment No. 7, to require the Administrator of the Federal Aviation Administration to initiate a new rulemaking proceeding with respect to the flight time limitations and rest requirements for supplemental operations before any of such limitations or requirements be altered.

Rockefeller (for Ensign) amendment No. 32, to improve provisions relating to certification and flight standards for military remotely piloted aerial systems in the National Airspace System.

McCain amendment No. 4, to repeal the essential air service program.

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

The ACTING PRESIDENT pro tempore. The majority leader.

AMENDMENTS NOS. 54 AND 55

Mr. REID. Madam President, I ask unanimous consent to set aside the pending amendment so I can call up amendments Nos. 54 and 55.

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

The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes en bloc amendments numbered 54 and 55.

The amendments are as follows:

AMENDMENT NO. 54

(Purpose: To allow airports that receive airport improvement grants for the purchase of land to lease the land and develop the land in a manner compatible with noise buffering purposes)

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

(2) in subsection (c)—

(A) in paragraph (2)—

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

''(I) undeveloped; or

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

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

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

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

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

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

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

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

''(4) In approving the reinvestment or transfer

AMENDMENT NO. 55

(Purpose: To require the Secretary of the Interior to convey certain Federal land to the city of Mesquite, Nevada)

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

SEC. 7___. CONVEYANCE OF LAND TO CITY OF MESQUITE, NEVADA.

(a) DEFINITIONS.—

(1) CITY.—The term ''city'' means the city of Mesquite, Nevada.

(2) MAP.—The term ''map'' means the map entitled ''Mesquite Airport Conveyance'' and dated February 6, 2011.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Land Management.

(b) CONVEYANCE OF LAND TO CITY.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights, and notwithstanding the land use planning requirements

of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the city, without consideration, all right, title, and interest of the United States in and to the land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of land managed by the Bureau of Land Management described on the map as ''Remnant Parcel''.

(3) MAP AND LEGAL DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize the legal description of the parcel to be conveyed under this section.

(B) MINOR ERRORS.—The Secretary may correct any minor error in—

(i) the map; or

(ii) the legal description.

(C) AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(4) COSTS.—The Secretary shall require the city to pay all costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in paragraph (2).

(5) WITHDRAWAL.—Subject to valid existing rights, until the date of the conveyance under paragraph (1), the parcel of public land described in paragraph (2) is withdrawn from—

(A) location, entry, and patent under the public land mining laws; and

(B) operation of the mineral leasing, geothermal leasing, and mineral materials laws.

(6) REVERSION.—If the land conveyed under paragraph (1) ceases to be used by the city for the purposes described in section 3(f) of Public Law 99–548 (100 Stat. 3061), the land shall, at the discretion of the Secretary, revert to the United States.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

AMENDMENT NO. 49

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent to set aside the pending amendment so that I may call up my amendment No. 49, which is at the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. UDALL] proposes an amendment numbered 49.

Mr. UDALL of New Mexico. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To authorize Doña Ana County, New Mexico, to exchange certain land conveyed to the County for airport purposes)

At the appropriate place insert the following:

SEC. ——. DOÑA ANA COUNTY AIRPORT.

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

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

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

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

Mr. UDALL of New Mexico. Madam President, this amendment is simple. It provides for a no-cost, fair-value land exchange between Dona Ana County in southern New Mexico and the adjacent property owners.

The Dona Ana County airport in Santa Teresa is a key component for economic growth in the region.

Unfortunately, when the land patent was granted to the county in 1982, it was described in aliquot parts. This created several triangles of land that have been difficult to improve because they meet at their corners an do not share common boundaries.

The county has requested the land exchange so that they may create a secondary access to the airport for general aviation. This new access would separate general vehicle traffic from taxiing aircraft.

The land exchange will also provide an alternate entry to the airport's fuel farm. And it will allow the county to expand airport capabilities to meet the needs of this growing community.

This region of New Mexico is growing and the airport needs to be able to expand to meet increased demand.

This land exchange will help achieve that goal and will improve the economic opportunities in this region. I hope my colleagues will concur that this amendment should be agreed to.

AMENDMENT NO. 51

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent to set aside the pending amendment so that I may call up amendment No. 51, which is at the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. UDALL] proposes an amendment numbered 51.

Mr. UDALL of New Mexico. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require that all advanced imaging technology used as a primary screening method for passengers be equipped with automatic target recognition software)

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

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

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

''(l) LIMITATIONS ON USE OF ADVANCED IMAGING TECHNOLOGY FOR SCREENING PASSENGERS.—

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

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

''(3) DEFINITIONS.—In this subsection:

''(A) ADVANCED IMAGING TECHNOLOGY.—The term 'advanced imaging technology'—

''(i) means a device that creates a visual image of an individual's body and reveals other objects on the body as applicable, including narcotics, explosives, and other weapons components; and

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

''(B) AUTOMATIC TARGET RECOGNITION SOFTWARE.—The term 'automatic target recognition software' means software installed on an advanced imaging technology machine that produces a generic image of the individual being screened that is the same as the images produced for all other screened individuals.

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

(b) REPORT.—

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

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

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

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

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

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

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

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

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

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

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

Mr. UDALL of New Mexico. Madam President, this amendment would significantly improve the privacy protections for passengers being screened by TSA whole body scanners, also referred to as advanced, imagining technology, or AIT.

In 2010, the TSA greatly expanded the use of AIT machines at airport checkpoints around the United States.

The image produced by an AIT machine is highly revealing and many passengers are uncomfortable being screened by the technology. Unfortunately, TSA's policy for passengers who refuse AIT screening is to conduct a full pat-down, hardly an ideal alternative for someone with privacy concerns.

There is a promising option to address the ongoing privacy concerns with AIT. New software, called automatic target recognition, can be installed on existing AIT machines to enhance privacy by eliminating passenger-specific images and instead detecting potential threat items and indicating their location on a generic outline of a person.

This month, TSA will begin testing the new software at Las Vegas McCarran International Airport, Hartsfield Jackson Atlanta International, and Ronald Reagan Washington National Airport.

Senate amendment No. 51 would require TSA to have automatic target recognition software installed on all AIT machines by January 1, 2012. This will provide ample time for TSA to thoroughly field test the software and work with the manufacturers to make necessary adjustments.

However, by imposing a deadline, it will ensure that TSA and the manufacturers make the implementation of the software a priority and will eliminate the potential for unnecessary delay.

This is an issue that has received bipartisan attention and I hope that this amendment will receive strong support from both sides of the aisle.

In closing, I would like to thank my chairman and ranking member for their hard work on the underlying bill.

It is an honor to serve with them and I look forward to working together on the many important issues before the committee.

Just to conclude, I thank our chairman of the Commerce Committee, JAY ROCKEFELLER. I think both Chairman ROCKEFELLER and ranking member KAY BAILEY HUTCHISON have done an excellent job on this FAA authorization bill. I do not have any doubt that they, working in the committee, have pulled us all together. It is a remarkable bill because it is a job-creating bill. It is a bill that we need right now with the economic slowdown we have in America.

The other aspect of this bill that I think is very important is updating the air traffic control system. That is something that is terribly important. It is called NextGen. We are moving on to the next generation of air traffic control. I think it is important to remind people that we are behind the country of Mongolia when it comes to air traffic control. So it is very important that we get this bill passed.

I agree with Leader REID when he said we cannot be on this forever. We need to move it along. I look forward to helping with that process.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I want to reiterate something the leader has said and what the Senator from New Mexico said; that is, the vast importance of this bill. I have said many times on this floor there are 11 million people who work for the aviation industry. That is only the direct jobs. There are probably 2 or 3 million indirect jobs. It is one of the major parts of our economy.

Here we stand, after 17 delays sort of kicking it down the road for 3 months, completely messing up FAA's ability to work with runways or make improvements. We cannot fiddle around with runways. If something goes wrong, they have to be fixed or people die. So the stakes are enormous. This business of slots has become a decision people will have to make. Do they want to see a bill which fails, which goes down, and we go into our 18th or 19th, whatever it is—I have stopped counting—or do they want to see something which is major to the American economy, major in terms of NASA research, in terms of air traffic control systems and which is major in terms of a passenger bill of rights. We have a lot of people stuck. I drove back from Clarksburg, WV, to Washington on Saturday. The reason I drove back is I was so sick of that airline that comes out of Clarksburg getting canceled or having mechanical problems, which means they probably didn't have enough passengers because we are a small State. We often don't have enough passengers to meet the bottom line. I drove back. It was 6½ hours. That was fine. I am prepared to do that. I hate doing that because it is a waste of my time. But the stakes are here.

This is huge, this bill. We have one good amendment, which we will do this morning when Senator NELSON of Florida comes down, and then I think we have to proceed. I appreciate the majority leader being quite tough about all this and saying he is going to lay down cloture. He doesn't want to fool around with this bill. There is only one part of this bill which is in any way contentious. That is slots. That has much more to do with campaign commitments than with the good of the Nation.

Nobody gets everything they want. In West Virginia we get almost nothing. I don't complain. I understand we are at the end of the food chain because we are a little State. Whenever there is a recession or airlines aren't doing very well financially because of fuel prices, we get cut off. My view about that is sort of more bitter but more maybe widespread and trying to look at the public good in general. As the tide rises, all the boats rise.

I strongly plead with Senators to consider the broader national interest and air traffic control system, which is digitalized GPS and which is three or four times more safe. I know whenever there is a near miss in the airways, when somebody has not calculated the distance correctly, either the pilot or the air traffic controller, I know about those things. They happen very frequently. There were several in the papers last week. We are playing with life and death. We are playing with the major exporter, by far the major exporter the United States has to other countries in terms of products and goods. Yet people sort of want to have just what they want to have because that is what they said last year, and they can't back off because, if they did, they would look weak or they are trying to protect a certain airline.

This, to me, is not about airlines. It is about passengers. The heck with airlines. We need to have more passengers going west because the West is growing faster than the East. They are underserved. There is one flight a day from DC to Los Angeles. That doesn't make any sense. All these things can be cured if people will be reasonable and not try to win out over some other group, some other constituency. My constituency is the national interest in this bill.

I don't mean to sound prudish, but I so say and believe very deeply.

If it is all right with the Presiding Officer, I will yield the floor to Senator BEN NELSON. He will make his amendment pending and then debate on the Nelson of Florida amendment will start at about 10:20.

AMENDMENT NO. 58

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. NELSON of Nebraska. I call up the amendment at the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON], for himself, Mr. SCHUMER, Mr. AKAKA, Mrs. SHAHEEN, Mr. TESTER, Mr. WHITEHOUSE, and Mr. MENENDEZ, proposes an amendment numbered 58.

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

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

The amendment is as follows:

(Purpose: To impose a criminal penalty for unauthorized recording or distribution of images produced using advanced imaging technology during screenings of individuals at airports and upon entry to Federal buildings)

At the end of title VII, add the following:

SEC. 733. CRIMINAL PENALTY FOR UNAUTHORIZED RECORDING OR DISTRIBUTION OF SECURITY SCREENING IMAGES.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by adding at the end the following:

"CHAPTER 124—UNAUTHORIZED RECORDING AND DISTRIBUTION OF SECURITY SCREENING IMAGES

''Sec.

''SEC. 2731. CRIMINAL PENALTY FOR UNAUTHORIZED RECORDING AND DISTRIBUTION OF SECURITY SCREENING IMAGES.

''(a) IN GENERAL.—Except as specifically provided in subsection (b), it shall be unlawful for an individual—

''(1) to photograph or otherwise record an image produced using advanced imaging technology during the screening of an individual at an airport, or upon entry into any building owned or operated by the Federal Government, without express authorization pursuant to a Federal law or regulation; or

''(2) to knowingly distribute any such image to any individual who is not authorized pursuant to a Federal law or regulation to receive the image.

''(b) EXCEPTIONS.—The prohibition under subsection (a) shall not apply to an individual who, during the course and within the scope of the individual's employment, records or distributes an image described in subsection (a) solely to be used in a criminal investigation or prosecution or in an investigation relating to foreign intelligence or a threat to the national security.

''(c) PENALTY.—An individual who violates the prohibition in subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

''(d) DEFINITIONS.—In this section:

''(1) ADVANCED IMAGING TECHNOLOGY.—The term 'advanced imaging technology'—

''(A) means a device that creates a visual image of an individual showing the surface of the skin and revealing other objects on the body; and

''(B) may include devices using backscatter x-rays or millimeter waves and devices referred to as 'whole-body imaging technology' or 'body scanning'.

''(2) FOREIGN INTELLIGENCE; THREAT TO THE NATIONAL SECURITY.—The terms 'foreign intelligence' and 'threat to the national security' have the meanings given those term in part VII of the guidelines entitled 'The Attorney General's Guidelines for Domestic FBI Operations', dated September 29, 2008, or any successor thereto.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 123 the following:

''124. Unauthorized recording and distribution of security screening images ..... 2731''.

Mr. NELSON of Nebraska. Madam President, the amendment Senators SCHUMER, AKAKA, SHAHEEN, TESTER, WHITEHOUSE, MENENDEZ, and I have offered is a commonsense approach to address the serious issue of protecting individuals' privacy when they pass through security checkpoints at both airports and public buildings. Senator SCHUMER and I have been working on this issue for some time, and I appreciate very much his input and counsel in taking this approach. I appreciate the support of the additional sponsors as well as the Presiding Officer, who is one of those sponsors.

By creating a deterrent and establishing criminal penalties for those who take and distribute body scan images inappropriately, we will help protect the American people's privacy while making sure we are using every resource available to try and assure their safety at the same time.

This is not an abstract concern. There has already been a case where these images, some 30,000, have been taken and posted, some of them, online inappropriately. It is our hope this amendment will help prevent that from occurring again.

By including this amendment in the FAA reauthorization, we are telling our constituents we will not ignore their privacy in the process of making sure we have safe airports and Federal buildings. That is what they are asking of us. That is what we are going to deliver. I ask my colleagues to support our amendment when it comes up for a rollcall vote.

I yield the floor.

AMENDMENT NO. 34

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 10 minutes of debate, equally divided, between the Senator from Florida and the Senator from Texas or their designees.

Who yields time?

The Senator from Texas.

Mrs. HUTCHISON. Madam President, while Senators are getting ready to speak, we have made good progress on the bill. Amendments are now coming in. Cloture is going to be filed Monday, so we need to have all the relevant amendments in by then.

I support the Nelson of Florida amendment on which we will vote at 10:30. We agreed last year, in a preconference meeting, that the amendment he has to drop language from the bill would be dropped. I support the amendment. The NASA Reauthorization Act has intervened, and that is the law of the land. It was passed unanimously by the Senate. I believe the Nelson of Florida amendment is a good one.

I yield the floor.

Mr. ROCKEFELLER. Madam President, I yield time to the distinguished Senator from Ohio.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I rise in support of the Nelson amendment. The amendment would strike section 605, as Senator HUTCHISON said, from the FAA bill. Section 605 would establish an advisory committee on the future of aeronautics to, among other things, consider transferring responsibility for civil aeronautics research and development from NASA to other existing departments. The sole purpose is to take away aeronautics from NASA. That is unacceptable. It belies the very purpose of NASA in our space and aeronautics mission. NASA stands for the National Aeronautics and Space Administration. His amendment ensures that NASA stays that way. This is a question of maintaining our space, aeronautics, and economic competitiveness.

Remember, one of our Nation's top manufacturing exports—and we don't export nearly enough manufactured goods—is aerospace, which includes civilian aircraft components. Ohio is the center for the aerospace industry. We make billions of dollars in components both for Boeing and Airbus and many other manufacturers. Section 605 would jeopardize America's dominance in aerospace and would shift the programs that have strengthened our Nation's global leadership away from the experience and expertise at NASA. A consortium of nonprofits and colleges and private corporations and other government agencies can be effective and have been effective to promote public-private partnerships and economic development. But none of these entities, either by themselves or even working together, will ever be able to conduct aerospace and aeronautics research and development better than NASA. Its fundamental aeronautics research capability is already fully integrated. It ensures the future success of NASA space missions.

Furthermore, section 605 is in direct contradiction to the NASA Authorization Act of 2010, which reaffirmed that aeronautics research remains vital to NASA's mission and deserves continued support. Simply put, section 605 jeopardizes not only the future of NASA but America's dominance in the global aerospace marketplace.

NASA centers across the country are unique in their ability to leverage space and aviation systems through their experienced technical researchers. These NASA centers in Cleveland and nine other places around the country are stewards and operators of the Nation's civil aeronautics R&D test infrastructure.

I applaud Senator NELSON of Florida for offering this amendment and his leadership on the Science and Space Committee.

I ask my colleagues to join Senator HUTCHISON and me in supporting the amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I yield to Senator PAUL to allow him to offer an amendment into the pending amendments so we will have that done before cloture is filed.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

AMENDMENT NO. 18

Mr. PAUL. I ask unanimous consent to set aside the pending amendment and call up amendment 18.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 18.

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

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

The amendment is as follows:

(Purpose: To strike the provisions relating to clarifying a memorandum of understanding between the Federal Aviation Administration and the Occupational Safety and Health Administration)

Strike section 509.

Mr. PAUL. Madam President, the amendment I am offering is to continue to have the airlines exempt from OSHA. This isn't because I am not concerned with safety. It is that we have been doing it this way for 30 or 40 years. The FAA voluntarily adheres to OSHA standards in their own manual. I take the President and the opposing party at their word that they are concerned with adding frivolous paperwork and frivolous regulations when, in reality, we are not doing anything to add to safety since the FAA is already adhering to these standards through their own manual. I also suspect that the FAA may be a little bit better in learning to have their own safety manuals and regulations than would OSHA since they specifically have been involved in this.

We would like to ask Members to vote against allowing OSHA to become involved in the FAA.

I yield the floor.

AMENDMENT NO. 34

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Madam President, do I need to set aside the pending amendment to call up amendment 34?

The ACTING PRESIDENT pro tempore. The amendment is now pending, under the previous order.

Mr. NELSON of Florida. Madam President, others have already spoken on this amendment. It is to take out unnecessary language in the bill that has been superseded by the NASA authorization bill we have passed. The letters in NASA, the first A is aeronautics, the National Aeronautics and Space Administration. Aeronautics research is a big part of the NASA bill. We have plussed up a lot of money for aeronautics research. There is superfluous language in the bill about a study. Other studies have already been done. We want to get rid of that redtape.

I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ROCKEFELLER. Madam President, we yield back any remaining time on our side.

Mrs. HUTCHISON. Madam President, we yield back.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the Nelson amendment No. 34.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

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

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—96

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

NAYS—1

Coburn

NOT VOTING—3

Kohl	Lieberman	Menendez

The amendment (No. 34) was agreed to.

The PRESIDING OFFICER. The motion to reconsider is laid upon the table.

The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I ask unanimous consent that I may proceed for 10 minutes as in morning business.

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

HONORING THE 1ST INFANTRY DIVISION AT FORT RILEY

Mr. ROBERTS. Mr. President, I rise today to honor the hard work and dedication of our men and women in the U.S. Army and all branches of service.

Just a couple of weeks ago, I had the pleasure of attending the uncasing ceremony at Fort Riley, KS. It was an honor. For those who have not attended an uncasing ceremony, it symbolizes a homecoming, and certainly that was the case at Fort Riley. It signifies the presence of the command and resumption of that command's authority. It offers a time to reflect on the heroic efforts and the leadership of the men and women of the Big First.

Since returning to Kansas in 2006, the 1st Infantry Division's headquarters deployed to Iraq. But this was not the first time the division has uncased its colors at Fort Riley. In fact, it was the fifth time in 55 years.

During their time in Basra, Iraq, the men and women of the Big Red One assisted in completing many vital projects.

Approximately 850 soldiers deployed from Fort Riley in February of last year. The division's efforts were supported by other services and also government agencies. The mission was more offensive than defensive—a change for the men and women of the Big Red One.

To quote Fort Riley's outstanding commanding general, MG Vincent Brooks:

> The Big Red One as U.S. Division-South was a trusted partner to the Iraqi Security Forces, to 9 U.S. Provincial reconstruction teams led by the U.S. Department of State, with participants from other agencies of the U.S. Government, and to other U.S. forces in Iraq, the Big Red One ensured that the hard-earned stability emerging in Iraq would never drift away. Their success was our success.

The accomplishments of the Big Red One are numerous and merit the attention of my colleagues.

The division assisted Iraqis in completing the Basra Children's Hospital, a cancer center noted as one of the most modern facilities in the Middle East.

I was fortunate to spend time at the ceremony with about 30 soldiers in the unit. One noncommissioned officer in particular stood out. I asked all of them how many deployments they had made to Iraq or, for that matter, Afghanistan, and the answers were two or three or four. But this one noncommissioned officer had five deployments. I asked him what on Earth was wrong with the deployment situation in his case. He said: Oh, no, I wanted to come back to my unit, to the Big Red One; I wanted to come back to Iraq and continue the work I thought was so important. I asked him what the difference was, and he said: Well, when I was here first in Iraq, we lost nine in our unit; nine paid the ultimate sacrifice. But in this deployment, no shots were fired.

If there ever was testimony from somebody on the front line, and obviously the NCOs run the Army, with due respect to the officers, but he summed it up pretty well: first deployment, nine fatalities; last deployment, no shots fired.

I am truly grateful that all of the soldiers deployed from the Big Red One's division headquarters returned safe this time around.

By the way, General Vincent Brooks, remember that name as I am sure you will hear it again, will soon be receiving his third star and will be reassigned to the Central Command. Anyone who knows General Brooks and his wife, Dr. Carole Brooks, is not surprised. This promotion in the new command comes as no surprise to anyone in the area, especially the people who served under General Brooks and have had the privilege of knowing him. Simply put, he is an inspirational leader with an outstanding record.

From the Kansas congressional delegation, General, well done, sir. You will be missed, but our pride in your success, your future success, and the job you have done and the job you will do make us all proud. It is a pride we all share.

I ask unanimous consent to have General Brooks's comments printed in the RECORD.

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

1ID COLORS UNCASING

(By MG Brooks, 20 Jan. 10)

Good morning ladies and gentlemen. I want to first thank the division band, the CG's Mounted Color Guard, Salute Battery outside in the cold air—you both look and sound great. You look and sound great and you make it possible for us to be back.

We are joined today by many distinguished guests. Let me first begin by saying thanks to Governor Sam Brownback, Senator Pat Roberts—it seems we cannot have an important ceremony without a major snowstorm—we certainly appreciate you honoring us by taking the journey here to come here under the conditions to be with us today. We're just honored by your presence. Our civilian aide to the Secretary of the Army. Other distinguished local, state and national elected officials or their representatives, all of whom serve as champions for the interests of Fort Riley in their official capacities. Our friends from Kansas State University also who had the opportunity to witness firsthand the great work our soldiers in Iraq and the real opportunity that exists in Iraq—we thank them for being bold enough to make the journey. As I turn and look at this crowd I see many faces of friends. Faces we have come to know not only as neighbors and colleagues, but as dear friends.

Thank you all for joining us today as the division headquarters symbolically and ceremonially returns from accomplishing our mission and as we bring to a close another chapter in the history of this great division.

This is a fitting occasion—because uncasing the 1st Infantry Division Colors at Fort Riley, after accomplishing a mission overseas has become a well-established practice. For today marks the 5th time in the last 55 years that these Colors—the Colors of America's 1st Division in name and in fact, have been removed from their traveling case and opened at Fort Riley.

Just as in 1955, 1970, 1991, and 2006, today in 2011 we again uncase and unfurl these gallant Colors with new history having been added to the Colors since they were last seen here. Truly, Fort Riley is the home of the Big Red One and now that we are back, again, we are truly at home in the heartland. And it's good to be back home.

I hope you will indulge me for a few moments to tell you a few highlights of the many accomplishments and achievements that happened through our time of deployment and to thank some people along the way. This is going to be a bit longer than my usual speeches, certainly much longer than the one I gave on the 3rd of January upon our return. I will do my best to highlight some remarkable things that happened in our campaign here as well as our campaign there, overseas. Plus, it's been a while since most of you haven't had a speech from me in a year. So I have to make up for some lost time. So bare with me.

Let me begin by saying that the accomplishments on the homefront here at Fort Riley were at least as impressive as those that occurred in southern Iraq. I want to say that something so that everybody is absolutely certain of that great team that you have here.

You may recall that in this field house over a year ago the division headquarters and the Victory 5 marched off to do our duty first, leaving a rear command supported by a mostly civilian mission support element and a mostly civilian U.S. Army garrison command.

Brigadier General David ''Pete'' Petersen and Command Sergeant Major Darrell ''Buddy'' Wallace took the lead for Fort Riley, standing forth bravely in what is still, in many ways, a journey in uncharted waters. You represented the command exceedingly well and I am very proud of both of you for all you did to shoulder a very, very heavy load with really hard work to do. Thanks to your ladies, Karen and ''Lefty'' also for your grace and patience and support of these two warriors. General Pete, congratulations on your upcoming promotion to Major general and recognition. And Command Sergeant Major Buddy Wallace, congratulations on the culminating role of a great career as you transition into the ''U.S. Army—Retired'' ranks.

[Applaud]

Believe me, the rear command would not have succeeded in the extraordinarily tough work that had to be done if there had not been a group of professionals, Army civilians, called the mission support element and led by Mr. Ollie Hunter. They were the surrogate staff—referred to as the ''M staff'' seated on the right behind BG Petersen and CSM Wallace, and they were magnificent.

The primary task of generating forces for deployment abroad fell to you—bringing together the modernization of equipment with the arrival of personnel to the individual and collective training that leads to forces ready to be deployed—from four different bases in four different states—in a year when every brigade under the division's responsibility deployed or redeployed, in part or in-toto, in some cases with a short-notice changes of theater and in some cases with a significantly shortened period of training—no matter the circumstances, no matter the curve ball pitched at you—you knocked it out of the park.

Nothing was normal about what you were asked to do, nothing was routine, there was no handbook and no standing operating procedure. Yet, you accomplished the mission in true Big Red One style, demonstrating what it means to say no mission too difficult, no sacrifice too great, duty first. Well done. Ladies and gentlemen, please join me in a round of applause.

[Applaud]

Then, there is the U.S. Army garrison command under the visionary and persistent leadership of Colonel Kevin Brown, Ms. Linda Hoeffner, Command Sergeant Major Ian Mann, and Colonel John Dvoracek all guiding the finest group of professional civilian directors in the entire Army.

What you have accomplished here in one year is absolutely amazing—and believe me that is understating the reality.

You moved the Fort Riley Campaign plan 2015, initiated last January, into a solid set of accomplishments. The opening of the Army's first warrior transition battalion complex; the expanded community covenants connecting Fort Riley even more to the 22 communities around Fort Riley; the start of the ongoing construction of the Army's newest community hospital; trail blazing resilience initiatives not only for soldiers but for military family members as well—programs that have been recognized as best practices throughout the Army; attracting national level leaders to come to Fort Riley to see the premier division level installation, in the making, and to gain their support for initiatives like military family housing and school expansion; the forward momentum of the Flint Hills Regional Council; and the generation of . . . conservatively . . . over $2.2 billion of revenue for the state of Kansas.

These accomplishments, ladies and gentlemen, are figurative ice chips from an iceberg of excellence. I am immensely proud of the Garrison Command, and ladies and gentlemen please join me in applauding their efforts.

[Applaud]

I want to take this opportunity also to say thanks to our community leaders, our neighbors, our friends, for your patience through the challenges of the last year, and for your steadfast support not only of the leadership here at Fort Riley but all the efforts I have already highlighted, and also of our deployed soldiers and of our families who stayed behind in the Flint Hills while we were gone.

Believe me when I say we truly could not have done what we did without you. You are our reason for doing what we do and we are forever indebted to you and we are joyous to be back with you again.

Finally, I want to thank the families of the warriors who were (and I should add: still are) deployed. You carry a burden that cannot be described adequately, compared accurately, or appreciated fully. You are our hope and our inspiration. You are the focus of what we look forward to while we are gone. You are the finest examples of grace and strength. Thank you for who you are and for all you give. It is so good to be back in your embrace.

Ladies and gentlemen, bear with me for just a few more moments while I highlight what was accomplished by the soldiers who stand before you and all who served under the colors of the 1st Infantry Division in its role as United States Division—South, responsible for all U.S. operations in the southern half of the country of Iraq, 9 of the 18 provinces—and an area positioned between Iran to the east, Kuwait to the south and Saudi Arabia to the west. An area where ancient human history meets the future of the middle east.

Roughly 850 soldiers deployed from Fort Riley to fulfill this headquarters mission which we officially began on the 2nd of February 2010 from our headquarters in Basra, the second largest city in Iraq.

We commanded units from every part of our Army, and were augmented by Navy, Air Force, Marine and Coast Guard and other government agency teammates joined together as a pick-up team that resembled an all-star team.

The deployment was fast-paced, high-stakes, more psychological than physical, more offensive than defensive, more indirect than direct.

An abbreviated way to describe our greatest accomplishment is to say—the Big Red 1 as U.S. Division—South was a trusted partner to the Iraqi security forces, to 9 U.S. provincial reconstruction teams led by the U.S. Department of State with participants from other agencies of the U.S. Government, and to the other U.S. Forces out there in Iraq, ensuring that the hard-earned stability emerging in Iraq would never drift away. Their success was our success.

All we had to do was help Iraq become the sovereign, stable, and self-reliant strategic partner the U.S. has been looking for in the Middle East—all in the face of internal political intrigue and violence, and the ever-present legitimate and illegitimate influences of neighboring countries, especially Iran.

Our soldiers faced violence, uncertainty, and danger courageously while also seizing every emerging every opportunity to meet the challenges in new and creative ways that led to remarkable successes and an acceleration of the stability in southern Iraq well ahead of the rest of the country.

16 Soldiers lost their lives while serving under the Colors of the Big Red One, brigades and battalions assigned to us. They

will forever be a part of our history, they will always be in our prayers and our thoughts go out to their families. Yet, thanks be to God, every one of the 850 soldiers who deployed from Fort Riley as part of the division headquarters returned safely, despite repeated rocket attacks on our bases, ambushes against our vehicles, hundreds of hours in aerial flight, and the harsh conditions of extreme heat, Biblical dust storms, and unforgiving military equipment.

These are the soldiers who developed the intelligence to defeat the enemy networks so that they found no sanctuary.

These are the soldiers who planned the operations to provide the surveillance that supported the Iraqis who then, on their own, arrested the violent extremists and who taught the Iraqi investigators and the judges how to gather evidence that led to convictions under the rule of law.

These are the soldiers who established the satellite communications to reach everywhere even places where no other Army unit has been able to extend communications.

These are the soldiers who determined which Iraqis we should develop relationships with to gain influence, who committed money like a weapons system to change the environment around us, who determined which projects should receive our attention and fought for successful completion and closure of 628 separate projects.

And these are the soldiers who planned and executed the drawdown ending operation Iraqi Freedom, beginning operation New Dawn, including the movement of 1,200 trucks, 14,000 separate pieces of equipment, $286 million dollars worth of U.S. property, responsibly moved out of the country of Iraq and the closure of 30 of 58 military bases in southern Iraq in only 6 months, including the conversion of a former prison complex into a logistics city for commercial enterprises to establish themselves.

These are the soldiers who created through their own initiative a program and center for building resilience even while deployed.

What a legacy to have been left by 800 Americans.

Ladies and gentlemen, these soldiers have truly added to the illustrious history of the Big Red 1 and have earned these decorations Command Sergeant Major Champagne and I affixed to the Colors and I would ask you please join me in a round of applause for these warriors.

Iraq is on the pathway to becoming sovereign, stable and self-reliant and we helped them have a chance. Now we are home and our attention is turned to rejoining our friends and loved ones—on building our resilience—and finally on our Fort Riley 2015 Campaign Plan which continues to move forward. We will address all of these with the same vigor, reunited and energized by the growth we have all experienced over the last 12 months. Exciting times await us. Forward the Big Red One.

Thank you again for joining us today. May God continue to bless you all and may his protection be with those who remain deployed and upon their families.

Duty First.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PRESIDENT'S TALK WITH CHAMBER OF COMMERCE

Mr. SESSIONS. Mr. President, President Obama talked with the chamber of commerce yesterday. I think that was a good step, but talk and rhetoric are not policy and not action. It is reported that he received applause from two different lines, and he got that in a 35-minute address, which is a bit unusual.

It does appear the President understands he has a serious problem with the job-creating community and is willing to at least meet with people. But the problem really is policy and action. I am disappointed he has not gone further to deal, in a realistic way, with the job problems this Nation has.

He talked about lowering corporate taxes but not reducing the burden of government borne by these companies. In other words, he talked about lowering the rate through eliminating loopholes, and some of the loopholes, I am sure, are not justified. Some of them may be very effective in helping us to be competitive and create growth, not just eliminating those and making it appear that the corporate tax burden has been reduced.

I talked to the chamber of commerce and businesspeople, and they tell me we are in a competitive world environment, and businesses decide where to make products and hire workers based on the cost of doing business in that area. A CEO in North America, for an international company in my home State, told me: We thought we were going to add 200 jobs—at an Alabama plant that he oversees to make a chemical product. But his headquarter company in Europe said: No, after considering taxes, we are not going to build that plant in Alabama. It is going to be in a foreign country. In other words, they had won the competition on costs. Another country with lower tax rates on a corporation had won the bid. The idea that you can have a high tax rate is not good.

We have the highest tax rate in the developed world—as soon as Japan brings theirs down, which they are planning to do, then we will be the highest corporate tax country in the world. This makes us less competitive, and it creates fewer jobs. Simply to eliminate loopholes and bring it down from 35 to the high twenties, as apparently is being discussed, does not reduce the burden of taxes on corporations. Many of our corporations are going to have a significant increase in their tax rates, and they will be less able to hire workers. This is a major issue that I think we have to confront. It is a competitiveness issue.

The President continued to talk, as he did in the State of the Union, about more investment spending. We don't have the money to do more spending. I am disappointed that he has not begun to realize that the day is over that we can just waltz in with a lot of good ideas for new spending programs. He continued to talk about spending and the role of democracy in this region and key industries at a time when we need to streamline regulations that are killing jobs in America. He did not call for a vigorous and realistic plan to reduce spending.

I appreciate the opportunity to speak. I appreciate the President beginning to enter into a dialog with the folks who create jobs. I am not suggesting that we need to reduce corporate rates to be nice to corporations. I do not have any grief to bear to try to make it somehow easier for corporate executives to make big amounts of money.

What I do understand is if we overtax American corporations, they will move other places. Canada is looking to reduce its corporate tax rate to 16 percent. If we are at 35 percent and Canada goes to 16, will that not be a factor in us losing jobs in competition with Canada? We have to defend our interests.

I see the distinguished majority leader. I know he is busy.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

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

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

ADDITIONAL STATEMENTS

TRIBUTE TO STAN ISRAEL

• Mr. REED. Mr. President, today I pay tribute to an outstanding Rhode Islander, a Vietnam veteran, and champion of workers' rights and justice in the workplace who retired after 35 years of service—my friend, Stan Israel.

After serving two tours in Vietnam, Stan began working for the Service Employees International Union, SEIU, in 1974, first as an organizer with Local 1199, covering New York and Long Island. Stan represented health employees in hospitals and nursing homes organizing employees around workplace safety and fair wages. Then, in 1983, after a short stay in neighboring Connecticut, Stan moved to Rhode Island to head the New England District of SEIU, where he recently retired as executive director.

For nearly three decades, Stan led Rhode Island's second largest union, which represents hard-working health care employees at hospitals across my State and hundreds of nursing and community health centers as well. Stan is a man of principle, good judgment, and great character. Moreover, he has been an unmatched advocate for the social and economic concerns of those in greatest need.

Indeed, Stan's focus and dedication has always been geared towards improving patient care in our hospitals and nursing homes and preserving the collective voice of workers' rights. He demonstrated an extraordinary commitment to workers and their families, which extended to their safety and health on and off the job.

Over the years, Stan organized the labor management committees at our hospitals to educate and train health care employees and worked to secure funding for training and professional growth programs. Moreover, Stan helped craft the Rhode Island Safe Patient Handling Act, a State law that has helped reduce the number of injuries suffered by patients and caretakers in health care facilities. And, after many years of Stan's efforts and activism, another bill was signed into Rhode Island law preventing hospitals from forcing mandatory overtime for nurses and nurse's aides, except in the case of emergencies.

But these are only a handful of Stan's achievements. And while these accomplishments came with great sacrifice and setbacks, Stan never quit and never stopped fighting to elevate the dignity and value of workers.

Stan's career represents a lifetime of distinguished service to his country, his State, and above all his members.

Now, after a well-deserved retirement, congratulations and thank you. I wish you and your wife, Cynthia, your children, Caitlin and John, the very best in all your future endeavors.●

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. GRASSLEY (for himself, Mr. LIEBERMAN, and Ms. COLLINS):

S. 300. A bill to prevent abuse of Government charge cards; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. HUTCHISON (for herself, Mr. THUNE, Mr. WICKER, and Mr. COBURN):

S. 301. A bill to amend title 49, United States Code, to make technical and minor modifications to the positive train control requirements under chapter 201; to the Committee on Commerce, Science, and Transportation.

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

S. 302. A bill to authorize the Secretary of the Interior to issue right-of-way permits for a natural gas transmission pipeline in nonwilderness areas within the boundary of Denali National Park, and for other purposes; to the Committee on Energy and Natural Resources.

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

S. 303. A bill to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, and for other purposes; to the Committee on Energy and Natural Resources.

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

S. 304. A bill to amend the Alaska National Gas Pipeline Act to improve the Alaska pipeline construction training program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida (for himself and Mrs. HUTCHISON):

S. 305. A bill to repeal a prohibition on the use of certain funds for the termination of the Constellation program of the National Aeronautics and Space Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. WEBB (for himself, Mr. BROWN of Ohio, Mr. DURBIN, Mr. FRANKEN, Mr. GRAHAM, Mrs. HAGAN, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mrs. MCCASKILL, Mr. SCHUMER, Mrs. SHAHEEN, Mr. UDALL of Colorado, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. HARKIN, Mr. BINGAMAN, Mr. MENENDEZ, and Mrs. MURRAY):

S. 306. A bill to establish the National Criminal Justice Commission; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. 307. A bill to designate the Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the ''W. Craig Broadwater Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

By Mr. CASEY (for himself and Mr. BROWN of Ohio):

S. 308. A bill to extend trade adjustment assistance and certain trade preference programs, and for other purposes; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. KERRY, Mr. MCCAIN, Mrs. HAGAN, and Mr. CARDIN):

S. 309. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova; to the Committee on Finance.

By Mr. COBURN (for himself, Mr. UDALL of Colorado, and Mr. TESTER):

S. 310. A bill to end unemployment payments to jobless millionaires; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. CASEY):

S. 311. A bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ENZI (for himself and Mr. BARRASSO):

S. Res. 46. A resolution requiring that legislation considered by the Senate to be confined to a single issue; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 35

At the request of Mr. LAUTENBERG, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 35, a bill to establish background check procedures for gun shows.

S. 102

At the request of Mr. MCCAIN, the names of the Senator from West Virginia (Mr. MANCHIN) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 148

At the request of Mr. VITTER, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 148, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

S. 272

At the request of Mr. MANCHIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 272, a bill to amend the Federal Water Pollution Control Act to clarify and confirm the authority of the Environmental Protection Agency to deny or restrict the use of defined areas as disposal sites for the discharge of dredged or fill material.

AMENDMENT NO. 14

At the request of Mr. WICKER, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of amendment No. 14 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 49

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 49 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. LIEBERMAN, and Ms. COLLINS):

S. 300. A bill to prevent abuse of Government charge cards; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, we often use the metaphor of credit cards to talk about uncontrolled government spending, but in some cases, wasteful government spending is quite literally enabled by the use of charge cards in the hands of government bureaucrats. That is why I am reintroducing the Government Charge Card Abuse Prevention Act. This legislation will ensure that Federal departments and agencies have in place, and keep in place, the kinds of safeguards necessary to prevent waste, fraud, and abuse with government issued charge

cards. We have made a lot of progress since I first started shining the spotlight on this issue with the help of the Government Accountability Office, GAO. This legislation will secure the gains we have made to prevent any backsliding while adding in extra mechanisms to prevent and detect misuse of government charge cards.

In 1998, the General Service Administration, GSA, entered into a contract with a set of commercial banks to utilize charge cards, not unlike those used by businesses large and small and millions of consumers worldwide. This is called the SmartPay® program. These government charge cards include government purchase cards, which are used for acquisition of commercial goods and services by agencies and paid directly by the agency, and government travel cards, which are used to pay for individual government travel expenses and issued in the name of individual government employees.

Government charge cards were intended as a low cost method to streamline government acquisition and travel processes. The whole idea was to adopt the best practices of the commercial sector. In the business sector, charge cards have been a success. They save time and money. The main reason they work so well is because the control environment in the private sector is rock solid and accountability is a fact of life. When a business is spending its own money, it is going to be sure that it accounts for every penny or it won't stay in business. As a result, corporate America, if an employee is caught abusing a card, they'll lose it or get fired.

It is certainly a good idea for government to learn lessons from the business sector. However, there are certain fundamental differences between the private sector and the governmental sector that call for extra vigilance, mainly the fact that government spends other people's money. Human nature being what it is, most people are not nearly as careful spending other people's money as they would be spending their own.

Sure enough, when the SmartPay® program was first implemented, Federal departments and agencies did not take near the care that a private business would when handing out company charge cards. When I started looking into this with the GAO, we uncovered blatant examples of wasteful spending. Government employees were using their government-issued charge cards to bypass any authorization and approval procedures and purchase items that had nothing to with their official duties. We are talking about LA-Z-Boy reclining chairs, kitchen appliances, and even a sapphire ring being paid for with government purchase cards, and with the American taxpayer paying the bill no questions asked.

Government travel cards have been used for gambling, sporting events, concerts, cruises, and even gentlemen's clubs and legalized brothels. While travel cards are not paid directly with taxpayers' money like purchase cards, failure by employees to repay these cards results in the loss of millions of dollars in rebates to the Federal Government. Also, when credit card companies are forced to charge off bad debt, they raise interest rates and fees on everyone else.

A series of GAO reports over the last decade have identified an inadequate and inconsistent control environment across numerous Federal agencies with respect to both government purchase cards and government travel cards. This has led to millions of dollars in taxpayers' money wasted. In some cases purchases were outright fraudulent, and others were of questionable need or were unnecessarily expensive. In each report it has issued, the GAO has made recommendations about what kind of controls need to be implemented to prevent such abuses from occurring in the future. In many cases, the same controls were often missing or inadequate, and therefore the same recommendations are repeated in report after report. One agency would promise to clean up its act, but then we would find the exact same problems with another. That is why I worked to develop legislation that would incorporate GAO's recommendations regarding some of the most basic controls needed in every agency to prevent abuse of government charge cards.

As a result of the pressure applied by the relentless oversight of Congress, the GAO, and agency Inspectors General, we have seen some progress toward establishing a better control environment. In fact, the Office of Management and Budget has issued to Federal agencies a circular that seeks to bring about many of the controls we identified. However, this progress would not have been possible without the continual spotlight being shone on the problem and the threat of congressional action.

In addition to requiring the most important internal controls across the government, the bill requires all Federal agencies to establish penalties for violations, including dismissal when circumstances warrant. This is necessary not only so that taxpayers know that those who would squander their money are held accountable, but also to send a message to other government employees that such behavior will not be tolerated. The bill also increases oversight by providing that each agency Inspector General periodically conduct risk assessments and audits to identify fraud and improper use of government charge cards. We have had great success working with Inspectors General using techniques like data mining to reveal instances of improper use of government charge cards. Having this information on an ongoing basis will help maintain and strengthen a rigorous system of internal controls to prevent future instances of waste, fraud, and abuse with government charge cards.

This legislation has been revised a number of times with considerable input from the GAO as well as the Inspector General community and other stakeholders. In crafting the very carefully thought out bill before us today, I have appreciated the help and support provided by Chairman LIEBERMAN and Ranking Member COLLINS, who have again joined me as original cosponsors of this bill. The version I have introduced today is the same bill that passed the Senate in the last Congress and I look forward to seeing it pass both houses of Congress and enacted into law in the very near future. That day, the American taxpayers will be able to rest just a little easier knowing that at least one avenue to potentially waste their hard earned money has been blocked.

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

S. 302. A bill to authorize the Secretary of the Interior to issue right-of-way permits for a natural gas transmission pipeline in nonwilderness areas within the boundary of Denali National Park, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to reintroduce legislation that I first offered in 2009 to authorize a right-of-way for construction of an Alaska in-state natural gas pipeline. The bill is being co-sponsored by my colleague from Alaska, Sen. MARK BEGICH. The pipeline would run along the State's main highway from Fairbanks to Anchorage, including 7 miles of highway through Denali National Park and Preserve.

While many in this body are familiar with plans for a large-volume natural gas pipeline to run from the Prudhoe Bay oil fields to the Lower 48 States, there is concern that the large-diameter pipeline will not be finished in time to provide needed gas to Southcentral Alaska—gas that is vital for electric generation in Anchorage, the Mat-Su Borough, and Kenai Peninsula.

Currently, electricity in Alaska's southern Railbelt, as it is called, is largely generated by burning natural gas produced from the gas fields in Cook Inlet, south of Anchorage. Cook Inlet production has been falling for years and businesses have been forced to close as a result.

Serious concerns exist regarding the region's ability to produce sufficient gas for electric generation and home heating for Alaska's most populated area as early as the winter of 2014–15.

Given the pace of planning for construction of the main line, it is unlikely that a larger Alaska natural gas pipeline will be able to deliver gas until 2020 or later—6 or more years too late to aid Southcentral Alaska's growing need for natural gas. Thus, to provide a reliable natural gas supply, Alaska is considering investing in a smaller pipeline to meet medium term demand.

There are two proposals for small-diameter, 24-inch, in-state pipelines. One would run along the Richardson and Glenn Highways to the east, tying into existing transmission systems near Palmer, Alaska.

The other ''bullet'' line, is the pipeline of concern in this legislation. It would run from Alaska's North Slope region, past Fairbanks, along the Parks Highway to the Mat-Su Valley near Anchorage, bringing about 500 million cubic feet of gas a day to Southcentral Alaska. This project would be completed well in advance of when a larger-diameter pipeline might be in service to deliver 4 to 4.5 billion cubic feet a day to Lower 48 markets.

The shortest and most logical route for a pipeline through or around the roughly 10-mile bottleneck of the Nenana River Canyon and Denali National Park and Preserve follows the existing highway, 7 miles of which pass through the Park. This route causes the least environmental and visual impact due to its location in an existing corridor, and provides a route that is easily accessible for routine pipeline maintenance.

This route would be the least expensive to construct and operate. Moreover, it would offer several environmental advantages. Building the pipeline along the existing, previously disturbed Parks Highway right-of-way, would allow for electricity generation from natural gas in the park facilities at Denali. For the first time, reasonably priced compressed natural gas, CNG, would be available to power park vehicles. Currently, National Park Service permitted diesel tour buses travel 1 million road miles annually. Converting the buses to CNG would significantly reduce air emissions in the park.

Another benefit is that in order for the pipe to cross the Nenana River, a new bridge will need to be built. The bridge would provide a pedestrian access/bicycle path for visitors who otherwise must walk along the heavily traveled highway.

For these reasons, 8 environmental groups have expressed support for pipeline construction along the existing highway right-of-way through Denali Park. These groups are the National Parks and Conservation Association, the Alaska Conservation Alliance, the Denali Citizens Council, The Wilderness Society, Cook Inlet Keeper, the Alaska Center for the Environment, the Wrangell Mountain Center, and the Alaska Wildlife Alliance.

Last year, the State of Alaska finished a preliminary study of the project. It continues to consider whether to permit and facilitate a ''bullet'' line project, compared to other options, in order to meet future Southcentral power needs. Alaska state regulators and financial markets will ultimately decide which pipeline projects will go forward. It is my desire, however, to introduce legislation that would clear legal impediments to planning for the Parks Highway route.

Approval of the right-of-way would remove a key unknown and provide greater certainty in the cost estimates and the timing for a project. Eliminating the uncertainty of permitting and regulatory delays will enable the Parks Highway route to compete on a level playing field with other pipeline projects.

In 2009, this bill was modified to meet concerns voiced by the environmental community, congressional staff, and the National Park Service. The version reintroduced today was approved unanimously by the Senate Energy and Natural Resources Committee and added to the American Clean Energy Leadership Act that passed from the Committee on June 17, 2009. The provision, according to the Congressional Budget Office, had nominal fiscal impacts when scored as part of the larger bill—S. 1462.

With the pressing need of Southcentral Alaskans in mind for natural gas, I implore this body to quickly approve this legislation in the 112th Session.

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

S. 303. A bill to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to reintroduce legislation, being cosponsored by my colleague Senator MARK BEGICH from Alaska, to clarify Federal mining law and remedy a problem that has arisen from the extension process for ''small'' miner land claims.

Under revisions to the Federal Mining Law of 1872, 30 U.S.C. 28(f), holders of unpatented mineral claims must pay a claim maintenance fee originally set at $100 per claim by a deadline, set by regulation, of September 1st each year. Since 2004 that fee has risen to $125 per claim. But Congress also has provided a claim maintenance fee waiver for ''small'' miners, those who hold 10 or fewer claims, that they do not have to submit the fee, but that they must file to renew their claims and submit an affidavit of annual labor, work conducted on the claim, Dec. 31st each year, certifying that they had performed more than $100 of work on the claim in the preceding year, 30 U.S.C. 28f(d)(1). The waiver provision further states: ''If a small miner waiver application is determined to be defective for any reason, the claimant shall have a period of 60 days after receipt of written notification of the defect or defects by the Bureau of Land Management to: cure such defect or defects or pay the $100 claim maintenance fee due for such a period.''

Since the last revision to the law last decade, there have been a series of incidents where miners have argued that they submitted their applications and affidavits of annual labor in a timely manner, but due to clerical error by BLM staff, mailing delays or for unexplained reasons, the applications or documents were not recorded as having been received in a timely fashion—and that BLM has then moved to terminate the claims, deeming them null and void. While mining claim holders have argued that the law provides them time to cure claim defects, BLM has argued that the cure only applies when applications or fees have been received in a timely manner. Thus, there is no administrative remedy for miners who believe that clerical errors by BLM or mail issues resulted in loss or the late recording of claim extension applications.

There have been a number of cases where Congress has been asked to override BLM determinations and reinstate mining claims simply because of the disputes over whether the claims had been filed in a timely manner. Congress in 2003 reinstated such claims in a previous Alaska case, and claims in another incident were reinstated following a U.S. District Court case in the 10th Circuit in 2009 in the case of Miller v. United States. Legislation similar to this provision actually cleared the Senate in 2007, but did not ultimately become law.

This bill is intended to short circuit continued litigation and pleas for claim reinstatement by clarifying the intent of Congress that miners do have to be informed that their claims are in jeopardy of being voided and given 60 days notice to cure defects, including giving them time to submit their applications and to submit affidavits of annual labor, should their submittals not be received and processed by BLM officials on time. If all defects are not cured within 60 days—the obvious intent of Congress in passing the original act—then claims still are subject to voidance.

The transition rule included in this measure will solve two pending cases in Alaska, one where a holder of nine claims on the Kenai Peninsula, near Hope, Alaska, has lost title to claims that he had held from 1982 to 2004. In this case, John Trautner had a consistent record of having paid the annual labor assessment fee for the previous 22 years and the local BLM office did have a time-date-stamped record that the maintenance fee waiver certification form had been filed weeks before the deadline, but just not a record that the affidavit of annual labor had arrived. In the second case Don and Judy Mullikin of Homer, Alaska, lost title to nine claims on the Seward Peninsula outside of Nome in Alaska because the Anchorage BLM office has no record of them receiving the paperwork, even though the owners have computer time stamps of them having completed the paperwork 5 months before the deadline, but no other evidence

of filing to meet BLM regulations. They lost their appeal in late 2009. These are claims that have been worked in Alaska yearly since 1937 and are the main livelihood for the Mullikins.

This legislation, supported by the Alaska Miners Association—S. 3175 in the 111th Congress—clearly is intended to remedy a simple drafting error in congressional crafting of the small miner claim defect process. While only a few cases of potential clerical errors have occurred over the past decade, it still makes sense for Congress to clarify that claim holders have a right to know that their applications have not been processed, in time for them to cure application-claim defects prior to being informed of the loss of the claim rights forever. Simple equity and due process requires no less.

Given the minute cost of this administrative change to the Department of the Interior, but its big impact on affected small mineral claim holders, I hope this bill can be considered and approved promptly this year.

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

S. 304. A bill to amend the Alaska Natural Gas Pipeline Act to improve the Alaska pipeline construction training program, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation that would make a minor technical change to a provision that this Congress approved in 2004 to further construction of an Alaska natural gas pipeline system to move Alaska's conventional gas to market.

In 2004 Congress approved two pieces of legislation to help facilitate construction of an Alaska natural gas pipeline. In Public Law 108–324 Congress approved a Federal loan guarantee program, streamlined regulatory processes and approved a worker training program to guarantee a domestic labor supply for construction of the largest private-sector capital infrastructure project in the world's history. In a separate bill, Public Law 108–357, Congress also approved tax changes to provide accelerated depreciation for the pipe and a related gas conditioning plant needed for the project. A pipeline to move Alaska's 35 trillion cubic feet of known gas reserves, and its likely 315 trillion cubic feet of additional Arctic gas reserves from lands and Arctic waters would have a host of benefits to the Nation.

Being able to market only the known gas reserves at the Prudhoe Bay field will involve construction of a pipeline system estimated to cost between $26 and $40 billion. It is expected to produce 38,000 direct job-years of labor in Alaska and up to 31,000 direct jobs at the peak of construction. According to the National Defense Foundation it will produce direct employment of 172,369 jobs nationwide when related steel, pipe, valve and equipment jobs are included, not counting many more indirect jobs. At current prices it will generate about $100 billion in Federal tax revenues, not counting $40 billion in Alaska State revenues and $30 billion in Canadian tax revenues over its first 20 years of operation. Recent estimates, however, indicate that development of gas from the offshore Arctic that a gas line will permit to occur, would add an average of an additional 54,700 new jobs in the U.S.—91,500 at peak employment. That would provide $145 billion in total payroll—$82 billion to workers in the Lower 48—and provide $167 billion in tax and royalty revenues to the Federal Government, $15 billion to the State of Alaska and total revenues of $193 billion at forecast gas prices.

In the intervening 7 years since the gas line loan-permitting package became law, it has become clear that changes are needed. While those changes include revisions in the loan guarantee program, they also involve changes in the construction worker training provisions.

In the 2004 act, Sect. 113, the bill authorized $20 million for worker training programs, with at least 15 percent of those funds going to pay for ''design and construction of a training facility to be located in Fairbanks, Alaska.'' But language in the bill has prevented that training center from moving forward. This proposed bill would authorize Federal funding to be released immediately upon the request of the Governor of Alaska, to fund construction of the training center, and to broaden the center to permit it also to train oil, besides gas field workers, and environmental response employees.

According to the Alaska Department of Labor, the demand for skilled workers for gas and oil line projects on Alaska's North Slope grew by 50 percent from 2005 to 2009 to nearly 12,000 workers. At the same time, the average age of Alaska's skilled workforce is now 53, meaning that Alaska needs to train 1,000 new construction and pipeline workers annually simply to maintain the State's existing skilled workforce. Since it takes roughly 5 years to train a skilled construction/pipefitter, it is imperative that such training begin far in advance of estimated pipeline construction. According to State data, there are only about 2,130 plumbers, pipefitters and steamfitters working in Alaska and another 1,004 welders, solderers, brazers, and machine setters. Past estimates by one of the two consortia proposing to build an Alaska gas pipeline are that the gas line alone will require 1,650 welders/helpers, 2,000 equipment operators, 418 inspectors and 90 UT technicians, just to build the Alaska sections of the pipeline. That means there is an urgent need for the pipeline training center now.

The Fairbanks Pipeline Training Center's core mission is to provide a highly trained workforce that will meet the needs of the entire oil/gas/pipeline/refining industry; which is a significant component of Alaska's economy, providing 80 percent of the State's industrial tax base, 74 percent of all resources produced in the State, and 85 percent of State revenues) and a crucial component of the Nation's domestic energy supply, currently 13 percent of all domestically produced oil, while the proposed overland gas line will produce 7 percent of the Nation's total estimated gas demand in 2020. The necessity for this workforce is further emphasized because it is clear that an aging infrastructure will require an accelerated repair, replacement, and maintenance regime if production requirements and safety standard are to be met.

The training center is an innovative statewide collaboration between labor, industry, and local, State, and Federal Governments. Additionally, it is understood that as alternative fuel technologies emerge and are commercialize, a highly skilled, highly trained, highly motivated workforce will be required. Again, through collaboration with others: the University of Alaska, the Cold Climate Housing Research Center, United Technologies Corporation, General Electric, and Alaskan commercial interests, requisite evolving workforce needs are understood and can be met.

The facility needs to be located in Interior Alaska, because the climate will permit workers to be fully trained in the real-world conditions they will face on the job. In order to complete the training center and thereby meet anticipated labor demand in a timely manner, funds must be secured in the upcoming budget cycle. Federal funding needed includes: $5.5 million for Central Facility classrooms and shops, $1.5 million for a Construction Camp Facility, $1.0 million for a Pipeline Coating Training Facility and for corrosion control training, $0.5 million for civil work improvements to the Field Training Site, and $1.5 million for pipeline and transportation/logistical equipment.

The bill's changes will permit the creation of a domestic energy workforce that is stable, productive, and encourages safe working practices that will help to protect Alaska's environment and wildlife, while producing the energy that America needs. The proposal does not expand the size of the funding authorization approved in 2004. It simply makes it more likely that American workers will benefit from a gas line project when it proceeds—an important fact when the national unemployment rate remains at 9.4 percent. I hope that this Congress will consider this bill for quick consideration and passage.

By Mr. ROCKEFELLER:

S. 307. A bill to designate the Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the ''W.

Craig Broadwater Federal Building and United States Courthouse'', to the Committee on Environment and Public Works.

Mr. ROCKEFELLER. Mr. President, it is with great pride that I come to the floor today to discuss legislation that I am introducing to name the Federal Building and United States Courthouse in Martinsburg, WV, in honor of a dear friend, W. Craig Broadwater.

Judge Broadwater served at this courthouse during his tenure on the Federal bench, until his untimely death in 2006 after a battle with cancer. This legislation is a small, yet fitting tribute to his remarkable service to West Virginia and America.

It is difficult to put into words how tremendous of a loss his death was to his family, friends, community, State, and Nation. But I think it becomes much clearer when one looks at his life—his contributions to Justice and the Defense of our Nation, his love for his family, and the difference he made in the lives of those who were fortunate enough to know him.

Craig earned his undergraduate degree from West Virginia University in 1972 and his law degree from the West Virginia University College of Law in 1977. He spent the next several years in private practice in Wheeling, West Virginia, and also served as a hearing examiner for the West Virginia Worker's Compensation Fund and a special prosecuting attorney for Ohio County.

His career on the bench dates back to when I was Governor of West Virginia and had the honor of appointing him in 1983 to be a Circuit Judge for Ohio, Brooke, and Hancock Counties. There, he worked to protect our State's most vulnerable children as Chair of the Committee to Develop Child Abuse and Neglect Rules. The ''Broadwater Committee'', as it became known, reformed our courts' response to the needs of children in our judicial system.

Craig served as a state court judge until he was nominated by President Clinton to be a U.S. District Judge for the Northern District of West Virginia. He was confirmed by the Senate on July 12, 1996, and commissioned to serve on July 26, 1996.

During his ten years on the Federal bench, Craig exhibited all of the characteristics that we hope for in a judge. He was intelligent, thoughtful, principled, and fair. Anyone who appeared before him knew that the case would be decided on the merits, without bias towards any of the claimants.

But beyond his service on the bench, Craig was also a hero and a patriot who answered the call of duty time and again. He began his military career in 1972 with a tour in Korea as an Army Military Intelligence Officer. He continued his service as a member of the West Virginia National Guard, where he rose to the rank of Brigadier General. Even while serving on the Federal bench, Craig fought to protect our country. His service included a 2003 deployment as Deputy Commander of the Combined Joint Task Force-Horn of Africa at Camp Lemonier, Djibouti, and a 2005 deployment to Iraq as Commanding General of the Joint Interagency Task Force-High Value Individuals at Camp Victory, Iraq. His awards are too numerous to count, but among them are the Defense Superior Service Medal and the Bronze Star.

But despite all of his awards and accomplishments, the thing that made Craig the most proud was his family. I am privileged to know his wife Chong, and his children Chandra, Taeja, and Shane—and to have their blessing in introducing this legislation.

As I reflect on Craig's life and career, I still remember the day he was confirmed by the Senate for a seat on the Federal bench. It was a great day for me and for all West Virginians. At the time, I came to the floor and said that Senator Byrd and I had recommended him for this position because he ''represents the very best of our State''—and how true that is even today.

Those of us who were fortunate enough to know him personally describe him as courageous, kind, compassionate, and loving. And although his life was cut short, he had already achieved more than most of us could ever hope to accomplish in several lifetimes.

I am very appreciative that Congresswoman SHELLEY MOORE CAPITO has agreed to join me in introducing companion legislation in the House of Representatives, and is going to work with me to get this bill signed into law. The bipartisan nature of our effort is truly a testament to the impact that Craig had on all of us, regardless of political affiliation.

In closing, the naming of a Federal courthouse in his honor is such a small gesture, especially compared to what Craig did for our country.

But it is my hope that whenever the citizens of West Virginia visit or pass by the W. Craig Broadwater Federal Building and United States Courthouse in Martinsburg, West Virginia, they will remember his life and be inspired, as I have been inspired, to give back to our country in such a meaningful way.

By Mr. LUGAR (for himself, Mr. KERRY, Mr. MCCAIN, Mrs. HAGAN, and Mr. CARDIN):

S. 309. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova; to the Committee on Finance.

Mr. LUGAR. Mr. President, I rise to introduce legislation to authorize the extension of nondiscriminatory treatment, normal trade relations treatment, to the products of Moldova. This legislation would repeal the Cold War-era Jackson-Vanik trade restrictions on Moldovan products. Moldova has been in compliance with Jackson-Vanik-related concerns for some time now, and repeal of this legislation will provide an important impetus for improving trade relations between the United States and Moldova, advancing Moldova's Western ambitions, and laying the foundation for closer U.S.-Moldovan political engagement.

By Mr. KERRY (for himself and Mr. CASEY):

S. 311. A bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance, to the Committee on Finance.

Mr. KERRY. Mr. President, each year an estimated 2,550 children in the United States are diagnosed with metabolism disorders. For the rest of their lives they will need modified foods that do not have the nutrients their body is incapable of processing. They may also require supplementation with pharmacological doses of vitamins and amino acids. The good news is that with treatment they can lead normal, productive lives. But without these foods and supplements, patients can become severely brain-damaged and hospitalized.

Through bipartisan efforts, we have made great strides in improving how quickly babies with these disorders are diagnosed. Newborn screening has made a tremendous difference in the early diagnosis of metabolic disorders. However, affordable and accessible treatment options remain out of reach for too many Americans. Medical foods and supplements which are necessary for treatment may not be covered by insurance policies and can be prohibitively expensive for too many families. For those with a metabolic disorder, medical foods are critical in treatment, just as other conditions are treated with pills or injections. The sporadic insurance coverage of treatment is a problem. In response, over 35 States have enacted laws to enforce coverage of medical foods. However, too many loopholes remain and federal legislation is necessary to ensure that these individuals receive what they need to stay well. It is time that we get treatment for those patients lost in insurance loopholes.

The Medical Foods Equity Act follows the April 2009 recommendations of the U.S. Health and Human Services, Secretary's Advisory Committee on Heritable Disorders in Newborns and Children. It will ensure coverage of medical foods and necessary supplements for individuals with disorders as recommended by the Advisory Committee and, most importantly, peace of mind for those families affected by inborn errors of metabolism.

The lack of medical food coverage available to families has a significant impact on their lives. With the current situation of varying regulations between States and insurance providers, even families with coverage find themselves living in fear that a change in insurance provider will lead to reduced or nonexistent coverage. Too many Americans across the country are struggling to access the treatment they need for this type of disorder.

Take the story of Donna McGrath from Wilmington, Massachusetts. Donna has two daughters with phenylketonuria, PKU, and she speaks eloquently about the frustration she experienced after her employer switched insurance plans. Because medical foods are not listed along with other necessary medicines, Donna was forced to navigate a long list mostly made up of durable medical equipment providers unequipped to help her. Even when she finally found a pharmacy that could order the formula, she was told that they required an upfront payment because they were wary of not being reimbursed by insurance companies. In Donna's own words, she was dismayed at ''having that feeling like you're being held hostage every time a change may occur in your insurance or carrier.'' Medical treatment for inborn error of metabolism disorders is just as necessary as treatment for other conditions—like insulin for a diabetic or chemotherapy for a cancer patient.

As newborn screening and medical advances continue to improve the ability of those born with an inborn error of metabolism to lead full, healthy lives, we must make sure that the necessary treatments are available. That is why Senator CASEY and I are introducing the Medical Foods Equity Act. Our legislation would require medically necessary foods and supplements to be included in the definition of essential health benefits for qualified health plans, covered by federal health programs, Medicare, Medicaid, CHIP, TRICARE, and by the private health insurance market, fully insured group health plans, self-insured group health plans, and non-group health plans. The legislation requires the Secretary of Health and Human Services to make a determination of minimum coverage levels for medically necessary foods and supplements for certain rare metabolic conditions.

I would like to thank a number of organizations who have been integral to the development of the Medical Foods Equity Act and who have endorsed it today, including the National PKU Alliance, the Save Babies Through Screening Foundation, the National Organization for Rare Disorders, NORD, Genetic Alliance, and the American Dietetic Association.

The Medical Foods Equity Act will close existing loopholes in coverage and provide the parity in coverage these families deserve. It is my hope that we can move forward with this bill in a bipartisan manner. I ask all of my colleagues to support this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 46—REQUIRING THAT LEGISLATION CONSIDERED BY THE SENATE TO BE CONFINED TO A SINGLE ISSUE

Mr. ENZI (for himself and Mr. BARRASSO) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 46

Resolved,

SECTION 1. SINGLE ISSUE REQUIREMENT.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider a bill or resolution that is not confined to a single subject.

(b) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 30 minutes, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. ENZI. Mr. President, I rise today to discuss the legislative climate the United States Senate has found itself operating in. Like many of my colleagues, I began my political career in local government. I was mayor in my hometown and then served as a legislator in the Wyoming State Legislature. It was during this time I learned that the most effective legislation comes from a process that is transparent and focused. For example, the Wyoming State Legislature requires that all bills must be focused on one issue. They cannot be loaded up with random provisions, riders, and add-ons that have nothing to do with the overall legislation. In Congress, we often use omnibus bills to pass multiple legislative items that should be considered on their own merit. Omnibus bills often create more problems in the long run than they solve.

Instead of focusing on one policy issue at a time, we have allowed legislative logjams to foul up the Senate's work and ill-considered legislation to be hastily pushed through this institution. These legislative practices, which have become the norm, are a gangrene that eats away at this institution.

Legislation that is fundamental to our country's well-being has become politicized and burdened with extraneous provisions that have not been fully vetted through the regular order. Most of the time Members have not had the opportunity to read the bills they are voting on, let alone the public which will have to live under and pay for whatever lurks in the unseen pages. By tolerating this behavior, the Senate is allowing legislation needed to address our Nation's most pressing challenges to go through unrefined and lousy with special interest provisions.

To help bring this institution back in line with its original purpose, today I reintroduce my Single Issue Legislation bill. I want this bill to be a starting point for changing the attitude the Senate has toward building bills. It will allow us to focus on getting individual issues addressed more effectively. Specifically, this bill enacts a standing order that creates a point of order against a bill or resolution that is not confined to a single issue. This point of order can only be overruled by a supermajority.

My Single Issue Legislation gives the Senate the flexibility in the amendment process it has always enjoyed and allows the Senate as a legislative body to develop the structure and scope of the standing order through practice and precedent rather than through arbitrary rules. At the same time, we ensure that our legislative process is focused and productive. In short, we bring ourselves back to how the Founding Fathers intended and wanted our legislative process to operate.

Our job is not to score political points by stuffing as many pet projects and knee-jerk provisions as we can into bills, but rather to represent the needs of our constituents, our States, and our country by doing what is best for us as a nation. We must get back to a better process for crafting and considering legislation so that we can enact effective policies to meet the many challenges we face today. This is why we were elected to serve in the United States Senate. We owe it to the people we represent to work through a process that allows legislation to be properly and thoroughly considered and debated. My Single Issue Legislation bill helps us do just that.

AMENDMENTS SUBMITTED AND PROPOSED

SA 57. Mrs. HUTCHISON (for herself and Mr. CORNYN) 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 58. Mr. NELSON of Nebraska (for himself, Mr. SCHUMER, Mr. AKAKA, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. TESTER) proposed an amendment to the bill S. 223, supra.

SA 59. Mr. COCHRAN (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 57. Mrs. HUTCHISON (for herself and Mr. CORNYN) 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 54, between lines 3 and 4, insert the following:

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

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

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

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

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

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

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

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

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

(2) agrees in writing—

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

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

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

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

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

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

SA 58. Mr. NELSON of Nebraska (for himself, Mr. SCHUMER, Mr. AKAKA, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. TESTER) proposed an amendment 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; as follows:

At the end of title VII, add the following:

SEC. 733. CRIMINAL PENALTY FOR UNAUTHORIZED RECORDING OR DISTRIBUTION OF SECURITY SCREENING IMAGES.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by adding at the end the following:

''CHAPTER 124—UNAUTHORIZED RECORDING AND DISTRIBUTION OF SECURITY SCREENING IMAGES

''Sec.

''2731. Criminal penalty for unauthorized recording and distribution of security screening images.

''SEC. 2731. CRIMINAL PENALTY FOR UNAUTHORIZED RECORDING AND DISTRIBUTION OF SECURITY SCREENING IMAGES.

''(a) IN GENERAL.—Except as specifically provided in subsection (b), it shall be unlawful for an individual—

''(1) to photograph or otherwise record an image produced using advanced imaging technology during the screening of an individual at an airport, or upon entry into any building owned or operated by the Federal Government, without express authorization pursuant to a Federal law or regulation; or

''(2) to knowingly distribute any such image to any individual who is not authorized pursuant to a Federal law or regulation to receive the image.

''(b) EXCEPTIONS.—The prohibition under subsection (a) shall not apply to an individual who, during the course and within the scope of the individual's employment, records or distributes an image described in subsection (a) solely to be used in a criminal investigation or prosecution or in an investigation relating to foreign intelligence or a threat to the national security.

''(c) PENALTY.—An individual who violates the prohibition in subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

''(d) DEFINITIONS.—In this section:

''(1) ADVANCED IMAGING TECHNOLOGY.—The term 'advanced imaging technology'—

''(A) means a device that creates a visual image of an individual showing the surface of the skin and revealing other objects on the body; and

''(B) may include devices using backscatter x-rays or millimeter waves and devices referred to as 'whole-body imaging technology' or 'body scanning'.

''(2) FOREIGN INTELLIGENCE; THREAT TO THE NATIONAL SECURITY.—The terms 'foreign intelligence' and 'threat to the national security' have the meanings given those term in part VII of the guidelines entitled 'The Attorney General's Guidelines for Domestic FBI Operations', dated September 29, 2008, or any successor thereto.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 123 the following:

''124. Unauthorized recording and distribution of security screening images ..... 2731''.

SA 59. Mr. COCHRAN (for himself and Mr. WICKER) 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 subtitle A of title V, add the following:

SEC. 523. USE OF EXPLOSIVE PEST CONTROL DEVICES.

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

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

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

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

PRIVILEGES OF THE FLOOR

Mr. REID. Madam President, I ask unanimous consent that Jeremy Parsons, a NASA detailee of Senator BILL NELSON, be granted privilege of the floor during the Senate's consideration of S. 223, the FAA reauthorization bill.

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

ORDERS FOR THURSDAY, FEBRUARY 10, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 4 p.m. on Thursday, February 10; 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, and that following any leader remarks, the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. REID. Mr. President, there will be no rollcall votes during Thursday's session of the Senate. We hope to clear the trade assistance adjustment legislation on Thursday. Senators should expect the next rollcall votes to occur at 5:30 p.m. on Monday. We will have more than one vote on that evening, February 14, Valentine's Day. That vote could be on a judicial nomination. We will also have some amendments to vote on on the FAA authorization bill.

ADJOURNMENT UNTIL THURSDAY, FEBRUARY 10, 2011, AT 4 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 11:17 a.m., adjourned until Thursday, February 10, 2011, at 4 p.m.