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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Most Merciful God, who is the fountain of all grace, the source of all goodness, and in whose keeping are the destinies of nations, endue the minds of our lawmakers with wisdom. Set their feet with a steadfast purpose to fulfill Your will, day by day, by faithful labor and selfless service. In spite of disappointments and disillusionment, lead them to pursue peace and to aim for holiness. May they walk on the high level of noble purpose, with sympathies as wide as human needs. Lord, inspire them to put You first in their lives and to make an unreserved commitment that enables them to rivet their attention on You.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL 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. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 10, 2010.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico 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. Mr. President, following leader remarks, the Senate will turn to a period of morning business until 2 p.m. this afternoon. Senators during this time will be allowed to speak for up to 10 minutes each. The majority will control the first 30 minutes. The Republicans will control the next 30 minutes. At 2 p.m., the Senate will resume consideration of H.R. 4213, the tax extenders legislation. Under an agreement reached last night, all postcloture debate time will be yielded back and the substitute amendment will be agreed to. The Senate will then proceed to a cloture vote on the underlying bill. If cloture is invoked, all postcloture debate time will be yielded back and the Senate will then proceed to vote on passage of the bill, as amended.

We will continue to work on an agreement to begin consideration of the Federal Aviation Administration reauthorization bill today.

MEASURE PLACED ON THE CALENDAR—S. 3092

Mr. REID. Mr. President, the bill, S. 3092, is at the desk. I understand it is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3092) to designate the facility of the United States Postal Service located at 5070 Vegas Valley Drive in Las Vegas, Nevada, as the ''Joseph A. Ryan Post Office Building.''

Mr. REID. Mr. President, I object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

Mr. REID. Will the Chair now announce morning business.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

HEALTH CARE

Mr. DURBIN. Mr. President, there have been a lot of issues brought up on the floor of the Senate recently, and two that seem to be front and center

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

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are the health care reform bill and questions related to our national debt and the annual deficits we run into.

I have listened as many on the other side of the aisle have come to the floor and argued to do two things: first, kill the health care reform bill, and second, reduce our Nation's debt. Unfortunately, that is a mixed message, an inconsistent message, and it is one that really defies logic. We know the increasing cost of health care is adding to the expenses of the Federal Government, State governments, and local governments. If we do not do something to suppress, if not reduce, the cost of health care, we are going to see a dramatic increase in our deficits.

The bill before us attempts to create mechanisms to start bringing down the increase in the cost of health care. Anyone who would stand before you and say, well, if you pass health care reform, next year's health care premiums are going to go down, I do not think is telling the truth. I think it is likely they would go up. But what we are tying to do is slow the rate of increase. If the rate of health care inflation were the same as inflation in general, it would be a major step forward to come to grips with a real problem facing America.

I have told the story on the floor about a local town in Illinois that spends 10 percent of its small budget—a $20 million annual budget—on health care premiums, and they have just been notified that next year the premiums on about 200 employers will go up 83 percent for health care. That is one small town, Kankakee, IL. The same thing is true in the State of Illinois with our State budget, where we face a fiscal crisis and the costs of health care, in the Medicaid Program in particular, continue to go up because of high unemployment. People who lose their health insurance at work turn to Medicaid, and it creates a greater burden for the State and Federal Government. So as the economy struggles and people lose their jobs, we have to view health care reform as part of the answer not only to family challenges and business challenges but challenges that face us at the Federal level as well.

Health care costs take up a growing share of Federal and State budgets. In the year 2009, we spent an estimated $2.5 trillion on health care, consuming 17.3 percent of our gross domestic product. That is the sum total of all goods and services produced in America. It represents the largest 1-year increase in the health share of gross domestic product since we first started tracking it in 1960. If we do not pass health care reform to try to slow this rate of growth, the deficits each year will get worse. So those who come to the floor and say, kill health care reform, balance the budget, are really preaching an inconsistent message. It does not work. If we can reduce just slightly the annual increase in Federal spending on Medicare and Medicaid, we can see positive changes when it comes to our annual deficits.

Economists agree. Twenty-three leading economists, including Nobel laureates and those who have served both Democratic and Republican administrations, identified four key measures that will lower cost and reduce long-term deficits. Health insurance reform includes all four of those measures—deficit neutrality, an excise tax on highest cost health insurance plans, an independent Medicare advisory board, and delivery system reforms.

The Congressional Budget Office has scored the health care reform bill and says it will actually—at least the Senate version—reduce the budget deficit by $130 billion or more over the first 10 years and by $1.3 trillion over the next 10 years. We are waiting for the latest score of the bill, which could be forthcoming in the next day or two, but we hope it indicates the same thing.

To fail to pass health care reform is to invite higher deficits in the future. We cannot have it both ways. You cannot stop the effort to bring down health care costs—at least the rate of increase in health care costs—and then preach fiscal conservatism. It just does not work. Those two messages are inconsistent.

In terms of the use of the reconciliation procedure in the Senate to pass parts of health care reform, it is not a process that is unknown to us. Over 20 times we have used reconciliation to deal with major issues facing America. In fact, the Republican side of the aisle has used the process much more frequently than the Democratic side of the aisle. The programs that have been affected by reconciliation have often included Medicare and COBRA and the Children's Health Insurance Program. In fact, when President Bush wanted to pass his tax cuts for wealthy people, he used the reconciliation program and the Republicans supported it.

Reconciliation has been used three times by the Republicans to actually increase the deficit. Out of 22 times reconciliation has been used since 1981, Republicans used it to increase our national deficit at least three times, all of those instances during President Bush's administration. In 2001, reconciliation was used to pass extensive and costly tax breaks, many of them benefiting the very wealthy. Those tax breaks increased the deficit by $552 billion over 5 years—Republicans using reconciliation to give tax cuts to the wealthy and increase the deficit. Reconciliation was used again in 2003 for tax breaks. Those breaks resulted in adding to the deficit $342.9 billion in red ink over 5 years. Finally, reconciliation was used in the year 2005 to extend the tax breaks. That extension—that Republican reconciliation bill—increased the deficit by $70 billion over 5 years.

The health care reform bill we are considering will give middle-income families the largest tax cut in history. What the Republicans fail to mention is that the money we are raising in health care reform—almost $500 billion—will flow back to middle and lower income families and small businesses to help them pay health care premiums. Killing health care reform, which is the agenda on the other side of the aisle, will deny these tax breaks and assistance to businesses and families struggling to pay health care premiums that are going up.

We know America's business community will save under this approach and more Americans will be insured. The health care reform bill we are promoting will bring into coverage 30 million Americans currently uninsured. When the Republicans were asked: How many will you bring into coverage, they said 3 million. Well, let me tell my colleagues, 30 million paying Americans, people who show up for care at hospitals and doctors' offices and actually have insurance is not only peace of mind for them but also stops the transfer of their expenses to other people. We currently provide charitable care for those who have no insurance and pass the costs on to everyone else. It is estimated that each of us has a hidden, indirect tax of $1,000 a year in health care premium costs to make certain we provide for the uninsured. The approach we are promoting in health care reform will provide coverage for these 30 million and will stop this cost shifting and this hidden tax on families across America.

Let me also say the provisions in this bill that are the most objectionable to the Republican side of the aisle mirror the health insurance available to Senators and Congressmen today. We have a plan, the Federal Employees Health Benefit Program, administered by the Federal Government—I guess we could call it a government-run plan, even though they are private insurance companies—and it requires minimum coverage in every plan so we know we will get protection. I haven't found any Republican Senator willing to step up and say, That is socialism; we shouldn't do it; I am going to cancel my Federal Employees Health insurance. Not one. They live with it. I live with it every day in protecting myself and my family. I believe it is fair. I believe every American and every business should be given this opportunity. The insurance exchanges offer to America what we as Members of Congress have enjoyed as an institution for over 40 years. If it is socialism to put it in this bill, then I hope my friends on the other side will stand up and personally condemn this socialism by dropping their Federal Employees Health coverage. That will be proof positive of their genuineness on this issue.

Let me say as well in closing that many of the people who have come to the floor and suggested that reconciliation is some renegade procedure that is seldom used in the Senate have ignored the obvious. The fact that it has

been used 22 times more often by Republicans than Democrats tells the story.

I see on the floor the minority leader, the Republican leader Senator MCCONNELL. He has voted for 13 of 17 reconciliation bills during his time in the Senate. He did not consider this procedure objectionable on 13 different occasions when he voted for it. Senator KYL, who is my counterpart on the Republican side, the Republican whip, has voted for 11 out of 11 reconciliation bills during the time he has been in the Senate. In fact, every time reconciliation was used, the Republican whip voted for it. Senator MCCAIN has voted for reconciliation 9 out of 13 times since he has served in the Senate. It is a process that has been used repeatedly by both parties for major decisions: Health care cuts, COBRA insurance for the unemployed, children's health insurance, to name a few. It is something we acknowledge under our rules, and if it is part of the solution of bringing health care reform to an up-or-down vote—at least this aspect of it to an up-or-down vote—it should be a process that most Republicans are familiar with because most of them have voted for it repeatedly.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE

Mr. MCCONNELL. Mr. President, the American people are looking at what is going on in Washington right now and they are wondering what the White House and Democratic leaders in Congress could possibly be thinking. The fact that we are still even talking about a health care bill that raises costs, increases premiums, and increases government spending is a complete mystery to most people. Americans have issued their verdict on this bill. They don't want it. It is that simple.

That is to say nothing of the process. The process that Democratic leaders have used to try to pass this bill is viewed even less favorably than the bill itself. So even if Americans supported the bill—which they clearly don't—they would still want the process cleaned up. Americans expect lawmakers to be completely up front and transparent about any changes they are thinking about making to the health care system.

Americans also expect a level playing field. That means union leaders don't get special deals that nonunion members don't. It means the people of Nebraska don't get a free ride bought and paid for by the rest of the country. Even Nebraskans are telling us they don't want that kind of special treatment. It means if you are a senior citizen, you don't have to move to Florida to keep your health care plan. It means that Louisianans don't get a windfall of Federal money because one of their Senators was willing to vote for a bill most Americans overwhelmingly oppose.

These are just some of the things Americans don't like about the way Democratic leaders are trying to push their bill through Congress and past the public. But they didn't much like the way the bill was put together either. They didn't like the fact that members of both parties spent endless hours negotiating and in committee meetings, only to see Democratic leaders write their own bill behind closed doors. These are the kinds of things Americans have been complaining about at townhall meetings and in statewide elections for months and months. These are the kinds of things the people of Massachusetts were saying in January. Americans can't believe that after all this—after a year of protests and all of the statewide elections—Democratic leaders are still stubbornly pushing the same bill and the same process.

Democratic leaders knew the public didn't support their bill, so they tried to jam it through on a party-line vote. When they had trouble with that strategy, they went for the kickbacks and special deals. As a result, they lost their 60-vote majority. So they came up with another strategy. They tried to get around the normal routes. They decided they would try to jam it through with a bare partisan majority, something that has never been done before on legislation of this magnitude.

Some in the media are blaming the resistance the administration and Democratic leaders have faced on the White House messaging machine. That is absolutely absurd. Americans aren't rejecting this bill because they don't understand it. They are rejecting it because they know exactly what is in it.

Democratic leaders continue to deceive themselves. I saw the Speaker said yesterday Congress needs to pass this bill so Americans can see what is in it. Let me say that again. The Speaker said Congress needs to pass this bill so Americans can find out what is in it. That is like telling somebody they have to buy a house so they can walk through it.

The White House seems to be throwing out every idea it has, hoping something will stick. The President is expected to highlight fraud and abuse in a speech today. I am glad the administration wants to use the enforcement power of the government to find and prosecute fraud, but that is something we can and should be doing already—right now. Do we need to pass a $2.5 trillion spending bill, raise taxes, and slash Medicare to go after fraud and abuse? I think not.

Finding waste, fraud, and abuse is one of the areas where we have agreement. Senators GRASSLEY, COBURN, CORNYN, LEMIEUX, and others have been leading this effort for quite some time. Tackling fraud and abuse is one of the issues that can and should form the basis of a bipartisan, step-by-step approach to health care reform, not as a hook—not as a hook—to drag this monstrous bill over the finish line.

On the contrary, Democratic leaders should leave this bill on the field. Then we can talk about passing commonsense ideas such as tackling fraud and abuse on their own, one by one.

The fact is, this whole debate has devolved into a little bit of a farce, and it might actually be funny if the stakes were not so high. Americans don't know how else to say it. They don't want this bill. The American people do not want this bill. They want the process cleaned up as well.

How much longer do Americans have to wait before Democratic leaders will give up this partisan quest and agree to start over, to work together, out in the open, on the kind of commonsense reforms Americans want? That is the question Americans are asking, and we owe them an answer.

The American people aren't an obstacle to be circumvented. This is their health care system, not ours. It is time to end this partisan effort, listen to the people, and start over.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

HONORING OUR ARMED FORCES

SERGEANT VINCENT L.C. OWENS

Mr. PRYOR. Mr. President, it is with great sadness that I come to the floor today to talk about SGT Vincent L.C. Owens from Fort Smith, AR. His life of service to our Nation is a shining example of a true American patriot.

Sergeant Owens lost his life while serving in eastern Afghanistan after his transport vehicle came under fire by enemy forces. He was a part of the 3rd Battalion, 187th Infantry Regimen, 101st Airborne Division in Fort Campbell, KY. Previously, Sergeant Owens spent 14 months in Iraq serving with the A Battery, 1st Battalion, 56th Air Defense Artillery from Fort Bliss, TX. Sergeant Owens served both tours with honor and distinction, earning numerous medals and awards, including two Army Commendation Medals, two Army Achievement Medals, a Valorous Unit Award, the National Defense Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, and the Combat Action Badge.

An ardent athlete, talented student, and motorcycle aficionado, Sergeant Owens lived his life of only 21 years with passion and dedication. Those who knew him describe him as a kind and easygoing man who always had high standards for himself. He was the oldest of five children. He had been married to his wife Kaitlyn for just 6 weeks. Despite being a newlywed, Sergeant Owens did not hesitate to answer the call of duty.

Sergeant Owens' family and friends said he joined the Army out of a sense of patriotism and took pride in serving his Nation. He devoted his life to defending America and gave the ultimate sacrifice for the country he so deeply loved.

After this tremendous loss, Fort Smith, AK, is in the process of waving off 200 airmen from the Air National Guard's 188th Fighter Wing as they head to Afghanistan, joining about 75 members of the 188th already serving there. This will be the unit's first deployment with the A–10 Thunderbolt II—also known as ''The Warthog''—since the 188th received the aircraft in April of 2007. Also, many of these guardsmen are part of the agribusiness development team. This unit will teach Afghans better farming, crop storage, and marketing practices in an effort to draw them away from poppy production and build a strong economy. These Arkansans are picking up Sergeant Owens' mantle in the fight to create a more secure and stable Afghanistan and together their efforts will endure.

Today, I join all Arkansans in lifting up Sergeant Owens' wife Kaitlyn, his parents Sheila and Keith and his siblings and friends and extended family and community of Fort Smith during this very difficult time. Sergeant Owens may be gone, but his courage, valor, and patriotism will never be forgotten.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

HEALTH CARE

Mr. JOHANNS. Mr. President, I rise to speak to the Senate health care bill and to talk a little bit about some of the issues related to that bill, in terms of financing and scoring and, to be very candid, about some of the accounting gimmicks that try to hold this bill together. I will be joined by Senator WICKER and Senator BARRASSO in this colloquy. Let me get started.

If you start to study the bill, and for many of us who have served in other capacities—myself as Governor and as a mayor—the first thing you want to do is ask yourself: Does it work? Is the financing of this bill such that it makes sense? Is it an honest portrayal of the income you expect and the expenses you expect? Certainly, that is where I start and, I suggest, many of my colleagues start.

The one thing about this health care bill that struck me immediately and struck others is, first of all, there are 10 years of tax increases. They total over $½ trillion—a massive amount of tax increases.

The second thing you see is, there are 10 years of Medicare cuts, again about $½ trillion total. You do those things and some other things and it pays for 6 years of spending because even though some of the issues relative to this health care bill kick in initially, the vast majority of it does not kick in for 3 or 4 years.

When you put that all back together, you begin to realize what you have is a health care bill that costs about $2.5 trillion over a 10-year score.

Then you start working through a whole bunch of other issues. You have a Senate bill that takes $52 billion in higher Social Security taxes and revenues and counts them as offsets. That would be money normally reserved for the Social Security trust fund. You look at the CLASS Act. One Member of this body—a Member who is very respected for what he has done relative to budgeting—called this a Ponzi scheme.

The CLASS Act was initially opposed by our friends on the other side or by leading Democrats. But it is back alive. It is included in the Senate bill. It is another Federal entitlement that is going to create an insolvency problem very quickly. It takes money from premiums that are supposed to go for benefits and uses them as offsets and pay-fors.

CMS experts have looked at this, and they reached a conclusion that is reliable. They said the CLASS Act faces ''a significant risk of failure,'' and then said, and may lead to ''an insurance death spiral.''

Our friends on the other side claim the bill will simultaneously extend the solvency of Medicare and then magically decrease the deficit. But the reality of that, again, comes from CMS actuaries who say: Well, wait a second here, that is double-counting. You can't use the same dollar twice. You can't count it twice. CMS concludes that the Medicare cuts in the legislation cannot be simultaneously used to finance other Federal outlays, such as coverage expansions under this bill or to extend the trust fund.

So when you cut all the way through this and see what is happening here, it doesn't hold together. This is a financial plan that is built upon sand, and you can almost guarantee it is going to collapse.

So let me, if I might, ask my colleague, Senator WICKER, what he thinks of all of this. Can he offer some thoughts as to where this bill is headed and the financial mechanisms of this bill?

Mr. WICKER. I appreciate my colleague from Nebraska getting into the weeds because it is important that we know the details of the numbers here. I think there is also a sort of big-picture aspect to this. There are a lot of Americans out there who may not have read the details the Senator from Nebraska just outlined, but they instinctively know you can't do all this to one-sixth of our economy and save money for the Federal Government at the same time. They instinctively know this is going to turn out, as big entitlement programs always do, to be more expensive than has been estimated and it is going to cost the American taxpayer and future generations in terms of the national debt.

I would like to pivot and talk about what this is going to do to State governments because that is an additional aspect over and above the gigantic numbers the Senator from Nebraska mentioned.

Really, almost half of the additional coverage in this Senate bill, which the House is being asked to adopt lock, stock, and barrel without even changing so much as a semicolon, half of the coverage is going to be under Medicaid. We all know Medicaid requires a huge Federal investment, but Medicaid also always requires a State match. Under the provisions of this bill, if it is enacted, States will be told that the magnificent Federal Government has increased coverage, and now, Mr. State Legislator, Mr. State Governor, you figure out a way to pay your part of it.

I know this much: In my State of Mississippi, our legislators and our Governor have had to stay up late 2 years in a row figuring out a way to pay for the Medicaid match they are already being asked to pay, much less this new mandate of additional persons who would be covered under this Senate language. There is no way the State of Mississippi can stand this new Medicaid coverage without an increase in our taxes at the State level. I don't think we can cut teachers enough, although teachers might have to be cut to pay this Federal mandate. I don't think we can cut local law enforcement enough, although that might have to be cut too. It is just a huge, unfunded burden on the States. Quite frankly, even if all of the promises that are being made on the Senate side come true—that we will clean this up in reconciliation, which I frankly doubt can possibly happen—the States are going to be faced with this huge unfunded mandate.

You don't have to take our word for it on this side of the aisle. Democratic Governor after Democratic Governor has had press conferences, they have sent letters, they have sent messages, they have made themselves available to the press. Governor Bredesen of the State of Tennessee said this bill is the ''mother of all unfunded mandates'' and has urged, even at this late date, that we not go down this road.

So I appreciate my friend from Nebraska pointing out what this is going to do to the Federal budget, and I would simply commend the bipartisan State officials who have been talking to anyone within the sound of their voices saying that State governments cannot afford this mandate at the State level, and it will inevitably result in an increase in taxes at the State level—something we certainly don't need at this time of economic hardship.

Perhaps Senator BROWNBACK has some thoughts he would like to add, and I know others may be joining us, too, Mr. President.

Mr. BROWNBACK. I appreciate my colleagues allowing me to join in this colloquy because it is incredibly important and I believe the American public believes it is incredibly important because, if for no other reason, they are looking at it and saying: We don't want this bill. We don't think this bill is the right way to go. We don't think this procedure is the right way. So they oppose it on process and they oppose it on product. And you don't have to believe me. Listen to these poll numbers: 68 percent say the President and the congressional Democrats should keep trying to work with Republicans to craft legislation.

By the way, that big, all-day-long meeting at Blair House to talk about this, where we put forward a series of ideas, virtually all of them were rejected—a bipartisan incremental compromise, which is much more the way the American public wants to go.

A Rasmussen poll says that 57 percent of the voters say the health care reform plans we are discussing in Congress will hurt the U.S. economy. Only 25 percent think it will actually help. And 66 percent believe the health care plan proposed by President Obama and congressional Democrats is likely to increase the Federal deficit. Do you know the reason they think that? Because it will. This is going to increase the Federal deficit.

On top of all that, there is a big intangible here. If this bill passes, the rest of the world is watching to see if the United States passes this big increase—an entitlement program—when we are running $1.5 trillion in deficit and have a $12 trillion debt that is 90 percent of the size of our total economy. They are watching and they are saying: If the United States does this now, they are not serious about getting their budget under control. They are going to start pulling dollars out of the U.S. economy and putting them in other places. It will make it harder for us to raise capital, it will increase interest rates, and it is going to hurt the U.S. economy. And that is a near-term thing that is going to happen because people are watching this.

I might note the ''Saturday Night Live'' routine where China's President, Hu Jintao, is lecturing President Obama about how he is going to get the budget under control by passing a big new entitlement program. I don't usually cite ''Saturday Night Live,'' but in this case it lands a little too close to home. And people are saying: Yes, this doesn't make any sense to me either. This is going to hurt.

The front page of the Wall Street Journal has an article about what Ireland is having to do to get its budget under control, Greece is a mess, and our deficit and debt is skyrocketing.

If we pass this, this is going to hurt us in the near term as far as the cost of raising the capital we need in this economy. It will hurt States that are really struggling as well. It is a bad idea at a bad time.

I am glad my colleagues let me join them, and I note that the doctor is in—the Senator from Wyoming—to help us dissect this bill as well.

Mr. BARRASSO. Well, Mr. President, that is exactly what I am hearing at home from Wyoming's voters and from my patients. I was in Wyoming this past weekend. I have had the privilege of practicing medicine there for 25 years, taking care of families in Wyoming. When I talk to people, their concerns are the national concerns the Senator from Kansas has just mentioned—the debt and what our Nation is facing long term. But they are also very focused on their own personal care. If you have a town meeting or just talk to people at the coffee shop, the people of America believe that if this bill passes, the quality of their own personal health care will go down; that their opportunity to go to the doctor they have enjoyed a relationship with for years, where they know them and they know their family, may be gone.

We are also seeing that health care providers all across the country—even the Mayo Clinic—are saying this bill is a huge lost opportunity. It was supposed to be designed to help get the cost of care down, and it is not doing that. It is going to raise the cost of care. It was designed to improve the quality of care, but it is going to cost people the quality of their own health care. That is why Americans don't like this bill. They do not like anything about it.

The Mayo Clinic was used early on by the President in this debate as the model for how we should have health care in this country. The Mayo Clinic has said ''no thank you'' to patients on Medicare in Arizona, ''no thank you'' to patients on Medicaid. Yet the President plans to push this program through. He says he is going to provide coverage for more Americans, and he is going to do it by putting 15 million more people on Medicaid—a program that many doctors won't see because the reimbursement is so low. If all a provider saw were Medicare patients, they couldn't afford to keep their doors open—not at the hospital or the clinic. And we are hearing that from hospitals and doctors across the country. That is why the Mayo Clinic said: No thank you, Mr. President. We can't take those patients, whether it is Medicare or Medicaid.

This bill will cut Medicare—the program our seniors depend upon—by $500 billion for patients who depend on Medicare. It cuts Medicare Advantage, and that program is an advantage, and the reason people signed up for it is because it provides preventive care and coordinated care. But it is not just that; there will be $135 billion in cuts to hospitals in all our States and communities, $42 billion to home health agencies. These are the folks who help provide a lifeline for people who are at home, and it saves money by keeping them out of the hospital. There are cuts to nursing homes, to hospice providers—providing services to people in the final days of their lives. That is why the American people are offended that this bill is being crammed through.

I see we have the former Governor of Nebraska here on the floor, who has experienced these issues with Medicaid, with Medicare, and with nursing homes. So I would ask my friend and colleague whether this the same thing he is hearing at home in Nebraska.

Mr. JOHANNS. This is exactly what I am hearing at home in Nebraska, Mr. President.

As a former Governor, as the Senator from Wyoming points out, you deal with these programs every day. You are trying to figure out how to fashion a State budget that deals with Medicaid. I said a few weeks ago that I don't know whom the folks who wrote this bill were talking to because if you look at the expansion of health care to people in this bill, really what they are doing is expanding Medicaid by about 15 to 18 million individuals.

The Senator from Wyoming hit the nail on the head. You already have serious access problems with Medicaid. What do I mean by that? As the doctor, Senator BARRASSO, said, doctors cannot practice on the Medicaid reimbursement. They would literally go broke. Our little hospitals in all of our States, our critical access hospitals, would say: We cannot keep our doors open on Medicaid reimbursement. They can't do it on Medicaid or Medicare reimbursement. So what is the solution? Well, the solution certainly isn't adding 15 to 18 million more people who will walk into a hospital or a doctor's office and who will hear: Sorry, we don't take Medicaid patients because we can't afford to do that.

The other thing I want to mention, if I might—and then I am going to ask Senator WICKER to comment on some of these questions also—because this is a very important point, is that all of a sudden we are starting to hear a lot of discussion from the White House on down about how we have to get a handle on cost. And I think they have communicated that well because, quite honestly, the American people get it. They understand that if you don't have an impact on cost, you are not going to get anywhere with health care reform.

My colleagues will remember that we sent a letter to the CMS Actuary—this is an actuary employed by the Federal Government—and we said: Take a look at this bill and tell us what you think in these respects, and one of the respects was health care costs. Let me quote from that report:

> Overall health expenditures under this bill would increase by an estimated total of $222 billion.

Compared to what? Compared to doing nothing. If we did nothing, we

would have a better impact on health care costs than this bill is going to have.

After spending $2.5 trillion, after cutting $½ trillion out of Medicare, after raising taxes over $½ trillion, the CMS Actuary says to us: After you have done all those things, the overall health expenditures under this bill would increase by an estimated total of $222 billion versus doing nothing.

I ask Senator WICKER, is that the kind of health care reform he is hearing the people back home want?

Mr. WICKER. The people back home want health care reform, but they certainly want the kind that is going to lower health care costs and lower health care premiums. The Senator mentioned CMS. It may be that some people within the sound of our voices do not realize this is a part of the administration. This is not some outside business group that has an ax to grind. The actuaries at the Centers for Medicare and Medicaid Services are called on to tell us the numbers as they see them. They had no choice but to answer the question accurately and the question is not one that lends itself to getting public support for this plan. I think that is why the poll numbers Senator BROWNBACK mentioned are there. There is only about 25 percent of the American public that believes at this point we should pass this huge Senate bill lock, stock, and barrel and send it to the President for his signature.

Senator BARRASSO mentioned the $½ trillion cut in Medicare. We spent a little time in December debating whether actually there was a cut in Medicare. Some of our friends on the other side of the aisle suggested this—the programs that were cut should not be considered part of the Medicare Program.

Obviously, there is one Democratic Senator who thought so much of these cuts in Medicare that he got an exemption for his State. That is what the minority leader has been calling the ''Gator aid.'' Florida, under the Senate bill—the bill the House is being asked to pass in its entirety without changes—the Senate bill says we are not going to cut Medicare Advantage for the State of Florida.

Why the people of the State of Florida are more deserving of Medicare Advantage and Medicare benefits than the people of Wyoming or Mississippi or Kansas or Nebraska, I do not know. But somehow the majority, 60 Members of this Senate, in their wisdom, believed Medicare was a good program and Medicare Advantage was a very good program for the people of Florida.

By the same token, I guess the Democratic Senator from Nebraska has now repudiated what was known as the ''Cornhusker kickback,'' which was basically saying Nebraska would not have to pay for their share of this huge Medicaid mandate; all the other States would. Somehow that State was singled out. Apparently, the people of Nebraska rose in horror at being singled out for some sort of favor the other people in America were not getting, so that is being proposed to be changed.

I ask Senator JOHANNS, if the House votes on this next week, they will not have a chance, will they, to take that out? The only choice the House is going to have is to vote for the ''Cornhusker kickback,'' the ''Gator aid,'' the ''Louisiana purchase,'' these special deals for labor unions, and all that will be sent to the President to be signed into law and will be part of the statute.

That is the way I understand the Democratic procedure. I ask Senator JOHANNS, am I correct?

Mr. JOHANNS. I believe the Senator is correct. Let me offer a thought, if I might. I think others—maybe I will turn to Senator BROWNBACK next. If this were a great bill, if this were the kind of legislation you wanted to take home and go out there and champion and maybe, if you are up for election, campaign on, then you would not have to go through all these gyrations and gimmicks and somersaults and cartwheels to try to get this darn thing passed. But that is exactly what is happening.

I cannot wait to get up in the morning and run down and turn on the computer and see what the latest is, because they are, over there at the House, but they finally figured out that the only way to get this terrible policy enacted is to pass the Senate bill with all its warts and moles and ugliness and special deals and whatever. They have to pass it without pulling a dotted ''i'' out or a crossed ''t.'' They may be able to say back home: Folks, I didn't support that. What I wanted was the reconciliation package that would fix all these things. All I can say is reconciliation was never designed for this. This is not what reconciliation was designed for. Reconciliation was designed to bring down the budget deficit. What is happening over in the Senate are more somersaults, more gyrations, more cartwheels to figure out how to shoehorn this terrible piece of policy into a rule for which it was never designed.

Now you are going to end up this day, I guess, where we all show up and literally you have rulings on what you can do with reconciliation and what you cannot do. So no House Member can go home and say I voted for this awful piece of legislation, but we are going to be saved by reconciliation. Do you know what. Maybe you will, maybe you won't. The reason why that question cannot be answered today is because reconciliation was never designed to take control of one-sixth of the economy; it was never designed to do what folks are trying to do.

Let me wrap up with this, and then I would like to hear Senator BROWNBACK's thoughts. Enough of the somersaults, enough of the cartwheels, enough of trying to figure out how many angels fit on a pin and what size razorblade is going to divide the hair. This is craziness. This is terrible policy. Please stop now. The country is begging us to stop and start over with a thoughtful process.

If there were a great bill, we would not be going through this. There would be bipartisan support such as there has been on many tough issues through the decades of our history. But, you see, this is not a good bill. This is a terrible bill. The bottom line is, they are going to try to fix it with a process that was never designed for this purpose.

I would like to hear the thoughts of Senator BROWNBACK.

Mr. BROWNBACK. We were on the floor in December, the longest continuous session in the history of the Senate, 25 continuous days, and we were talking about this and my colleague from Nebraska and I were joined by our colleague from Utah, Senator HATCH, who has been around a long time and part of a lot of health care reform legislation. His point is, if you follow the normal order and work it through a committee and bipartisan process, almost every health care bill he has been a part of—and there have been a number of substantial ones—gets 75 votes in this body. People want to support health care reform on a good bill. They will support it. It will be bipartisan. We are all for health care. But now you have a bill that is going to be completely partisan, on one side, not supported by the American public, and then you are having to jimmy rig a process to try to figure out how we set this up to do it.

Even KENT CONRAD, the chairman of the Budget Committee, who is a Democrat, says:

> Reconciliation cannot be used to pass comprehensive health care reform. It won't work. It won't work because it was never designed for that kind of significant legislation.

My experience is, if you try to do something that is not designed to do this, you are going to get a flawed product and flawed process that people are going to be mad about. It will hurt this body. I think it will be very harmful to this country to do this and it should not be done.

After all the time we spent in December, 25 continuous days in session, I think the American people spoke when they had a Massachusetts election and elected SCOTT BROWN. It was clearly about health care reform.

I know my colleague from Wyoming has been all over speaking about this on television, getting a lot of feedback from people. He probably is getting the same sort of feedback that I have, about don't do this. It wasn't designed to be done, this sort of health care reform, in a reconciliation process.

Mr. BARRASSO. I heard that just this morning. We had a number of county commissioners from Wyoming here in Washington. They were at a speech yesterday given by Speaker of the House NANCY PELOSI, and she told these county commissioners, this group from all around the country, we

need to first pass the bill so then later the American people will know what is in it. She said this to them and they laughed. They laughed at the Speaker of the House at this meeting yesterday because these are county commissioners. They know they are not going to vote on something the people in the community don't know about. The people in the community come, they want to know what is going to be discussed and then voted on.

The people of America do not know what is in this bill. They know this bill is going to raise taxes by $500 billion. They know this bill is going to cut Medicare for our seniors who depend upon Medicare by another $500 billion. They know they are going to be paying for this thing for 10 years, but there are only 6 years of services. It is amazing how much the people of America know about the gimmicks of this bill that, in fact, those who are pushing the bill wish they didn't know.

That is why three out of four Americans say stop. A quarter of them say stop, a quarter of them say stop and start over, and only a quarter of them support what is happening here.

Mr. WICKER. If I can interject, I think that was a very telling remark from the Speaker of the House yesterday, and if someone didn't catch that, she said we need to pass the bill so we can then find out what is in it. The comments are out there on the Internet for the American people to see. I would like to quote Senator LAMAR ALEXANDER about this entire process. He said:

> What the President is doing is asking House Democrats to hold hands, jump off a cliff, and hope Harry Reid catches them.

I don't know that HARRY REID will be able to catch them. I will say this. If there are budget points of order that need to be waived in this scheme the majority leader has about cleaning up this statute in conference, I am not going to be a part of 60 votes to waive that point of order. It will all be on Mr. REID and his teammates over there to get this done because I will not be a part of waiving points of order, helping them get to a supermajority to clean up something, even if it needs to be done.

This process needs to be stopped, and I would say the next 10 to 14 days are going to tell the tale. The American people do not want this bill, and it is up to the House of Representatives and to us, saying what we can on the Senate side, to see if we are going to listen to the people and stop this bill, go back to the drawing board and try something that works.

Mr. BROWNBACK. I join my colleague from Mississippi. I would note that is the case, and why is it the Speaker is saying we have to pass the bill to see what is in it? They are going to hold it back until they break enough arms to get a majority vote and then pop it out and then there will be an hour's debate on one-sixth of the economy being changed. We saw that same procedure when Majority Leader REID was crafting this bill behind closed doors and nobody knew what was in the bill and then popped it out when you have the deal, when you made enough deals, broken enough arms, then we can pass this. That is no way to have a process like this. That is no way to effect this big a piece of the economy that touches every American's life in the process.

I urge the Speaker not to do something like this. Listen to the American public and follow normal order. They could send this back to committee, to the Finance and the HELP Committees, work a bipartisan agreement on this, say we have to hit this number or that, let's do an incremental approach and come out with a bill that would have 75 votes. That is doable.

We put forward a whole bunch of ideas at the Blair House. Here are different things we would support. Put out a long day of discussion. That is the normal order that produces good legislation that will stand the test of time. This will not stand the test of time, and it is going to bankrupt the country.

Mr. JOHANNS. If my colleagues will permit, let me offer a few closing thoughts. I so appreciate the opportunity to be on the floor with them. It was not that long ago that our President of the United States actually was a Member of this body. He was a Member of the Senate. It just seems, from time to time, we are asked to comment on the 60-vote rule. He was asked to comment on that. Here is what he said. ''Removing the 60-vote threshold would change the character of the Senate forever.''

He went on to say having majoritarian absolute power on either side was ''not what the Founders intended.''

The thing about reconciliation is this: It limits debate, it is a very abbreviated process, and it just comes in and says you are only going to get 20 hours of debate. Very limited. The second thing is it only takes a majority vote.

From time to time this issue pops up. But you do not have to study the history of this great Nation very long to understand what our Founders were doing. The House is a majority body. Now, States such as Kansas and Nebraska do not fare very well in that. We do not have a lot of Members. We are never going to have as many Members as California, New York, or New Jersey. So literally on every vote you could find yourself losing.

Our Founders understood that. They came up with an idea for a very unique body, a body that would be an equalizer. Every State got two. Every State got two Members. But the important thing about this body was this: that as issues were passed on the House side by majority vote, over on this side it was anticipated that something more would be required to cause the Members to come together and try to work through the Nation's difficult problems.

Initially there was no way to stop debate. Then about 1915 it was decided that a two-thirds vote would stop debate. Then, in the mid-1970s that was changed to 60 votes. That 60 votes is an important limitation on the power of the Federal Government to impose its will upon the people.

I will wrap up my comments today by saying this: The will of the people here is very clear. They do not want this bill. They see this as a massive government takeover of their lives. They have spoken very clearly and eloquently in our townhall meetings, in elections that have occurred, and they have said: We want you to go back and work through your differences and come up with a bipartisan approach.

Yet if reconciliation is used, you will not only change the character of this body, you will change how our government operates. If you can pass this bill through a reconciliation process, you can do anything, and you end up with literally a system that is vastly different than was ever intended and a system, in my judgment, that is not good for the future of our great Nation.

With that, let me wrap up and say again to my colleagues, I appreciate the opportunity to be on the Senate floor with you today.

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

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

The bill clerk proceeded to call the roll.

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

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

FISCAL RECKLESSNESS

Mr. ENSIGN. Mr. President, I rise to discuss the tax extenders legislation and the consequences of our fiscal recklessness. I cannot stress enough that our spending is completely out of control. It seems every week this body passes more legislation and spends more money and adds more debt onto the backs of our children. Unfortunately, the Democratic majority continues to sing from the same old sheet of music—more debt, more spending, and more fiscal recklessness. Last week the nonpartisan CBO provided their analysis of President Obama's budget, and it is nothing short of a fiscal train wreck and a roadmap to banana republic status. It pains me to stand on the floor of the Senate and tell the American people that President Obama is leading us down a path of bankruptcy.

I believe this budget is simply reckless, with enormous budget deficits as far as the eye can see. This year, the government has overspent by more than trillion dollars; the same amount last year. We are passing trillions of dollars in debt onto our children and grandchildren. Nevadans and people across the country are facing very hard

economic times. For the Federal Government to be spending this much money is an insult to American families everywhere.

In 2020, the last year of the President's budget, our Nation's credit card bill will account for 90 percent of the economy. What does this mean in terms real people can understand? Because these numbers are so large and enormous, it is difficult to put them in perspective. Let me talk in terms of the consequences of this fiscal recklessness. At a certain point, foreign countries will not buy our IOUs, our bonds, or they will demand higher interest rates because they are riskier. Our standard of living will decrease. Actually for the first time in American history, future generations will be worse off than prior generations. As to the American dream of owning a home as a young adult, one will have to wait until their 40s or 50s to buy a home. Families, in order to maintain a similar standard of living, will have to become smaller. With a less dynamic economy, we will enjoy less of the fruits of innovation and technological progress.

I know this is hard to hear, but one day, if we continue down the current path, this scenario will become a reality. We cannot keep spending and spending and spending without consequences. Democrats claim we need to spend money because our economy is sluggish. We need stimulus after stimulus to put us back on the right track.

We are not on the right track. Unemployment in my State is still 13 percent. There isn't much light on the horizon. We have lost our way and have wandered down a path of fiscal crisis. More spending doesn't fix the economic crisis.

I wish to talk about the depression of 1920 to 1921. Shortly after the end of World War I, we went into economic crisis. The Department of Commerce estimates the economy declined by nearly 7 percent during that period. Unemployment rose sharply during the recession. Estimates are the rate of unemployment went from around 5 to almost 12 percent. From May of 1920 to July of 1921, automobile production declined by 60 percent, and total industrial production across the country decreased by 30 percent. Stocks also fell dramatically. The Dow Jones Industrials was cut by almost half. Business failures tripled between 1919 and 1922.

But instead of ''fiscal stimulus,'' here is what President Harding did. He cut the government's budget nearly in half between 1920 and 1922. Marginal tax rates were slashed across all income groups. So he cut taxes and cut government spending at the same time. This encouraged businesses to grow and to add jobs in the private sector. The national debt was reduced by one-third.

In the 1920 acceptance speech for the Republican nomination, Harding said:

> We will attempt intelligent and courageous deflation, and strike a government borrowing which enlarges the evil, and we will attack the high cost of government with every energy and facility which attend Republican capacity.
>
> We promise that relief which will attend the halting of waste and extravagance, and the renewal of the practice of public economy, not alone because it will relieve tax burdens but because it will be an example to stimulate thrift and economy in private life.

You see, Harding's laissez-faire economic policies, rapid government downsizing, and low tax rates spurred a private market recovery and led to a readjustment in investment and consumption for a peacetime economy.

The unemployment rate went from almost 12 percent in a little over a year to less than 2 percent. Let me repeat that. The unemployment rate went from almost 12 percent to under 2 percent. I do not think that is what is happening today.

This episode in history provides a counterexample to the argument that we need massive government spending to stimulate our Nation's economy. You see, we do not hear about the Great Depression of 1920. Instead, we hear about the Roaring Twenties because sound fiscal policy, cutting tax rates, cutting spending led to economic resurgence.

This is an example that shows when the burden of government is lessened through less spending, less taxes, and less debt, the private sector will respond with investment and job creation, which lead to economic growth.

So why is the legislation on the floor today not the answer? If creating jobs is priority No. 1—and it should be for this body—why is the majority party letting tax incentives for job-creating businesses expire? These noncontroversial provisions expired 3 months ago. Why is helping businesses an afterthought for the majority?

The tax extender portion of this bill could have passed by unanimous consent months ago. But the majority did not want to bother with that. It will have to be extended again later this year because the provisions will again expire on December 31.

This is not the right policy for creating a stable and certain environment for employers who are wanting to hire more employees. The tax extender provisions of the bill amount to only $25 billion of this massive $144 billion bill.

The tax extenders are good. They include energy production credits, research credits, accelerated depreciation for certain businesses, State and local sales tax deductions, and low-income housing tax credits.

I have said these are good provisions. But we should have done much more. Foremost, we should be cutting individual and corporate income tax rates so people and businesses could use their money to get the economy moving again and could invest in job creation and wealth-creating enterprises. But, at the same time, we need to cut government spending so we are not massively increasing the debt. You see, I hate to break it to you, but America is falling behind other countries in that regard. Tax relief is wrongly criticized by those across the aisle. They have been arguing for job creation, but their policies are making it tougher on private businesses.

In order to help these businesses find a stable footing once again, we need to make tax relief permanent and not wait for these extensions to expire again and again.

Let me conclude. To get this economy moving, we do not need to pass a bill that is going to add over $100 billion to our deficit and our debt. That is what the bill before us today does. It adds over $100 billion to our deficit and our debt.

A few years ago, $100 billion was a lot of money around this place. We throw that amount around here like it is nothing anymore. That is debt that is adding to the coming fiscal crisis this country is going to be facing.

I believe the prescription to get this economy going is to cut taxes, cut government spending. I believe in the spirit of the American people and the American entrepreneurs instead of creating jobs here in Washington, DC. I do not know if the American people know that over 100,000 jobs were created in this city last year—over 100,000 jobs in Washington, DC. That is about as many jobs as my State lost. That is not the prescription for economic prosperity.

Government jobs have to be sustained with tax dollars year after year. When the private sector creates those jobs, the whole economy grows and feeds off itself, and you do not need taxpayer dollars to continue to subsidize those jobs. As a matter of fact, they feed in money to the Federal Treasury.

The bill before us today, I think, is fiscally irresponsible. It is the exact opposite direction we should be going. What we should be doing is acting in accord as Americans—not as Republicans, not as Democrats—but let's look at history and learn from it and get this economy going by focusing on actually what has worked in the past and what will work in the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

(The remarks of Mr. BENNETT pertaining to the introduction of S. 3096 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I understand the Senator from Virginia is going to speak now, and I ask unanimous consent that when he finishes, I be given 45 minutes at the completion of his time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Virginia.

OVERSIGHT AND TRANSPARENCY

Mr. WARNER. Mr. President, I rise today to speak about a bipartisan, commonsense amendment that Members of this body endorsed yesterday by unanimous consent. I wish to thank Chairman BAUCUS for his work and the work of his staff in managing this important job creation package on which we took a step yesterday. I wish to thank Senator CRAPO for cosponsoring this bipartisan amendment and Senator COBURN for his ideas and support.

My amendment is simple. It amends the Recovery and Reinvestment Act of 2009—what I think most folks refer to commonly as the stimulus—to correct gaps in oversight and transparency. It provides much needed additional accountability for these public investments, again, that have come about through the stimulus package.

I voted for the stimulus package. It was one of the first and toughest votes I cast as a Member of this body. I have worked hard to make sure my State, the Commonwealth of Virginia, has had opportunities to compete for its fair share of this funding.

The Recovery Act was not perfect, and reasonable people can debate whether it was necessary or whether it was ambitious enough. But I do think it is fair to say that the majority of the economists of all political stripes across most of the ideological spectrum now agree a year later that while imperfect, the stimulus package prevented our battered economy from sliding over a cliff last spring into what I think could have been a full-scale economic depression.

Almost a year ago, I remember coming to this floor for one of my first presentations, and I stood on the Senate floor and spoke of my concerns about the potential challenges of implementing a piece of legislation as big as the Recovery Act.

At that time, I said we needed to come up with a common set of definitions, performance metrics, that would allow us to honestly measure our progress as these stimulus dollars were pumped into our economy. I know that metrics, performance indicators, and other things—many Members' eyes start to glaze over when you go into these kinds of discussions, but if we are going to be truly responsible to the people of this country, it is our job to make sure we put in place, particularly when we start new programs, those kinds of performance metrics.

As the Chair knows, prior to being Senator, I had the opportunity to be Governor. The hallmark of my administration was, that which gets measured gets done. My sense was that as we started down the ambitious path around the Recovery Act, we needed to have those same kinds of metrics in place.

I suggested a year ago requiring specific timelines and checkpoints so we could better track the outcome of programs funded by stimulus dollars. I discussed at that time steps we could take to hold Recovery Act recipients more accountable. I actually recommended delaying or deferring stimulus payments if progress was not adequately demonstrated or appropriately reported. Here we are a year later, and while I do believe the macro level of a lot of the stimulus activities has accomplished its goals, it appears that requirements for program reporting and disclosure of spending plans have gone missing or just have not been reported and that the notion of putting in place, in effect, a business plan for some of the new programs of this legislation has never fully been vetted. In the amendment this body adopted yesterday—this bipartisan amendment—we have successfully included fixes to make sure that on a going-forward basis, we will not have this problem.

When we passed the Recovery Act 1 year ago, we required recipients to report quarterly, we required agencies to post reports, and we established an oversight board to tackle issues of waste, fraud, and abuse—the Recovery Accountability Board. We required the Congressional Budget Office, various inspectors general, and the Government Accountability Office to provide oversight. One would think, with all this reporting and oversight, that we would have it totally covered, that we would have thought through all of the ramifications. Unfortunately, a year later we have found that is not the case.

Not that anyone here needs a recap, but I think it is fair to once again explain—and I do not think particularly those of us who are supporting the Recovery Act and the administration ever did a very good job of actually explaining to the American people what was in the Recovery Act. It is not a long recap, but I do think it is important for viewers and my colleagues to recall what it was.

Literally more than one-third of the stimulus act was tax cuts, $288 billion of tax cuts. I believe it was, in effect, the third largest tax cut in American history. As I travel Virginia—and the Presiding Officer, I know, travels the great State of Illinois—I very rarely find a constituent who realizes the stimulus had a huge amount of tax cuts. We have only paid out less than half of those dollars, but a third of the stimulus was tax cuts.

A second third was direct assistance to State and local governments.

I can tell you, in the Commonwealth of Virginia, I sometimes run into the legislators there, some folks from the other side, who oftentimes will say to me: Senator, we are going to keep kicking you in the tail about the stimulus, but keep sending those checks because otherwise we would be right down the tubes at the State level.

Oftentimes, these dollars have gone to prevent what would have been otherwise catastrophic layoffs in our schools, in our highway departments, providing health care. Many State governments that are working on biennial budgets are finding, in the second year of the budget when the stimulus dollars run out, the enormous budget shortfalls they are going to face.

Again, for many of our constituents, because these dollars did not necessarily create new jobs but prevented massive additional layoffs, I am not sure we conveyed that to folks adequately.

The third part of the stimulus package and the category I am primarily concerned with today and the focus of my amendment included significant new investments in our Nation's economic infrastructure. These are areas this body and policymakers have talked about for years, but we never really put our moneys where our mouth was until the stimulus. These areas include such policy goals as smart grid; investing in high-speed rail; making sure we have the power of information technology to transform our health care industry to make it more productive and cost-effective, so we have significant dollars in health care IT; and an area I am particularly interested in: deployment of broadband across our rural communities.

As you can see in this third category, as of mid-February we have only paid out about $80 billion of a total of $275 billion. And it has now become clear that many of the programs in this third category are what I would term ''high risk.'' That means they include Federal programs that sought enormous increases in funding and new responsibilities. Some of these programs barely existed a year and a half ago. They had relatively modest priorities before. But now with broadband, we have seen a 100-fold increase, and dramatic increases in health care IT. These programs have had a year to gear up, but we have to make sure they actually have business plans that can be vetted. In some cases, these stimulus funds were actually designated for brand-new priorities and new programs. Now many of these programs are just now a year later getting their stimulus funds out the door.

Here is the challenge my amendment will address: We simply do not know a year in and with $80 billion being spent out very much about how these high-risk programs are actually doing in terms of delivering broadband, health care IT, and smart grid.

For example—let me turn to the next chart—on the Web site recovery.gov, you learn that the Energy Department has paid out about $2.5 billion in stimulus money so far. Close to another $24 billion remains to be spent out.

If we look even further, we find that the Energy Department complied with OMB requirements last year to come up with an implementation plan for its Weatherization Assistance Program. The Energy Department plan set a clear and reasonable goal. It said it would use stimulus dollars to weatherize 50,000 homes across the country in 2009. Weatherization programs are geared to low-income homes. They help

the homeowners. They decrease energy costs and decrease our commitment on foreign oil. There is a lot of good in this program. But a report from the Energy Department just 3 weeks ago showed that these funds actually paid to weatherize only 30,000 or so homes in 2009. That means the programs missed the goal by 20,000 homes. That is a score of 60 percent. When I was in school, 60 percent was not a passing grade.

We should be concerned that almost every dollar of the $5 billion program for weatherization has already been awarded. We have to make sure we are getting the results we were promised. How can we have confidence these grants already in the pipeline for this year are going to be properly managed? We must have more transparency and accountability from the Energy Department about how they are managing this program and overseeing the spending of these funds.

There are the same kinds of challenges around the smart grid program. I am not just picking on the Department of Energy. If we look at the other areas—health care IT and rail—we find similar challenges.

There is no information, beyond once these funds are distributed, how this fund distribution fits into the overall management of these new programs. That information should be easily accessible and available to taxpayers, and it should be reported on a regular basis to those of us in Congress who have this oversight responsibility. If these agencies are not meeting their milestones or deadlines and if stimulus programs are not producing measurable results, we need to know about them. If there are problems of potential barriers to distributing these stimulus funds, we in the Congress and the administration could do more to support reasonable solutions. We should be able to work together to fix the management barriers that have slowed down this work.

It is not too late. According to the Congressional Budget Office, the government spent only about 18 percent of the stimulus funds in fiscal year 2009. By the end of this fiscal year—that means October of this year, 2010—that number grows to about 54 percent. But that still means over half of the dollars will be spent out after October of this year. That means much of the stimulus funding remains in the pipeline, and that means we have an opportunity now to correct any management and transparency gaps.

Our amendment this body adopted will do that in three important ways:

First, it requires agencies to update and refine their implementation plans they developed last year for these high-risk programs. We define ''high risk'' as any program that received more than $2 billion or any program that saw a funding increase of 150 percent or more from the previous year's funding. These are the programs that went from quite small to ramping up to huge amounts. It also includes brand-new programs. Under our amendment, these programs will be required to update their stimulus implementation and oversight plans by July 1. As a former business guy, what that means in legislative speak is they have to show us their business plan in a way that is intelligible and understandable to the taxpayers and to Congress by July 1.

Second, our amendment would require these high-risk programs to report their outcomes to Congress and taxpayers every quarter beginning September 30. We cannot wait for a year to go by to see if these programs that are spending billions of dollars are actually achieving their goals. These reports must include relevant information on spending and outcomes that clearly measures whether these programs are working and meeting the goals defined basically in the business plans they would have submitted by July 1.

Finally, our amendment adds an enforcement mechanism to make sure that Federal agencies, Members of Congress, and the public have access to the information they deserve to evaluate whether these stimulus investments are actually working. One of the things we found is that close to 1,000 recipients of stimulus funding in this last quarter never even filed the required reports so that we know and the taxpayers know how these dollars are being spent.

The amendment will impose civil and financial penalties on stimulus grant recipients who deliberately or consistently fail to comply with quarterly reporting requirements. The amendment provides sufficient discretion for the Attorney General and the courts to set these penalties and to make sure there is consideration of whether the recipient is a nonprofit organization or State and local government or a small business. Again, we are not trying to unduly penalize, but we want to put some teeth in the fact that these organizations that are recipients of Federal funds document what they are doing with those funds. This is basic accountability.

Once again, I applaud my colleagues for stepping up in a responsible and bipartisan way to correct obvious gaps in management, accountability, and transparency of the Recovery Act programs. With so much of the stimulus funding still in the pipeline, this amendment will allow us to dramatically improve the way we measure and report outcomes and demonstrate accurate, verifiable results for the taxpayers.

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

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

Mr. COBURN. Mr. President, I compliment my colleague from Virginia. I am a cosponsor of his amendment. I think it is a very noble attempt to try to put better hands on the stimulus.

It is interesting to note that when we had the first hearing with the IG who is overseeing the stimulus, he said, regrettably, $50 billion would be wasted; that is, $50 billion out of $867 billion—actually, some $940 billion—was going to be wasted. We started with the assumption that about 6 or 7 percent of this money was going to be defrauded. I congratulate my colleague because some of the steps he is talking about in his amendment will actually lessen that, hopefully. I agree with him.

It is exciting for me to see a bipartisan attempt to start bringing teeth into the laws we pass, not toward the American public but toward the agencies that administer the funds.

I congratulate him. I think he has a good amendment. I think we will have a great vote on it.

TAX EXTENDERS

Mr. COBURN. Mr. President, I wish to spend time talking about the bill we are considering.

Yesterday afternoon, I had the great fortune—my daughter was performing in Florida and was driving back to New York. I got to see my 7-month-old granddaughter. Anybody who is a grandparent knows what it is like to see your grandchildren. There is nothing wrong with it and everything right with it. You get a picture and see in your grandchildren aspects of your children. It draws back memories.

But I was struck by that encounter with my daughter and granddaughter and, by the way, her dog. What are our hopes and dreams about? What are the hopes and dreams we have for our children and our grandchildren? Our hopes and dreams are that they will have great opportunity to flower and blossom in a way that they can take advantage of their God-given talents and their hard work and become a success in their life's endeavors. And then you contrast that with the heritage of our Nation—a heritage which is about sacrifice—where one generation makes hard choices, makes difficult decisions, where they sacrifice their own benefits from their own endeavors to create opportunity so that the next generation of Americans can have that opportunity to fulfill and expand their heart's desires.

We heard the Senator from Utah today talk about where the problems were with our Nation, and he talked about where all the gold was in terms of fixing what is wrong. I would have to say I disagree with him. When I look at the U.S. Constitution, and then I look at all the government programs the Federal Government has fostered, passed, and funds, I see a black-and-white slate. I see on the one hand the very limited intent of our Founders, which was spelled out very clearly in

Article I, Section 8 of the enumerated powers—here are the powers you are to have. We are designing this to be a limited Federal Government and we are going to reserve everything else to the people and the States through the tenth amendment. Those words are actually in there. What is not spelled out for the U.S. Federal Government is explicitly reserved for the people and their States.

So when we consider the mess we are in—the fact we had a $1.56 trillion deficit last year, that 43 cents of every dollar we spent we borrowed from our grandchildren, that this year it will be $1.8 trillion, that over the next 9 years we will spend $10 trillion we don't have—and I would put forward most of it on things we don't need—look at it in the light of what our constitutional charge is.

I have made this statement from the floor several times. The oath we take—when I was sworn in, in January of 2005—is to uphold the Constitution. The Constitution is our guideline, our direction for what our responsibility is and what should be left to the States. So I agree with my colleague that unless we reform entitlements, we are going to have a difficult time solving our problems, but there is another answer. Actually, there are two other answers.

One of the other answers is to go through with a fine-tooth comb and look at every Federal Government program and ask: Is it a legitimate responsibility of the Federal Government? And if it is, is it a program we need?

You know, in 2 weeks time, my staff found 640 duplicative programs in the Federal Government, across all agencies, that all do the same thing—105 programs to encourage students to go into technology, math, engineering, and science. There are 105 different programs. So as we look at comparing what is our obligation and what is our charge under the Constitution with what is happening, all of a sudden a wide world opens up of monies we don't have to spend, that aren't absolutely necessary, that aren't absolutely a priority, that we shouldn't be spending money on in a time when we are borrowing and stealing the future of my little granddaughter Katie Rose, and everybody else's granddaughter.

Why would we not demand that we do the hard work of going through what is truly our obligation and eliminating what is not, and eliminating the multitude of duplications that the Federal Government has? Why shouldn't we put ourselves to the same test every other family in America is put to. Once you have maxed out your credit card, once you have passed your limits, they do not continue to extend you money. Unfortunately, what they do is jack up your interest rate. Well, guess what is getting ready to happen to us. We do not have an unlimited credit card. What is going to happen to us over the next few years? We are seeing 30-year bond obligations today going for a higher percentage than what they have ever gone for in the last 4 or 5 years, and we are going to see that trend continue. Out of the $10 trillion we are going to spend—money we don't have—in the next 9 years, $5.6 trillion of that is to pay interest on the national debt. So we are going to find ourselves in the same predicament as that person who has maxed out their credit card who is now paying interest on the interest instead of paying off the debt.

I said there were two ways of looking at this. The second is to go through the Federal Government and eliminate the waste, fraud, abuse, and duplication. One is to eliminate where we don't truly have a responsibility or authority for what we are doing under the Constitution, but the second is we have identified $350 billion a year of waste, fraud, and duplication in the Federal Government. We have done that over a period of hearings over the past 4 years. One amendment out of about 800 I have offered over the last 5 years has been accepted to eliminate something—just one. They have all otherwise been voted down. And they have been voted down because Members of this body refuse to make the hard choices about priorities, because they think we don't have to.

Well, the gig is up. There is a real rumble among the American people. There is a rumble in America about holding us accountable for the future of this country, which means no longer ignoring the hard choices, no longer adding to the credit card. I say all that to talk about the bill that is before us. We have a bill before us that is called the tax extenders bill. But that is not what it is. It is the debt extender bill. Because this bill, in light of all the speeches we will hear in this body, and all of the excuses and all the press releases that are going to be released, is going to add $104 billion to our children's credit card.

Yesterday this body voted to go forward with that. They voted to not make the hard choices, not offset the spending. If these are priority items that we should be doing in this bill, then why aren't we going after some of the waste, fraud, and abuse in the Federal Government and getting rid of it? There is $104 billion over the next 10 years, with this one bill alone, that we are going to add to the debt, and that comes down to $10.4 billion a year. We have $350 billion worth of waste. Yet we refuse to go into that $350 billion worth of waste, fraud, and duplication, and eliminate anything to pay for this. Instead, we are going to steal that opportunity, we are going to steal that future, we are going to put a blight on the blossom of opportunity for our children and grandchildren. I beg America to hold us accountable; to not accept business as usual anymore.

When you get down to it and start talking about what this means—when you take the $104 billion and divide it by the 300 million people in this country and then multiply it by the average family size—what you get is $1,282 per family that this bill will add. So if in fact you go to sleep the day after tomorrow, when this bill has passed the Senate, when 60 Senators vote for it and we go on and do this—35 or 36 will vote against it, but 64 or 65 will vote for it—when you put your head on your pillow at night, you can thank them for jeopardizing the future of your children. And not because what they want to do in the bill is necessarily wrong, but because they lacked the courage to stand up and make the hard choices that are required in times of distress in our country.

If you study our history, our greatest leaders exhibited courage in the face of adversity. They pulled us through by making hard choices, not running away from the hard choices. We had a lot of people who were critical of Senator BUNNING because he raised the issue on a $12 billion jobs bill—that isn't going to do anything—and said we ought to pay for it. We voted him down. We said no. But you know what, as I read the American public, about 80 percent of them said we should have paid for it. We should have done that. And those people who were most critical of Senator BUNNING on the floor are the people who have hardly ever voted against any spending bill in their entire career in the Senate. They honestly believe it is okay to mortgage the future of our children to benefit their own political careers.

So what we have developing in the Senate isn't partisanship, it is policy differences that will make the difference for this country. And if the ne'er-do-wells of doing it the same old way win, our children won't have a future. What they will have is a debt burden they will never get out of.

We hear speeches, as we did from the Senator from Utah, that tend to push us, and we think, well, we have to figure out how we can fix Medicare and Social Security. Well, how do we fix Medicare and Social Security? We have to delay retirement, lessen benefits, eliminate fraud in Medicare, and delay eligibility. Those are the only answers. Or we have to raise taxes.

But how do you raise taxes on the American people when you know you are spending $350 billion a year that is wasted? How do you, in good conscience, even consider that? I am not against having a tax increase when and if we have done everything we can do to get this government efficient and eliminated what is not our role and gotten rid of the fraud, waste, and duplication. And most of America wouldn't be against that either. But right now they do not trust us. And for good reason they don't trust this body. Because we are not shooting straight with them. We are not telling them that we are going to add $1,282 to their kids' debt.

When you take this number—this 347 figure, and you look at kids 25 years and younger, and you take that out 20 years, here is what you find: Not only

are they going to be responsible for the debt we have today, but the $78 trillion worth of unfunded liabilities for Medicare, Medicaid, Social Security, and all the other trust funds, including Federal employees' retirement, which adds up to $1.3 million for every person in this country under 25, ask yourself: How in the world will they ever own a home or send their kids to college if in fact they are having to support $60,000 a year in interest on a debt they didn't create?

The promise of America was freedom. Debt is a hard taskmaster. But it is doubly hard when it wasn't your debt but that of your parents and your grandparents, yet you are tasked with changing your lifestyle, your opportunities, your hope and vision for your children because this generation didn't have the courage to stand up and say: Enough is enough.

When will it ever be enough—when we can't sell our bonds? When will it ever be okay to offend those who are on the dole and who don't deserve to be on the dole? When will it be okay to eliminate the waste in the Federal Government, if not at a time we are going to have a $1.8 trillion deficit; if not at a time when $50 billion is going to be defrauded out of the stimulus program? When will we ever do it?

We have never been in the financial situation our country is in today—never before in our history.

Our whole foreign policy is now being affected and impacted because of our debt. We have to keep an ear toward China as we conduct our foreign policy, in the fear that they may dump our bonds. Why would we put ourselves in that position when we do not have to? Because there is no spine in the Senate. There is no spine in the Congress. There is no spine to go out and say: Yes, I made the hard choices. You may not like it, but your children deserve that we make hard choices and difficult decisions. If I am not here, it is OK, I did the right thing. I secured our future. I will be able to sleep at night, knowing I was not a part of taking and stealing that blossom of potential from our children and grandchildren.

I will finish by asking a question of the American people. Is it right that you have to make choices within a finite budget, yet your elected leadership in Washington does not? Is it fair for you to have to sacrifice to create a future for your children, when we are destroying that future in Washington?

It is a time for Americans who have never been involved in the political arena, in our Nation, to get involved because the future of your children and your children's children depends on it. We have a very short window within which to recapture the economic renaissance in our country, and it is less than 4 years. If you look at what we are coming to in terms of debt-to-GDP ratio and in terms of the size of the government to the size of the GDP, we will be on an irreversible course that will eliminate American exceptionalism forever because the thing that made us free and kept us free was a fairly limited Federal Government. What we have in front of us is an attempt not to get it back down to a size that is manageable and within the intent of our Founders' vision and the American people's expectation; we have an intent to grow. The discretionary budget of the Federal Government, on the rate that has been passed by this body the last 2 years alone, not counting the stimulus, will cause the Federal Government to double in size in 5 years. We are 40 percent bigger than we were 2 years ago; actually, it is 38.6 percent bigger. We hear the average Federal employee now makes $72,000 and the average private employee now makes $40,000. We have added 170,000 new jobs in the government in the last 7 months, while we have lost three times that in the private sector. Things are out of whack. The only way they are going to change is if the American public demands it to be changed.

I will go back. This is not a tax extenders bill. This is a debt extension bill. We are going to extend another $104 billion of debt across the threshold of opportunity for our children and grandchildren. I am not going to be a part of that. I am not going to be complicit in it. If that is not satisfactory to the people of Oklahoma, I am fine with that. I am ready to make the hard choices to make us a lean mean fighting machine again as an economy, a lean mean fighting machine as far as opportunity. The way to do that is to downsize the Federal Government, put it back within the role of its intended purposes, and return to the States both the money and the authority to handle what is rightfully theirs in the first place.

The second thing that is important is to get rid of the $350 billion worth of waste, fraud, abuse, and duplication that occurs every year that we do nothing about. We do nothing about it. We send out press releases, but when it comes time to vote to make a hard choice, we do not do it. We refuse to do it. We refuse to offend those who are well connected and well heeled, while we send our country into the trash heap of history through financial collapse.

My hope is, my colleagues will stand and say we are not going to pass this debt extender bill until you pay for it, until you make the hard choices about what is waste, what is duplication, what is fraud, and get rid of some of that to pay, if these are truly priority items.

You see, if they are truly priority, if America truly needs them, then there has to be something that is a lower priority that we can take away. But we do not have that kind of thought in the Senate because we just keep putting the credit card into the machine. Thank you, China. It is not going to be too long before we are saying: May we please, China. May we please. May we.

Watch what is happening to Greece. Look at the articles on Ireland today, the hard choices they had to make to get themselves out of trouble. But they are doing it. We are ignoring it in this body, and we are going to pass another $104 billion along to our children and grandchildren.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HONORING THE WASPS

Mrs. HUTCHISON. Madam President, we just had a beautiful, really incredible Congressional Gold Medal ceremony honoring the Women Airforce Service Pilots known as the WASP. It was the largest audience to have ever attended a Congressional Gold Medal ceremony or any ceremony in the Capitol because we have now the wonderful new Capitol Visitors Center that allows us to accommodate very large ceremonies.

This one had over 2,000 family members of the Women Airforce Service Pilots who were honored by Congress. I thought it was worth also including comments in the CONGRESSIONAL RECORD to be sure the American people know that today was, in fact, a wonderful day in which we honored women who did so much in World War II. They did not get the recognition they deserved at the time but they received those accolades today when they were recognized with the highest honor that Congress can give.

I would like to read the speech I gave at the ceremony, and also just embellish a little bit about the WASP.

I wrote a book called ''American Heroines: The Spirited Women Who Shaped Our Country.'' In that book each chapter focused on specific areas in which women trailblazers had done so much to open doors for the future women leaders in our country. One of those chapters focused on those who blazed new trails in aviation.

The pioneers I profiled were Amelia Earhart and also Jackie Cochran. Jacqueline Cochran was a true pioneer, as was Amelia Earhart. They were contemporaries—actually, Amelia achieved her fame just a little bit before Jacqueline Cochran. But Jacqueline Cochran went on to become the first woman to break the sound barrier in an aircraft. She was a protégé of Chuck Yeager who, of course, we know was the first to break the sound barrier in a jet aircraft. He was a test pilot and a fabulous aviator who I saw recently in Dallas and understand he still enjoys flying.

For everyone who knows anything about aviation, Chuck Yeager is an

icon. He took Jacqueline Cochran under his wing and helped her, and she went on to become the first woman to break the sound barrier. She also was the woman who conceived of the Women Airforce Service Pilots and was the leader during World War II of this incredible group of women.

I wish to read the remarks I made because they tell much of the story of the WASP and Jacqueline Cochran's leadership.

As we celebrate Women's History Month, this is the perfect time for us to gather to honor the Women Air Force Service Pilots. They were not in the Air Force at the time, but they were called the WASP. We are presenting them the Congressional Gold Medal during Women's History Month because these women truly made history. America's first women to fly military aircraft, they blazed a trail in the sky that opened the door for today's women military pilots. By the time the war ended, 1,074 women had earned their wings at Avenger Field in Sweetwater, Texas. Thirty-eight of those women were killed in the line of duty. Throughout the war, these courageous women flew over 60 million miles around the world, in every type of aircraft flown by male pilots. They were never commissioned, were never afforded Active-Duty military status, and were not granted veterans status until 1977, 30 years after they had served.

All these women volunteered to serve their country in wartime. The reason the organization was formed was the every available male pilot was needed to fly combat missions. So, for the first time, women were recruited to fly non-combat missions. They ferried new aircraft from the factory to the coast and delivered the aircraft for shipment overseas. Some flew airplanes that towed targets so that male gunners could practice shooting with live ammunition and others even trained male pilots. They did all the things someone in the Air Force would do today except fly combat missions. That is why Jacqueline Cochran convinced the Army Air Corps of that their recruitment was a necessity. Women were eager to serve the war effort. That was why the Women's Army Corps, the WAC, was created. They too contributed to the war effort. The WAC was headed by Oveta Culp Hobby, a wonderful woman who later became a member of President Eisenhower's Cabinet.

Women volunteered by the thousands during World War II. The WASP volunteers paid their own way to Texas for training. Just before the war ended, the program ended, and the WASP paid their own way back home. The 38 courageous women who died as a result of their service in the WASP received no military honors and the expense of their burials was borne by their families or through contributions from their fellow WASP. Their families even had to pay to have their bodies transported home for burial. They were not even accorded the honor of having a flag on their caskets because they were not considered to be in the military.

I wrote about the WASP in my book, ''American Heroines: The Spirited Women who Shaped our Country.'' These women surely did. Despite their patriotic and historic impact, the WASP were never formally recognized by Congress for their wartime military service—until today. Both Houses of Congress, the Senate and the House of Representatives, passed a resolution to present the Congressional Gold Medal. It was unanimous on both sides of the aisle. It is the highest award given by Congress. We honor their service, the history they made, and the history they made possible for other women to make as a result of their courageous service.

Today, we right a wrong and acknowledge our debt to these great patriots, women who are so worthy of this award and this recognition.

I recognized Tom Brokaw during the ceremony. Tom was on the stage with us at the ceremony. Of course, Tom wrote the book ''The Greatest Generation'' that raised the awareness in America about the incredible contribution of the veterans who served in World War II—primarily of course, the combat veterans who served in World War II. He chronicled those because they served so valiantly in horrendous circumstances. They came home, never talked about it, didn't talk about their experiences to their wives or their friends or their children. Most went back to life as normal and considered that they had done their duty and now it was time to go back to work. Tom Brokaw did a wonderful service for all of us. He raised the awareness of the ''greatest generation'' and made us appreciate so much what they had done.

I said at the ceremony that Tom Brokaw, who came to the ceremony today because he had gotten to know about the WASP through his own research, was really here helping us close the circle for so many of those who served in World War II and were never recognized. We recognized the combat veterans. We recognized their incredible service in combat and in battle. But there were some who contributed that we have only recently received the Congressional Gold Medal. The WASP was the third of the three. The first was the Tuskegee Airmen. They were an incredible group African American pilots who flew combat missions but whose service was never fully recognized until later, when they were presented the Congressional Gold Medal.

Then there were the Navajo code talkers who did an incredible service for our country but operated in secret. They promised they would not ever tell what they did, and they didn't until years later when they were given leave to do so after a movie was made that chronicled their critical wartime role. They too were recognized with the Congressional Gold Medal. And now today we honor the WASP, the women who were the first women to fly military missions but never made a part of the military

This effort to recognize the WASP started in the Senate where I was proud to introduce the legislation with my colleague from Maryland, BARBARA MIKULSKI, that culminated in the celebration today. Senator MIKULSKI and I shepherded that bill through the Senate, and in the meantime legislation was introduced in the House of Representatives by Representatives SUSAN DAVIS and ILEANA ROS-LEHTINEN, who passed it on the House side. It passed in record time for a Gold Medal resolution. For this, I thank my colleagues in the Senate and House. It took less than a year from the day we introduced this legislation in the Senate to arrive at this day in which we award this medal to the WASP. There have not been too many Gold Medal resolutions signed into law, usually one per year, two at the most. But these resolutions usually take much longer. But because these women are older and have waited so long, we wanted to pass this quickly so as many of them as possible could come to Washington to celebrate. In fact, over 2,000 WASP veterans and their family members did come. Of the 1,074 women who earned their wings, over 200 were here today. I thank them.

I ended my remarks today by saying:

I thank the WASP and their families who have waited so long and traveled so far to be here today to finally hear these words: on behalf of a grateful nation, thank you for your service.

Speaker PELOSI was eloquent. The distinguished Minority Leader in the House, our leaders, Senator HARRY REID and Senator MITCH MCCONNELL, all participated with the Secretary of the Air Force in this special day. And of course, the four of us from the Senate and House who sponsored the resolution spoke as well. It was a beautiful ceremony. I wished to put that in the CONGRESSIONAL RECORD as a record of this day and as an additional record of the recognition the WASP so richly deserve and for which they have waited far too long.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

MEDICARE FRAUD

Mr. LEMIEUX. Madam President, yesterday, the President was in St. Charles, MO. He talked about a new effort the Federal Government would undertake to go after waste, fraud, and abuse in the health care system. He focused on the use of payment recapture audits and the teams of auditors who will now go through the process of looking at the payments being made in Medicare, for example, health care for seniors, to make sure the money is actually going for health care to seniors and not going to criminals who are stealing money from the system. I commend the President for doing this. It is the right thing to do. Republicans and Democrats can work together. This is a good initiative.

But I would like to request of the President, as I have requested of this Congress, to take further steps and more bold steps to stop fraud in the system.

I thank Leader MCCONNELL who, in his opening remarks this morning as the Senate opened its session, commented on a piece of legislation I have offered that will not only go after the fraud after it happens, which is what the President's proposal does—and I commend him for it; it is estimated by folks looking at his proposal that it might save $2 billion a year by going through and auditing and trying to find out where the bad guys have taken the money. I have some experience in that. When I was deputy attorney general in Florida, working under then-attorney general Charlie Crist, we had a Medicaid fraud control unit.

On the Medicaid side—health care for the poor—we did just what these teams the President is putting together now are going to try to do for Medicare. We had teams that looked at the data. We would break down the list of the top 50 folks who were receiving reimbursements from the Federal Government, and if the number and the amount of money they were receiving was abnormally high, we would look at it and make sure it was legitimate. You could go where money is. Right? They say: Look where the money is going. And if you can find out where the money is going, you can find out what the problems are.

We looked at the top 50 or top 100 folks who were receiving reimbursements from Medicaid, and we found problems. So the President's idea is effective. But let's not just do pay and chase. That is what we have been doing in health care for years and years and years.

The Presiding Officer, the Senator from North Carolina, agrees with me on this issue. She has been a leader in advocating that we stop the health care fraud before it starts. We were trying to change the health care bill last year at the end of the year to put in something more robust.

We do not have to start from scratch. There is an idea out there that already exists that is already working in another sector of the economy that is very similar to what could be done in health care.

Health care is about a $2 trillion a year business. We know that in Medicare, there is at least $60 billion if not $100 billion a year of health care fraud. That is worth repeating: $60 billion to $100 billion a year of waste, fraud, and abuse in Medicare alone.

My colleague, Senator and Dr. COBURN, has been a leading advocate about trying to go after this waste, fraud, and abuse.

So what could we do with that money? We could put that money back into Medicare to make sure we are actually helping patients and make Medicare solvent for years to come, instead of where we are looking at it right now: that in the next 7 years Medicare is going to have a real financial crisis.

So how do we get at that $60 billion to $100 billion a year of waste, fraud, and abuse? Well, the health care industry is about a $2 trillion industry. Another industry that does a fantastic job of fighting fraud that is also an industry of about $2 trillion is the credit card industry.

In health care—at least in government health care—we believe $1 out of every $7 is fraud. In the credit card industry, they lose 7 cents on every $100. Madam President, $1 out of every $7 versus 7 cents on every $100.

How do they do it? They do not do just pay and chase; they do not just set up auditors and prosecutors to go after the bad guys after they have stolen the money. They stop the stealing before it starts. Technology is a wonderful thing, and it has created tremendous abilities for us to prevent fraud before it begins.

You all have had this experience. You have gone somewhere and used your credit card, and your credit card company has e-mailed you or called you and said: Was that really you making that purchase? And why is that? Well, a mechanism was triggered by their computers, where you were doing something you normally do not do. You were outside your normal spending habits. You were in Washington, DC, visiting, not at home in Orlando, FL. That is not something you usually do. A red flag goes off because they built a computer model that tracks your normal purchasing, and if something is out of normal—if you are traveling or you are purchasing more than you usually do, or you are buying things that are the target of people who steal credit cards—the model goes off, the phone call happens, and if you do not verify, they do not pay.

This is called predictive modeling, and it makes all the sense in the world that we put this into our health care system. And we can. I have a bill, S. 2128. It has bipartisan support in the Senate with about a dozen cosponsors.

It is a bill to do three things. One, create the predictive modeling system, set up a computer program where if we have health care fraud, we can try to detect it before it starts.

Let me give you an example. My home State of Florida is rampant with health care fraud—rampant. In fact, I think south Florida is the capital, unfortunately, of health care fraud. Here is one example to give you: We have in south Florida 8 percent of the Medicare beneficiaries with HIV or AIDS nationwide, but 72 percent of the reimbursements to these patients are sent there.

Is that because they are getting the best health care in the world? No. It is fraud. There are people in organized crime who are running these health care codes, stealing medical records from hospitals, finding out your patient information, saying that you have AIDS, running a $2,400 vaccine, and running those vaccines all day long, sending the bill to the Federal Government. The Federal Government is paying. It is a lot better deal for the crooks. It is a lot better than illicit drugs. We hear from these criminals they would much rather be stealing from the Federal Government. No one is shooting at them, and it is a lot easier to rip off Uncle Sam.

We have to stop this. So if you put this predictive modeling system in place, you could actually have a trend that occurred, and the computer would say: Wait a minute, this ''health care provider'' has sold this wheelchair 100 times in an hour, or they sold this other medicine, this very expensive AIDS medication. They have prescribed that more than anybody else. The model goes off and the payment stops until they are verified. We stop the fraud before it starts.

My bill does two other things. One is, it requires a background check for every health care provider in America that is going to try to bill Medicare or Medicaid. Can you imagine that we do not do that right now? We do not do background checks of people who are allegedly providing health care to our seniors and to the poor. Can you imagine, we have a convicted murderer in Florida who was an alleged health care provider who was scamming the system? There are bad guys scamming the system for $10 million, $20 million, $50 million, $60 million. So we have to do a better job.

The third thing this bill does is it creates some accountability. We are going to create an Assistant Secretary of Health at the Department of Health and Human Services whose only function will be to fight fraud so we have some person accountable who we can call in front of our committees and say: How are you doing in the battle to fight fraud?

As much as I appreciate what the President did today—and that could save $2 billion—a group here in town has evaluated this bill that has bipartisan support and they say it could save $20 billion a year. So why aren't we doing this today? I know this health care bill is very important. We have differing views on whether we should pass the big bill. But why can't we pass my bill now? Why can't we start preventing this health care fraud now and save $20 billion a year?

Imagine what we could do with that money. Imagine what we could do to put that money back in Medicare and make it more resilient so our seniors know their health care is going to be paid for.

I applaud the efforts of the President of the United States today. It is a good step. But it is on the pay-and-chase side. It is not on the prevention of fraud side. I keep coming to the floor and talking about this because I feel so passionately about it. It is a commonsense thing to do. It is problem solving. It is not partisan. No one is for fraud. Everybody should believe that we should try to spend the government's money more effectively and more efficiently.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

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

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

TRIBUTE TO EVELYN LIEBERMAN, KAREN HUGHES, AND JAMES GLASSMAN

Mr. KAUFMAN. Madam President, this afternoon I will preside over a Foreign Relations Committee hearing on the future of U.S. public diplomacy. Never has public diplomacy been more important for promoting U.S. national security interests, especially in volatile regions and areas where we are engaged in counterinsurgency. In order to evaluate past achievements, successes, and challenges in public diplomacy, the committee invited three former Under Secretaries of State for Public Diplomacy to testify on the matter earlier today. Given their wide breadth of experience, they will share their views about lessons learned from their tenure and their recommendations on tools and future strategy.

The three former Under Secretaries who are participating—Evelyn Lieberman, Karen Hughes, and James Glassman—promise to provide incredibly useful insight, and I am grateful they are able to be here for the hearing today. Not only are they important voices on public diplomacy, they have also been dedicated public servants in both the Clinton and Bush administrations.

I wish to make a point here. They don't stay, as do the vast majority of the people we have talked about who have spent 10, 15, 20, 25, 30, 35 years in the government. These people come from a different group. They are the group who come for a short period of time and bring incredible expertise and intelligence to the issues we face—expertise and intelligence, by the way, that we in the Federal Government could never afford to pay for. These three are perfect examples of that, and that is one of the reasons I wish to recognize them today.

During their years of service as Under Secretaries of State for Public Diplomacy, they oversaw our State Department's efforts to promote American foreign policies abroad using tools such as educational exchanges, public affairs and embassy outreach, international broadcasting, and the establishment of American corners or centers. They did this through communication with international audiences, cultural programming, academic grants, and international visitors programs. Public diplomacy programs such as the Fulbright Fellowship and Sports Envoy exchanges bring emerging leaders from foreign countries to visit the United States, promoting a cross-cultural exchange and contributing to sharing an American perspective with the world.

Although these three officials come from different sides of the aisle, they each hold unique perspectives on American public policy, and all share—and I can say from firsthand experience they all share a love of country and dedication to service that called them to government service. I was honored to work with each of them in various capacities over the years, especially during my tenure on the Broadcasting Board of Governors.

Evelyn Lieberman is a native of New York and a graduate of State University of New York in Buffalo. She first entered government service in 1988 as press secretary to my predecessor, now Vice President JOE BIDEN. In those days I was serving as chief of staff, and I had the privilege to work with Evelyn early in her career. In 1993 Evelyn moved over to the White House where she served as Assistant to the First Lady, now Secretary of State Hillary Rodham Clinton. Three years later, after serving also as Deputy White House Press Secretary, she was appointed Deputy Chief of Staff under Leon Panetta.

In 1997, President Clinton appointed her as director of Voice of America, and she served there for 2 years. During that time, I was a member of the Broadcasting Board of Governors, which oversees Voice of America programming, and I was fortunate to work closely with Evelyn once more.

In 1999, President Clinton nominated Evelyn to serve as the State Department's first Under Secretary for Public Diplomacy, and she was confirmed by the Senate. He could not have picked a better person. What happened back then was, we took the Information Agency and split it into two pieces. The Broadcasting Board of Governors created an independent entity for that, and then we brought the rest into the State Department, and Evelyn was the one who got that started and got it started on the right foot. She stayed there until the Bush administration.

Since then, since 2002, Evelyn has continued a career in the Federal Government serving as the Director of Communications and Public Affairs for the Smithsonian Institution.

The second witness today is Karen Hughes, who was appointed by President Bush to this position after serving as Counselor in the White House from 2000 to 2002. A Texas native, she holds a bachelor's degree from Southern Methodist University. Before embarking on a career in politics, Karen worked in broadcast journalism for 7 years.

When she was appointed as Under Secretary for Public Diplomacy in 2005, Karen was given the rank of Ambassador to underscore the importance of public diplomacy as a central component of U.S. foreign policy. While she was there, Karen implemented important changes including the creation of a rapid response unit in her bureau at the Department of State and many others.

Upon leaving State in 2007 to pursue work in the private sector, Karen told the BBC that her greatest achievement was ''transforming public diplomacy and making it a national security priority, central to everything we do in government,'' which is the goal I believe continues to this day.

During her tenure as Under Secretary, she represented former Secretary of State Condoleezza Rice in meetings with the Broadcasting Board of Governors, and I had the opportunity to work with her on promoting a free press overseas.

I have worked with all three of these people. These are extraordinary public servants, Republicans and Democrats; people who have disagreements on many things but came to the government, took incredible financial sacrifice, and worked together to solve bipartisan problems that have put the public diplomacy effort in a positive light.

When Karen Hughes left the State Department, President Bush nominated James Glassman to take her place. James is a Harvard graduate and a prominent writer and journalist, to say the least. He was confirmed by the Senate in June 2008 as Under Secretary of Public Diplomacy. Jim has done a whole lot of things. He has held senior roles at a number of leading news organizations, including the New Republic, the Atlantic Monthly, and U.S. News and World Report. He is also a former owner and editor of Roll Call.

Before joining the Bush administration, Jim served as a fellow at the nonprofit American Enterprise Institute for 12 years. In 2007, Bush nominated him to be chairman of the Broadcasting Board of Governors, and he served in that role until moving to the State Department several months later. As I said, I worked with Jim during my service on the board, and I saw firsthand his dedication to promoting American values and policies overseas.

Since the Bush administration left office, Jim has been working in the nonprofit sector, and he was recently selected to lead a new public policy institute at the George W. Bush Presidential Library.

Think about this: Here I am, a Democrat, and I can tell my colleagues there aren't three better people with whom I have worked in the whole world than Evelyn Lieberman, Karen Hughes, and Jim Glassman. They care. We have a lot of fights about a lot of things, but when it came to public service, these three individuals all did incredible work.

Political appointees make up an important constituency in our Federal Government. When a President requests their service, they often make real sacrifices to respond to that call, and I can tell you without a shadow of a doubt, these three made incredible

sacrifices, financial and personal, to answer the call of this country.

I hope my colleagues will join me in thanking Evelyn Lieberman, Karen Hughes, and James Glassman for answering the call to serve and for their work on behalf of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

RESPONDING TO THE ECONOMY

Mr. CASEY. Madam President, thank you very much. I appreciate the many times Senator KAUFMAN comes to the floor to celebrate what is working in Washington and the good work that is done by so many public officials, but also public employees in our Federal Government.

I rise this afternoon to talk about the recession, unemployment, job loss—all of those related topics—and in a very particular way to focus on the trauma, the suffering that a lot of Pennsylvanians and a lot of Americans are living through right now.

This has been and continues to be a horrific recession for the American people. When we are confronted with that kind of economic difficulty, we need to respond to it in very bold ways. I think we have over the last couple of years and even the last couple of weeks. I will talk about that today. But we do need bold action to put people back to work and to keep our economy moving in the right direction, as I think it is now, more than a year after the recovery bill was enacted.

In Pennsylvania, the unemployment situation is as follows: Our rate is at about 8.8 percent as of January. That is lower than a number of States of comparable size. But, unfortunately, the rate doesn't tell us much. It doesn't often reflect the true meaning or the true impact of unemployment. We have 560,000 people in Pennsylvania out of work through no fault of their own. I think it is also important to put this in the context of where we have been and where we are now, not only in Pennsylvania but across the country.

In late December of 2008, Congress took action to stave off the impending collapse of our Nation's financial system. Months later, the downturn required Congress to pass, as I mentioned before, the recovery bill known as the American Recovery and Reinvestment Act, known by the acronym ARRA. I tend to refer to it as the recovery bill.

These actions were at the time—meaning the legislative actions—unpopular but absolutely necessary. I said we have worked on job creation strategies and legislation more recently within the last couple of weeks. Our majority leader Senator REID has led us in that, and we are making progress. We have more to do.

First, let me go back in time a little bit to the fall of 2008. At that time I happened to be a member of the Banking Committee. We were given briefings at that time on how perilous our financial system was; that we were on the edge of a cliff in terms of the collapse of our financial system and, therefore, the collapse of our economy. We passed legislation which included the Troubled Asset Relief Program, known by the acronym TARP.

I know as soon as I say it, it doesn't bring back positive recollections for people. It was not popular. Even the bill itself was not that popular—the Emergency Economic Stabilization Act—and part of that was the so called Troubled Asset Relief Program or TARP. But I think it is important to put the facts on the table about what has happened since that time.

The Troubled Asset Relief Program was, indeed, unpopular, but we should note that to date the Treasury Department has spent, invested, or loaned $500 billion through TARP. To date, almost $190 billion of the $500 billion has been returned or paid to the Treasury Department. These actions helped steer the economy back from the brink and, by the program's conclusion, we expect all but $100 billion of that $500 billion to be repaid, which makes the Troubled Asset Relief Program significantly less expensive to taxpayers than earlier estimates. It met some of the predictions at the time by some of us that the money would be paid back. So that is good news. It is not enough, though, to report on good news.

We had to take other action. We took action when we passed the recovery bill in the early part of 2009. Just by way of example, Pennsylvania is on track to receive more than $26 billion through the recovery bill, including billions in direct tax relief. We had 4.9 million Pennsylvanians who got tax relief as part of the recovery bill. Among, or part of, I should say, that more than $26 billion, $13.15 billion was in so-called formula-driven funding for health, education, infrastructure, job training, and other aid. It was a tremendous boost to the economy in Pennsylvania, not only creating jobs but preventing the erosion of our job creation strategies and preventing people from being laid off, including teachers in school districts, law enforcement officials, as well as in jump-starting the economy of Pennsylvania. We still have a ways to go. We still have basically another year of a jump-starting effect for the recovery bill.

Across the country, when we measure the impact of the recovery bill, the nonpartisan Congressional Budget Office, which is known by the acronym CBO—we hear about it all the time, but they are a referee in a sense in Washington, an arbiter of what the numbers mean. The CBO reported a few weeks ago that the Recovery Act added between 1 million and 2.1 million jobs by the fourth quarter of 2009. Again, impressive, halfway basically—or almost, I should say, halfway through the recovery bill's implementation at the end of 2009, 1 million to 2 million jobs. The CBO also said the Recovery Act raised economic growth by 1.5 percent to 3.5 percent over that same period. So it has contributed to growth.

The CBO Director, Doug Elmendorf, said during a recent Joint Economic hearing:

> [T]he policies that were enacted in the bill are increasing GDP and employment relative to what it otherwise would be.

So that is the CBO talking about the recovery bill as another way to measure. There are lots of ways to measure the impact and, I would argue, the success of it.

In January of 2009 the country lost 1.2 million jobs. Job loss, as of the most recent report for February, was a little more than 60,000 jobs, just about 62,000 jobs. So that reduction or diminution in the number of jobs lost from 1.5 million jobs to 62,000 jobs is, indeed, substantial progress but, again, it is not enough. We have to keep going. We have to keep putting in place strategies to create many more jobs.

The facts speak for themselves. More people are currently employed and more goods and services are being produced as a result of the Recovery Act. Put another way, if the Recovery Act had not been enacted, the economic situation would be much worse than it is today. That is an understatement, if we did not pass that legislation.

But we need to do more and move forward. We need to pass legislation to continue to create jobs. That is why I am standing today in support of passage of the American Workers, State, and Business Relief Act, the legislation we are now considering. This legislation contains vital policies that will support our workers and our businesses as we recover from the recent economic recession. The most important part of the legislation is the extension of unemployment insurance and COBRA health insurance through December 31 of this year.

The national unemployment rate is 9.7 percent. It is expected to remain at this level, unfortunately, through most of 2010. I mentioned earlier that in Pennsylvania it is about a point lower, 8.8 percent. There are 560,000 Pennsylvanians who are out of work. These numbers are far too high for us to in any way be satisfied with the positive impact the recovery bill has had and other measures we have taken.

We are about to pass and enact into law the HIRE Act—four provisions agreed to in a bipartisan way. We have to do more than that as well. Congress must continue to provide for comprehensive unemployment benefits and a subsidy to pay for COBRA health insurance for those who have lost their jobs through no fault of their own. The eligibility for emergency unemployment compensation and COBRA premium assistance will expire at the end of March. According to our State's department of labor and industry, hundreds of thousands of Pennsylvania workers could lose unemployment benefits over the next several months without an extension.

An extension of federally funded unemployment compensation and the

COBRA health insurance subsidy through the end of this year, December 31, is necessary for several reasons. First, State labor departments—and this is true across the board—will now be under pressure to constantly update their systems and inform constituents of the changes in Federal law. Why should we keep passing an extension of a month or two or three when we could pass legislation to give certainty, most importantly to that unemployed worker and his or her family—they are the most important part of this story—but also to State labor departments and other officials in departments so they do not have to continue to make changes to their system. People who were recently laid off will constantly be reminded that their unemployment benefits may run out sooner than expected, especially at a time when there are six applicants for every one job.

Second, our State labor department makes a point that at a time when millions of people do not have health care coverage, failure to provide an adequate safety net to ensure people maintain adequate and affordable health coverage will only add to the rolls of the uninsured in the country.

During my travels throughout the Commonwealth of Pennsylvania, I have met and I will continue to meet or hear from numerous people who are in desperate need of help.

Recently, the Hanlon family of Pleasantville, PA, contacted my office to share their story. Here is but one story, but it is very telling about what families are up against.

Lisa and Jeff Hanlon have four young children. Until recently, Jeff and Lisa were both employed by the same company and, in their words, ''the family lived a solid middle-class experience.'' Jeff worked at the company for nearly 8 years. Over time, he began to experience severe health problems, including suffering three heart attacks. When the economic downturn hit, Jeff was downsized by the company and the family lost their health insurance. The blow of losing health insurance could not have come at a worse time. Just one of Jeff's hospital bills was $398,000.

Due to his medical condition, Jeff was unable to work. Too sick to work, it took a long time for Jeff to apply for and receive Social Security. During this time, the family experienced severe hardship and sold everything of value to keep their home and stay afloat. Mrs. Hanlon told our office that their children went without medical help for a year—young children going without medical help for a year because their father or mother loses a job. That is unacceptable. We should act on the statement ''that is unacceptable in America today.'' What the Hanlons had to do was choose what bills to pay to feed their children. Without means, the children were not able to participate in sports or any school activities. Even now, the family's current income is a fraction of what it was.

Another example, in addition to the Hanlons, is Janet Lee Smith, a single mother of two girls. Her difficulties began back in 2003 when she was laid off from a 26-year career. As Janet tells the story, the company began outsourcing to Mexico, which made her position obsolete.

Faced with the tremendous responsibility of raising two young girls, she decided to go back to school while still working. In 2005, she graduated from a Penn State extension campus with an associate's degree in human development and family studies. Unfortunately, additional education was not enough to get her a job in this tough economic climate. So once again, Janet turned to odd jobs and part-time jobs until 2008, when she was finally blessed with a full-time job as an administrative assistant. Nine months later, once again she was told that business was slow and she would, in her words, ''once again become a statistic as a 'dislocated worker.'''

Today, unable to find full-time work, Janet is back in school and working part time. She says she feels she has to do whatever she can ''to get her girls through school healthy and strong.'' In Janet's words:

> It is not a good feeling at all being told that you are going to be laid off, especially when you are the only income that your family depends on. It has been a struggle keeping up my spirits and trying not to let my girls see that I am stressed.

That is what Janet tells us, and that is what the Hanlon family tells us. Despite these challenges—and I have seen this across our State—despite these challenges, Janet is still optimistic. She says:

> I am confident that this time I will be able to find that one job. I know that they are out there. I had a good job before and I will have a good job again.

I heard this in many instances across our State. I was at a job center in south central Pennsylvania, just outside Gettysburg. I met with 8 of those 560,000 people who are out of work. I heard the same thing there. Eight Pennsylvanians—at least six were over the age of 50 and the others were over the age of 60—had never been out of work in their lives, never had to rely on food stamps, and almost in every case never had to rely on unemployment insurance. And they find themselves in this predicament. Despite that, there is a burning flame of optimism inside them. Despite their setbacks, they are willing to keep filling out forms, keep applying, keeping their heads up, and keep moving forward.

Debbie, a woman, who was one of those eight I spoke to that day, probably said it best—simply: All I want to do is get back to work. We see that across the board.

What are we going to do in Congress? Are we going to preach? We will only have unemployment for another couple weeks or a few months. We are only going to have COBRA insurance for a couple of weeks, a couple of months. It is easy for us to say when we have health care, Federal employees that we are, and we have job security.

For those who say we should not do it, we should not extend these safety net programs, before they make a speech about it, they should tell their constituents about why they do not want to support it. Tell Janet Smith and tell the Hanlon family why it is not a good idea to support unemployment insurance and COBRA health insurance. The security of Washington allows a lot of people to avoid that conversation. The security of being a Federal employee, of being a Senator or a House Member and having health coverage and job security allows us the luxury of not having to look those families in the eye and tell them. I think if people were more honest about it around here, they would.

In addition to aiding families who are desperately in need of putting food on the table and a roof over their heads, an extension of the unemployment insurance has a direct impact on our Nation's economy. We know, for example, that again the Congressional Budget Office says that for every $1 spent in unemployment insurance benefits, upwards of $1.90 is contributed to the gross domestic product.

Mark Zandi, an economist I have quoted often, a Pennsylvanian—a little bias there, but he also worked on Senator MCCAIN's Presidential campaign, so he is not someone coming from a purely Democratic point of view—Mark Zandi has stated that for every $1 spent in unemployment insurance benefits, upwards of $1.63 is contributed to the gross domestic product. If you spend a buck on unemployment insurance, the taxpayers get $1.63 back in return.

In addition to unemployment insurance and COBRA health insurance, the American Workers, State, and Business Relief Act provides a range of tax credits that will help businesses and State governments to create and retain jobs. For example, the bill contains an extension of the biodiesel fuel credit, which will put a number of Pennsylvanians back to work across the country.

The bill contains a research and development tax credit that will provide businesses with financial resources to compete in a global marketplace.

Finally, the bill will assist our teachers by providing a tax deduction for those teachers who spend their own money to buy supplies for their classrooms and students—something I have seen in Pennsylvania for many years, teachers constantly reaching into their own pockets to buy supplies and equipment they need for them to teach our children.

I say in conclusion, I and I know many others strongly support passage of the American Workers, State, and Business Relief Act. This legislation is necessary to continue to spur economic growth and create jobs in Pennsylvania and across our country.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

TAX EXTENDERS ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 4213, which the clerk the report.

The assistant legislative clerk read as follows:

A bill (H.R. 4213), to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Pending:

Baucus amendment No. 3336, in the nature of a substitute.

Baucus (for Webb-Boxer) modified amendment No. 3342 to (amendment No. 3336), to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive 2009 bonuses received from certain major recipients of Federal emergency economic assistance, to limit the deduction allowable for such bonuses.

Feingold-Coburn amendment No. 3368 (to amendment No. 3336), to provide for the rescission of unused transportation earmarks and to establish a general reporting requirement for any unused earmarks.

McCain-Graham amendment No. 3427 (to amendment No. 3336), to prohibit the use of reconciliation to consider changes in Medicare.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. I make a point of order, en bloc, that the pending amendments Nos. 3342, 3368, and 3427 are not germane postcloture.

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

Mr. REID. The point of order is well taken?

The ACTING PRESIDENT pro tempore. The amendments all propose new subject matter. The amendments are nongermane and the point of order is well taken.

Mr. REID. The amendments fall; is that right?

The ACTING PRESIDENT pro tempore. The amendments fall; that is correct.

Mr. LEVIN. Mr. President, the Senate can take an important step today in alleviating the incredible strains this continuing economic crisis is having on thousands of families in my State, and millions of families across America. In approving the American Workers, State, and Business Relief Act of 2010, we can end what has been an agonizing procession of will-we-or-won't-we votes on extending unemployment benefits and COBRA insurance subsidies for those who have lost their jobs. And we can ensure that, by extending enhanced Federal payments to State Medicaid programs, crucial health coverage and other vital State services are not cut.

Those who doubt the wisdom of extending unemployment and COBRA benefits until the end of this year should hear the phone calls and read the letters that have come into my office over the past few weeks. As the Congress has debated, and delayed, on the question of whether to pass another short-term extension, these Americans, left jobless by a crisis not of their own making, wondered if the economic lifeline that keeps food on their tables and shelter over their heads would be severed. By approving this legislation, we will ensure that these families are not left in limbo by delays in Congress. Giving them some measure of certainty, at a time when the economic crisis has turned so much upside-down, is the right thing to do. What's more, continuing these benefits is one of the most important steps we can take to nurture the fragile recovery of our economy. These payments benefit not just families coping with unemployment, but provide an immediate stimulus to local economies that have been devastated by the recession.

Likewise, the decision to extend enhanced Federal Medicaid assistance percentages, or FMAP, funding to States, boosts the entire economy while helping those in the greatest need. Michigan and other States have made clear that without this extension, we would leave giant holes in their budget. In the absence of enhanced funding, the steps the States would have to take balance their budgets could mean devastating cuts to vital programs that serve the victims of this crisis. Such cuts would also dampen the recovery, removing a pillar that has kept economic activity from collapsing during the crisis. Extending these payments gives States, and the citizens they serve, much-needed certainty.

This legislation also would continue tax provisions that can provide additional support to economic recovery and job creation. In extending the research and development tax credit and other measures, we give our businesses another tool they can use as they seek to regain ground, begin growing again and start putting people back to work. I urge my colleagues to join me in voting for this important legislation.

Mr. LEAHY. Mr. President, today, the Senate is passing the Satellite Television Extension and Localism Act, STELA. This legislation modernizes and extends important provisions of the Satellite Home Viewer Act, which contains statutory copyright licenses and Communications Act authorizations that allow for the retransmission of broadcast television signals by satellite and cable providers.

Ensuring that Americans have access to broadcast television content is important, and it is particularly relevant for consumers in rural areas who might not otherwise be able to receive these signals over the air. The legislation that the Senate is passing today will ensure that nobody will be left in the dark for the foreseeable future.

The Satellite Home Viewer Act provides cable and satellite companies with statutory licenses to allow them to retransmit the content of broadcast television stations. It also contains important authorizations in the Communications Act that facilitate these retransmissions. Broadcast television plays a critical role in cities and towns across the country, and remains the primary way in which consumers are able to access local content such as news, weather, and sports.

Cable and satellite providers help to expand the footprint of broadcast stations by allowing them to reach viewers who are unable to receive signals over the air. Vermont is an example of how cable and satellite companies can provide service to consumers in rural areas who might not otherwise receive these signals.

Vermonters will see improved service when this legislation is enacted. As the act has been reauthorized over the years, I have worked to improve the service that Vermonters receive from cable and satellite companies. Residents in southern Vermont have seen improvements. Windham and Bennington Counties are not considered part of the Burlington television market that encompasses the rest of the State, and for many years those residents were unable to receive Vermont broadcast stations by satellite. Congress changed this in 2004, and DirecTV has been providing these Vermonters with access to Vermont stations ever since.

I am also pleased that under this legislation, DISH Network will be able to provide their subscribers in southern Vermont with the same service. As soon as the DISH Network uses this authority, virtually everyone in the State will be able to access the news and information that is truly important to Vermonters, whether it is the debate over relicensing the Vermont Yankee nuclear power plant in Vernon or the UVM basketball team's quest to make the NCAA Tournament.

One other important way that STELA will preserve and improve existing service for consumers is by correcting a flaw in the statutory copyright license for the cable industry. An unintended result of current law is that the cable license requires the cable industry to pay copyright holders for signals that many of their subscribers do not actually receive. This is often referred to as the phantom signal problem. The effect of this anomaly in the law is that Comcast is required to pay copyright royalties based on their subscriber base across the northeast for the Canadian television content

that is only provided to subscribers in Burlington, VT.

The bill that the Senate is passing today corrects this flaw by giving the cable industry the flexibility to continue to provide signals that are tailored to local interests—signals that might otherwise have been pulled from cable lineups. This will benefit industry and consumers. For instance, subscribers in Burlington will still be able to receive programming such as ''Hockey Night in Canada,'' which has been a tradition, without fear that Comcast will have to remove the channel or raise prices because it is being charged royalties based on subscribers in Boston.

In addition, the legislation will expand consumer access to their States' public television programming and low-power, community-oriented stations that will promote media diversity.

This bill is the product of many hours of hard work and compromise among four committees in both Houses of Congress. No single Member or committee chairman would have written it in this exact way, but the final language represents a fair compromise on important issues. I would have preferred that the language approved by the Senate Judiciary Committee last year with respect to multicast signals be included in this legislation. However, under the bill the Senate passed today, multicast signals will be treated differently than primary broadcast signals for a short period of time, even if they are broadcasting an additional network. In Vermont, WFFF is the local Fox affiliate, but it carries the CW Network on a multicast signal. This is programming that is otherwise unavailable to Vermonters. There should be no distinction in this case between a primary signal and a multicast signal. I appreciate the difficult nature of the issue, however, and believe that the compromise that was struck in STELA is a fair one.

The final bill language also provides a pathway to lift a court-ordered injunction that currently prevents DISH Network from using the distant signal license, in exchange for DISH launching service in all 210 television markets across the country. Providing service to all 210 markets is a goal that I have long believed ought to be achieved. I believe the language included in the Senate Judiciary Committee-passed bill provided better incentives for launching additional markets without lifting a court-ordered injunction. As a matter of policy, lifting a court-ordered injunction based on copyright infringement is something I generally do not support, but others insisted upon it and it is part of the compromise embodied in STELA.

This is a good bill that will preserve and improve the service that consumers across the country are accustomed to receiving. I am pleased that the Senate has adopted this legislation. I look forward to its prompt consideration and adoption by the House and the President signing it into law.

Mr. REID. What is the question before the Senate?

AMENDMENT NO. 3336, AS AMENDED

The ACTING PRESIDENT pro tempore. The question is on the Baucus substitute, No. 3336, as amended.

The question is on agreeing to the amendment.

The substitute amendment (No. 3336), as amended, was agreed to.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Pursuant to rule XXII,the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 4213, the Tax Extenders Act of 2009.

Harry Reid, Max Baucus, Richard Durbin, Roland W. Burris, Kent Conrad, Benjamin L. Cardin, Patrick J. Leahy, John D. Rockefeller, IV, Robert Menendez, Daniel K. Inouye, Robert P. Casey, Jr., Jon Tester, Bill Nelson, Charles E. Schumer, Kay R. Hagan, Sheldon Whitehouse, Tom Harkin.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on H.R. 4213, an act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, shall be brought to a close.

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 66, nays 33, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—66

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murkowski
Bayh	Franken	Murray
Begich	Gillibrand	Nelson (FL)
Bennet	Hagan	Pryor
Bingaman	Harkin	Reed
Bond	Inouye	Reid
Boxer	Isakson	Rockefeller
Brown (MA)	Johnson	Sanders
Brown (OH)	Kaufman	Schumer
Burris	Kerry	Shaheen
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Chambliss	Leahy	Udall (CO)
Cochran	Levin	Udall (NM)
Collins	Lieberman	Voinovich
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden

NAYS—33

Alexander	Brownback	Coburn
Barrasso	Bunning	Corker
Bennett	Burr	Cornyn
Crapo	Hutchison	Nelson (NE)
DeMint	Inhofe	Risch
Ensign	Johanns	Roberts
Enzi	Kyl	Sessions
Graham	LeMieux	Shelby
Grassley	Lugar	Thune
Gregg	McCain	Vitter
Hatch	McConnell	Wicker

NOT VOTING—1

Byrd

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 66, the nays are 33. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The ACTING PRESIDENT pro tempore. Under the previous order, all time is yielded back.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall the bill pass?

Mr. LEVIN. I ask for the yeas and nays.

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

There appears to be.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

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

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—62

Akaka	Franken	Nelson (FL)
Baucus	Gillibrand	Pryor
Bayh	Hagan	Reed
Begich	Harkin	Reid
Bennet	Inouye	Rockefeller
Bingaman	Johnson	Sanders
Bond	Kaufman	Schumer
Boxer	Kerry	Shaheen
Brown (OH)	Klobuchar	Snowe
Burris	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Collins	Lieberman	Vitter
Conrad	Lincoln	Voinovich
Dodd	Menendez	Warner
Dorgan	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feingold	Murkowski	Wyden
Feinstein	Murray	

NAYS—36

Alexander	Crapo	Kyl
Barrasso	DeMint	LeMieux
Bennett	Ensign	Lugar
Brown (MA)	Enzi	McCain
Brownback	Graham	McConnell
Bunning	Grassley	Nelson (NE)
Burr	Gregg	Risch
Chambliss	Hatch	Roberts
Coburn	Hutchison	Sessions
Cochran	Inhofe	Shelby
Corker	Isakson	Thune
Cornyn	Johanns	Wicker

NOT VOTING—2

Byrd McCaskill

The bill (H.R. 4213) was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. TESTER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

MORNING BUSINESS

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

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

NOMINATION OF MICHAEL PUNKE

Mr. TESTER. Mr. President, I rise today to urge the immediate confirmation of Michael Punke to be the U.S. Ambassador to the World Trade Organization.

The United States has been without an ambassador for more than 6 months because one Republican Senator has been holding up his nomination for no good reason. This is another example of standing in the way of doing what is right for our country.

Michael Punke is well qualified. He is ready to serve. He happens to be from Montana. Michael's qualifications are as follows: Michael received his undergraduate degree in international affairs from George Washington University. He then attended Cornell Law School where he earned his juris doctorate with a specialization in international legal affairs. He also served as editor in chief of the Cornell International Law Journal.

For 14 years Michael served in government and private practice in Washington, DC. From 1991 to 1992 he acted as international trade counsel to Senator MAX BAUCUS, then-chairman of the Finance Committee's International Trade Subcommittee.

Michael has been fully vetted. He received strong bipartisan support in his Senate Finance Committee hearings, and the Finance Committee unanimously approved his appointment. Let me repeat that. Michael Punke passed out of the Finance Committee with the support of all the Senators on that committee. That means all the Democrats and all the Republicans supported his nomination, including the junior Senator from Kentucky, who continues to hold up his nomination. The reason Senator BUNNING is giving for his hold? He wants Canada to repeal parts of the antismoking law that they passed in the Canadian Parliament. I don't think that holds water.

This job is too important to remain open because one Senator has a flimsy policy beef with a foreign country. Common sense has to prevail.

Expanding U.S. exports will help rebuild our economy by creating jobs. Michael Punke is an important part of that goal. Michael will be responsible for promoting and securing U.S. trade interests abroad to create jobs for America's farmers, workers, and businesses right here at home. Our trading partners use his absence as an excuse to stall progress on serious negotiations. Standing in the way is hurting America's businesses and workers who are affected by these very important negotiations.

Michael could be working right now to create jobs for American farmers, workers, and businesses. But, instead, some issue about tobacco in another country is keeping us from moving forward. That is not right.

That is why a broad coalition of America's farmers and businesses have been calling for quick approval of Michael Punke by the Senate. A coalition of 42 food and agriculture groups wrote Senator REID and Senator MCCONNELL last January to call for Michael's quick confirmation saying:

> U.S. food and agriculture exports are under assault in many markets with trading partners erecting even more barriers in recent months . . . The longer the delay in confirming Mr. Punke, the more likely that the U.S. loses exports and jobs.

So if we act today to confirm Michael Punke, the Senate will have done something right now to help create jobs in America. Holding up Michael Punke does just the opposite. For all these reasons—oh, and may I add this guy is one quality individual—I would request we confirm Michael Punke in the Senate, we do it as soon as possible, and confirm him to the position of U.S. ambassador to the World Trade Organization.

BIG SANDY PIONEERS

Mr. TESTER. Mr. President, I rise to share some news from my hometown of Big Sandy, MT. It is a town of just over 700 folks. That means in Montana, it is a Class C town. In Montana, Class C basketball isn't just a tradition, it is a way of life. For a lot of Montanans, the entire year revolves around that basketball season.

Last week, Coach Roy Lackner led his boys—the Big Sandy Pioneers—to the Class C basketball tournament. They fought their way to the championship game on Saturday night and they played another outstanding Class C team in the Power Pirates.

It was one of those games folks will be talking about for years. After a last-second foul, with less than a second on the clock, senior forward Corbin Pearson broke the 49-to-49 tie by sinking both free throws. I was 6 years old the last time Big Sandy boys won a State championship. That was 47 years ago.

So I rise in honor of Coach Lackner, assistant coach Gregg King, and the Big Sandy boys basketball team, including Corbin Pearson, Zac Leader, Blake Brumwell, Taylor Ophus, Colter Darlington, Trevor Lackner, Jeff Zeiger, Scott Drga, Dallas Briese, Kaden Beck, Matt Gullickson, and C.J. Hansen.

I am sharing this good news not just because these young men are from my hometown—although I am very proud of that—I am sharing this news because we can all use a reminder that hard work, working together, and teamwork pays off. Coach Lackner says winning a State championship was a matter of perseverance. It is. The Big Sandy Pioneers persevered. They worked hard as a team. They won their championship, and I congratulate them on that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TAX ON BONUSES RECEIVED FROM CERTAIN TARP RECIPIENTS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 36, H.R. 1586, and that once the bill is reported, I be recognized to offer a substitute amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients.

AMENDMENT NO. 3452

(Purpose: In the nature of a substitute).

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from West Virginia [Mr. ROCKEFELLER] proposes an amendment numbered 3452.

Mr. ROCKEFELLER. I ask unanimous consent that the reading of the amendment be waived.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. ROCKEFELLER. Mr. President, I am very happy to be here this afternoon with the most excellent ranking member of the Commerce Committee, Senator KAY BAILEY HUTCHISON of Texas, to lay down our Transportation bill, and in so doing we say that our transportation system is at a crossroads, and not a comfortable one.

For decades, the Federal Aviation Administration has done an excellent job of operating the world's most complex airline system. Nobody else comes close. The system has served us very well. Not only is it the safest airspace system in the world, it is a critical component of the national economy. I cannot overstate the importance of a

vibrant and strong aviation system. It is fundamental to our Nation's long-term growth—from the largest cities to the very smallest of towns—because it connects our citizens and it connects our businesses with the global economy.

Increasingly, however, our air transportation system and the FAA—the Federal Aviation Administration—are strained beyond capacity. Our skies and airports have become plagued with congestion and delay, and what is more, on a pretty regular basis. Over the past decade, we have seen passengers delayed for hours on runways, and we hear about it. During peak times, such as the holidays, the system is often paralyzed—stopped. Disruptions at just one key airport—maybe JFK, maybe O'Hare, maybe Los Angeles, should they be in trouble at any one of those places—can quickly cascade throughout the entire system.

With airline capacity cut, these delays can easily extend to days for passengers who cannot find flights with empty seats because the capacity has been reduced. Our constituents are frustrated about flying and, frankly, rightly so.

When our economy recovers, and I believe that growth has slowly begun—we shall see—congestion and delay will only get worse. The FAA predicts that commercial air traffic will increase by nearly 50 percent over the next decade. Putting that in other terms, from our current level of 700 million passengers a year, it will be well over a billion passengers per year. In a complex system as ours, everything has to work so the possibility of a meltdown of the air traffic control system may in fact become a reality and this will put passenger safety at extreme risk.

These are not the only troubling signs; there are more. While aviation has an excellent safety record, as I have indicated, the Federal Aviation Administration and the industry's focus on safety and vigilance in maintaining it as the highest priority, has come into question—the question of safety. The grounding of thousands of aircraft throughout the system in 2008 raised questions about the quality of airline maintenance practices and the FAA's ability to provide sufficient oversight of air carriers.

The tragic accident of flight 3407 has exposed problems with pilot training, crew fatigue, and the ability of the industry to assure the traveling public that there is one level of safety throughout the entire system, and that does not exist.

For all these reasons I stand here, along with my distinguished colleague, and encourage my colleagues in as strong a fashion as I can possibly muster to move forward and pass S. 1451, the FAA Air Transportation Modernization and Safety Improvement Act. I will only say that once.

I want to spend a few minutes discussing how and why we have made so little progress in addressing the issues facing our Nation's aviation system. In 1999 and 2000, the aviation system was experiencing the worst congestion and delays in its history. There was, indeed, a growing recognition that fundamental change was needed. Nonetheless, I worked with Senator Lott to author Vision 100, in effect the 2003 FAA reauthorization bill. This bill laid the foundation to build a modern digital satellite-based air traffic control system. We created the joint planning and development office and authorized a significant increase in FAA's capital budget to meet the specific air traffic control modernization needs—a lot of what I say will be based on that—an increase based upon the administration's own budget requests.

But instead of investing in the system in 2004, 2005, and 2006, the previous administration proposed dramatic cuts in the FAA's facilities and equipment, the F&E account, the account that funds air traffic control modernization.

The urgency of 2000 understandably but regrettably waned as air traffic fell after 9/11. Today we find ourselves in a similar situation. The recession has prevented widespread delay—temporarily. We must not let this temporary reprieve keep us from taking action to address these concerns once again. Our economy has begun, as I indicated, to slowly turn around and I am confident that demand for air travel will soon begin to grow. If we do not act quickly, our system will simply not have the capacity to cope with the growth in demand.

That is where you get in trouble. I believe everyone in aviation recognizes the need to modernize our national air transportation system in order to meet the growth in passenger traffic. In addition to creating much more capacity, a new satellite-based air traffic control system, an ATC system, will allow airplanes to move more efficiently by taking more direct routes, being able to be closer to each other but without danger. These improvements will save our economy millions of dollars annually.

Most importantly, the next generation air transportation system, which we refer to as ''NextGen,'' will dramatically improve the safety of air transportation by providing pilots and air traffic controllers with better situational awareness. They will be able to see other air traffic and detailed weather maps in real time. President Obama clearly recognized the value of investing in our air transportation system and this is, in fact, reflected in his fiscal year 2011 budget request. The administration has proposed spending a total of $1.1 billion in fiscal 2011 on the NextGen program, which is more than a 30-percent increase. That is not in line with the so-called freeze. So it is a 30-percent increase over 2010.

We oversee all of transportation—trains, cars, airplanes, trucks, whatever you have. I will say at this point for the record that the same financial requests or needs for the Surface Transportation Board, which interacts with railroads and shippers, has not been increased sufficiently. It is $31 million and it needs to be closer to $44 million. These efforts, however, are only the first steps in a long journey. Modernizing the ATC system will require sustained focus and substantial resources. S. 1451 takes concrete steps to make sure that the FAA accelerates the NextGen—that is the modern system—programs, and that the agency implements modernization efforts in an effective and efficient manner over the long run. The FAA estimates that NextGen will cost the agency $20 billion through 2025, and the airlines another $20 billion in aircraft equipage—how they, as individual airplanes, respond and react to that system so it can work.

I have worked with Senators INOUYE and BAUCUS to reach a deal that I believe moves us in the right direction. S. 1451, the bill under discussion, will create a new subaccount with the aviation trust fund to fund FAA's modernization efforts. This modernization subaccount will dedicate $500 million annually to NextGen efforts. I appreciate the hard work of my colleagues on this provision, to develop it, to make it become possible.

I wish to spend some time talking about the highest priority in aviation and that is called safety. Statistically, the United States has the safest air transportation system in the world. I indicated that. But statistics do not tell you the whole story. It has been a little more than a year since the tragic crash of flight 3407 in Buffalo, NY, that took the lives of 50 people. It is clear from the National Transportation Safety Board investigation that we need to take serious steps to improve pilot training, address flight crew fatigue, to make the cockpit isolated from extraneous conversation, and reform air carrier employment practices. I commend Senator DORGAN in particular for the work he has done to promote the safety in the aftermath of this accident. He has attached himself to this cause ferociously.

The committee's work has prompted the FAA to initiate a number of activities to improve aviation safety. The agency has been able to get many air carriers to make voluntary commitments to implement important safety measures and the agency has committed to initiate new regulations on flight and duty time regulations in coming months.

Despite this progress, our work remains far from complete. We must also make certain that the FAA remains as vigilant on other safety priorities—the oversight of airline operations and the maintenance, reducing runway incursions, and air traffic controller staffing issues. Just as with modernization, we must make sure the FAA has the tools and the resources to accomplish these safety objectives.

I am especially proud of the safety title we have developed and included in this bill, S. 1451. This title will do the

following, in part: address pilot fatigue by mandating the FAA revise flight and duty time limitations based on the latest in scientific research; ensure one level of safety exists throughout commercial aircraft operations by requiring that all carriers adopt aviation safety standards. The bill also requires stronger safety oversight of foreign repair stations, which is a very controversial subject. They are a relatively small percentage of air maintenance. Most of it is done in this country. But there is some argument as to how well it is done overseas.

These are critical measures that will help us identify safety issues and prevent problems before they occur and this is the best way to address safety.

A word on small community air service. The State I come from is not large. In fact, it is small and it is rural. But it is important and it is a good place. We need to keep America's small communities connected to the rest of the world. If one lives in a rural State or in a rural part of a rural State, one is no less important than if one lives on Fifth Avenue in New York City. The nature of the individuals may be the same, the entrepreneurship may be the same, but access to international aviation or transcontinental aviation is not the same. The continuing economic crisis has hit the United States airline industry very hard. They are in and out of bankruptcy. We have all read about that. They are cutting back on things they offer that they used to offer in flight and do not now. We grump about it but there is a reason they do that so I don't grump about it, and this affects the future of hundreds of rural communities across our country.

In their effort to cut costs, air carriers have drastically reduced service to small or isolated communities. From a business point of view, I guess that makes sense. From my policy point of view, that does not make sense and it is not fair. They are the first routes to go, the rural ones. They go in tough economic times, and that is where we are right now. The reduction or elimination of air service has a devastating effect on the economy of a community. Having adequate air service is not just a matter of convenience but also a matter of economic survival. Without access to reliable air service, no business is willing to locate their operations in these areas of the country, no matter how attractive the quality of life. Airports are economic engines that attract critical new development opportunities and jobs.

The Federal Government needs to provide additional resources and tools for small communities to help them attract adequate air service. Our legislation does this by building on existing programs and strengthening them. Authorizing funding for the Essential Air Service Program is increased to $175 million annually. The bill also extends the Small Community Air Service Development Program—incredibly important for small airports. This program has provided dozens of communities with the resources necessary to attract and retain air service.

In conclusion, when I began work on this bill, I had four simple goals: No. 1, take steps to address the critical safety concerns—that was always No. 1 and always will be; No. 2, to establish a roadmap for the implementation of NextGen and accelerate the FAA's key modernization programs; No. 3, make certain we adequately invest in airport infrastructure; and, No. 4, continue to improve small communities' access to the Nation's aviation system.

I believe we have worked hard in a truly bipartisan fashion with Senator DORGAN, obviously Senator KAY BAILEY HUTCHISON from Texas, Senator DEMINT from South Carolina, to develop a bill that I think advances these goals and which all of my colleagues can support.

This bill is not being held up. There is a reason for that. We worked out our problems early. This bill takes the steps needed to advance the system. The FAA must be provided with the tools, the resources, and the clear direction and deadlines to make sure the agency provides effective oversight of the aviation industry itself.

I think we all recognize the United States must significantly expand the capacity of our Nation's transportation system. There are no quick or easy solutions to the problem, and I believe our situation is going to get worse before it gets better. But we do have to take the actions we can right now. We cannot ignore the aviation system anymore.

We cannot float on nice memories of a glorious past. The United States is losing its position as a global leader on aviation. The American public is not happy with the aviation system or with us. We must move boldly, just as we have with our investments in high-speed rail, or risk losing our leadership in the world.

Given the challenges our Nation's aviation system faces, we must act now to pass S. 1451, the FAA Air Transportation Modernization and Safety Improvement Act.

Is it the order that the Senator from Texas will have the floor?

The PRESIDING OFFICER (Mr. FRANKEN.) There is no order to that effect.

Mr. ROCKEFELLER. Business as usual.

The PRESIDING OFFICER. Correct.

Mr. ROCKEFELLER. I yield proudly to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I thank the distinguished chairman of the committee, and I wanted to say, as the ranking member of the Commerce Committee, I believe this FAA reauthorization bill is a very good, solid bill. It is very bipartisan, and we have worked through many of the sticky issues that have held up the long-term extension of FAA reauthorization.

I think this is a bill that most everyone on this floor will support if the bill stays as it has come out of the committee. I want to say also that I believe the Aviation Subcommittee chair and ranking members, Senators DORGAN and DEMINT, deserve a lot of credit for this bipartisan bill as well because it does provide a solid roadmap for the direction and future of our aviation system, and its enactment is long overdue.

So I very much appreciate—as a matter of fact, Senator ROCKEFELLER and I had been the chairman and ranking member of the Aviation Subcommittee when this bill was written. Then we both went to the full committee, chairman and ranking member slots, and so we have now two new Aviation Subcommittee chair and ranking members who have also done an excellent job.

So I feel strongly about this bill and how much it is going to do for the stability of our system. When you are looking at the reason for an FAA reauthorization bill, you have to have stability. We need to improve aviation safety. We need to modernize our air traffic control system, which is known as NextGen. We have to do that.

We are behind the rest of the Nations in the world that have major air traffic control systems in this modern age. If we are going to keep up with the added traffic in our airspace, we are going to have to have NextGen. This bill does provide the way forward on that.

We need to make the investments in infrastructure where there is a knowledge that this infrastructure support will be ongoing.

I am the former Chairman, Vice Chairman—actually Acting Chairman as well—of the National Transportation Safety Board. So I know the crucial mission the FAA has in overseeing our Nation's airlines and the aviation system.

Aviation safety and the public trust that go along with it is the bedrock of our national aviation policy. We cannot allow for any degradation of safety to the flying public. I believe this bill goes a long way toward achieving that goal. While I continue to have great confidence in the safety of our aviation system, it was made obvious that there is still room for improvement after the tragic crash of Colgan flight 3407 in Buffalo, NY, last year.

Despite the remarkable safety record of the U.S. aviation industry, that accident reminds us that we must remain vigilant and always look for ways to improve our safety system.

While tremendous strides have been made in aircraft technology and maintenance practices in recent decades, little has been done to address the human factors side of the safety equation in areas such as pilot fatigue, quality of pilot training, quality of pilot experience, commuting and pilot professional responsibility.

Over the course of a year, and through six Commerce Committee hearings regarding the aftermath of

the Colgan accident, we worked in a bipartisan manner to craft proposals to address these human factors issues.

During these hearings, the family members of those lost in flight 3407 were there every step of the way. I applaud their continued activism for improving aviation safety.

A few of the safety improvements that we call for in this legislation include mandating the FAA complete a rulemaking on flight time limits and rest requirements for pilots; improving safety for helicopter emergency medical service operations; addressing inconsistent application of FAA air worthiness directives by improving the voluntary disclosure reporting processes to ensure adequate actions are taken in response to reports; and limiting the ability of FAA inspectors to work for air carriers over which they have oversight; also conducting independent reviews of safety issues identified by employees; requiring enhanced safety oversight of foreign repair stations; taking steps to ensure ''one level of safety'' exists in commercial aircraft operations, including a mandate that all carriers adopt the Aviation Safety Action Programs and Flight Operational Quality Assurance Programs.

This legislation would also require air carriers to examine a pilot's history for the past 10 years when considering hiring an individual, and annual reporting on the implementation of NTSB recommendations and reevaluating flight crew training, testing, and certification requirements.

Another priority and centerpiece of this bill is focusing on and expediting the FAA's air traffic control modernization program, known as NextGen. The FAA operates the largest and safest air traffic control system in the world. In fact, the FAA air traffic control system handles almost half the world's air traffic activity. The United States is a leader in developing and implementing new technologies to create a safer, more efficient airspace system.

However, today's air traffic control system is not much different from that used in the 1960s. This system is still fundamentally based on radar tracking and ground-based infrastructure. NextGen will move much of the air traffic control infrastructure from ground-based to satellite-based by replacing antiquated, costly ground infrastructure with orbiting satellites and onboard automation. By doing so, the FAA will be able to make our aviation system more safe and efficient while also increasing capacity.

Some of the modernization provisions in the bill include establishing clear deadlines for the adoption of existing global positioning system navigation technology.

Airports: Finally, the bill would also increase our Nation's investment in airports. As we all know, you can have the best planes and the best air traffic system, but they mean nothing without the proper airport infrastructure in place. Our Senate legislation is different from the House-passed bill in several areas.

I look forward to working with my colleagues on the bill this week. If we are able, and I hope we are, to pass a bipartisan, commonsense FAA reauthorization bill, we will still have a long way to go. But it will be an important step toward improving our aviation system and improving aviation safety for the millions of air passengers who should expect no less from this Congress.

I do hope we are able to keep the bill pretty much intact. I know there are amendments that some Members will have. I urge Members who do have amendments to come to the floor and begin to let us see their amendments so they can offer them and we can begin to address the amendments and try to expedite the bill as much as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, first of all, I am pleased with the work the chairman and ranking member of the Commerce Committee have done. I am chairman of the Aviation Subcommittee and have worked closely with them to produce a piece of legislation that I think is bipartisan, is a very important and urgent piece of legislation that will strengthen this country's system of air travel. I want to talk some about that today.

A couple of things this legislation will do. I am not going to repeat everything my colleagues have said, but it will advance aviation safety, which I think is very important. It will accelerate the modernization of the air traffic control system. It is going to support jobs by investing in aviation infrastructure; that is, airports and runways and the kinds of functions that accommodate our air travel system. It will ensure that our rural communities in States such as North Dakota, my home State, have continued access to the Nation's aviation system.

So I am very pleased with this bill. Since the last FAA reauthorization bill expired in 2007, the Congress has passed 11 separate extensions of this law. There was a suggestion that we pass another 1-year extension, which I opposed. We do not need to extend this; what we need to do is pass new authorizing legislation that addresses the fundamental issues that we need to address with respect to air travel in this country.

The Federal Aviation Administration is charged with operating what I think is the world's most complex airspace system in the world. By and large, they do an outstanding job. The United States has the safest skies in the world. There is no question about that. But we have seen changes in the aviation industry, in the airline industry, that have impacted safety, and we need to take action to deal with and address it.

The FAA predicts that air travel in this country will increase by 50 percent in the coming decade. That brings it to probably 1 billion passengers a year. That is a big system, a system that is very strained at this point. As the economy recovers, we will see substantial increases in demand.

As we do that, we desperately need to modernize this system. Let me describe the circumstances of commercial air travel, and then I am also going to talk about general aviation.

I learned how to fly many years ago. I was not much of a pilot, so I did not keep it up. But I learned how to take off in an airplane and go fly up someplace and land. It is an extraordinary feeling. It is one of those moments in life that you never forget, when your instructor gets out of the plane and says: All right, now you go fly the airplane by yourself. When you take off wearing this metal suit with an engine, you think: Oh, my gosh, it is pretty unbelievable to be able to fly an airplane.

General aviation, people flying their own planes around for recreation, for business, is a very important part of our air travel system. I wish to talk about that at another time during this discussion.

Commercial aviation is the companies that put together the structure, the capital and the airplanes and then haul people around the country and the world at scheduled times and places. That is very important. It is significant that in many areas of our country now, such as in my home State, Bismarck, ND, when you go out and see that strip of runway, maybe 6,000, maybe 8,000, maybe 10,000 feet of runway, you are one stop away from anyplace in the world. Because you take off on that runway and one stop later change a plane and go to South America, go to Europe, go to Asia, you are one stop away from the world. That is what air travel has done for us. It is extraordinary.

Go back to the origins of commercial air travel. Airplanes were used originally to haul the mail. Go all the way back to December 17, 1903, when Orville and Wilbur Wright left the ground for the first time. It was only 59 seconds, but what an extraordinary achievement. They learned to fly. They didn't just learn to fly that day. They had tried 700 times, again and again and again and again, continually failing until one day at Kitty Hawk the engine took hold. The pilot was lying on the fuselage of this rickety-looking structure, and they flew above the ground in powered human flight for 59 seconds. It was quite an extraordinary achievement.

It was not too long after that, having decided we can shape a wing that can allow us, with power, to escape gravity and fly, we were flying in combat. American pilots were in Europe flying in combat. We began flying mail with commercial airplanes. Then you could only fly during the daytime because you couldn't see at night. So you couldn't fly an airplane at night because where would you land. As they

began to haul the mail, what they began to do was to build bonfires every 50 miles or 100 miles, big old fires. Then a pilot could fly in the dark of night toward a fire and land. So you hauled the mail at night. Then when they decided they could do something better, they put up light stanchions and shined lights into the sky. So the pilot would fly to the lights flashing into the sky.

Then they invented radar. Then you have ground-based radar so we can determine here is an airplane in the sky. We can direct that airplane and put a light on the runway. All that changed air travel 24 hours a day, during the daylight hours but also at night. Ground-based radar was extraordinary. So if you get up in an airplane today, there is going to be a control tower someplace. In your cockpit, you will have perhaps a transponder. Your cockpit from that airplane is going to send a signal. You have 125 people who are riding in the back, and you are sending a signal that goes to a control tower and is on a screen. It is a little dot on the screen that blinks, and that is your airplane, except all that does is say: Here is where that airplane is right this nanosecond. But in the next nanosecond, that airplane is somewhere else, especially if it is a jet. All we know is, at this moment, the airplane is here, and for the next 7 or 8 seconds, as the sweep goes around on the monitor, that airplane is somewhere else, perhaps 1 mile, perhaps 8 miles away, but the airplane is somewhere else. We know about where an airplane is based on ground-based radar. Because we don't know exactly where it is, we space those airplanes for safety and have them fly certain routes for safety.

Contrast that ground-based radar with your child. Your child has a cell phone. If your child has the right cell phone at this moment—and there are cell phones with this technology—your child can ask 10 of their best friends, do you want to track each other of our whereabouts with GPS. If the friends say yes, 10 of them could decide to link up with cell phones and figure out where their friend Mary is or where Lester is, and the GPS will tell them exactly where Mary and Lester are because they have their phones with them, so we know exactly where they are. Our kids can do that with GPS with cell phones. We don't do it yet with commercial airliners. Isn't that unbelievable? That is what this is about, modernization, next-generation air traffic control, ground-based radar to GPS. It is complicated. It is difficult. But it is where we are going. We are not going there in the next 20, 30, 40 years. We want to go there soon. I have met with the Europeans and others. They are moving in exactly the same direction.

Here is what it will allow us to do. If we know exactly where an airplane is, as we know where a car is with GPS—a lot of people have GPS in their vehicles and get directions from it, so you know exactly where that vehicle is at every moment—if we do that for airplanes, we can have more direct routing from one city to another and less spacing between planes because we know exactly where they are. We save energy. We have less pollution in the air. We get there faster. It does all the things that are advantageous for everybody.

It is called NextGen, next-generation air traffic control modernization. We could have extended this bill for another year, as some wanted to do, but instead what I wanted to do, and what my colleagues, Senators ROCKEFELLER and HUTCHISON and others want to do, is to get about the business of getting this done, modernizing our air traffic control system, bringing it into the modern age. That is what this is about.

I will describe briefly what we do with that. We set up timelines on such things as Required Navigation Performance, and the Area Navigation or RNAV system at 35 airports must be completed by 2014. We will create circumstances where the entire national airspace system is to be covered by 2018. We ask FAA to study providing best-served status for those providing the right equipage for their planes and come in with GPS, best equipped, best served. We create a NextGen officer at the FAA. It is a new position to help guide and create these programs for modernization. We are doing all these things. It is so important we complete them and truncate the time with which to complete them.

The other issue that is important is the issue of aviation safety. We have worked a lot on that. I have done now eight hearings on aviation safety, especially focusing on issues we have now discovered from the Colgan Air crash, which tragically killed 50 people in Buffalo, NY. The Colgan crash raised a lot of questions. Let me describe the circumstances.

As I do, I think I speak for all my colleagues on the committee that the relatives, the families of those who were killed in the Colgan crash have made it their mission to be at every hearing, to be involved in every decision about this issue of air safety. God bless them. The fact is, their diligence and work is making a difference. It made a difference in this bill. There are provisions in this bill as a result of their diligence and concern.

Let me describe the circumstances of that particular crash. It was an evening flight in weather that was not so good, with icing conditions for an airplane. They were flying a propeller airplane called a Dash 8. Colgan flight 3407, 2 pilots, 2 flight attendants, and 45 passengers lost their lives, and one person on the ground. It was a Bombardier Q400 airplane, operated by a captain and copilot.

What we discovered in reviewing the circumstances of that crash was quite extraordinary. The pilot had not slept in a bed the two previous nights. The copilot had not slept in a bed the night before. The pilot commuted from his home in Florida to his duty station at Newark in order to begin flying. The copilot flew from Seattle, WA, deadheaded on a FedEx plane that stopped in Memphis, TN, and then continued on to New York in order to reach her duty station at Newark, an all-night flight. There is no evidence, the night before the flight, that either the pilot or the copilot did anything other than stay in the crew lounge, and there is no bed there. For the pilot, it was two nights, no record of him sleeping in a bed. So you have two pilots who commuted long distances just to get to work without any evidence that they had a night's sleep in a bed prior to the flight and were on the airplane.

If you read the transcript of the voice recorder, a series of problems existed in that cockpit. There was not a sterile cockpit below 10,000 feet, which is supposed to be the case. There was visiting about careers and a range of things as they were flying through icy conditions, violative of the regulations. The copilot, it is said, was a young woman who worked two jobs in order to make ends meet.

The copilot was paid something in the neighborhood of between $20,000 and $23,000 a year, commuting all across the country just to get to work. When they ran into icing conditions, there was a stick pusher that engaged, a stick shaker as well. It turns out there had not been adequate training with respect to that. A whole series of things occurred with respect to that flight that raise lots of questions about training, about fatigue, a whole series of things.

As a result of that, just that case to try to understand what does this mean for others, what does it mean for regulations that are necessary. Randy Babbitt, new head of the FAA, someone for whom I have great respect, has just finished a rulemaking on fatigue. I believe that now exists at the Office of Management and Budget, awaiting action by OMB—a step in the right direction, in my judgment.

This bill has another piece that needed to be done that we discovered as a result of this crash. The pilot, over the years, had failed a number of competency tests and then subsequently succeeded or passed those tests. But nonetheless, he had a number of failures. The airline that hired that pilot didn't know that because the records were not transparent. The airline has since said, had we known that record of failures, that pilot would not have been hired by us. But they didn't know. This legislation will correct that. When you are hiring a pilot, you will know the entire range of experience that pilot has had, including the tests and the passage or failure of certain competencies along the way. That is a very important provision in this piece of legislation.

Pilot training and experience is another issue we are talking about and working with. It is not an irrelevant issue. There is supposed to be one

standard and one level of safety with respect to airlines.

Regional carriers are now carrying 50 percent of the passengers in our country. They get on the airplane, and they see the airplane, and it is painted Continental or US Airways or United or Delta, but that may not be the company that is flying that airplane. It may be Pinnacle. It may be Mesaba. It may be any number of other regional carriers. The passenger doesn't know. All the passenger sees is what is marked on the side of that fuselage. This legislation will also require information on the tickets of who is transporting that passenger.

There are a number of things this legislation does in the area of safety that are very important. We prohibit the personal use of wireless communication devices and laptop computers in the cockpit. We all remember the pilots who were flying to Minneapolis and flew well into Wisconsin, well past the city of destination, and didn't know where they were, apparently. They indicated they were busy visiting or they were busy on their laptop computers. But whatever the circumstances, while it is, in many cases, an airline requirement that they not do that, there is no FAA requirement that personal use of wireless communication and laptops in the cockpit is prohibited. We do that.

We also require enhanced safety oversight at foreign repair stations. That also is very important. The outsourcing of maintenance, repair, and overhaul work is now a routine practice. Much of it is outsourced in this country by the major carriers, and our legislation will require enhanced safety oversight and inspections with respect to that outsourcing.

So those are a few of the items that are included in the bill.

I should also point out this bill includes the passenger bill of rights, which I think is important. I have just mentioned a couple of the provisions, but one of them that has gotten the most attention is to say: You have a requirement as an airline and you have a right as a passenger not to be stuck on an airplane for 6 hours, sitting out on a runway somewhere. This is a 3-hour requirement, as part of the passenger bill of rights. They are not going to be able to keep you on an airplane 5 or 6 hours, sitting on a runway, waiting in the middle of a big storm. Three hours: back to the gate and allow the passengers to deplane.

We also have substantial amounts of airport improvement funding here. This authorizes the AIP. It streamlines what is called the passenger facility charge, the PFC. We provide greater flexibility of the use of the PFC.

We improve the airline service in small community service provisions. Some communities in this country rely on essential airline services called EAS, which is the way for them to get the services they were guaranteed when we deregulated in this country, which is, by the way, another subject for perhaps another day. Although I again say, as I have said on the floor previously, deregulation might have been a wonderful boon for those who live in very large cities and travel to other large cities. If you do, you are given a lot of opportunity. You are given many opportunities for different carriers and different pricing. I would bet if we left the floor at this moment and decided to go to one of these search engines and buy a ticket from Washington, DC to Los Angeles, in order to visit Mickey Mouse at Disneyland or we decided we will have two alternative tickets: We will purchase one from Washington, DC to Los Angeles to visit Mickey Mouse or we will go to Bismarck, ND, which is only half as far, to see the World's Largest Holstein Cow sitting on a hill over New Salem, ND, called Salem Sue. So the choice: to go twice as far to see Mickey Mouse or go half as far to see the World's Largest Holstein Cow—I will bet the search engine on the computer will tell us we get to pay half as much to go twice as far, and twice as much to go half as far.

So think of that. You get to pay half price to go double the miles or you get to pay twice the price to go half the miles. Yet that is the kind of circumstance we have in our country today. The higher yield tickets are on the end of a spoke in a hub-and-spoke system, where there is little or no competition. So we are not addressing that. It was just therapeutic for me to talk about that again. We are not addressing that on the floor of the Senate today. But it is something I think is of great concern. Because if you are flying from Chicago to Los Angeles, you have plenty of competition, plenty of price competition and opportunities to get better prices. That is not the case for a number of small States on the back end of a hub-and-spoke system.

Well, there are many other provisions. As I indicated earlier, I am going to speak some at another point on the subject of general aviation because while we focus a lot on the issue of commercial aviation, general aviation is a very important part of this country's air travel system. The folks who live out on a farm some place and have a small airplane in a shed—from those folks, to people who fly corporate planes and move people around so they can leave in the morning from Washington, DC, and fly to Los Angeles, down to Dallas, and get back—that is general aviation and a very important part of our air travel system. I am going to talk about that at some point later.

Let me again say I think we have at last, at long, long last, put a piece of legislation together that avoids some of the controversy of past attempts, that will substantially improve infrastructure, substantially address the safety issues. I will talk a little later about pilot hours and some related issues we have been talking about that we hope would be in a managers' package.

But all of these things I think finally bring to the floor in this bill a victory for those who want to modernize the system. I know there will be some amendments. We have not addressed some issues that are in the House bill. But our concern is to try to get a bill through the Senate, into conference with the House, and get something signed by the President to get something done. We will be dramatically advantaged as a country if we can enhance the efforts in a shorter period of time to modernize the system and go to a completely different air traffic control system called NextGen, which works off of the GPS system. It will save energy, create safety in the skies, and allow people to be transported more directly with less time. I think it will be very positive for our country.

Mr. President, I yield the floor and suggest the absence of a quorum.

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

Mr. DORGAN. Mr. President, I withhold that suggestion.

I did want to make one additional point. I did not do this when I talked about the issue of the Colgan tragedy. The larger question is not addressed directly in this legislation. We address many of these issues, but we do not address the larger question of commuting.

I want to show, if I might, something Senator ROCKEFELLER and I and others have used in the Commerce Committee. This map describes where the Colgan pilots commute from. But do you know what. This chart could probably have been describing almost any regional airline or any trunk airline or major airline, for that matter.

Pilots live in one part of the country and work out of another part of the country. The fact is, with respect to this tragedy, the Colgan crash, I am convinced that mattered. I am convinced that flying through difficult nighttime icy conditions—with two pilots, neither of whom had slept in a bed the night previous—I am convinced this kind of commuting has caused significant difficulties.

There was a Wall Street Journal piece that pretty much says it all. This was an veteran pilot describing the routine of commuter flights with short layovers in the middle of the night, which is pretty typical. He said:

> Take a shower, brush your teeth, pretend you slept.

That is something we have to pay some attention to. I am not suggesting today that you cannot commute. We do not in this legislation prohibit commutes. But I think these are instructive pieces.

As shown in this picture, this is what is called a crash pad. I was completely unaware of a crash pad until we began to hold these hearings. But this is a pilot watching a movie on his computer at a crash house in Sterling Park, VA. They can have up to 20 to 24 occupants at a time. They are designed to give flight crews from regional airlines a quiet place to sleep near their

base airports. Many cannot afford hotels so they use crash houses where the rent is $200 a month for a bed.

When I described the copilot of the Colgan tragedy—a copilot who is making $20,000 or $23,000 a year, traveling across the country, all night long, if that copilot had traveled the day before, are they in a situation to be able to purchase a hotel room at an airport when they are making $20,000 or $23,000 a year?

In fact, I believe there is a substantial cargo operator that pays for hotel rooms for their pilots who come in the night before. I do not believe there is an airliner that does that. But I did not make the point during the Colgan discussion. I wanted to make the point that I think fatigue, commuting, and other issues, are serious and significant.

I know Administrator Babbitt believes as well that we need to continue to look at these issues. We need to visit with pilot organizations and others to understand how we might see if we can reduce some of the risks here. We have a safe system of air travel, to be sure. But the Colgan crash and all of the details and circumstances of it should remind us not everything is as it seems, and we need to take action from time to time to address some of those important issues.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

AMENDMENT NO. 3453 TO AMENDMENT NO. 3452

(Purpose: To reduce the deficit by establishing discretionary spending caps)

Mr. SESSIONS. Mr. President, I have an amendment, No. 3453, at the desk, and ask that it be called up.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself and Mrs. MCCASKILL, proposes an amendment numbered 3453 to amendment No. 3452.

Mr. SESSIONS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. SESSIONS. Mr. President, briefly, I will call my colleagues' attention to this serious bipartisan effort with Senator MCCASKILL of Missouri to contain our penchant in this body to violate or manipulate the budget and spend more money than we intend to spend. Sometimes we are our own worst enemies, and Members of both parties have been guilty of that.

I originally offered a very similar amendment that adopted the budget amounts passed by this Congress, our Democratic leadership, and would have made those amounts that we said would be our top spending amounts—the budget maximum. It would have set a statutory cap at those levels and say if we were going to violate those limit, it would take a two-thirds vote to do so.

A number of senators were concerned about it, but it received broad bipartisan support. When we voted, 56 people voted for it—4 short of the 60 necessary to be adopted. But I thought it was a positive step, and I know Senator MCCASKILL felt it was, too.

I believe we can dispute how much we ought to spend, but one of the biggest dangers and problems the Senate confronts—and often fails to meet—is breaking our own budget. This amendment would have made it harder to break the budget, and 56 Senators voted for it.

Then we listened to our colleagues because people were saying: This year, JEFF, I believe we have to do some things that we may not have to do in the future—and that we do not want to do in the future—but this year our economy is in such a state that we can't be so limited.

So Senator MCCASKILL and I proposed another amendment that we voted on, which would have exempted this year and made it a shorter bill. We would remain under the normal budget rules for this year and would therefore not be creating the power to block additional stimulus legislation a number of Senators were concerned about. Frankly, I felt that was a compromise we could make. I would have preferred to have had it apply to this year, but I understand that concern and we made that change. So 59 Senators voted for it—1 short of the necessary vote to make it a part of the legislation.

So now, we listened again to some of the concerns we have heard from our colleagues. Senator MCCASKILL and I believe this bill, with the additional changes we made, will be the kind of legislation that could garner perhaps very broad bipartisan support and could actually make it into law. It would significantly help us honor the budget process. It would send a positive message to the world markets and our financial world because some rightly think we have lost our spending bearings and we are spending crazily here. We could send them a message that we have a budget out there that you may or may not like, but at least we are not going to bust it wide open and we will be more faithful to those limits. It would suggest less of a danger of massive deficits than we have had over the last 2 years.

What were the changes we made? Well, we exempted emergencies. In other words, some people felt we may need to pass emergency legislation and that a two-thirds vote—67 votes—is too much, and they would prefer to be able to pass emergencies by 60 votes. So we have acquiesced and put that in there. If a Senator is proposing extraordinary spending, they would have to openly state that it was an emergency, advocate for that, and the current law would still be in effect then. It would only take 60 votes to declare an emergency.

We made another change, one that I kind of hate to do but I am not unwilling to do. We would exempt year 2014, so it would only be a 3-year statutory cap on spending. Some people said: Well, we don't know what will happen in 2014. We may be in better financial condition. We won't have to contain our spending to the budget levels we passed last year, and we could do it in that fashion. I think that is all right. I really accept that if it helps us get the votes necessary.

So now we have 3-year legislation that does not change the law with regard to what is an emergency. We could violate the budget if it is an emergency, and we would have the votes to do it, but I still think it would be a good deal harder to take basic spending levels and break the budget on those. Technically, you could declare it an emergency. Most anything with 60 votes could be an emergency, but I think most Senators have some conviction that we shouldn't abuse the emergency spending level.

We will leave the emergency spending definition with the same number of votes, but the basic spending of our country needs to be within the budget caps. Remember, this is the level of spending a Democratic majority voted to pass last year. I voted against it. I thought it had too much spending in it, particularly last year. This year's spending was also too much, but the outyears had pretty tight budgets with 1 or 2 percent spending increases. The Congress and the Senate voted for it, and I think if we live with that, we might surprise ourselves to see that it would create a positive impact on the size of our deficit.

I am confident we are moving in the right direction. Again, it is a statement to ourselves if we pass this legislation. It is also a statement to the world markets that we are going to be less likely to violate our budgets in the future and more likely to contain our spending increases to levels that are acceptable.

I would note one more thing. President Obama, in his State of the Union, announced a freeze over the next 3 years, and he believes that in our discretionary spending accounts—which is what this essentially covers—we should actually have a freeze. I intend to support him on that. But this bill does not call for a freeze. It allows for a modest increase of 1 to 2 percent consistent with last year's budget.

I will just say that we should and hopefully we will pass a budget this year that has a freeze in the discretionary accounts. But if we don't or if people attempt to break it and go above it, at least we would have a stronger high ground from which to defend budget-busting legislation.

This is a bill that deserves bipartisan consideration, and I think it has gotten bipartisan consideration. I know 18 Democrats and every Republican voted for it last time. We have listened to the concerns of some of our Members, and we amended the legislation to be more amenable to those concerns. I hope we can pass it.

Let me say one thing that is an obvious matter of law. If 60 of my colleagues feel as though this is too restrictive, then they can pass a piece of legislation with 60 votes that wipes this out entirely from the books. It is mostly a self-imposed discipline. But it would be harder to pass legislation to wipe out the two-thirds vote level just because somebody has hard feelings that they didn't get enough spending in this or that bill as part of the normal governmental process. So I think it would be an effective tool. But as a matter of power in the Senate, make no mistake, this is not a two-thirds rule that would keep the Senate from doing anything. The Senate can pass legislation promptly to eliminate this statute any time we want to.

I believe it will work. It worked before. In the early 1990s, such legislation was passed, and it was extended periodically, up through 2002. From sizable deficits in the early 1990s, the spending was contained to much lower levels than we have adopted in recent years and it resulted in a budget surplus at the end of the 1990s. I am absolutely convinced a significant tool in the effective effort to contain spending and put our budget back in balance was the statutory limit on spending, consistent with what we voted for in a budget. That is what we are doing today. This is not new legislation, really, but we are fundamentally reestablishing the kind of legislation we previously had.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me just make a point. This is an authorization bill that is on the floor, the FAA reauthorization. We have waited a long time to get it here. We have had 11 extensions to get this bill to the floor.

The Senator who offers the amendment certainly is allowed to offer it on this bill. Of course, his amendment really doesn't relate to passing an FAA reauthorization bill, so I hope he will withhold at some point and do this at another moment on another piece of legislation because I fear that—at long last, trying to get an FAA reauthorization bill 3 years after it previously expired, with 11 different extensions, my hope is we can stay on the FAA reauthorization, have amendments that relate to this bill, debate them, and then vote on those amendments. That would be my hope.

I understand the Senator has a right to do that. Somebody could bring an amendment on abortion or whatever somebody wants to the floor of the Senate on an open authorization bill. The Senator has had two other opportunities to offer this. I hope he will find a third at some point.

The budget deficit is a very serious problem. We are on an unsustainable path. Let me give just a slightly different observation on the subject as long as I am on my feet.

It is true that 10 years ago our country was running a budget surplus. It is true that 10 years ago we had a budget surplus. It is also the case that when President George W. Bush came to town, he said: You know what, we have a budget surplus. Alan Greenspan is not going to sleep at night, he said, because he worried that the surplus was going to pay down the Federal debt too fast. He literally said that. He worried about paying down the Federal debt too fast, so we need to be a little careful about accruing these surpluses. So President Bush said: What we need to do is have a very large tax cut.

I stood here on this floor of the Senate and said: You know what, these surpluses exist this year only and the next 10 years of projected surpluses don't yet exist. They are simply projections. Let's be a bit conservative. What if something happens?

They said: ''Katy, bar the door,'' we are going to do this anyway, and did it—very large tax cuts, very substantial reductions in Federal revenue. About 50 percent of the structural budget deficit at the moment is as a result of reducing the revenue base 10 years ago—9 years ago.

I said on the floor of the Senate: You know, let's be a little conservative. What if something happens?

Well, guess what happened almost immediately. We passed the tax cuts—not with my vote—the majority of which, the bulk of which went to the wealthiest Americans. Very quickly, we discovered we were in a recession. Very quickly, there was an attack on our country on 9/11. Then we were in a war in Afghanistan and then a war in Iraq. We sent young men and women off to war and did not pay for one penny of it—not a penny. So we cut the revenue base very substantially. We experienced a recession, an attack against our country, engaged in two wars, sent men and women to other parts of the world to fight, and did not pay for a penny of it. We added it all to the debt and increased deficits.

I happen to think the Senator's presentation about the danger of the deficits is very real. I agree with that. But in order to reduce these deficits—this is not rocket science—if we are going to send young men and women to Afghanistan to risk their lives, if they are going to get up this morning and put on body armor because they are going to face real live bullets, pay for every bit of it. Pay for it. Let's ask the American people to sacrifice, not just the soldiers. We are going to cut spending? Then let's really cut spending.

I offered an amendment on the floor and lost it. I said: Let's cut TV Marti. I couldn't get it passed. TV Marti broadcasts signals into Cuba, spends $¼ billion broadcasting television signals into Cuba that the Cuban people can't see. From 3 in the morning until 7 in the morning, we spend taxpayers' dollars broadcasting television signals into Cuba that Cuba blocks and the Cuban people can't see. We spent $¼ billion, and we can't cut the spending? I don't understand that at all.

The prescription drug amendment I offered on the floor of the Senate would have saved the Federal Government $20 billion in spending, and I lost it.

If we are going to cut the deficit, we have to cut real things. When those things come to the floor and we have an opportunity to really cut spending, let's do that.

By the way, it is not just spending. We need to work on spending, and I have offered amendments to cut spending, but it is also the revenues. I hope the Senator would agree with me that when the richest—well, let me rephrase that. When the person in America in 2008 who made the highest income—$3.6 billion running a hedge fund—when that person pays the lowest income tax rate, would the Senator agree with me that perhaps we ought to increase that rate?

This person comes home, and his spouse says: Honey, how are we doing?

He says: Well, pretty good—$3.6 billion.

That is $300 million a month; that is $10 million a day. Honey, how we are doing?

Well, pretty good. I made $10 million. But guess what. I get to pay the lowest income tax rate in the country because I declare it as carried interest.

Do we want to plug that loophole and ask that person to pay the same income tax rate that the people who get up and go to work and then have to shower after work because they have dirt under their fingernails have to pay?

How about making those changes? I am for all of those things. I want to work with the Senator from Alabama and every other Senator who wants to do all of these things.

What happened at the start of this past decade is, somebody put sand in the gas tank and the car will not run and we are up in the engine department trying to figure out how the carburetor works.

This is not difficult. You are going to go to war, pay for it. You are going to cut spending, then take a look at the most egregious abuses and pay for those by cutting the spending.

Take a look at the history on this floor. We have been through a long, tortured decade of what I consider irresponsible fiscal policy.

I understand it is not the case where one side is all to blame and the other side not. I understand all that. But I also understand this: I was on this floor saying: Let's pay for the cost of war. I did 20 hearings on the most egregious waste, fraud, and abuse in this country by contractors doing work in Iraq and Afghanistan. I spoke dozens of times on

this floor on those issues and could not get much support: cutting spending for contractors who were abusing the American people by sending contaminated water—more contaminated than raw water from the Euphrates River—to the military bases in Iraq for the soldiers to use and getting paid for it; getting paid bonuses to do electrical work at the military camps in Iraq and Afghanistan that was so shoddy—done by third country nationals hired by our contractors—such shoddy electrical work that Mr. Maseth, a Green Beret, goes in to take a shower and he is electrocuted, killed in a shower. We paid bonuses to that contractor for that work. It is unbelievable to me.

We have a lot to answer for—all of us do. Every single Member on the floor of this Senate has a lot to answer for. But we can work together on spending and asking those who are not paying their fair share of taxes—by the way, the President, when he gave his State of the Union Address in the House Chamber, said something I have had a vote on four times on the floor of the Senate and lost all four times. The President said: Let's shut down the tax break that gives tax breaks to companies that shut down their American manufacturing plants, fire their workers, and move to China or some other foreign country. Do you know we do that?

We have tried to shut that down. We give a tax break. If you lock up your manufacturing plant, shut the plant, fire every single worker, and move your manufacturing to China, we give you a big, fat tax break for doing it.

That is unbelievably ignorant. The President said in his State of the Union Address: Shut that down. I have been trying to shut that down for many years and have been unable to do it. It is not as if there are not candidates for some common sense and some sanity in fiscal policy to bring us back into some balance.

We need a revenue base that is a reasonable revenue base. We took a lot of that away about 9 years ago with a vote that I did not cast. Then we need to tighten our belt on spending and get rid of the things that do not work.

I know I have gone far afield, and the Senator from Alabama—I have not heard him gritting his teeth, but he probably is.

My point is this: He raises an important subject—an unsustainable fiscal policy. This President inherited an economic wreck; there is no question about that. We are trying to get out of this. But you cannot look out 5 and 10 years and see what we see without understanding this is unsustainable and all of us have to work together to fix it—all of us. I am committed to doing that.

I say to the Senator from Alabama, I hope he will find another vehicle in the next few days on which to offer this amendment because Senator ROCKEFELLER and I have put together this FAA reauthorization bill along with Senator HUTCHISON. We have worked very hard after so many years to finally get it to the floor of the Senate. We want to get this bill passed. Air safety, modernization—all of it—depends on us getting this legislation through the Senate soon.

I thank the Senator from Alabama for staying and listening. I expect he will retort or respond. Again, these are all important issues, but we must get this FAA reauthorization bill done.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator DORGAN for his comments and the frustrations we all share. He comes at it from one party's perspective, and I have my party's perspective. We can argue these issues for a lot of time.

I have gotten to the point—and I think Senator MCCASKILL and a lot of Members of the body have as well—that we need to do something that might actually work. I say to Senator DORGAN, the reason I believe we should go forward on this amendment is because the first time we had an amendment with 56 votes and bipartisan support. Then the last time it was 59. We made some more changes to primarily assuage concerns of my Democratic colleagues that Senator MCCASKILL still believes could put us in a position to pass this legislation. It will make some difference.

I was at a townhall meeting. The questioner criticized me for something. I said: I wrote a letter about that to the Cabinet person and complained. He sat there and looked at me.

He said: You wrote a letter. Thank you a lot.

I didn't have much to say.

At some point we have to do something. I have made speeches. Senator DORGAN, one of the most eloquent—Members of this body, has made speeches. But we are not doing anything. Deficits are surging beyond limits. We have a possibility of passage here and that is why I think we should go forward. We have the possibility of reaching this agreement that for 3 years will place in statutory form the budget my Democratic colleagues passed, which is higher than what President Obama is saying we should spend. We could at least have that as a firewall. It would be difficult to go above those amounts, but it would not eliminate or make it even any harder to pass an emergency bill because we amended our amendment to change that part we previously had in there that would have made it harder to declare something an emergency.

One thing I would like to share with my colleagues—I see Senator DORGAN is gone—about the allegations, which are not all wrong, that President Bush and Mr. Greenspan were insignificantly concerned about deficit spending after we had a series of surpluses.

But first, let me go back. One of the great political efforts in this Congress—and it has had some success and partisan success—is to give President Clinton credit for the balanced budget. Not a dime can be spent by any President that is not appropriated by the U.S. Congress.

Republicans took over the Congress in 1994 and shut down the government in a dispute with the President over how much money he ought to be spending. It caused a big controversy. But they fought and fought against spending. People were sleeping in their offices. But the budget got balanced for several years.

After 9/11, we slipped into a recession. We were in a war. As a matter of fact I heard Mr. Greenspan, in effect, say he believed the country could take on more debt. Senator ROCKEFELLER probably remembers essentially that. He serves on many of these committees.

He said: I think we can take on more debt.

What Mr. Greenspan and, I think, Mr. Bush did not realize was that once you start taking on more debt, it gets harder and harder to stop. We started a trend of taking on more debt as if it did not matter. Some people even said deficits don't matter. Some Republicans said deficits don't matter; we can handle it.

We got into a bad habit. Both parties got into that habit, and it is roaring away today with spending levels the likes of which we have never seen.

We passed a budget that I think has reality in it. I think if we hold to that budget, we might surprise ourselves how much progress we can make. These kinds of statutory caps were part of the success in the nineties.

I ask forgiveness of my colleagues for trying to pursue a vote on this amendment. I say to my colleagues, if we get the 60 votes I think it will be an indication that it would not in any way burden the FAA bill. In fact, it might be attractive to some Members of this Senate to vote for the bill if this cap was in it—Members who might not otherwise vote for it. I don't think it would damage the prospects of the bill's passage. This amendment is building up with increased votes each time. We are near to success. I think it would be a great bipartisan statement of commitment to financial responsibility, and I think it is important to go forward.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. LEVIN). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise in support of the FAA reauthorization bill that has been put forward by Senator ROCKEFELLER and Senator HUTCHISON. Both have worked hard on this legislation. I have worked on this legislation for a number of years as well.

My general aviation industry is centered in Wichita KS. It has had a lot of difficulty lately with markets and the recession and problems overall, and it needs a bit of good news. This would be a bit of good news, having FAA reauthorization. This is an industry that is roughly $150 billion in size. It is located

primarily in the United States. It has created over 1.3 million jobs. It is key. It goes across a broad array of disciplines. It is a high-tech manufacturing business that we are very good at. This is something we need to have.

Implementation of the NextGen technology for navigation and travel across the United States is in the bill. Also in the bill is maintaining inspection procedures that are important for the safety of aircraft, increased funding for essential air service for a State such as mine that has a need for essential air service in places where it is tough to get in and out of and the population pool is not large. It needs that to move forward. It expands passenger rights and provides increased Federal support for small airports.

I think it also important that this legislation does not include language imposing disproportionate and onerous user fees on the general aviation industry. This is something Senator ROBERTS and I have been concerned about for some period of time, that the general aviation industry would get stuck with a disproportionate share of the funding for the overall FAA infrastructure. That is not in the bill. If it comes back to this body from the House with that in the bill, it is going to be something I am going to fight strongly against.

The bill is a good bipartisan bill. It has been worked out. It certainly is not perfect. No bill is. It is something that has been worked out over a period of time, over a series of years, over a lot of interests. It is the way we ought to legislate and move forward.

I say as a cautionary tale again to my colleagues that if the bill comes back with provisions from the House that are problems for this body, it is going to stop the bill and it then is not going to happen.

My urgings to my colleagues here and in the House would be, let's keep with the primary design of what this bill has and not try to load it with other things that might be special projects for individuals who are going to kill the bill. I have concerns on any side, whether it is on my side or the other side, of provisions being added that would kill this bill that has been a hard fought, long legislative process for us to move forward. It is a bipartisan piece of legislation. It will create jobs. It will spur further development in our Nation's aviation sector, a sector that needs some help and support now. This bill does that.

I can see a lot of ways this bill could get damaged and hurt along the way. I am not opposed to putting amendments in that make sense and that can continue to move the bill on through the legislative process. I am opposed to those amendments that would kill it and that would substantially harm it when this is something that has been worked on a long time through several committees to get it moving forward.

For those reasons, I support it. I support it as it is. I think we ought to move forward with it and move forward with it with some speed to help this critical industry in our country, to support safety in flying in this country, to support this legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I would like to say a few words about the aviation trust fund reauthorization. I support the bill, and I strongly urge my colleagues to support it as well.

In addition to discussing the bill's specifics, however, I would like to give some perspective about our current aviation system. Our current system relies on the use of radio detection and ranging—more commonly known as radar. Radar was once a tremendous leap forward; that is, it was a tremendous leap forward right before World War II. Let me take a couple moments to retrace the history of air traffic control, starting before radar.

Before radar, pilots followed prominent landmarks, such as rivers or railway lines, to navigate their routes. Naturally, bad weather and darkness made flying especially hazardous. In the 1920s, commercial night flights relied on something called the transcontinental lighted airway. That is an impressive-sounding name. What was it? It was just a series of bonfires. Local farmers maintained those bonfires across many parts of America. More developed areas could use gas-fueled beacons.

In 1922, the first civil aviation midair collision happened in France. That collision created awareness of the need for some sort of air traffic control. I use the word ''control'' loosely. It took more than another 10 years before this country's air traffic control center opened up in Newark, NJ, in 1935. The following year, additional centers went up in Chicago and Cleveland. Elsewhere, the system still consisted of flagmen standing on the airfield, waving flags to communicate with pilots.

But all that changed with the establishment of radar shortly before World War II. During the war, radar gave the British an extraordinarily positive tool—a defensive tool—for repelling Luftwaffe attacks. Soon, the Allied Powers were using it for offensive purposes.

Radar provided air cover at Anzio and Normandy. It enabled air raids deep into Germany, despite overcast skies, and it helped us disrupt Axis Power shipping routes and attack the Japanese Navy. We spent more during the war on radar than on the atomic bomb.

No less an authority than German Grand Admiral Doenitz, when captured at the end of the war, said this:

> We fell behind technically. We were unable to build shortwave RADAR to compete with Anglo-American improved radio location equipment.

Following the war, radar was adapted for civil aviation. Ultimately, it spawned the tremendous rise of the commercial air travel industry. Incidentally, this led Congress to properly fund aviation. In 1970, we established the airport and airways trust fund—commonly referred to as the aviation trust fund—and that is what we seek to reauthorize today.

The aviation trust fund built on the success of the highway trust fund. The idea behind the aviation trust fund was for the system's users to pay for its upkeep. Generally speaking, the aviation trust fund has managed to do that, to finance the needs of the air-traveling public.

The aviation trust fund receives about $12 billion a year in user-based taxes. Much of this funding goes into the Airport Improvement Program. The airports in my State of Montana rely heavily on it. The Department of Transportation has estimated that every billion dollars spent in Airport Improvement Program funding creates or sustains more than 20,000 jobs throughout the U.S. economy.

But now we need to do more. Our system needs modernization. We need to improve safety and efficiency. We need to enable direct routes, rather than flying along zigzag flight corridors, as we have since the transcontinental lighted airway, and we need to keep up with air traffic growth. Look at how bogged down our New York-New Jersey airspace already is.

We need Continuous Descent Arrival to reduce the amount of fuel that aircraft burn. This reduces both cost and air emissions. During a recent test in Atlanta, Delta Airlines saved as many as 60 gallons of fuel and cut carbon emissions by up to 1,250 pounds for every flight.

The Senate bill would fund the aviation trust fund for a little more than 3 years. Importantly, the bill would provide needed funds for the establishment of NextGen. NextGen is the Federal Aviation Administration's plan to use satellite-based technology in order to modernize the Nation's air traffic system. We need to invest in it now. Our 2010 trust fund, established in the early 1970s, is still funding radar. That is a technology that predates the Second World War. Some radar beacons are still located on the same sites as those early bonfire beacons.

NextGen, however, will enable planes to use global positioning systems to continuously transmit location, speed, and altitude to other planes, pilots, and controllers within 150 miles. That will improve efficiency and safety. This is a sea change. A number of other countries have already invested in satellite tracking technology. The United States is behind the curve, and we can change that with the passage of this bill.

How do we pay for NextGen? The Finance Committee proposes the following:

First, we set the tax for general aviation jet fuel at 36 cents a gallon. That is up from the current 21.9 cents a gallon. The general aviation community agreed to this proposal.

Second, we treat fractional aircraft; that is, partially owned planes; as general aviation rather than commercial carriers. Owners of fractional aircraft believe this change will preserve their ability to fly and land in Europe.

All told, we raise nearly an additional $180 million to get NextGen started. More will be needed, especially given the rapid state of technological change. I know that both the Finance Committee and the Commerce Committee plan to monitor NextGen's implementation.

We will have a pretty good debate this week. I look forward to it. But first I wish to thank my colleagues, especially Senator ROCKEFELLER, for his willingness to seek common ground. We have worked together on this for a long time—actually, for several years. In fact, we had an agreement a couple years ago, but due to an extraneous event, it was unable to be realized.

Senator ROCKEFELLER has written a very strong FAA reauthorization. I especially appreciate his continued support for the Essential Air Service Program, a program that matters a great deal to my constituents in eastern Montana.

So let us adopt NextGen to improve safety and improve efficiency. Let us reauthorize the aviation trust fund. It is time to bring American air travel into the 21st century.

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

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

AMENDMENT NO. 3456 TO AMENDMENT NO. 3452

(Purpose: To reauthorize the DC Opportunity Scholarship Program, and for other purposes)

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to call up amendment 3456.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. BYRD, Mr. ENSIGN, and Mr. VOINOVICH, proposes an amendment numbered 3456 to amendment No. 3452.

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

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. LIEBERMAN. Mr. President, I introduced this amendment with a bipartisan group of cosponsors, Senators COLLINS of Maine, BYRD of West Virginia, FEINSTEIN of California, VOINOVICH of Ohio, and ENSIGN of Nevada.

Its purpose is to reauthorize—in fact, to save—the Opportunity Scholarship Program or OSP for students here in the District of Columbia.

We are introducing our amendment to this legislation, and I use the word ''save'' because without prompt action by Congress, there is a reasonable probability that the OS Program, the scholarship program, will not just be limited to the number of students who are in it now—and, in fact, there have not been any new students admitted in the last 2 years—but it will be doomed.

As I explained here on the floor of the Senate yesterday, the current administrator has advised Secretary Duncan that it will no longer—the administrator being a corporation, an entity—that it will no longer administer the program without a reauthorization.

No other entity has yet expressed a willingness to take over, given the constraints imposed by Congress. So despite President Obama's intent, stated in his budget message to continue this program, admittedly only for those 1,300-plus students currently participating in it, it appears that even that will become impossible.

I think that would be a tragic result. This program has given a lifeline for students in failing schools in the District of Columbia, a scholarship to go to private or faith-based schools where, by all accounts, they are receiving a much better education and being given the talents with which they can make something much greater of their lives.

We first offered our amendment to the American Workers, State, and Business Relief Act, which was passed earlier today. I was proud to support that measure. It is good for the economy, good for people hurting in our economy, good for businesses hurting in the economy. Unfortunately, we were not able to get a vote on this amendment on that bill. As promised, we are here today again in another attempt to get a vote in the Senate on this issue. It is time sensitive. It is urgent. The life of this program hangs in the balance and, in a very real way, the future of these 1,300-plus children in the District who are benefiting from the program.

The truth is, the FAA reauthorization bill has been referred to as a jobs initiative. I believe it is. What is more important to getting a good job than getting a good education? That is what this bill is all about.

Achievement gaps in our schools, including our schools in the District of Columbia, have a profound impact on the quality of our workforce and on the future of our economy and, in a classically, characteristically American sense, focusing on the individual children who, by twists of fate, have ended up in schools that are not adequately preparing them. I will have more to say about this, but these are schools I am not just personally judging to be failing schools but, under characteristics, standards created by the Federal Government under the No Child Left Behind Act, are designated as failing schools. The OSP provides these low-income students in the District with a chance at a better education.

Dollar for dollar, this program accomplishes this goal at a very low cost. Personally, how did I get involved in this? Of course like all of us, I have an interest in education. I have an interest in overcoming the achievement gaps in American schools that are so profoundly related to income and to race. More particularly, I have followed the status of this program in the District of Columbia for several years in my capacity as a ranking member and now chair of the Homeland Security and Governmental Affairs Committee because of the committee's traditional jurisdiction in its governmental affairs aspect over and regarding the District of Columbia, our Nation's Capital.

Last year our committee held a hearing on the Opportunity Scholarship Program and heard testimony from students in the program and their parents. It was evident from their testimony that this program has served as a lifeline to many students who otherwise would have been assigned to schools in which they would not have received a good education, as designated by No Child Left Behind.

One parent whose annual income is only $12,200 testified that she had sought an opportunity scholarship, a voucher for her 8-year-old son after her 17-year-old nephew was shot and killed at the Ballou High School. Her son since has thrived in the Opportunity Scholarship Program, loves his school and his teachers, is part of the reading and debate club, and now wants to be a doctor. His hopes have been fortified and elevated, and his achievement has been remarkably improved. This mother believes that none of this would have happened had her son been forced to stay in the school he was in in the DC Public School System.

Another young man, Ronald Holassie, started in the Opportunity Scholarship Program in sixth grade. He is now a high school student. He told the committee the DC Opportunity Scholarship Program ''has changed my life.''

Then he said:

No one should take away my future and dreams of becoming a successful young man. No one should take that away from me and the other 1,700 children in this program.

Now, because of the failure of Congress to support the program over the last couple of years or fill the spots opened by graduation, it is down to 1,300 children. Ronald Holassie became the deputy youth mayor for legislative affairs of the District of Columbia and is now applying to college. What he said was right. This program provides a quality education to economically disadvantaged students at half the per-pupil cost of educating students in the Public Schools.

Our committee also heard from Tiffany Dunston. She told us:

Receiving a scholarship was a blessing for my family and put me on the path to success. I grew up in a neighborhood with a lot of poverty and crime. And there were such low expectations for kids in my neighborhood schools. I would watch kids hanging out in the streets and not going to school. . . . My motivation to get the best education possible was my cousin James who was shot and killed at 17. I am always thinking of what he could have done. . . . With the help of a scholarship my dream [has been] realized.

Those are very moving testimonies, personal anecdotes, affirmations of the worth of the program. But has there been an independent professional evaluation of the program? Yes, there has.

Required by Congress, the person chosen to carry out that program is a man named Patrick Wolf, Dr. Patrick Wolf, the principal investigator of the valuation conducted by the U.S. Department of Education's Institute of Education Sciences. This is a report required by Congress, carried out by an institute under the U.S. Department of Education.

Dr. Patrick Wolf testified that the Opportunity Scholarship Program has had a statistically significant, positive effect on the test scores of students in reading in this program.

I know some of the critics of the program, some of the opponents have downplayed these results. However, the fact is, as I have learned, most education innovation programs actually fail to show any significant gains, certainly in the first few years.

Dr. Wolf has said when compared to all other similarly studied education innovations throughout our country—not talking about the the District of Columbia—''the reading impact of the DC voucher program is the largest achievement impact yet reported.''

He went on, the principal independent investigator, to say:

The DC voucher program has proven to be the most effective education policy evaluated by the federal government's official research arm so far.

So why stop it? Why terminate it? Certainly not based on this independent evaluation, certainly not based on the testimony our committee and others have heard from the parents and students involved. The reasons I leave to others, but I fear it is because of the opposition of teachers groups and others who don't want this kind of competition.

In sum, Dr. Wolf's study used the gold standard of research methodology and found that the Opportunity Scholarship Program is getting very impressive results. Those who oppose OSP argue in part that vouchers take away funds from the public schools in the District. This is simply false. When it was adopted in Congress, to overcome the argument that it would take money away from the public schools, this program did exactly the opposite. We reached an agreement to get the votes to pass the program that whatever amount of money was given for the OPS, the so-called voucher program in the District of Columbia, exactly that amount of money would be added, not subtracted, to the public school budget of the District of Columbia. They otherwise would not have received that money for the public schools.

Incidentally, a similar amount was appropriated for charter schools in Washington. Why? Because there is no one answer at this moment to the challenge to give every child endowed by our Creator, as the Declaration of Independence says, with an equal right to life, liberty, and the pursuit of happiness which, in our time, is very much equated with the right to an equal education. The fact is, previous Congresses have been prepared to support all three of these ways because they were focused not on a single method of educating our children but on benefiting each and every one of our children.

I know some say these scholarships are not the solution to the problems that beset the DC Public Schools. I agree. They are not the sole solution. But they can and should be part of the solution, certainly, while the reform efforts of the chancellor, Michelle Rhee, are going forward and until they reach a turning point, a tipping point where the schools really have been broadly improved.

I strongly support Chancellor Rhee's efforts to reform and improve the public schools in the District. I strongly support efforts across the Nation to improve our public schools. That is always where we will educate most of our children. That is always where we should put the greatest emphasis.

Chancellor Rhee, with the backing of Mayor Fenty, has moved aggressively to turn around failing schools in the District. She is getting results. She certainly has my full backing when it comes to the reforms she is working to implement. But Chancellor Rhee has said something so honest, so compassionate, so fair, so focused on the well-being of the children in Washington, DC, that, to me, it should end any argument against the amendment we are proposing.

She has said herself, Chancellor Rhee, that the reform effort in the DC Public Schools is making progress but it is not going to happen overnight. As one of the students I just quoted said before our committee, the DC Public Schools did not get to the troubles they are in overnight, and they are not going to get out of the troubles they are in overnight.

But Chancellor Rhee said this is a multiyear process. In the meantime, many District schools are failing our most economically challenged children. For this reason, Chancellor Rhee, Michelle Rhee, the head of the public schools in the District, has said the OSP should continue. I ask my colleagues, why wouldn't we want to use every means at our disposal to provide the best education possible to all children here in Washington, DC?

Chancellor Rhee has been very explicit about this. She said that it may take 5 years to turn around many of the schools that are failing—officially failing—to give a decent education to the students in the District of Columbia. She said, in a very personal and moving way, until she could say to parents of children who are in schools now designated as failing that they were no longer failing and the parents could be confident that their children would receive a good education in those schools, she would support the Opportunity Scholarship Program 5 years. Based on that assessment, our amendment reauthorizes the OSP for 5 years.

Our amendment also continues to ask for a rigorous evaluation of the merits of the program. At the end of the 5 years, we will have better information on both the effectiveness of this scholarship voucher model and the reform effort in the DC Public Schools. I want to suggest to my colleagues, at the end of this 5-year period, we can determine whether we want to continue to provide Federal support for these opportunity scholarship, school choice programs based on conditions at that time.

Our reauthorization proposal includes a number of improvements and enhancements to the program, including many sought by my friend and colleague, Senator DURBIN, the chairman of the Appropriations subcommittee that has in previous years funded the Opportunity Scholarship Program. Specifically, we require that all schools in the program have certificates of occupancy, that core subject matter teachers have appropriate credentials and schools meet the accrediting standards of the DC Public Schools; that regular site inspections be conducted; and that participating students take the same test as students in District of Columbia Public Schools.

There are currently 1,319 students benefiting from opportunity scholarships in the District of Columbia. I repeat that no students have been allowed in for the last 2 years because of congressional inaction. At its peak, 1,930 students were enrolled in the 2007 to 2008 school year. Because no new students can enroll, enrollment declined to 1,721 last year and then 1,319 this year. Last year, 216 students who were offered a scholarship had the offer revoked by the Secretary of Education of the United States because of failure to support the program.

I want to repeat, over 85 percent of students in this program would otherwise be attending a school in need of improvement, corrective action, or restructuring—in other words, a failing school designated under the No Child Left Behind Act.

In closing, I would say this: 1,319 is the number of students benefiting from the Opportunity Scholarship Program. If we do not reauthorize it, at this point there is no one to run the program and it probably will simply die. Those are 1,319 reasons to save this program and offer hope and opportunity to these young boys and girls in this city

who want as much as any child in this country to live a life of success and self-sufficiency and deserve that right as much as any other child in the country.

So I ask my colleagues to consider what we would want for our own children. All of us have the resources to essentially exercise school choice, and that is precisely what many of us do because we want the best for our children. But there are many parents around America—in this case, particularly, who live in our Nation's Capital, the place where we work—who have much more limited resources and also want the best for their children. They want to make a choice, which the Opportunity Scholarship Program allows them to make. So I appeal to my colleagues to take up this amendment. Let's have a vote on it, and let's act favorably on it to preserve this lifeline for a gifted and hopeful group of children in our Nation's Capital.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from West Virginia.

MORNING BUSINESS

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

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

The Senator from Maine.

Ms. SNOWE. Mr. President, I ask unanimous consent for 10 additional minutes in morning business.

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

Ms. SNOWE. Thank you, Mr. President.

(The remarks of Ms. SNOWE pertaining to the introduction of S. 3103 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from North Dakota.

TAX LOOPHOLES

Mr. DORGAN. Mr. President, earlier today we passed some legislation in the Senate that is important and will create jobs in our country, and I filed an amendment that was not considered. I know that was the case with many amendments on the bill. One of the amendments I filed that was never considered, unfortunately, and I hope will be considered in the future deals with the recommendation the President made during his State of the Union Address.

In the State of the Union Address, the President spoke about jobs and said one of the things we ought to do to try to preserve and keep and create jobs in our country is to shut down or eliminate the tax loophole that rewards companies for moving jobs overseas. The President specifically asked in his State of the Union Address for the Congress to eliminate that tax loophole. I have tried to eliminate that loophole I think on four different occasions on the floor of the Senate. We have had four votes. On each occasion, I have failed.

One might ask, well, how on Earth can you fail on an amendment such as that? Well, there are a lot of big companies and groups in this town—the Chamber of Commerce is an example—that like that loophole and want it retained, and they fight very hard to keep the loophole.

Here is what we have. We actually do have a circumstance where if you are on one side of a street corner and you have a competitor on the other side of the street making the identical product you do, earning the identical income you earn, and you decide you are going to move your plant to China, fire your workers, put a padlock on the front door of your manufacturing plant and move to China, the only difference between you and the person across the street that you used to compete with and still do is that you now have lower labor costs but you also have a tax break given to you by the Federal Government. It is astounding that exists, but regrettably it does. The President's call to eliminate the tax break is very important, and we ought to heed that call.

I filed an amendment on the last bill, the one that passed today. I did not get a vote on it. I intend to file it again on other pieces of legislation because this Congress, at a time when so many millions of people get up in the morning and put on their clothes and go out looking for work and cannot find work, this Congress has a responsibility to deal with this issue.

Think of this issue of trying to find jobs that are necessary to put 17 million people back to work as trying to fill a bathtub. We are working on a faucet to incentivize and create new jobs, but the drain is wide open, the drain of existing jobs going overseas; in fact, going overseas in search of cheap labor because this country actually rewards you if you move your jobs overseas.

This is Hershey's chocolate. Many people have eaten York Peppermint Patties. York Peppermint Patties were made in a Pennsylvania plant but no longer. It is now Mexican food.

This is a newly built plant in Monterey, Mexico, now making York Peppermint Patties. On its Web site, Hershey's says:

> That cool refreshing taste of mint, dipped in dark chocolate will take you miles away.

Apparently meaning even Mexico. So an American brand goes south. That is not terribly unusual.

Hallmark Cards: ''When you care enough to send the very best.'' It is a privately held Kansas City company. It has been around 100 years. It was founded by a high school dropout who started the company in 1910 with a shoe box of postcards he sold while living out of a YMCA. It is an unbelievable success story, Hallmark Cards. The company became far and away the most successful greeting card company in America, with a reputation of treating its workers fairly—a very good company.

But under current management, with annual revenues over $4 billion, they started to move jobs from Kansas City to three plants in China. It moved thousands of jobs overseas, though it is not required to disclose the specific numbers.

What kind of a card do you send to a Hallmark worker whose job is now in China? The very best? We have a right in this country to be concerned about that.

I have talked at length about Radio Flyer, the little red wagon, gone from Illinois to China; Huffy bicycle gone from Ohio to China. I spoke about those at length. But there are new ones as well.

Whirlpool. At a time when we are losing so many jobs because of the deep recession, Whirlpool announced last year it was shutting down a 1,100-worker factory in Evansville, IN, and moving the work to a factory in Mexico. Whirlpool made this decision even though the company accepted a $19.3 million grant by the U.S. Department of Energy as part of the Recovery Act to develop ''smart appliances.''

By the way, this is a picture of a Whirlpool worker walking out of his place of employment, the last walk on the last day. One can wonder what was going through his mind as he understood he was going to have to tell his family he is now out of work. His job still exists, but it exists in a foreign country.

This is Natalie. Natalie worked for Whirlpool. She is 42 years old. She worked at the Whirlpool appliance plant in Evansville for 19 years and in November of last year was told her job is moving to Mexico; $17 an hour was too much to pay, and you can get cheaper labor elsewhere. She described that plant closing ''like a punch in the gut.'' You can imagine what it is like.

I am told local workers and local officials did everything they could to try to keep that Whirlpool plant in Evansville, IN, but they were unsuccessful.

We do see a lot of people wearing football jerseys. This is a Reebok Peyton Manning jersey. My guess is they sell a lot of those things. There is not a better quarterback in professional football. He is quite an extraordinary football player.

Reebok makes this jersey. This jersey is made in El Salvador by a Chinese-owned company. This jersey is sold for $80 in the United States and workers are paid 10 cents for the work they do in El Salvador to make it.

Let me say that again. The workers get 10 cents, one thin dime, and the customers pay $80 for the Peyton Manning Reebok football jersey.

Here is a photograph that shows the conditions of a sweatshop in El Salvador owned by the Chinese. According

to the National Labor Committee that investigates these things, workers are forced to put in 12 to 15 hours of unpaid overtime each week. They earn wages that are 77 percent lower than the basic subsistence wage for the region. This is the photograph of the home of a worker at one of the Chinese-owned sweatshops. You can see the repressive poverty that exists there, and they get a dime for a jersey the company is paid $80 for on the store shelf in the United States.

La-Z-Boy chairs announced it would eliminate 1,050 employees in Dayton, OH, and move production plants to Mexico. I have spoken about La-Z-Boy previously. A few days ago when I talked about jobs, I talked about how La-Z-Boy went to Pennsylvania and bought Pennsylvania House Furniture. Pennsylvania House Furniture is a high-end furniture company, using special Pennsylvania wood to make terrific furniture. They had great craftsmen who worked at that company. La-Z-Boy bought the company. They did not want to have competition for La-Z-Boy in the country, so they moved Pennsylvania House Furniture to China and shipped the Pennsylvania wood to China, put the furniture together, and shipped the furniture back to the United States.

On the last day of work at the Pennsylvania House Factory, a company that had been around for 100 years, on the last day the plant was open, all those craftsmen who were proud of their jobs and proud of their work, when the last piece of Pennsylvania House Furniture came off the assembly line, they turned it over, and on the bottom of that last piece of furniture, every single worker at that plant came over and took the pen and signed their name. Somebody in this country has a piece of furniture that they do not quite understand. It has, on its bottom, the signature of craftsmen who worked for a company that for 100 years made fine furniture in America. They wanted to do that because they wanted to sign their name to a quality piece of furniture made by an American worker who was proud of their job.

La-Z-Boy chairs sent Pennsylvania House Furniture to China. Now we understand La-Z-Boy furniture has announced it will eliminate 1,050 jobs in Dayton, OH, and move the production to a plant in Mexico. They moved other jobs to China. In a statement describing the 2008 layoffs, the company said: We regret the impact these moves will have on families and the lives of employees affected and so on.

I have demonstrated enough. I have a lot of examples of this, and I have, over the years, provided a lot of examples. But I wish to demonstrate that on Wednesday, today, 17 million or so people got up, wanted a job and couldn't find it, struggling to try to figure out how on Earth they can make a living, how they can provide for their family.

Here is part of what is happening. This shows the deepening trade deficits our country is experiencing. All this red demonstrates jobs moving elsewhere—American jobs moving elsewhere.

This is a description of our trade deficit with China, the largest, single bilateral deficit in the history of humankind. I know where some of these jobs have gone. I know where they make Huffy bicycles. I know where they make Radio Flyer little red wagons. I know where they make Etch A Sketch. I know where they went. They went to China, and I know why they went there. Because they can hire people at 50 cents an hour. They can work them 12 to 14 hours a day, 7 days a week.

The people in Ohio are told: You cannot compete with that. We have to pay you $11 an hour to make bicycles; you can't compete; sorry, you are out of here.

The question of a century, when we have developed safe plants, minimum wage, retirement benefits to lift America up, when we developed those standards, retirement programs, health benefits, the question at the end of a century is: Do we decide those standards don't matter, the lifting of those American workers to good jobs that pay well doesn't matter because we are now saying to them: You compete with Third World conditions, you compete with Chinese sweatshops in El Salvador making football jerseys, you compete with people living 12 in a room, sleeping at night, when they do get a chance to sleep, in cinder blocks in China in Shinsen making children's toys; is that what we are saying is the kind of competition with which we want the American people to have to compete? Because they cannot. Nobody can make a living working for 50 cents an hour here. You cannot make a living here if they strip away your retirement and health care and give you 50 cents an hour and tell you to work 7 days a week.

The reason I raise this point is because the President said a month and a half ago, when he spoke to the Nation and spoke to the Congress: Close this tax break that rewards companies that move their jobs overseas.

My position is not antibusiness. I want American businesses to succeed. I want them to make profits and create jobs. I just want an understanding that trade agreements must be fair agreements in order for us to compete. I will give an example.

This is an example of automobiles in Korea. Ninety-eight percent of the automobiles driven on the streets of South Korea are made in South Korea. Is that an accident? Of course not. That is exactly the way the Koreans want it. They want to ship Korean cars to be sold in America, but they don't want American cars to be sold in Korea. That has always been their position. The same is true with China.

We now have an agreement with China by which, in the next couple years, we will have a massive influx of cheap Chinese goods coming into this country in the form of automobiles. They probably want me to say less expensive automobiles from China. We have an agreement that when Chinese automobiles come here, we will impose a 2.5-percent tariff. If we ship cars to China, they will impose a 25-percent tariff, and we agree to that. That is fundamentally ignorant of our economic interests. Those are the kinds of issues we have to address.

If we care about jobs, we need to do two things: One, work on the legislation of the type we are working on. Senator REID, Senator DURBIN, myself, and others have worked very hard on legislation to try to incentivize the creation of new jobs in our country. We passed a bill about a week and a half ago and passed another bill today that is job creating. That is the faucet. We are trying to turn the faucet on to put jobs into this tub here. The problem is, the drain is wide open and we have jobs moving out just as aggressively. We have to plug the drain by saying: Trade matters, fair trade matters most. You must stand for the interests of good jobs that pay well in America. That is a fact.

I will speak more about this issue at another time. I did wish to say I filed the amendment on the bill we finished today and was not able to call it up, as was the case with many amendments. I intend to file it again on another bill. I hope very much we will get a vote on it, and I hope, when we get a vote on it, that given the things I just described that are happening to jobs in America, given the fact the President has said let us at least plug this unbelievably pernicious, ill-advised tax break for companies that ship jobs overseas, let's at least get that done. Let's try to save some jobs in this country. If we can do that, we will have done something very significant for the people who awaken in the morning jobless and who hope to find work at some future date as we restart the engine and start putting American workers back on the payroll again.

I yield the floor.

SMEARING OF JUSTICE DEPARTMENT ATTORNEYS

Mr. LEAHY. Mr. President, it saddens and concerns me that another line has been crossed, moving us further toward partisan excess and incivility. I refer to the calculated, political campaign-style attacks on the loyalty and patriotism of honorable Department of Justice attorneys over the past few weeks.

Self-restraint is a crucial but often neglected value in our democracy. Just because a political attack that can put ''points'' on the board is possible, does not make it right. Misleading appeals to fear, like this one, are corrosive to our system and to the rule of law.

Just as President Lincoln said of leadership generally, we must appeal to our better angels, not to fear and suspicion. Those who have megaphones

made possible by millions of dollars, and who use them to shape public opinion, must lead responsibly and constructively.

Walter Dellinger, a distinguished attorney with a long record of public service, tells from personal experience the story of one attorney who is being smeared in these attacks. The glimpse he offers into this issue is so clear and compelling that I will have printed in the RECORD the full text of his piece, which appeared in the Washington Post on March 5.

This attack is not about transparency, nor about some purported conflict of interest. The Department of Justice set that canard to rest with its February 18 letter. This is about a partisan and personal attack. Many of the forces that have been defending John Yoo and other Bush-Cheney administration lawyers are the very ones seeking to smear these Justice Department attorneys. It is shameful. These American lawyers did what they are supposed to do, and what American lawyers have always done—provide legal counsel no matter what the charge or how unpopular the person. That is what John Adams did when he defended the British. This dedication deserves thanks, not reproach. The military and civilian lawyers who have previously accepted the difficult task of providing representation to individuals who have been detained by the United States in terrorism cases did no wrong and do not deserve this. Ted Olsen and Ken Starr, lawyers from the Reagan and Bush administrations, know that and agree. It is saddening and wrong that shallow partisan operatives would sink so low.

I ask unanimous consent that copies of the Justice Department letter and articles and editorials be printed in the RECORD.

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

[From the Washington Post, Mar. 9, 2010]

'AL-QAEDA 7' SMEAR CAMPAIGN IS AN ASSAULT ON AMERICAN VALUES

(By Eugene Robinson)

The word ''McCarthyism'' is overused, but in this case it's mild. Liz Cheney, the former vice president's ambitious daughter, has in her hand a list of Justice Department lawyers whose ''values'' she has the gall to question. She ought to spend the time examining her own principles, if she can find them.

A group that Liz Cheney co-chairs, called Keep America Safe, has spent the past two weeks scurrilously attacking the Justice Department officials because they ''represented or advocated for terrorist detainees'' before joining the administration. In other words, they did what lawyers are supposed to do in this country: ensure that even the most unpopular defendants have adequate legal representation and that the government obeys the law.

Liz Cheney is not ignorant, and neither are the other co-chairs of her group, advocate Debra Burlingame and pundit William Kristol, who writes a monthly column for The Post. Presumably they know that ''the American tradition of zealous representation of unpopular clients is at least as old as John Adams' representation of the British soldiers charged in the Boston Massacre''—in other words, older than the nation itself.

That quote is from a letter by a group of conservative lawyers—including several former high-ranking officials of the Bush-Cheney administration, legal scholars who have supported draconian detention and interrogation policies, and even Kenneth W. Starr—that blasts the ''shameful series of attacks'' in which Liz Cheney has been the principal mouthpiece. Among the signers are Larry Thompson, who was deputy attorney general under John Ashcroft; Peter Keisler, who was acting attorney general for a time during George W. Bush's second term; and Bradford Berenson, who was an associate White House counsel during Bush's first term.

''To suggest that the Justice Department should not employ talented lawyers who have advocated on behalf of detainees maligns the patriotism of people who have taken honorable positions on contested questions,'' the letter states.

But maligning is apparently the whole point of the exercise. The smear campaign by Cheney, et al., has nothing to do with keeping America safe. It can only be an attempt to inflict political damage on the Obama administration by portraying the Justice Department as somehow ''soft'' on terrorism. Even by Washington's low standards, this is unbelievably dishonest and dishonorable.

''Whose values do they share?'' a video on the group's Web site ominously asks. The answer is obvious: the values enshrined in the U.S. Constitution.

The most prominent of the nine Justice officials, Principal Deputy Solicitor General Neal Katyal, represented Osama bin Laden's driver, Salim Hamdan, in a case that went to the Supreme Court. In a 5–to–3 decision, the court sided with Hamdan and ruled that the Bush administration's military tribunals were unconstitutional. Are Liz Cheney and her pals angry that Katyal was right? Or do they also question the ''values'' and patriotism of the five justices who voted with the majority?

The letter from the conservative lawyers points out that ''in terrorism detentions and trials alike, defense lawyers are playing, and will continue to play, a key role.'' It notes that whether terrorism suspects are tried in civilian or military courts, they will have access to counsel—and that Guantanamo inmates, even if they do not face formal charges, have a right to habeas corpus review of their detention. It is the federal courts—not defense lawyers—that have made all of this crystal clear. If Cheney and her group object, they should prepare a blanket denunciation of the federal judiciary. Or maybe what they really don't like is that pesky old Constitution, with all its checks, balances and guarantees of due process. How inconvenient to live in a country that respects the rule of law.

But there I go again, taking the whole thing seriously. This is really part of a death-by-a-thousand-cuts strategy to wound President Obama politically. The charge of softness on terrorism—or terrorist suspects—is absurd; Obama has brought far more resources and focus to the war against al-Qaeda in Afghanistan than the Bush-Cheney administration cared to summon. Since Obama's opponents can't attack him on substance, they resort to atmospherics. They distort. They insinuate. They sully. They blow smoke.

This time, obviously, they went too far. But the next Big Lie is probably already in the works. Scorched-earth groups like Keep America Safe may just be pretending not to understand our most firmly established and cherished legal principles, but there is one thing they genuinely don't grasp: the concept of shame.

[From the New York Times, Mar. 7, 2010]

ARE YOU OR HAVE YOU EVER BEEN A LAWYER?

In the McCarthy era, demagogues on the right smeared loyal Americans as disloyal and charged that the government was being undermined from within.

In this era, demagogues on the right are smearing loyal Americans as disloyal and charging that the government is being undermined from within.

These voices—often heard on Fox News—are going after Justice Department lawyers who represented Guantánamo detainees when they were in private practice. It is not nearly enough to say that these lawyers did nothing wrong. In fact, they upheld the highest standards of their profession and advanced the cause of democratic justice. The Justice Department is right to stand up to this ugly bullying.

Senator Charles Grassley, Republican of Iowa, has been pressing Attorney General Eric Holder Jr. since November to reveal the names of lawyers on his staff who have done legal work for Guantánamo detainees. The Justice Department said last month that there were nine political appointees who had represented the detainees in challenges to their confinement. The department said that they were following all of the relevant conflict-of-interest rules. It later confirmed their names when Fox News figured out who they were.

It did not take long for the lawyers to become a conservative target, branded the ''Gitmo 9'' by a group called Keep America Safe, run by Liz Cheney, daughter of former Vice President Dick Cheney, and William Kristol, a conservative activist (who wrote a Times Op-Ed column in 2008). The group released a video that asks, in sinister tones, ''Whose values do they share?''

On Fox News, Ms. Cheney lashed out at lawyers who ''voluntarily represented terrorists.'' She said it was important to look at who these terrorists are, including Salim Ahmed Hamdan, who had served as Osama bin Laden's driver. Let's do that.

Mr. Hamdan was the subject of a legal battle that went all the way to the Supreme Court. Ms. Cheney conveniently omitted that the court ruled in favor of his claim that the military commissions system being used to try detainees like him was illegal. Republican senators then sponsored legislation to fix the tribunals. They did not do the job well, but the issue might never have arisen without the lawyers who argued on behalf of Mr. Hamdan, some of whom wore military uniforms.

In order to attack the government lawyers, Ms. Cheney and other critics have to twist the role of lawyers in the justice system. In representing Guantánamo detainees, they were in no way advocating for terrorism. They were ensuring that deeply disliked individuals were able to make their case in court, even ones charged with heinous acts—and that the Constitution was defended.

It is not the first time that the right has tried to distract Americans from the real issues surrounding detention policy by attacking lawyers. Charles Stimson, the deputy assistant secretary of defense for detainee affairs under George W. Bush, urged corporations not to do business with leading law firms that were defending Guantánamo detainees. He resigned soon after that.

If lawyers who take on controversial causes are demonized with impunity, it will be difficult for unpopular people to get legal representation—and constitutional rights that protect all Americans will be weakened. That is a high price to pay for scoring cheap political points.

[From the Washington Post, Mar. 5, 2010]

A SHAMEFUL ATTACK ON THE U.S. LEGAL SYSTEM

(By Walter Dellinger)

It never occurred to me on the day that Defense Department lawyer Rebecca Snyder and Lt. Cmdr. William Kuebler of the Navy appeared in my law firm's offices to ask for our assistance in carrying out their duties as military defense lawyers that the young lawyer who worked with me on that matter would be publicly attacked for having done so. And yet this week that lawyer and eight other Justice Department attorneys have been attacked in a video released by a group called Keep America Safe (whose board members include William Kristol and Elizabeth Cheney) for having provided legal assistance to detainees before joining the department. The video questions their loyalty to the United States, asking: ''DOJ: Department of Jihad?'' and ''Who are these government officials? . . . Whose values do they share?''

Here, in brief, is the story of one of those lawyers.

In June 2007, I was at a federal judicial conference when I received an urgent message to call the Defense Department. The caller was Lt. Cmdr. Kuebler, a uniformed Navy officer who had been detailed to the Office of Military Commissions. As part of his military duties, Kuebler had been assigned to represent Omar Khadr, a Guantanamo detainee who was to be tried before a military commission. Kuebler told me that the U.S. Supreme Court had agreed that day to review the case of another detainee who had been a part of the same lower court proceeding as Khadr. Because Kuebler's client had not sought review at the Supreme Court, this situation raised some complex questions of court practice with which Kuebler was unfamiliar. Kuebler's military superior suggested he call me and ask whether I could assist him in analyzing the applicable Supreme Court rule.

It was a Friday night. I called Karl Thompson, a lawyer at my firm who had previously been a Supreme Court law clerk, and asked whether he could look into the question over the weekend. I told Thompson that the military lawyers assigned to these cases had a very burdensome workload and that it seemed that Kuebler could really use our help. Even though Thompson was extremely busy with other work at the firm, he said he would somehow find time for this as well.

Over the next several months, Thompson (in addition to his other firm work) provided assistance to Kuebler and his Defense Department colleague in their briefing before the Supreme Court and, in Khadr's case, the lower courts. Khadr's case raises important questions, including the legal status of juvenile detainees (he was 15 years old at the time of capture). In 2009, Thompson left our firm to join the Office of Legal Counsel at the Justice Department.

Thompson's assistance to the military officers who had been assigned to Khadr's case seemed to me to be not only part of a lawyer's professional obligation but a small act of patriotism as well. The other Justice Department lawyers named in this week's attack came to provide assistance to detainees in a number of ways, but they all deserve our respect and gratitude for fulfilling the professional obligations of lawyers. This sentiment is widely shared across party and ideological lines by leaders of the bar. As former Solicitor General Ted Olson wrote in response to previous attacks on detainee lawyers, ''The ethos of the bar is built on the idea that lawyers will represent both the popular and the unpopular, so that everyone has access to justice. Despite the horrible Sept. 11, 2001, attacks, this is still proudly held as a basic tenet of our profession.''

That those in question would have their patriotism, loyalty and values attacked by reputable public figures such as Elizabeth Cheney and journalists such as Kristol is as depressing a public episode as I have witnessed in many years. What has become of our civic life in America? The only word that can do justice to the personal attacks on these fine lawyers—and on the integrity of our legal system—is shameful. Shameful.

TRIBUTE TO JAKE BURTON

Mr. LEAHY. Mr. President, I am pleased to have the opportunity to honor a dear friend and true entrepreneur, Jake Burton. As founder and owner of Burton Snowboards, a company whose name has become synonymous with the successes of this popular winter sport, Jake Burton has built an empire from the ground up starting, first in his Londonderry, VT, garage. His is a true tale of perseverance and triumph over obstacles great and small; where others saw only insurmountable challenges, Jake saw possibility.

As a young man starting out with a vision, Jake sought to set the world of winter sports on fire. He did so in true Vermont fashion, paying personal visits to ski areas hesitant to embrace snowboarding. To this day, Jake makes a point of personally testing each of his products on the slopes before putting them on the market. His commitment to quality and his investment in his employees continues to pay off. Jake recognizes the value of a homegrown company and takes nothing for granted. His competitive edge and style set him apart from the others in his line of work and serve him well as he continues to define the future of snowboarding. Marcelle and I have been fortunate to call Jake and his wife Donna our friends for many years. They are admirable Vermonters and examples of how the pursuit of a dream through honest hard work is still the cornerstone of American business.

On February 15, 2010, the Burlington Free Press published an article entitled ''Jake Burton: Chairman of the (snow)Board'' about Jake's career. I ask unanimous consent that the text of this article be printed in the RECORD.

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

[From the Burlington Free Press, Feb. 15, 2010]

JAKE BURTON: CHAIRMAN OF THE (SNOW)BOARD

(By Bruce Horovitz, USA Today)

His office has no desk. No inbox. Not even a wastebasket.

But it does have a sprawling wooden table for mounting bindings onto snowboards, a sofa the size of a small living room and a golden retriever named Maia, who's made the couch her bed.

This is Jake Burton's life—a major cool one.

As the founder, cultural guru and chief prankster of the world's largest snowboard company—and the guy who almost single-handedly turned snowboarding into a multi-billion-dollar sport—he's got a lot to do. Like snowboard 100 days a year. And surf for another 50, or so.

His mountaintop home in Stowe has an a outdoor hockey rink, an indoor soccer field and a two-story treehouse with electricity.

With the Winter Olympics under way in Vancouver, Burton will soon join his team of Olympic snowboarders there and probably cause a Burton-esque ruckus.

For one thing, the competition uniform Burton's company designed for the U.S. snowboard team is raising eyebrows before the torch is even lit. It's made from high-tech, waterproof Gore-Tex material—but looks like a pair of ripped blue jeans and a loose flannel shirt. Not necessarily what buttoned-up Olympic officials had in mind.

''That the outfit has created a controversy is fitting,'' says Burton, 55, with a trademark smirk. ''If it's unpatriotic, you should throw everyone wearing blue jeans and flannel shirts out of the country.''

Still, the ride has been bumpy lately in snowboard land. The sport of free spirits is under greater scrutiny since 22-year-old Kevin Pearce, one of its stars and a Burton rider, was almost killed in an accident while training for the Olympics.

Even as Pearce heals, other problems for Burton's company—and for all winter snowsports businesses in this economy—are festering.

Sales of winter sports equipment fell 8 percent last year, and orders for 2010 are down 25 percent, reports the SnowSports Industries America trade group. By one estimate, nearly 10 small snowboard shops went belly-up every week in 2009. Although ski resort visits were up slightly overall for the 2008–2009 season, several regions suffered steep declines, and many resorts built visits with specials and discounted lift tickets.

TOUGH YEAR

Burton Snowboards, the industry kingpin, saw sales fall by double-digits last year and had to take the unusual step of laying off nearly 20 of its roughly 1,000 employees last March. The company announced last week it was laying off 15 more from its Burlington facility.

''Nothing like a tough year to make you forget how far Burton has come,'' Burton said.

But even in a tough year, Burton Snowboards' success is impressive. The privately held company holds 40 percent of the world's snowboard market. Sales are not reported, but are believed to reach almost $700 million.

Thanks to diversification into surfing and skateboarding and the opening of several brand stores, Burton could be a $1 billion company within five years. ''I'm not hung up on that number,'' said Burton, whose tousled salt-and-pepper hair and red cheeks are evidence of the morning snowboard run from which he's just returned. ''I'm not the kind of guy who gets up every morning and says, 'We have to get to $1 billion.' ''

Even non-snowboarders are becoming familiar with the brand. The uber-presence of Burton boards and clothing in the 2006 Winter Games earned it an estimated $33 million in free exposure. The company now makes more money selling apparel, often to folks who've never been on a board, than it makes from snowboard equipment.

But the Olympic participation is more about image than sales, because the Games come at the tail of the season. ''The timing of the Olympics from a business perspective is awkward,'' he says. ''You're not affecting consumer buying in mid-February.''

Viewers who go gaga over the team's tattered-blue-jean look won't be able to buy it. ''It would not be our style to sell Olympic uniforms,'' Burton said. ''We, as a company, are not about uniforms.''

What Burton, the company, is about is ''cool.'' While the company is as synonymous

with snowboarding as Kleenex is with tissue, the hard part is staying cool. It helps, Burton said, that Burton Snowboards' decisions aren't dictated by Wall Street, ''but are made by a guy and his family who snowboard 100 days a year.''

His leadership style includes traits such as:

He can't stand losing. Terje Haakonsen, a Burton athlete widely regarded as the world's top snowboarder, says Burton constantly challenges him at everything from snowboarding to swimming. ''Jake just doesn't want to lose,'' he says.

He can't stand shoddy quality. During his 100 days of snowboarding, Burton isn't goofing off. He tests most of the company's equipment—from boards to gloves—before it goes to market, and he makes detailed notes on index cards. Designers wince when they receive one of the cards, Burton's CEO Laurent Potdevin said. ''He has no patience for anything that jeopardizes the riding experience.''

He can't stand boredom. One morning five years ago at a sales meeting in New Zealand, Burton asked Dave Downing, who does outside marketing for Burton, if he was up for surfing and boarding—the same day. The two sneaked out of the meeting and took a chartered helicopter to a beach to surf then to a mountain to snowboard.

He can't stand leaving things alone. Burton will test any product the design team sends him, says Chris Doyle, who oversees product development. He was the first—and last—to test pants with an internal fan ventilation system controlled by a pocket switch. He gave the all-clear to a glove, a hot seller this year, that comes with a beer-can holder. Even after designers work months on new products, Burton has turned them upside-down—or even nixed them—based on a suggestion from a teenage boarder on a ski lift.

He can't stand serious. At a recent roundtable with top executives and team riders, Burton broke it into ''a no-holds-barred wrestling match,'' said Greg Dacyshyn, company creative director. ''Jake will take on anyone at anything.''

He can't stand still. Shaun White, the Burton rider who is an Olympic gold medalist and one of the U.S. team's great hopes in Vancouver, says there's no stopping Burton on a slope. ''When he's in the trees, he does ripping turns. He's a wild man.''

He can't stand combs. Jake's wife, Donna, who helps run the company and has been married to Jake for 22 years since meeting him at a ski resort bar, remembers her mother's comment after first meeting him: ''I don't think he combs his hair.''

INAUSPICIOUS BEGINNING

That he got this far in business surprises no one more than the guy who was born Jake Burton Carpenter, but goes by just Jake Burton. ''I was a punk. I got kicked out of boarding school at 15.''

For one thing, he was a self-described ''loser'' in shop class. But wanting to improve the design of ''Snuffer'' snowboards that were briefly popular when he was a kid, he made a new kind of board in his Londonderry, Vt., garage.

He created his first business plan to sell snowboards on an index card. He figured if he could make and sell 50 boards a day, he'd be rich. He sold just 350 the entire first year and ran up debt that nearly wiped him out.

But when he sold 700 boards the next year, he decided he was onto something. Until the next setback, that is. His bank cut off financing in 1984 when its executives decided snowboarding was a passing fad.

He persevered, becoming a one-man cheerleading squad. He visited hundreds of ski hills that had banned snowboarding, trying to coax reluctant resort owners into allowing it. Many equated snowboarding with rowdiness, or worse. But one by one, they relented.

''He took on all the ski resorts,'' said John Horan, publisher of Sporting Goods Intelligence newsletter. ''He's absolutely the father of the sport.''

The sport has become so big that Burton Snowboards has attracted acquisition interest from the sportswear giants. Burton won't say who and insists, ''Everybody knows that Burton is not for sale.''

The headquarters is in an industrial area here, a funky building that looks more like a winter playground than a workplace. There's a snowboarding park out front—with jumps. Employees are free to use it at any time. Many workers are accompanied by their dogs—they are encouraged to bring them to work. Employees can warm up with company-supplied coffee or hot chocolate at a giant, wood-burning fireplace in the lobby.

Each also gets a free season lift pass to a nearby resort. Anytime it snows more than 2 feet, the place shuts down and everyone gets to go boarding.

There are worse things than to work for Jake Burton, but there may not be many better.

95TH ANNIVERSARY OF THE AMERICAN MEDICAL WOMEN'S ASSOCIATION

Mrs. BOXER. Mr. President, I take this opportunity to recognize the 95th anniversary of the American Medical Women's Association, AMWA. AMWA is the Nation's oldest and largest multispecialty organization for women in medicine.

The American Medical Women's Association was founded in 1915 in Chicago by Dr. Bertha Van Hoosen. At the time, women physicians were a minority, representing only 5 to 6 percent of all physicians in the United States. With the creation of AMWA, Dr. Van Hoosen intended ''to bring Medical Women into communication with each other for their mutual advantage, and to encourage social and harmonious relations within and without the profession.''

Since its inception 95 years ago, AMWA's membership has grown significantly. With more than 13,000 members today, AMWA has become a strong and trusted voice for women's health and the advancement of women in medicine at the local, national, and international level. For nearly a century, AMWA has empowered its members to be leaders in improving health for all, within a model that reflects the unique perspective of women.

AMWA's members include physicians, residents, medical students, and health care professionals, all of whom are engaged in making a difference in the communities they serve. AMWA's charitable program, the American Women's Hospital Service, has provided international relief for more than 90 years, supporting clinics all over the world. The Journal of Women's Health, AMWA's medical journal, is a trusted resource for research and information on a wide range of women's health issues, and has been cited by the New York Times, Wall Street Journal, US News and World Report, and MSNBC.com. Through its many educational programs, support and mentorship of young women physicians, health care advocacy, and the promotion of excellence in medicine and scientific research, AMWA's members are truly champions for women's health.

Since 1915, the American Medical Women's Association has served as the vision and voice of women in medicine. On its 95th anniversary, I commend the American Medical Women's Association for its tireless efforts to advance women in medicine, and look forward to its many future successes.

NEBRASKA OLYMPIAN

Mr. NELSON of Nebraska. Mr. President, I rise today to congratulate Curt Tomasevicz of Shelby, NE, and his teammates who won the gold medal in the four-man bobsled at the Winter Olympic games in Vancouver, British Columbia, Canada. It was the first gold medal for the United States in this event since the 1948 St. Moritz, Switzerland, games more than 60 years ago.

After blistering the course with back-to-back track records, the U.S. sled only needed to post a solid fourth run to give the United States a gold medal. The Americans made it through the course in 51.52 seconds, resulting in a total time of 3:24.46, 0.38 seconds ahead of second place.

Curt got his start in sports at Shelby High School, where he helped the football team to the State semifinals and was an all-conference pick as both a linebacker and a fullback. After high school, Curt attended the University of Nebraska, where he continued his football career as a Cornhusker.

In 2004, Curt began bobsledding; and just 2 years later, he earned a spot on the U.S. Olympic team competing in Torino, Italy. Since then, he has continued to compete in international bobsledding events and took home a World Cup gold medal in two-man sledding in 2007.

Curt's dedication and hard work is an inspiration to all Nebraskans. He showed what can be accomplished through determination and teamwork. Congratulations, Curt, on your inspiring achievement of Olympic gold. It is a tremendous accomplishment and instills pride in all Nebraska.

ADDITIONAL STATEMENTS

REMEMBERING DORIS HADDOCK

• Mr. FEINGOLD. Mr. President, today I pay tribute to Doris Haddock, who passed away on March 9. Doris was an extraordinary American who showed all of us the meaning of dedication and conviction.

Known to so many of her admirers as Granny D, Doris walked across the country, from California to Washington DC, to push for passage of the

McCain-Feingold bill. That coast-to-coast trek would be a tremendous accomplishment at any age, to be sure, but Doris did it in her 90th year. I had the pleasure of meeting Doris and walking with her through Nashville, TN, many months into her trip. As we walked together through the streets of Nashville, shouts of ''Go, Granny Go'' came from every corner—from drivers in their cars, pedestrians on the sidewalk and construction workers on the job.

It was an honor to walk alongside her on her incredible journey, where she endured so much—intense desert heat, bone-chilling cold, and uncertainty about where she would find shelter along the way. Yet she walked all that way, and as she did she inspired countless Americans to stand up for our democracy. She truly had the courage of her convictions, and that is something she proved with every step she took.

I will always be proud to have had Doris's support for the Bipartisan Campaign Reform Act. Doris and Americans like her made all the difference as we worked to ban soft money and curb the power of wealthy interests in our democracy. And it turned out that with her walk across the country, Doris was just getting started. She continued to work as a dedicated activist, wrote books and, at age 94, ran for the Senate in her home state of New Hampshire. Her energy and determination, at an age that most of us can only hope to reach, were truly incredible.

After I sent Doris a letter on her 100th birthday in January, I received a very kind note from her in response. In it she said that she was ''working on plans for the future,'' which I thought was an absolutely wonderful thing to say at such an advanced age. Doris was very unhappy with the Supreme Court's decision in the Citizens United case, and that was going to be a focus of her formidable energy going forward. After a century, Doris seemed to be just getting started, and that was one of the many wonderful qualities that brought her so many fans and admirers. In the wake of the Supreme Court's decision allowing corporate cash to flood our elections, we will remember her efforts as we fight to ensure all Americans are heard on election day, not just the rich and powerful.

My thoughts today are with Doris's family, and all who were lucky enough to know her. Our country is a better place because Doris Haddock was constantly working on plans for the future, and on ways to build a better future for our country. I am personally deeply grateful for her many efforts, and I am proud to pay tribute to her memory today.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED ON MARCH 15, 1995, WITH RESPECT TO IRAN—PM 49

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication stating that the emergency declared on March 15, 1995, is to continue in effect beyond March 15, 2010.

The crisis between the United States and Iran resulting from actions and policies of the Government of Iran that led to the declaration of a national emergency on March 15, 1995, has not been resolved. The actions and policies of the Government of Iran are contrary to the interests of the United States in the region and pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and maintain in force comprehensive sanctions against Iran to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, *March 10, 2010*.

MESSAGES FROM THE HOUSE

At 9:33 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4547. An act to designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the ''Captain Luther H. Smith, U.S. Army Air Forces Post Office''.

H.R. 4624. An act to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the ''SPC Nicholas Scott Hartge Post Office''.

The message also announced that pursuant to section 301 of the Congressional Accountability Act of 1995 (2 U.S.C. 1381), as amended by Public Law 111–114, the Speaker and Minority Leader of the House of Representatives, with the Majority and Minority Leaders of the United States Senate, jointly reappoint the following private individuals each to a 5-year term on the Board of Directors of the Office of Compliance: Mr. Alan V. Friedman of California, Ms. Susan S. Robfogel of New York, and Ms. Barbara Childs Wallace of Mississippi; and jointly designate as Chair, Ms. Barbara L. Camens of Washington, D.C.

At 12:26 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4786. An act to provide authority to compensate Federal employees for the 2-day period in which authority to make expenditures from the Highway Trust Fund lapsed, and for other purposes.

At 1:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4783. An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated.

ENROLLED BILL SIGNED

At 6:48 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3433. An act to amend the North American Wetlands Conservation Act to establish requirements regarding payment of the non-Federal share of the costs of wetlands conservation projects in Canada that are funded under that Act, and for other purposes.

MEASURES REFERRED

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

H.R. 4547. An act to designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the ''Captain Luther H. Smith, U.S. Army Air Forces Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4624. An act to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the ''SPC Nicholas Scott Hartge Post Office''; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3092. A bill to designate the facility of the United States Postal Service located at 5070 Vegas Valley Drive in Las Vegas, Nevada, as the ''Joseph A. Ryan Post Office Building''.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–5021. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Low Pathogenic Avian Influenza; Voluntary Control Program and Payment of Indemnity'' (Docket No. APHIS–2005–0109) received in the Office of the President of the Senate on March 9, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5022. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Honey Packers and Importers Research, Promotion, Consumer Education and Industry Information Order and Suspension of Assessments Under the Honey Research, Promotion, and Consumer Information Order'' (Docket Nos. AMS–FV–06–0176; FV–03–704–FR) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5023. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of the Army (Installations and Environment), received in the Office of the President of the Senate on March 8, 2010; to the Committee on Armed Services.

EC–5024. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of the Army (Civil Works), received in the Office of the President of the Senate on March 8, 2010; to the Committee on Armed Services.

EC–5025. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of General Counsel of the Department of the Army, received in the Office of the President of the Senate on March 8, 2010; to the Committee on Armed Services.

EC–5026. A communication from the General Counsel of the Department of Defense, transmitting a legislative proposal relative to the National Defense Authorization Bill for fiscal year 2011, received in the Office of the President of the Senate on March 8, 2010; to the Committee on Armed Services.

EC–5027. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Native American Graves Protection and Repatriation Act Regulations—Disposition of Culturally Unidentifiable Human Remains'' (RIN1024–AD68) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Energy and Natural Resources.

EC–5028. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Safe Harbor Failed Section 1031 Exchanges'' (Rev. Proc. 2010–14) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Finance.

EC–5029. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Researcher Identification Card'' (RIN3095–AB59) received in the Office of the President of the Senate on March 9, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–5030. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Annual Report of the Administration of the Government in the Sunshine Act for Calendar Year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–5031. A communication from the Federal Communications Commission, transmitting, pursuant to law, the Commission's fiscal year 2009 Annual Performance Report; to the Committee on Homeland Security and Governmental Affairs.

EC–5032. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a legislative proposal relative to implementation of important international agreements concerning nuclear terrorism and nuclear materials; to the Committee on the Judiciary.

EC–5033. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a legislative proposal relative to implementation of treaties concerning maritime terrorism and the maritime transportation of weapons of mass destruction; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 443. A bill to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes (Rept. No. 111—161).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

Patrick K. Nakamura, of Alabama, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2010.

Patrick K. Nakamura, of Alabama, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2016.

Gary Blumenthal, of Massachusetts, to be a Member of the National Council on Disability for a term expiring September 17, 2010.

Chester Alonzo Finn, of New York, to be a Member of the National Council on Disability for a term expiring September 17, 2012.

Sara A. Gelser, of Oregon, to be a Member of the National Council on Disability for a term expiring September 17, 2011.

Ari Ne'eman, of Maryland, to be a Member of the National Council on Disability for a term expiring September 17, 2012.

Dongwoo Joseph Pak, of California, to be a Member of the National Council on Disability for a term expiring September 17, 2012.

Carol Jean Reynolds, of Colorado, to be a Member of the National Council on Disability for a term expiring September 17, 2010.

Fernando Torres-Gill, of California, to be a Member of the National Council on Disability for a term expiring September 17, 2011.

Jonathan M. Young, of Maryland, to be a Member of the National Council on Disability for a term expiring September 17, 2012.

Gwendolyn E. Boyd, of Maryland, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring August 11, 2014.

Peggy Goldwater-Clay, of California, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring June 5, 2012.

Sharon L. Browne, of California, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13 , 2010.

Charles Norman Wiltse Keckler, of Virginia, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2010.

Victor B. Maddox, of Kentucky, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13 , 2010.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BENNETT:

S. 3096. A bill to prevent an economic disaster by providing budget reform; to the Committee on the Budget.

By Mr. WICKER:

S. 3097. A bill to correct an error in the enrollment of the Consolidated Appropriations Act, 2010; to the Committee on Commerce, Science, and Transportation.

By Mr. MERKLEY (for himself, Mr. LEVIN, Mr. KAUFMAN, Mr. BROWN of Ohio, and Mrs. SHAHEEN):

S. 3098. A bill to prohibit proprietary trading and certain relationships with hedge funds and private equity funds, to address conflicts of interest with respect to certain securitizations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. RISCH (for himself and Mr. CRAPO):

S. 3099. A bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the American Falls Reservoir; to the Committee on Energy and Natural Resources.

By Mr. RISCH (for himself and Mr. CRAPO):

S. 3100. A bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the Little Wood River Ranch; to the Committee on Energy and Natural Resources.

By Mr. TESTER:

S. 3101. A bill to reduce barriers to entry in Federal contracting, and for other purposes;

to the Committee on Homeland Security and Governmental Affairs.

By Mr. MERKLEY (for himself, Mrs. SHAHEEN, Mr. JOHNSON, Mr. LUGAR, Mr. BENNET, and Mr. GRAHAM):

S. 3102. A bill to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. SNOWE:

S. 3103. A bill to help small businesses create new jobs and drive our Nation's economic recovery; 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. BENNET (for himself and Mr. UDALL of Colorado):

S. Con. Res. 53. A concurrent resolution recognizing and congratulating the City of Colorado Springs, Colorado, as the new official site of the National Emergency Medical Services Memorial Service and the National Emergency Medical Services Memorial; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself, Mr. MCCAIN, Mr. KERRY, Mr. MENENDEZ, Mr. DODD, and Mr. LEMIEUX):

S. Con. Res. 54. A concurrent resolution recognizing the life of Orlando Zapata Tamayo, who died on February 23, 2010, in the custody of the Government of Cuba, and calling for a continued focus on the promotion of internationally recognized human rights, listed in the Universal Declaration of Human Rights, in Cuba; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 78

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 78, a bill to amend the Internal Revenue Code of 1986 to provide a full exclusion for gain from certain small business stocks.

S. 557

At the request of Mr. KOHL, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 557, a bill to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes.

S. 582

At the request of Mr. SANDERS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 582, a bill to amend the Truth in Lending Act to protect consumers from usury, and for other purposes.

S. 634

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 653

At the request of Mr. CARDIN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 749

At the request of Mr. COCHRAN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 938

At the request of Ms. LANDRIEU, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 938, a bill to require the President to call a White House Conference on Children and Youth in 2010.

S. 1067

At the request of Mr. FEINGOLD, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1137

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1137, a bill to amend the Elementary and Secondary Education Act of 1965 to establish a Volunteer Teacher Advisory Committee.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1204

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1204, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers, and for other purposes.

S. 1221

At the request of Mr. SPECTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1221, a bill to amend title XVIII of the Social Security Act to ensure more appropriate payment amounts for drugs and biologicals under part B of the Medicare Program by excluding customary prompt pay discounts extended to wholesalers from the manufacturer's average sales price.

S. 1256

At the request of Ms. CANTWELL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1256, a bill to amend title XIX of the Social Security Act to establish financial incentives for States to expand the provision of long-term services and supports to Medicaid beneficiaries who do not reside in an institution, and for other purposes.

S. 1273

At the request of Mr. DORGAN, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1273, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1558

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1558, a bill to amend title 37, United States Code, to provide travel and transportation allowances for members of the reserve components for long distance and certain other travel to inactive duty training.

S. 1584

At the request of Mr. MERKLEY, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1584, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity.

S. 1604

At the request of Ms. KLOBUCHAR, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1604, a bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for eldercare expenses.

S. 1681

At the request of Mr. LEAHY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1681, a bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

S. 1700

At the request of Mr. LUGAR, the name of the Senator from California

(Mrs. FEINSTEIN) was added as a cosponsor of S. 1700, a bill to require certain issuers to disclose payments to foreign governments for the commercial development of oil, natural gas, and minerals, to express the sense of Congress that the President should disclose any payment relating to the commercial development of oil, natural gas, and minerals on Federal land, and for other purposes.

S. 1744

At the request of Mr. SCHUMER, the names of the Senator from Idaho (Mr. RISCH), the Senator from Illinois (Mr. BURRIS) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1744, a bill to require the Administrator of the Federal Aviation Administration to prescribe regulations to ensure that all crewmembers on air carriers have proper qualifications and experience, and for other purposes.

S. 1859

At the request of Mr. ROCKEFELLER, the names of the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2781

At the request of Ms. MIKULSKI, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Minnesota (Mr. FRANKEN), the Senator from Hawaii (Mr. AKAKA), the Senator from South Dakota (Mr. JOHNSON), the Senator from North Dakota (Mr. DORGAN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2781, a bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

S. 2816

At the request of Mr. BUNNING, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2816, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs and to allow the adoption credit to be claimed in the year expenses are incurred, regardless of when the adoption becomes final.

S. 2960

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2960, a bill to exempt aliens who are admitted as refugees or granted asylum and are employed overseas by the Federal Government from the 1-year physical presence requirement for adjustment of status to that of aliens lawfully admitted for permanent residence, and for other purposes.

S. 2994

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2994, a bill to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive 2009 bonuses received from certain major recipients of Federal emergency economic assistance, to limit the deduction allowable for such bonuses, and for other purposes.

S. 3036

At the request of Mr. BAYH, the names of the Senator from Missouri (Mrs. MCCASKILL), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3056

At the request of Mr. WYDEN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3056, a bill to amend the Energy Policy Act of 2005 to repeal a section of that Act relating to exportation and importation of natural gas.

S. 3058

At the request of Mr. DORGAN, the names of the Senator from Idaho (Mr. RISCH) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3095

At the request of Mr. INHOFE, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Idaho (Mr. RISCH), the Senator from Mississippi (Mr. WICKER), the Senator from Idaho (Mr. CRAPO), the Senator from Texas (Mr. CORNYN), the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Massachusetts (Mr. BROWN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. COBURN), the Senator from Nebraska (Mr. JOHANNS), the Senator from Kansas (Mr. ROBERTS), the Senator from Kentucky (Mr. BUNNING), the Senator from Arizona (Mr. KYL), the Senator from South Dakota (Mr. THUNE) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 3095, a bill to reduce the deficit by establishing discretionary caps for nonsecurity spending.

S. RES. 412

At the request of Mrs. GILLIBRAND, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. Res. 412, a resolution designating September 2010 as ''National Childhood Obesity Awareness Month''.

AMENDMENT NO. 3447

At the request of Mr. DEMINT, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of amendment No. 3447 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT:

S. 3096. A bill to prevent an economic disaster by providing budget reform; to the Committee on the Budget.

Mr. BENNETT. Mr. President, as I move around the State of Utah to talk to my constituents, I find, with all of the other specifics they are concerned about, the one thing just about everybody is concerned about is our long-term fiscal situation. They are worried about debt. They are worried about the deficit in this year that is adding to the debt. They say to me: What can we do about it? They listen to the pundits who talk on the air about this particular project or that particular project that sounds outrageous. Many times the projects are, in fact, legitimate, but they make good copy.

I say, if you add up all of these projects together—the good ones and the bad ones—and eliminated them all, you would reduce the Federal deficit by less than 1 percent. Let's talk about where the money lies. Let's talk about where the challenge is. So I present to my constituents a series of charts that I will present here that outline where the challenge is.

One of the things that becomes clear, as we go into this debate, is it is not just our financial situation that is in trouble. The pressures created by our debt are crossing over into the area of national security. We cannot maintain our military or our diplomatic initiatives with the kinds of pressures continually increasing.

So a little bit of history, which I share with my constituents and that I share here as the background for the bill I am introducing today.

This is a very simple pie chart that shows the components of Federal spending back in 1966. I ask my constituents: Why do I pick 1966 as the year to start? Some of them know the answer; some of them do not. But in 1966, mandatory spending constituted 26 percent of the budget, and interest on the national debt another 7 percent. You have to pay the interest on the bonds, so that is mandatory spending as well. So the government is committed for a third of the budget before the Congress ever gets around to appropriating any money.

In 1966, the biggest portion of mandatory spending was Social Security. The combination of Social Security and other mandatory programs, and the interest cost, was one-third of the budget. The other two-thirds was available to the Congress. Of that spending, defense spending was 44 percent of the total. Defense spending, obviously, dominated nondefense discretionary spending.

Where are we today? What has happened in the years since 1966 and today? Here are the components of Federal spending in fiscal 2008. I picked that year, before the tsunami hit us—the financial tsunami that caused the meltdown and all of the problems—as

perhaps a demonstration of what is happening structurally within the budget, not affected by any particular emergency.

Mandatory spending has now grown to 54 percent. Interest costs are from 7 to 8 percent. So the two of them constitute roughly two-thirds of the budget. From 1966 to 2008, mandatory spending now is twice as big in its proportion of the budget than it used to be. Defense spending has shrunk to a half of what it was back in the 1960s, and nondefense discretionary spending is about the same.

All right. Now back to the question: Why did I pick 1966 as the year to start with? Because that is the year the Federal Government got into the medical business and enacted Medicare. Since then, we have added Medicaid. So today, when you talk about mandatory spending, Social Security is no longer the dominant factor. It is a combination of Social Security, Medicare, and Medicaid.

I will leave aside the issue of the value of those programs. I am just talking about the money we are spending here. Today, as we argue over congressional spending, we only have a third of the budget to talk about, and half of that, roughly, is defense spending.

Let's go to fiscal year 2009. Mandatory spending has grown to 59 percent. The interest cost is 5 percent. Defense will have shrunk, nondefense will have shrunk. The reason the interest costs are shrinking is because we are borrowing money at a lower rate by virtue of the things that have happened with the financial tsunami.

But now let's go out 10 years to 2020 and see where we will be. In 10 years, mandatory spending will have grown to 58 percent. The interest costs will have grown to 13 percent, and defense and nondefense together will constitute only 30 percent. If defense is shrunk to 15 percent of the budget, it begins to bite very seriously into America's role in national security around the world.

One author I have looked at who has talked about America's role in the world in a very thoughtful way looks ahead to this, and he says the greatest threat to America's position in the world is not China, it is not India, it is not North Korea. It is Medicare. The greatest threat to America's ability to sustain itself and its national security is coming from the growth of mandatory spending.

If we spend all of our time arguing over those tiny things that make good copy in newspapers and on television and do not address this inexorable growth, we will discover that the Congress has become irrelevant. Three-fourths of the budget of Congress will already be spent before the Congress even meets, and only one-fourth will be left for us to talk about, and that one-fourth will have to include our spending for national security, and you will see how everything else will get squeezed out.

I had that hit me directly as we had the debate last year on the budget resolution for fiscal year 2010. Standing at this very place, I looked down at the bill that was presented and sitting here on a podium, and it projected Federal revenues for fiscal year 2010 at $2.2 trillion—down because of the challenges we had with the economic meltdown. Then on the next page it said: mandatory spending, $2.2 trillion. That meant everything we do in government in fiscal year 2010, other than mandatory spending—the Defense Department, the war in Afghanistan, the FAA which controls the airplanes, the national parks, our embassies overseas, the FBI, all of our law enforcement, the border security—everything, every single dime we spend in government, other than mandatory spending, in fiscal year 2010 had to be borrowed. We did not have a single dime of tax revenue available to pay for anything in government because it was all taken up in mandatory spending.

All right. What does this do to us long term as a nation?

People keep talking about the national debt and how it is growing and growing and growing. Actually, the national debt has not been growing and growing and growing over the years. Here is a chart that shows the national debt measured in the way it should be measured, as a percentage of the gross domestic product, the size of the national debt with respect to the size of the economy.

To illustrate why this is the way to do it—I have often used this example on the Senate floor—I ran a company before I came here. When I became the CEO of that company it was very small. It had a debt of $75,000. When I stepped down to retire prior to running for the Senate, the debt was $7.5 million. One might say: Well, BOB BENNETT, you are not a very good manager if you ran the debt up from $75,000 to $7.5 million. Then you look at the debt the way you should look at it.

At the time I became the CEO of that company, they were doing under $300,000 a year in total revenue. They had no margin at all. Every dime they took in, in revenue, was eaten up with costs, and they could not make the payments on the $75,000 debt. The $75,000 debt threatened the survival of the company. When we had a $7.5 million debt, the company was doing over $80 million in business, and we had a 15-percent margin on sales. We were earning more per year than the whole debt we had, and the only reason we didn't pay it off is because we had some prepayment penalties built into the mortgages we had established. So I wasn't such a bad steward after all, if you make the measure totally on the basis of the size of the debt. I was a good steward if you make it on the measure of the debt in relationship to the size of the enterprise.

That is what this chart shows: the national debt as a percentage of the size of the enterprise, to use business terms; in this case, the size of the economy.

We see that just after the Second World War our national debt was well over 100 percent of GDP, and in the two decades after the Second World War, we come from 1945 to 1965, the debt had shrunk from over 100 percent of GDP to close to 30 percent of GDP. Even though it was going up in nominal dollars, it was coming down as a percentage because the economy was growing so rapidly. Then, once again, we add to our entitlement spending, we add Medicare, and we see this is the trough. It begins to grow and it begins to grow.

When we get to the end of the Cold War, it turns down again because of two things: No. 1, our defense spending goes down and the economy booms. We get tremendous growth as a result of the end of the Cold War. It was at 46.9 percent when Medicare and Medicaid got started, and not much different in 1989 by the end of the Cold War, 53.1 percent. This shows the historic level it has been.

OK. Now, this is the history, and the blue line shows the projections that the Obama administration has given us as to what will happen under their spending plan. One thing we know about projections is that they are always wrong. We don't know whether they are wrong on the high side or the low side, but we know they are always wrong. What usually happens is that the projections are always optimistic and circumstances come in with a result that is less than we had hoped for.

So if we take this as an optimistic projection, we are saying when we get to 2020, which is only a decade away—only 10 years away—the national debt will be back up very close to what it was at the end of the Second World War. That is unacceptable. Everyone in this Chamber knows that entitlement spending is the driving force behind all of this. Everyone in this Chamber knows shaving back a little on this program or cutting out a particular grant on another program will have no real impact on this if we don't have the courage to deal with entitlement spending.

So today I am introducing a bill to deal with entitlement spending. I have no illusions that it is going to pass in this Congress, but I wish to lay it down so we at least have a marker from which to begin. I have already done that with Social Security.

Several years ago, when I was chairman of the Joint Economic Committee, I held a series of hearings on Social Security and discovered that we can indeed solve the Social Security problem. We can move numbers around a little and say to everyone who is currently drawing Social Security: You will continue to draw Social Security throughout your lifetime, adjusted for inflation. Nothing will happen to it. Furthermore, your children can draw the same level of Social Security benefits that you draw adjusted for inflation through their lifetimes without any

danger to it, and their children can draw Social Security throughout their lifetimes at exactly the same level adjusted for inflation, without a tax increase.

How is that possible? The way it is possible is to say we are only going to allow Social Security benefits to grow as rapidly as inflation grows. We already have built into the program that we are going to pay Social Security plus inflation, plus a nice little kicker along the way. That nice little kicker along the way over 10 years, and then 20 years, then 30 years pretty soon gets us into the kind of trouble I have described. If we say, no, we will allow it to grow with respect to inflation, but we will not allow it to grow any more rapidly than that, then the kind of thing that happened here can happen again. As the economy grows more rapidly than the inflation rate, we will see the national debt begin to come down, we will see the pressure on national security begin to ease, and we will see the great concern that Americans have about the financial situation begin to be addressed in the way it was addressed in the years after the Second World War.

I am not saying we abolish entitlement programs. There are some of my constituents who say that is the thing to do: just abolish Medicare; abolish Social Security. I say, yes, we want to abolish these things but keep the taxes because that is what we would have to do if we are going to get the financial circumstance we like. No, over time, we can do this without abolishing these programs, but we have to see to it they do not grow.

So here is what my bill will do. It will control the growth of entitlement spending by reinstating spending limits and saying entitlement programs cannot grow at a rate faster than the inflation rate. That will mean to the future Congresses, if they adopt this bill: OK, we can still spend for Medicare, we can still spend for Medicaid, we can still do Social Security, but we can't add things to it in such a way that will cause it to grow more rapidly than inflation, No. 1. No. 2, do the same thing with all nondefense discretionary spending. We will allow it to grow each year in accordance with the inflation rate, but we will not allow increases in nondefense discretionary spending more rapidly than the inflation rate. Then, No. 3, enforce the spending caps with automatic spending reductions and budget points of order, the details of the kind of thing we get into around here all the time.

The bill is very simple, very straightforward, but it gives the kind of direction that many of the solutions that have been proposed around here don't do. Many of the solutions we have around here sound great, and they are very complicated—this point of order lies here, and that situation there—but, overall, we are turning our backs on two-thirds of the Federal spending. We say we would not address them because these programs are popular, and we don't want to offend the voters by saying something has to be done with the most popular programs in America.

I find the voters are saying we have to deal with this. We have to have the courage to deal with it, which means we have to have the courage to deal with entitlement spending and not just focus on nondefense discretionary spending.

The final thing my bill will do is to prohibit the creation of any new mandatory spending programs, which is, again, part of the problem we have had.

I close by repeating a question I ask my constituents as I am making this presentation to them. I say: How many of you know who Willie Sutton was? Most of my audience is young enough not to know the answer to that question, but there are a few who say Willie Sutton was a bank robber, and that is true. He wasn't a very good bank robber because he kept getting caught. Each time he would serve his sentence and then he would go out after he had been released from prison and he would rob another bank.

Finally, somebody said to him—and this is why we remember Willie Sutton, not for being a bad bank robber but for the comment he made. Somebody said: Willie, why do you keep robbing banks?

He said: Because that is where the money is.

We look at the national debt, we look at the problems we face, and we ask the question: Where is the money? We have to rein in the entitlement spending because that is where the money is. It is two-thirds of the budget now, three-fourths of the budget within 10 years. If we continue to ignore the growth of entitlement spending and focus entirely on the rest of it, that makes good press but not good policy. We will find our financial situation is up here, our national debt will be as high as it was with the percentage of GDP as it was after the Second World War, and our national security will be threatened to the point that our entire posture around the world will be changed, simply because we would not be able to afford it.

It is for that reason that I send to the desk an act that may be cited as the Economic Disaster Prevention Act of 2010 that deals with spending limits on entitlement programs as well as spending limits on discretionary spending, and the prohibition of any new mandatory spending programs.

By Mr. MERKLEY (for himself, Mr. LEVIN, Mr. KAUFMAN, Mr. BROWN of Ohio, and Mrs. SHAHEEN):

S. 3098. A bill to prohibit proprietary trading and certain relationships with hedge funds and private equity funds, to address conflicts of interest with respect to certain securitizations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEVIN. Mr. President, I would like to relay a story that says a great deal about how the worst financial crisis since the Great Depression came to be.

In 2006, a bond trader at Lehman Brothers struck up a conversation with one of the firm's college interns. When the trader asked this intern, who had not yet begun his senior year, what he was doing on his winter vacation, the young man replied that he would be trading derivatives for Lehman. That was a surprise, but the shock came when the intern said the firm had given him $150 million of its own money for this college student to bet on risky derivatives.

Now, one college junior and his $150 million trading account did not bring the entire financial system close to collapse. But it is just this brand of recklessness that led to the need for multibillion-dollar bailouts and to the worst recession in decades, one that has left millions of Americans without a job.

The losses that Lehman and other large financial firms racked up, trading on their own account and not on the behalf of investors, helped build the bonfire that nearly engulfed our entire financial system.

That is why I have joined Senators MERKLEY, KAUFMAN, SHERROD BROWN, and SHAHEEN to introduce the Protect our Recovery Through Oversight of Proprietary Trading Act, or PROP Trading Act. With this legislation, we attempt to rein in some of the reckless practices that led to economic catastrophe, the proprietary trading and hedge-fund operations that lost billions of dollars, caused the collapse of some of our biggest financial institutions, and pushed other major financial firms to the brink of collapse.

This legislation would accomplish several important goals to ensure that the abuses of recent years don't lead to another crisis. It would ban taxpayer insured banks, and their affiliates and subsidiaries, from engaging in proprietary trading that is, trading on their own behalf and not that of their customers. It would ban taxpayer insured banks from investing in or sponsoring hedge funds or private equity funds. Nonbank institutions that are critically important to the systemic health of the financial system, i.e., those that have been deemed ''too big to fail,'' would be subject to new capital requirements and limits on their ability to trade on their own behalf or invest in hedge funds or private equity funds. Federal regulators would set those requirements and limits. And our legislation would prohibit underwriters of asset-backed securities from engaging in transactions that create a conflict of interest with respect to the securities they package and sell.

The reaction of Wall Street has been swift. Proprietary trading, they tell us, was not a large factor in creating the financial crisis. And restrictions on proprietary trading would have no effect in preventing the next crisis.

On both points, they are wrong. Here is why.

While Wall Street claims that proprietary trading was a tiny part of its operations before the crisis, their financial reports during the boom years tell a different story. Firms such as Goldman Sachs and Lehman Brothers earned as much as half their revenue on proprietary trades when markets were booming. Bank of America reported in a 2008 regulatory filing that losses in ''large proprietary trading and investment positions'' had ''a direct and large negative impact on our earnings.'' JP Morgan Chase warned in its 10K filing for 2008 that it held large ''positions in securities in markets that lack pricing transparency or liquidity,'' presumably proprietary positions. Likewise, Goldman Sachs told regulators that the collapse of proprietary asset values ''have had a direct and large negative impact'' on its earnings.

What these firms are saying in the dry, lawyerly language of SEC filings is that they had been betting big, and losing big, and those failed bets had done them serious harm.

How much harm? By August of 2008, according to one estimate, the nation's largest financial firms had suffered $230 billion in losses from proprietary trading. Only a Wall Street trader could dismiss such losses as immaterial; in fact, that total is about one-third the size of the Wall Street rescue package we were forced to approve. Nearly every major financial institution suffered major losses in proprietary trades. Lehman Brothers, whose bankruptcy was a major contributor to the financial crisis, in 2006 derived more than half its revenue from proprietary trades. By 2007, its proprietary holdings totaled $313 billion. But the firm lost $32 billion on such trades in 2007 and 2008, nearly double the value of the firm's common equity. Bear Stearns collapsed and was bought by JP Morgan Chase with federal aid in large part because of the collapse of its hedge funds. Morgan Stanley, JP Morgan Chase, Merrill Lynch, Goldman Sachs, each suffered major losses as a result of the risky bets they placed on securities that plummeted in value.

There also is a need to prevent financial institutions that create asset-backed securities from engaging in transactions connected to those securities that present a conflict of interest. As has been widely reported, some institutions at the height of the boom in asset-backed securities were creating these securities, selling them to investors, and then placing bets that their product would fail. Phil Angelides, the chairman of the Financial Crisis Inquiry Commission, has likened this practice to selling customers a car with faulty brakes, and then buying life insurance on the driver. It is an abusive practice, it should stop, and our legislation would stop it.

It would be irresponsible of us to allow such risk and abuse to remain present in our financial system, lying dormant until the day we are once again on the brink of financial catastrophe, and once again the need to rescue financial firms who refuse to prudently manage their risks. This legislation is urgently important, and I urge my colleagues to carefully consider the consequences of failing to act.

By Mr. MERKLEY (for himself, Mrs. SHAHEEN, Mr. JOHNSON, Mr. LUGAR, Mr. BENNET, and Mr. GRAHAM):

S. 3102. A bill to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. MERKLEY. Mr. President, I rise today to introduce legislation that will create jobs and lower energy bills for families and small businesses in rural communities by promoting energy-saving home renovations.

I am honored to be joined in this effort by a bipartisan group of colleagues that includes Senator SHAHEEN, Senator LUGAR, Senator GRAHAM, Senator JOHNSON, and Senator BENNET of Colorado. Our colleagues in the other chamber are introducing companion legislation sponsored by Representatives CLYBURN, PERRIELLO, WHITFIELD, and SPRATT.

Our proposed Rural Energy Savings Program would assist rural electric co-operatives in offering ''on-bill'' financing to their customers. This concept offers two clear and important benefits for consumers, including homeowners and owners of commercial or industrial property.

First, it addresses the challenge of the up-front cost of building renovations. Energy efficiency measures almost always make business sense in the long term, because they lower the energy bill for the family or business. But often, the family or business cannot afford the upfront cost of the renovation. By offering low-cost financing, we can let families and businesses pay for the cost of the renovation on the same time frame that they are getting savings on their energy bill.

Second, we avoid complicating consumers' lives with another loan payment by offering a very simple repayment mechanism: under ''on-bill'' financing, the consumer repays the loan through a charge on their electric bill.

This bill offers these benefits to Americans across the country by using existing structures in place to provide federal assistance to rural electric co-operatives. Specifically, the Rural Utilities Service will offer loans at zero percent interest to rural co-operatives, who can then offer on-bill financing to their customers at no more than three percent interest. The difference can be used to pay the local nonprofit co-operatives' overhead expenses or to establish a loan loss reserve. There are more than 900 electric co-operatives serving 42 million Americans, so we expect this program to create jobs and help lower energy bills in rural communities all over the country.

For our rural communities to recover and thrive in the wake of the economic crisis, we need to put people back to work and lower families' expenses, and the Rural Energy Savings Program does both.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3102

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rural Energy Savings Program Act''.

SEC. 2. RURAL ENERGY SAVINGS PROGRAM.

Title VI of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 note et seq.) is amended by adding the following new section:

''SEC. 6407. RURAL ENERGY SAVINGS PROGRAM.

''(a) PURPOSE.—The purpose of this section is to create and save jobs by providing loans to qualified consumers that will use the loan proceeds to implement energy efficiency measures to achieve significant reductions in energy costs, energy consumption, or carbon emissions.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) any public power district, public utility district, or similar entity, or any electric cooperative described in sections 501(c)(12) or 1381(a)(2)(C) of the Internal Revenue Code of 1986, that borrowed and repaid, prepaid, or is paying an electric loan made or guaranteed by the Rural Utilities Service (or any predecessor agency); or

''(B) any entity primarily owned or controlled by an entity or entities described in subparagraph (A).

''(2) ENERGY EFFICIENCY MEASURES.—The term 'energy efficiency measures' means, for or at property served by an eligible entity, structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use.

''(3) QUALIFIED CONSUMER.—The term 'qualified consumer' means a consumer served by an eligible entity that has the ability to repay a loan made under subsection (d), as determined by an eligible entity.

''(4) QUALIFIED ENTITY.—The term 'qualified entity' means a non-governmental, not-for-profit organization that the Secretary determines has significant experience, on a national basis, in providing eligible entities with—

''(A) energy, environmental, energy efficiency, and information research and technology;

''(B) training, education, and consulting;

''(C) guidance in energy and operational issues and rural community and economic development;

''(D) advice in legal and regulatory matters affecting electric service and the environment; and

''(E) other relevant assistance.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Rural Utilities Service.

''(c) LOANS AND GRANTS TO ELIGIBLE ENTITIES.—

''(1) LOANS AUTHORIZED.—Subject to paragraph (2), the Secretary shall make loans to eligible entities that agree to use the loan funds to make loans to qualified consumers as described in subsection (d) for the purpose of implementing energy efficiency measures.

''(2) LIST, PLAN, AND MEASUREMENT AND VERIFICATION REQUIRED.—

''(A) IN GENERAL.—As a condition to receiving a loan or grant under this subsection, an eligible entity shall—

''(i) establish a list of energy efficiency measures that is expected to decrease energy use or costs of qualified consumers;

''(ii) prepare an implementation plan for use of the loan funds; and

''(iii) provide for appropriate measurement and verification to ensure the effectiveness of the energy efficiency loans made by the eligible entity and that there is no conflict of interest in the carrying out of this section.

''(B) REVISION OF LIST OF ENERGY EFFICIENCY MEASURES.—An eligible entity may update the list required under subparagraph (A)(i) to account for newly available efficiency technologies, subject to the approval of the Secretary.

''(C) EXISTING ENERGY EFFICIENCY PROGRAMS.—An eligible entity that, on or before the date of the enactment of this section or within 60 days after such date, has already established an energy efficiency program for qualified consumers may use an existing list of energy efficiency measures, implementation plan, or measurement and verification system of that program to satisfy the requirements of subparagraph (A) if the Secretary determines the list, plans, or systems are consistent with the purposes of this section.

''(3) NO INTEREST.—A loan under this subsection shall bear no interest.

''(4) REPAYMENT.—A loan under this subsection shall be repaid not more than 10 years from the date on which an advance on the loan is first made to the eligible entity.

''(5) LOAN FUND ADVANCES.—The Secretary shall provide eligible entities with a schedule of not more than ten years for advances of loan funds, except that any advance of loan funds to an eligible entity in any single year shall not exceed 50 percent of the approved loan amount.

''(6) JUMP-START GRANTS.—The Secretary shall make grants available to eligible entities selected to receive a loan under this subsection in order to assist an eligible entity to defray costs, including costs of contractors for equipment and labor, except that no eligible entity may receive a grant amount that is greater than four percent of the loan amount.

''(d) LOANS TO QUALIFIED CONSUMERS.—

''(1) TERMS OF LOANS.—Loans made by an eligible entity to qualified consumers using loan funds provided by the Secretary under subsection (c)—

''(A) may bear interest, not to exceed three percent, to be used for purposes that include establishing a loan loss reserve and to offset personnel and program costs of eligible entities to provide the loans;

''(B) shall finance energy efficiency measures for the purpose of decreasing energy usage or costs of the qualified consumer by an amount such that a loan term of not more than ten years will not pose an undue financial burden on the qualified consumer, as determined by the eligible entity;

''(C) shall not be used to fund energy efficiency measures made to personal property unless the personal property—

''(i) is or becomes attached to real property as a fixture; or

''(ii) is a manufactured home;

''(D) shall be repaid through charges added to the electric bill of the qualified consumer; and

''(E) shall require an energy audit by an eligible entity to determine the impact of proposed energy efficiency measures on the energy costs and consumption of the qualified consumer.

''(2) CONTRACTORS.—In addition to any other qualified general contractor, eligible entities may serve as general contractors.

''(e) CONTRACT FOR MEASUREMENT AND VERIFICATION, TRAINING, AND TECHNICAL ASSISTANCE.—

''(1) CONTRACT REQUIRED.—Not later than 60 days after the date of enactment of this section, the Secretary shall enter into one or more contracts with a qualified entity for the purposes of—

''(A) providing measurement and verification activities, including—

''(i) developing and completing a recommended protocol for measurement and verification for the Rural Utilities Service;

''(ii) establishing a national measurement and verification committee consisting of representatives of eligible entities to assist the contractor in carrying out this section;

''(iii) providing measurement and verification consulting services to eligible entities that receive loans under this section; and

''(iv) providing training in measurement and verification; and

''(B) developing a program to provide technical assistance and training to the employees of eligible entities to carry out this section.

''(2) USE OF SUBCONTRACTORS AUTHORIZED.—A qualified entity that enters into a contract under paragraph (1) may use subcontractors to assist the qualified entity in performing the contract.

''(f) FAST START DEMONSTRATION PROJECTS.—

''(1) DEMONSTRATION PROJECTS REQUIRED.—The Secretary shall enter into agreements with eligible entities (or groups of eligible entities) that have energy efficiency programs described in subsection (c)(2)(C) to establish an energy efficiency loan demonstration projects consistent with the purposes of this section that—

''(A) implement approaches to energy audits and investments in energy efficiency measures that yield measurable and predictable savings;

''(B) use measurement and verification processes to determine the effectiveness of energy efficiency loans made by eligible entities;

''(C) include training for employees of eligible entities, including any contractors of such entities, to implement or oversee the activities described in subparagraphs (A) and (B);

''(D) provide for the participation of a majority of eligible entities in a State;

''(E) reduce the need for generating capacity;

''(F) provide efficiency loans to—

''(i) not fewer than 20,000 consumers, in the case of a single eligible entity; or

''(ii) not fewer than 80,000 consumers, in the case of a group of eligible entities; and

''(G) serve areas where a large percentage of consumers reside—

''(i) in manufactured homes; or

''(ii) in housing units that are more than 50 years old.

''(2) DEADLINE FOR IMPLEMENTATION.—The agreements required by paragraph (1) shall be entered into not later than 90 days after the date of enactment of this section.

''(3) EFFECT ON AVAILABILITY OF LOANS NATIONALLY.—Nothing in this subsection shall delay the availability of loans to eligible entities on a national basis beginning not later than 180 days after the date of enactment of this section.

''(4) ADDITIONAL DEMONSTRATION PROJECT AUTHORITY.—The Secretary may conduct demonstration projects in addition to the project required by paragraph (1). The additional demonstration projects may be carried out without regard to subparagraphs (D), (F), or (G) of paragraph (1).

''(g) ADDITIONAL AUTHORITY.—The authority provided in this section is in addition to any authority of the Secretary to offer loans or grants under any other law.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the Secretary in fiscal year 2010 $993,000,000 to carry out this section. Notwithstanding paragraph (2), amounts appropriated pursuant to this authorization of appropriations shall remain available until expended.

''(2) AMOUNTS FOR LOANS, GRANTS, STAFFING.—Of the amounts appropriated pursuant to the authorization of appropriations in paragraph (1), the Secretary shall make available—

''(A) $755,000,000 for the purpose of covering the cost of direct loans to eligible entities under subsection (c) to subsidize gross obligations in the principal amount of not to exceed $4,900,000,000;

''(B) $25,000,000 for measurement and verification activities under subsection (e)(1)(A);

''(C) $2,000,000 for the contract for training and technical assistance authorized by subsection (e)(1)(B);

''(D) $200,000,000 for jump-start grants authorized by subsection (c)(6); and

''(E) $1,100,000 for each of fiscal years 2010 through 2019 for ten additional employees of the Rural Utilities Service to carry out this section.

''(i) EFFECTIVE PERIOD.—Subject to subsection (h)(1) and except as otherwise provided in this section, the loans, grants, and other expenditures required to be made under this section are authorized to be made during each of fiscal years 2010 through 2014.

''(j) REGULATIONS.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, not later than 180 days after the date of enactment of this section, the Secretary shall promulgate such regulations as are necessary to implement this section.

''(2) PROCEDURE.—The promulgation of the regulations and administration of this section shall be made without regard to—

''(A) chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act'); and

''(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking.

''(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

''(4) INTERIM REGULATIONS.—Notwithstanding paragraphs (1) and (2), to the extent regulations are necessary to carry out any provision of this section, the Secretary shall implement such regulations through the promulgation of an interim rule.''.

By Ms. SNOWE:

S. 3103. A bill to help small businesses create new jobs and drive our Nation's economic recovery; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise this evening to speak to the urgent imperative of job creation in our country

and impress upon my colleagues that if we are serious about assisting our Nation's small businesses—the very catalysts that will lead us out of the longest and deepest recession since World War II—we cannot devolve once again into more delays. To that end, I filed an amendment to the tax extenders legislation before this Chamber which included a package of six bipartisan, achievable policy reforms designed to facilitate an entrepreneurial environment under which our Nation's almost 30 million small business firms can create new jobs. I had hoped to offer this amendment, which I am introducing today as a freestanding bill called the Small Business Job Creation Act, but after talking with the majority leader at length last week, I decided to forgo that opportunity, as the leader indicated to me personally—and to the entire Senate—that he, too, is anxious to address a small business jobs bill in the coming weeks.

Now that we have cleared the tax extenders package today and are taking up the long overdue Federal Aviation Administration reauthorization legislation, I hope the Senate as well will consider the jobs package that will include small business initiatives that are so vital and imperative to the well-being of small businesses throughout the country and that we can address this issue before the Easter recess.

As ranking member of the Senate Small Business Committee, I want to begin by taking a moment to tout the work our committee has accomplished in this Congress.

As one of the most bipartisan panels in the Congress, I appreciate the chair, Senator LANDRIEU, who has built on the foundation of 22 hearings and roundtables and reported out a series of bipartisan bills on topics ranging from access to capital, to exporting, and, just last week, small business contracting reform. I truly appreciate Chair LANDRIEU's approach in building a collaboration in the committee on these key issues. Most of the provisions I am championing here tonight originated from the work we have accomplished together in the committee as well.

When it comes to this jobs agenda, I would have preferred a different approach to advancing it—one that was more comprehensive and robust, frankly. This kind of piecemeal strategy is not one I would embrace. It is not one the New York Times approves of, either, for that matter. In fact, an editorial of theirs this week contained the following observation:

> [T]he danger is that with stopgap measures boosting the headline job numbers, Congress and the Administration will avoid the heavy lifting that is required to clear away the wreckage of the recession.

So it is not enough to say jobs, jobs, jobs are the new mantra. They must be the new singular mission of this Congress that deserves rigorous action, not just in dribs and drabs but as the full-tilt agenda of this institution.

Make no mistake, time is of the essence if we are to assist our Nation's small businesses. Nowhere is the test of meeting that challenge more immediate than with our Nation's small businesses, which at each turn and in every sector are having to struggle, not only at their own expense but at the expense of job creation and reversing our dire economic downturn.

Based on what I have heard firsthand from numerous small business forums in Maine that I have held, not only this year but last year, throughout the entire year of 2009, business owners are desperate for relief, and they want answers to the pervasive uncertainty they are confronted with on so many levels.

For example, as indicated on this chart, in an economic climate devoid of continuity on tax policy, skyrocketing health care costs, onerous regulations, or volatile energy prices, how can small businesses expect to hire a new employee, buy additional equipment, expand operations, or accurately forecast their operating costs? The regrettable fact is, they cannot as long as they remain not just unsure but understandably anxious about whether or when Washington will exact another tax, levy a new mandate, promulgate another regulation, or create more bureaucracy.

A solid foundational starting point would be enacting the provisions in the amendment I filed, many of which I underscored in a letter I sent to both the majority leader and the Republican leader. Frankly, there is such wide agreement on so many of these ideas. In fact, the Small Business Committee has approved many of these provisions unanimously, and the President has called for them to be included in a jobs package. So I think most people would be shocked to learn that they are not already enacted into law.

Getting back to the original proposition, it is the fact that there is uncertainty with respect to the policies that are emanating from Washington that creates a lot of anxiety and disenchantment about the direction we are taking but more importantly anxiety about their cost of doing business. What is it going to do to increase the cost of doing business, whether or not they are prepared to hire a new employee or make investments in capital and equipment, if they do not know the certainty of the propositions that come from Washington that could add to their costs of doing business? For example, if the centerpiece of any jobs agenda is assisting the best known job creators we have—our small businesses—then bringing some certitude to the expensing provisions in the Tax Code is unquestionably the place to begin.

I know the Senate has already enacted this legislation, extending what had been part of the stimulus plan to increase expensing immediately for small businesses to write off up to $250,000. That expired at the end of last year, and we have extended that proposition for the remaining 10 months in this year. But then again, it will expire. So at that point, in 2011, then small businesses will only be able to write off up to $25,000. So that is a $225,000 decline. Exactly how does that contribute to greater confidence for small business owners? How are they supposed to look to the future in the face of a Draconian measure of that magnitude? So, really, it is important to extend the small business expensing level of $250,000 not just for 10 months but at least for 5 years.

As we see in this chart I am showing in the Chamber this evening, between Republicans and Democrats and the administration, they support extending small business expensing, they support enacting a zero-percent capital gains rate for small businesses. So we have bipartisan solutions across the board with respect to these initiatives.

It is also important to make sure there is continuity in these policies, which is really the troubling point because it is so important to make sure they can look down the road. They might not be making a decision within the next 5 or 6 months or 10 months, but it is important for them to be able to see down the road beyond the 10 months that there is certitude with respect to the policies we are enacting, especially regarding tax relief and tax policy—the types of initiatives that, frankly, are going to be instrumental in making a difference in job creation.

So we have two initiatives here; that is, extending the small business expensing and enacting a zero-percent capital gains rate for small businesses, of which I joined with Senator KERRY in introducing that legislation. So it is true we can reach an agreement on some issues. That is important. And we are moving forward. But we have to give more longevity to these tax policies given the severity of the downturn, given the severity of the economic situation we face today, that it is a jobless recovery. We need to create jobs. If we are going to create jobs, then we have to create more permanent tax relief.

We have seen that with the credit crisis. Why can we not join forces and address this stifling credit crunch that is placing a perilous choke hold on our economy across the country? Why can we not agree on doing something viable and bold to confront such a universally acknowledged problem? It remains an unmitigated outrage, frankly, that the Federal Reserve's January Senior Loan Officer Opinion Survey found the percentage of banks easing credit terms for small businesses was an astonishing zero percent—zero percent. The same was true in October, the last time they conducted the survey.

So if you wanted not just to freeze credit but fossilize it, that would be the way to do it. This is not a recipe for recovery. After all, lending is critical. It is a lifeline to our economy, it is the lifeblood, and it is certainly a

lifeline for small businesses if they are going to be able to have jobs, to preserve jobs, or to make investments in the future.

But here again is another area where we could take immediate action right here and now, where we can turn this deplorable trend around beginning with boosting the SBA's access to credit. My provisions include key lending provisions from the bill I introduced in the Small Business Committee with Chair LANDRIEU which was reported out of our committee with a vote of 17 to 1—overwhelmingly bipartisan—to increase the maximum limits for the SBA 7(a) program and the 504 loan program from $2 million to $5 million, raising the maximum microloan limit from $35,000 to $50,000, and allowing for the refinancing of conventional small business loans through the SBA 504 program. Now, if fully utilized, the loan limit increases would create and retain up to an estimated 211,000 jobs.

I would note that enhancing SBA loans has already paid tremendous dividends, as in the stimulus bill, because we included these provisions which have been credited with increasing loan volumes by a remarkable 86 percent nationwide and in my own State of Maine, 227 percent. That is all as a result of what we included in the stimulus package last year in increasing and expanding the loan volumes under these programs. So it obviously is indicative of what can be accomplished.

So with numbers such as these, not to mention the endorsement of 80 business organizations, it is essential that we give these critical programs the ability to grow more small businesses.

Just as there is much we can do right away domestically, how about finally taking action to help our small businesses compete globally? Given that fewer than 1 percent of our small businesses export, it is all the more vital that we take advantage of this untapped market and help those enterprises sell their goods and services to 95 percent of the world's customers who live outside our borders.

In the State of the Union Address, President Obama made clear that we must double our exports over the next 5 years, and small businesses are a critical component of the administration's strategy and our national competitiveness. For this reason, my provisions were included in the small business exporting legislation I introduced with Chair LANDRIEU.

As this chart reveals, the provisions in the bill—larger SBA export loan limits, expanded export technical assistance, and enhanced assistance for trade promotion—had bipartisan support. They were reported unanimously by our panel and passed unanimously last December—unanimously. They have the administration's support. They have been endorsed by the U.S. Chamber of Commerce. So we have solidarity on this initiative, and for good reason, because it could create roughly 36,000 new American jobs in the year after enactment and 170,000 jobs over the next 5 years. So there is no reason on Earth why we cannot move on this bill today.

Whether we are debating trade or health care, a jobs bill or climate change, whatever the issue, it is also time we retool our thinking so that in every matter before us we are striving to create a climate in which our job creators cannot only survive but thrive. For example, for years we have had environmental impact statements. Well, in 2010, it is high time we require job impact statements. Consider that in 2009 alone, there were close to 70,000 pages in the Federal Register, and the annual cost of Federal regulations now totals more than $1.1 trillion, with small firms bearing the brunt.

There are enough built-in impediments to starting a small business, not to mention sustaining one, without the Federal Government compounding the problem. That is why I have included language in my legislation I introduced last month with Senator PRYOR requiring the Congressional Budget Office to provide such job impact statements for every single major initiative before Congress to evaluate its effect, positive and negative, on job creation, job losses, job preservation.

We didn't stop there. Our bill would also require Federal agencies to fully analyze the cost of regulations on small businesses which too often undermine and usurp the entrepreneurial spirit that has defined every generation of Americans.

Our bill is strongly supported by groups including the NFIB, the U.S. Chamber of Commerce, and the National Small Business Association.

My provisions include $50 million in funding for the Small Business Development Centers which, again, provide critical technical assistance and counseling to small businesses at over 1,000 locations nationwide. The SBDC program has a proven track record of job creation, and according to an annual report by Dr. James Chrisman of Mississippi State University, between 2007 and 2008, employment levels of SBDC clients have increased 10 percent more than for businesses in general. As a result of the additional funding I am pressing for, Dr. Chrisman estimates that over 20,000 new jobs would be created, while tens of thousands more will be saved.

Finally, while it is paramount that we move forward with the initiatives I have just described, we must simultaneously be mindful of their cost. I have also included an offset for this legislation. I do happen to think it is important that we provide offsets. I think we have to reexamine the stimulus package we enacted last year, much of which has been meritorious, much of which has worked, but there are other parts of it that have yet to be implemented or expended, and I think that is the point.

The fact is, with a projected $1.6 trillion deficit this year alone, it is essential that we look at ways in which we can pay for legislation, especially targeted toward job creation, that can be accomplished immediately. That is why I am proposing to fully offset the cost of my provision with unspent, unobligated funds that we appropriated as part of the stimulus.

I understand some of my colleagues oppose using unobligated stimulus funds as an offset, citing Congressional Budget Office data that the Recovery Act has added up to 2.1 million jobs and has preserved many jobs across this country. At the same time, I also believe it is our obligation to continually assess and reassess whether the Recovery Act is working because, after all, stimulus is supposed to be timely, targeted, and temporary. In two of the three instances it has not met those goals. In fact, as we have noted in this following chart, just $288 billion of the $787 billion that was enacted last February—only 37 percent of the total—has actually been spent. When you consider just the $275 billion of the stimulus's appropriated funding for expenditures such as contracts, grants, and loans, just $81.6 billion, or 30 percent, has been paid out.

That is where I think we need to reassess the three critical criteria of timely, targeted, and temporary. Obviously, for timeliness and being targeted, we have not met those goals. That is why I think we should redirect some of these stimulus funds to other purposes that are more effective, more immediate to do the job.

That is where our small businesses enter the equation, with these initiatives I have identified that are absolutely paramount to helping small businesses to create jobs across this country. After all, we are depending on small businesses to lead us out of this economic downturn. They have been the job generators in the past. They have created two-thirds of all the net new jobs in America.

We need to create millions and millions of jobs. We have 100,000 new entrants in the market every month, so we have to move expeditiously. That is the point here tonight.

I have an array of initiatives that are very critical and vital to small business and job generation. One, we have to do it immediately. Two, we have to be focused and we have to provide continuity of policy and certainty so that small businesses can look down the road and see what types of policies are emanating from Washington, DC.

As I said to the Secretary of the Treasury recently, would you take a risk in making investments today? Would you take a risk knowing what you are hearing in Washington? Since we will see more costs as a result of potential health care legislation, adding more costs to small businesses—and there is no question that with the Medicare payroll tax that is embedded in that legislation, that really is another hidden tax, just as the alternative minimum tax. It will raise taxes

62 percent, and it is not indexed for inflation. So we know what the exponential growth in that tax will become for small businesses. That is an example. Ten months does not make a policy of certainty with respect to tax relief.

We need to provide continuity of that policy with respect to tax relief, and small business expensing is certainly part of it. We can expand the loan limits under the SBA's programs, and 7(a) and 504 already demonstrated they can work. They did work in the year in which we expanded those programs. It has been demonstrated nationwide and certainly conclusively in my State. So why not move expeditiously to address those issues?

Finally, we can pay for it. We can redirect the stimulus. I think that is the most conservative, effective approach to paying for this legislation because, after all, if we have only spent 30 percent of the appropriated funds under stimulus and only 37 percent overall of the stimulus, we may not even spend $600 billion at the end of this year; we need to spend it now. That is the point, is spending it now. What are we waiting for?

There is no question that there is a sense of despair across the landscape in looking at the unemployment numbers. We are not creating jobs; we are losing jobs every month. Albeit it has improved in terms of the number of jobs lost, the fact is, we need to create millions and millions of jobs in addition to offsetting the new entrants into the market every month. We have a 9.7-percent unemployment rate. That means we have to get to work, and the only way we can do that is helping small businesses, and the only way we can do that is to put these initiatives to work before the Easter recess. Let's not delay and defer. We have time to do it now. It has broad unanimous support in the Small Business Committee. There is no reason we cannot accomplish this goal now.

I appreciate the majority leader's indication and commitment that he will bring a small business package to the floor. I urge the leader and I urge all Members of the Senate to support doing that before the Easter recess because we need to adopt it now, not months from now, because people depend on these jobs. There is uncertainty, and people are looking on their Main Streets in their communities, and what are they seeing is trouble. They are wondering whether the hardware store is going to stay open, or the barbershop. That creates either certainty or uncertainty; that is what creates either despair or hope.

So I hope we would move and that we would move with a sense of urgency with respect to small businesses. If we are depending on them, then we have to get to work now. There is no reason, no rationale, no excuse for not taking action in this Chamber in this Congress that can be signed by the President and that we can move forward on. So we should strive with every fiber of our beings to help these longtime beacons of our economy, which is going to give hope to all Americans. What they deserve is to see action that will create the kind of certainty, give them the kinds of resources that they deserve, and do it in a fiscally responsible manner.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 53—RECOGNIZING AND CONGRATULATING THE CITY OF COLORADO SPRINGS, COLORADO, AS THE NEW OFFICIAL SITE OF THE NATIONAL EMERGENCY MEDICAL SERVICES MEMORIAL SERVICE AND THE NATIONAL EMERGENCY MEDICAL SERVICES MEMORIAL

Mr. BENNET (for himself and Mr. UDALL of Colorado) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 53

Whereas in 1928, Julian Stanley Wise founded the first volunteer rescue squad in the United States, the Roanoke Life Saving and First Aid Crew, and Virginia subsequently took the lead in honoring the thousands of people nationwide who give their time and energy to community rescue squads;

Whereas in 1993, to further recognize the selfless contributions of emergency medical service (referred to in this preamble as ''EMS'') personnel nationwide, the Virginia Association of Volunteer Rescue Squads, Inc., and the Julian Stanley Wise Foundation organized the first annual National Emergency Medical Services Memorial Service in Roanoke, Virginia, to honor EMS personnel from across the country who died in the line of duty;

Whereas the National Emergency Medical Services Memorial Service is the annual memorial service to honor all air and ground EMS providers, including first responders, search and rescue personnel, emergency medical technicians, paramedics, nurses, and pilots;

Whereas the annual National Emergency Medical Services Memorial Service captures national attention by annually honoring and remembering EMS personnel who have given their lives in the line of duty;

Whereas the annual National Emergency Medical Services Memorial Service is devoted to the families, colleagues, and loved ones of those EMS personnel;

Whereas the singular devotion of EMS personnel to the safety and welfare of their fellow citizens is worthy of the highest praise;

Whereas the annual National Emergency Medical Services Memorial Service is a fitting reminder of the bravery and sacrifice of EMS personnel nationwide;

Whereas EMS personnel stand ready 24 hours a day, every day, to assist and serve people in the United States with life-saving medical attention and compassionate care;

Whereas the National Emergency Medical Services Memorial Service Board sought and selected a new city to host the annual National Emergency Medical Services Memorial Service;

Whereas the city of Colorado Springs, Colorado, was chosen to host the National Emergency Medical Services Memorial, the annual National Emergency Medical Services Memorial Service, and the families of our fallen EMS personnel;

Whereas ''Flight for Life'' in Colorado was founded in 1972 as the first civilian-based helicopter medical evacuation system established in the United States;

Whereas ambulance systems in Colorado provide care and transport to approximately 375,000 residents and visitors each year;

Whereas approximately 60 percent of the licensed ambulance services in Colorado are staffed by volunteers that serve the vast rural and frontier communities of Colorado; and

Whereas the life of every person in the United States will be affected, directly or indirectly, by the uniquely skilled and dedicated efforts of EMS personnel who work bravely and tirelessly to preserve the greatest resource in the United States, the people: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress recognizes and congratulates the City of Colorado Springs, Colorado, as the new official site of the National Emergency Medical Services Memorial Service and the National Emergency Services Memorial.

SENATE CONCURRENT RESOLUTION 54—RECOGNIZING THE LIFE OF ORLANDO ZAPATA TAMAYO, WHO DIED ON FEBRUARY 23, 2010, IN THE CUSTODY OF THE GOVERNMENT OF CUBA, AND CALLING FOR A CONTINUED FOCUS ON THE PROMOTION OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS, LISTED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, IN CUBA

Mr. NELSON of Florida (for himself, Mr. MCCAIN, Mr. KERRY, Mr. MENENDEZ, Mr. DODD, and Mr. LEMIEUX) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 54

Whereas Orlando Zapata Tamayo (referred to in this preamble as ''Zapata''), a 42-year-old plumber and bricklayer and a member of the Alternative Republican Movement and the National Civic Resistance Committee, died on February 23, 2010, in the custody of the Government of Cuba after conducting a hunger strike for more than 80 days;

Whereas on February 24, 2010, the Foreign Ministry of Cuba issued a rare statement on the death of Zapata, stating, ''Raul Castro laments the death of Cuban prisoner Orlando Zapata Tamayo, who died after conducting a hunger strike.'';

Whereas Reina Luisa Tamayo has asserted that her son Orlando Zapata Tamayo was tortured and denied water during his incarceration and has called ''on the world to demand the freedom of the other prisoners and brothers unfairly sentenced so that what happened to my boy, my second child, who leaves behind no physical legacy, no child or wife, does not happen again'';

Whereas Zapata began a hunger strike on December 9, 2009, to demand respect for his personal safety and to protest his inhumane treatment by the prison authorities in Cuba;

Whereas according to his supporters, Zapata was denied water during stages of his hunger strike at Kilo 8 Prison in Camagüey, was then transferred to Havana's Combinado del Este prison, and was finally admitted to the Hermanos Ameijeiras Hospital on February 23, 2010, in critical condition, where he

was administered fluids intravenously and died hours later;

Whereas on February 25, 2010, Freedom House condemned the Government of Cuba for ''the deplorable prison conditions, torture, and lack of medical attention that led to the death of political prisoner Orlando Zapata Tamayo'';

Whereas Zapata was arrested in 2003 on charges of contempt for authority, public disorder, and disobedience, and was initially sentenced to 3 years in prison;

Whereas Zapata was later convicted of additional ''acts of defiance'' while in prison and was resentenced to a total of 36 years;

Whereas in 2003, Zapata and approximately 75 other dissidents and peaceful supporters of the Varela Project were arrested during the ''Black Spring'' and were sentenced to harsh prison terms;

Whereas more than 25,000 Cubans have signed on to the Varela Project, which seeks a referendum on civil liberties, including freedom of speech, amnesty for political prisoners, support for private business, a new electoral law, and a general election;

Whereas in 2003, Amnesty International designated Zapata as a prisoner of conscience;

Whereas the Government of the United States raised the plight of Zapata during migration talks on February 19, 2010, and urged the Government of Cuba to provide all necessary medical care;

Whereas on February 25, 2010, Secretary of State Hillary Clinton said in response to the death of Zapata, ''We send our condolences to his family and we also reiterate our strong objection to the actions of the Cuban government. This is a prisoner of conscience who was imprisoned for years for speaking his mind, for seeking democracy, for standing on the side of values that are universal, who engaged in a hunger strike.'';

Whereas following the death of Zapata, the Inter-American Commission on Human Rights reported that at least 50 dissidents were detained or forced to remain in their houses to prevent them from attending the wake and funeral for Zapata;

Whereas the Department of State's 2009 Country Report on Human Rights states that Cuba is a totalitarian state with a government that continues to deny its citizens basic human rights and continues to commit numerous serious human rights abuses;

Whereas Human Rights Watch states, ''Cuba remains the one country in Latin America that represses virtually all forms of political dissent. The government continues to enforce political conformity using criminal prosecutions, long- and short-term detention, harassment, denial of employment, and travel restrictions.''; and

Whereas in a 2008 annual report, the Inter-American Commission on Human Rights reported that ''restrictions on political rights, on freedom of expression, and on the dissemination of ideas, the failure to hold elections, and the absence of an independent judiciary in Cuba combine to create a permanent panorama of breached basic rights for the Cuban citizenry'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the life of Orlando Zapata Tamayo, whose death on February 23, 2010, highlights the lack of democracy in Cuba and the injustice of the brutal treatment of more than 200 political prisoners by the Government of Cuba;

(2) calls for the immediate release of all political prisoners detained in Cuba;

(3) pays tribute to the courageous citizens of Cuba who are suffering abuses merely for engaging in peaceful efforts to exercise their basic human rights;

(4) supports freedom of speech and the rights of journalists and bloggers in Cuba to express their views without repression by government authorities and denounces the use of intimidation, harassment, or violence by the Government of Cuba to restrict and suppress freedom of speech, freedom of expression, freedom of assembly, and freedom of the press;

(5) desires that the people of Cuba be able to enjoy due process and the right to a fair trial; and

(6) calls on the United States to continue policies that focus on respect for the fundamental tenets of freedom, democracy, and human rights in Cuba and encourage peaceful democratic change consistent with the aspirations of the people of Cuba.

Mr. NELSON of Florida. Mr. President, today I am submitting a concurrent resolution recognizing the life of Orlando Zapata Tamayo, who died on February 23, 2010, in Cuban custody, and calling for a continued focus on the promotion of internationally recognized human rights, listed in the Universal Declaration of Human Rights, in Cuba.

Mr. Zapata was a political prisoner facing 36 years in prison for defying the Cuban regime. Originally arrested during the ''Black Spring'' of 2003, along with other peaceful supporters of the Varela Project, Zapata was originally sentenced to three years in prison but was later convicted of additional ''acts of defiance'' and resentenced to a total of 36 years. In 2003, Amnesty International declared Zapata a ''prisoner of conscience'' in recognition of his extraordinary courage.

Mr. Zapata went on a hunger strike in December 2009 to demand respect for his personal safety and to protest his inhumane treatment by the prison authorities in Cuba. According to Zapata's mother, Reina Luisa Tamayo, her son was beaten repeatedly, tortured, and denied water during his incarceration. While in prison, Mr. Zapata courageously demanded basic dignities and resisted the regime's repression. In the end, he was prohibited from receiving medical attention and lost his life in what Freedom House has called Cuba's ''deplorable prison conditions.''

To Orlando Zapata Tamayo's mother, family and friends, the United States Senate sends our sincere condolences for your loss. To Mr. Zapata's former colleagues and freedom fighters, we stand in solidarity with you in your struggle against the forces of repression and totalitarianism.

While there has been disagreement within this body in the past over the most effective way for the U.S. to help the Cuban people, I think we can all agree that the United States must continue to support policies that focus on respect for the fundamental tenets of freedom, democracy, and human rights in Cuba. This resolution reaffirms those principles. When we talk about the promotion of internationally recognized human rights in Tehran and Pyongyang, we must never forget the political prisoners suffering in the cells of Camagüey and Havana.

According to Human Rights Watch, ''Cuba remains the one country in Latin America that represses virtually all forms of political dissent. The government continues to enforce political conformity using criminal prosecutions, long- and short-term detention, harassment, denial of employment, and travel restrictions.'' A Human Rights Watch report on Cuban prisoners last year documented how critics of the regime who report violations are subjected to extended periods of solitary confinement and beatings, and denied medical treatment, family visits and telephone calls.

This resolution calls for the immediate release of all political prisoners detained in Cuba and the rights of all Cubans to be able to enjoy due process and the right to a fair trial. It also denounces the use of intimidation, harassment, or violence by the regime to restrict and suppress freedom of speech, freedom of expression, freedom of assembly, and freedom of the press. This resolution underscores our support for freedom of speech and the rights of journalists and bloggers in Cuba to express their views without repression by government authorities. These rights are universal, but are all but absent in the Cuba of today.

Orlando Zapata Tamayo's death is a sad reminder of the tragic cost of oppression and a dictatorship that devalues human life. At the same time, it's a reminder that the Cuban people continue to fight for their freedom. Courageous Cubans like Mr. Zapata continue to suffer abuses merely for engaging in peaceful efforts to exercise their basic human rights. We have seen the regime crackdown on other dissidents and political prisoners in the wake of Zapata's death.

Orlando Zapata Tamayo did not die in vain. Freedom-loving people everywhere must hold the Cuban regime responsible for the fate of Orlando Zapata Tamayo and for all the political prisoners and dissidents in custody in Cuba.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3452. Mr. ROCKEFELLER proposed an amendment to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients.

SA 3453. Mr. SESSIONS (for himself and Mrs. MCCASKILL) proposed an amendment to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, supra.

SA 3454. Mr. DEMINT (for himself, Mr. MCCAIN, Mr. COBURN, Mr. GRASSLEY, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill H.R. 1586, supra; which was ordered to lie on the table.

SA 3455. Mr. CRAPO (for himself and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill H.R. 1586, supra; which was ordered to lie on the table.

SA 3456. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. BYRD, Mr. ENSIGN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, supra.

SA 3457. Mr. CRAPO (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, supra; which was ordered to lie on the table.

SA 3458. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1586, supra; which was ordered to lie on the table.

SA 3459. Mr. DORGAN (for Mr. KERRY) proposed an amendment to the resolution S. Res. 158, to commend the American Sail Training Association for advancing international goodwill and character building under sail.

SA 3460. Mr. DORGAN (for Mr. KERRY) proposed an amendment to the resolution S. Res. 158, supra.

SA 3461. Mr. DORGAN (for Mr. FEINGOLD) proposed an amendment to the bill S. 1067, to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

SA 3462. Mr. BENNETT (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table.

SA 3463. Mr. BENNETT (for himself, Mr. HATCH, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, supra; which was ordered to lie on the table.

SA 3464. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1586, supra; which was ordered to lie on the table.

SA 3465. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1586, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3452. Mr. ROCKEFELLER proposed an amendment to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''FAA Air Transportation Modernization and Safety Improvement Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS

Sec. 101. Operations.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. Research and development.
Sec. 104. Airport planning and development and noise compatibility planning and programs.
Sec. 105. Other aviation programs.
Sec. 106. Delineation of Next Generation Air Transportation System projects.
Sec. 107. Funding for administrative expenses for airport programs.

TITLE II—AIRPORT IMPROVEMENTS

Sec. 201. Reform of passenger facility charge authority.
Sec. 202. Passenger facility charge pilot program.
Sec. 203. Amendments to grant assurances.
Sec. 204. Government share of project costs.
Sec. 205. Amendments to allowable costs.
Sec. 206. Sale of private airport to public sponsor.
Sec. 207. Government share of certain air project costs.
Sec. 208. Miscellaneous amendments.
Sec. 209. State block grant program.
Sec. 210. Airport funding of special studies or reviews.
Sec. 211. Grant eligibility for assessment of flight procedures.
Sec. 212. Safety-critical airports.
Sec. 213. Environmental mitigation demonstration pilot program.
Sec. 214. Allowable project costs for airport development program.
Sec. 215. Glycol recovery vehicles.
Sec. 216. Research improvement for aircraft.
Sec. 217. United States Territory minimum guarantee.
Sec. 218. Merrill Field Airport, Anchorage, Alaska.

TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM

Sec. 301. Air Traffic Control Modernization Oversight Board.
Sec. 302. NextGen management.
Sec. 303. Facilitation of next generation air traffic services.
Sec. 304. Clarification of authority to enter into reimbursable agreements.
Sec. 305. Clarification to acquisition reform authority.
Sec. 306. Assistance to other aviation authorities.
Sec. 307. Presidential rank award program.
Sec. 308. Next generation facilities needs assessment.
Sec. 309. Next generation air transportation system implementation office.
Sec. 310. Definition of air navigation facility.
Sec. 311. Improved management of property inventory.
Sec. 312. Educational requirements.
Sec. 313. FAA personnel management system.
Sec. 314. Acceleration of NextGen technologies.
Sec. 315. ADS–B development and implementation.
Sec. 316. Equipage incentives.
Sec. 317. Performance metrics.
Sec. 318. Certification standards and resources.
Sec. 319. Unmanned aerial systems.
Sec. 320. Surface Systems Program Office.
Sec. 321. Stakeholder coordination.
Sec. 322. FAA task force on air traffic control facility conditions.
Sec. 323. State ADS–B equipage bank pilot program.
Sec. 324. Implementation of Inspector General ATC recommendations.
Sec. 325. Definitions.

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SUBTITLE A—CONSUMER PROTECTION

Sec. 401. Airline customer service commitment.
Sec. 402. Publication of customer service data and flight delay history.
Sec. 403. Expansion of DOT airline consumer complaint investigations.
Sec. 404. Establishment of advisory committee for aviation consumer protection.
Sec. 405. Disclosure of passenger fees.
Sec. 406. Disclosure of air carriers operating flights for tickets sold for air transportation.

SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL COMMUNITIES

Sec. 411. EAS connectivity program.
Sec. 412. Extension of final order establishing mileage adjustment eligibility.
Sec. 413. EAS contract guidelines.
Sec. 414. Conversion of former EAS airports.
Sec. 415. EAS reform.
Sec. 416. Small community air service.
Sec. 417. EAS marketing.
Sec. 418. Rural aviation improvement.

SUBTITLE C—MISCELLANEOUS

Sec. 431. Clarification of air carrier fee disputes.
Sec. 432. Contract tower program.
Sec. 433. Airfares for members of the Armed Forces.

TITLE V—SAFETY

SUBTITLE A—AVIATION SAFETY

Sec. 501. Runway safety equipment plan.
Sec. 502. Judicial review of denial of airman certificates.
Sec. 503. Release of data relating to abandoned type certificates and supplemental type certificates.
Sec. 504. Design organization certificates.
Sec. 505. FAA access to criminal history records or database systems.
Sec. 506. Pilot fatigue.
Sec. 507. Increasing safety for helicopter and fixed wing emergency medical service operators and patients.
Sec. 508. Cabin crew communication.
Sec. 509. Clarification of memorandum of understanding with OSHA.
Sec. 510. Acceleration of development and implementation of required navigation performance approach procedures.
Sec. 511. Improved safety information.
Sec. 512. Voluntary disclosure reporting process improvements.
Sec. 513. Procedural improvements for inspections.
Sec. 514. Independent review of safety issues.
Sec. 515. National review team.
Sec. 516. FAA Academy improvements.
Sec. 517. Reduction of runway incursions and operational errors.
Sec. 518. Aviation safety whistleblower investigation office.
Sec. 519. Modification of customer service initiative.
Sec. 520. Headquarters review of air transportation oversight system database.
Sec. 521. Inspection of foreign repair stations.
Sec. 522. Non-certificated maintenance providers.

SUBTITLE B—FLIGHT SAFETY

Sec. 551. FAA pilot records database.
Sec. 552. Air carrier safety management systems.
Sec. 553. Secretary of Transportation responses to safety recommendations.
Sec. 554. Improved Flight Operational Quality Assurance, Aviation Safety Action, and Line Operational Safety Audit programs.
Sec. 555. Re-evaluation of flight crew training, testing, and certification requirements.
Sec. 556. Flightcrew member mentoring, professional development, and leadership.
Sec. 557. Flightcrew member screening and qualifications.
Sec. 558. Prohibition on personal use of certain devices on flight deck.
Sec. 559. Safety inspections of regional air carriers.
Sec. 560. Establishment of safety standards with respect to the training, hiring, and operation of aircraft by pilots.

Sec. 561. Oversight of pilot training schools.
Sec. 562. Enhanced training for flight attendants and gate agents.
Sec. 563. Definitions.

TITLE VI—AVIATION RESEARCH

Sec. 601. Airport cooperative research program.
Sec. 602. Reduction of noise, emissions, and energy consumption from civilian aircraft.
Sec. 603. Production of alternative fuel technology for civilian aircraft.
Sec. 604. Production of clean coal fuel technology for civilian aircraft.
Sec. 605. Advisory committee on future of aeronautics.
Sec. 606. Research program to improve airfield pavements.
Sec. 607. Wake turbulence, volcanic ash, and weather research.
Sec. 608. Incorporation of unmanned aircraft systems into FAA plans and policies.
Sec. 609. Reauthorization of center of excellence in applied research and training in the use of advanced materials in transport aircraft.
Sec. 610. Pilot program for zero emission airport vehicles.
Sec. 611. Reduction of emissions from airport power sources.
Sec. 612. Siting of windfarms near FAA navigational aides and other assets.
Sec. 613. Research and development for equipment to clean and monitor the engine and APU bleed air supplied on pressurized aircraft.

TITLE VII—MISCELLANEOUS

Sec. 701. General authority.
Sec. 702. Human intervention management study.
Sec. 703. Airport program modifications.
Sec. 704. Miscellaneous program extensions.
Sec. 705. Extension of competitive access reports.
Sec. 706. Update on overflights.
Sec. 707. Technical corrections.
Sec. 708. FAA technical training and staffing.
Sec. 709. Commercial air tour operators in national parks.
Sec. 710. Phaseout of Stage 1 and 2 aircraft.
Sec. 711. Weight restrictions at Teterboro Airport.
Sec. 712. Pilot program for redevelopment of airport properties.
Sec. 713. Transporting musical instruments.
Sec. 714. Recycling plans for airports.
Sec. 715. Disadvantaged Business Enterprise Program adjustments.
Sec. 716. Front line manager staffing.
Sec. 717. Study of helicopter and fixed wing air ambulance services.
Sec. 718. Repeal of certain limitations on Metropolitan Washington Airports Authority.
Sec. 719. Study of aeronautical mobile telemetry.
Sec. 720. Flightcrew member pairing and crew resource management techniques.
Sec. 721. Consolidation or elimination of obsolete, redundant, or otherwise unnecessary reports; use of electronic media format.
Sec. 722. Line check evaluations.

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

Sec. 800. Amendment of 1986 Code.
Sec. 801. Extension of taxes funding Airport and Airway Trust Fund.
Sec. 802. Extension of Airport and Airway Trust Fund expenditure authority.
Sec. 803. Modification of excise tax on kerosene used in aviation.
Sec. 804. Air traffic control system modernization account.
Sec. 805. Treatment of fractional aircraft ownership programs.
Sec. 806. Termination of exemption for small aircraft on nonestablished lines.
Sec. 807. Transparency in passenger tax disclosures.

TITLE IX—BUDGETARY EFFECTS

Sec. 901. Budgetary effects.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

TITLE I—AUTHORIZATIONS

SEC. 101. OPERATIONS.

Section 106(k)(1) is amended by striking subparagraphs (A) through (E) and inserting the following:

''(A) $9,336,000,000 for fiscal year 2010; and

''(B) $9,620,000,000 for fiscal year 2011.''.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) $3,500,000,000 for fiscal year 2010, of which $500,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund; and

''(2) $3,600,000,000 for fiscal year 2011, of which $500,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund.''.

SEC. 103. RESEARCH AND DEVELOPMENT.

Section 48102 is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Not more than the following amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) for conducting civil aviation research and development under sections 44504, 44505, 44507, 44509, and 44511 through 44513 of this title:

''(1) $200,000,000 for fiscal year 2010.

''(2) $206,000,000 for fiscal year 2011.'';

(2) by striking subsections (c) through (h); and

(3) by adding at the end the following:

''(c) RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.—The Administrator of the Federal Aviation Administration shall establish a program to utilize undergraduate and technical colleges, including Historically Black Colleges and Universities, Hispanic Serving Institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in research on subjects of relevance to the Federal Aviation Administration. Grants may be awarded under this subsection for—

''(1) research projects to be carried out at primarily undergraduate institutions and technical colleges;

''(2) research projects that combine research at primarily undergraduate institutions and technical colleges with other research supported by the Federal Aviation Administration;

''(3) research on future training requirements on projected changes in regulatory requirements for aircraft maintenance and power plant licensees; or

''(4) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.''.

SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

Section 48103 is amended by striking paragraphs (1) through (6) and inserting the following:

''(1) $4,000,000,000 for fiscal year 2010; and

''(2) $4,100,000,000 for fiscal year 2011.''.

SEC. 105. OTHER AVIATION PROGRAMS.

Section 48114 is amended—

(1) by striking ''2007'' in subsection (a)(1)(A) and inserting ''2011'';

(2) by striking ''2007,'' in subsection (a)(2) and inserting ''2011,''; and

(3) by striking ''2007'' in subsection (c)(2) and inserting ''2011''.

SEC. 106. DELINEATION OF NEXT GENERATION AIR TRANSPORTATION SYSTEM PROJECTS.

Section 44501(b) is amended—

(1) by striking ''and'' after the semicolon in paragraph (3);

(2) by striking ''defense.'' in paragraph (4) and inserting ''defense; and''; and

(3) by adding at the end thereof the following:

''(5) a list of projects that are part of the Next Generation Air Transportation System and do not have as a primary purpose to operate or maintain the current air traffic control system.''.

SEC. 107. FUNDING FOR ADMINISTRATIVE EXPENSES FOR AIRPORT PROGRAMS.

(a) IN GENERAL.—Section 48105 is amended to read as follows:

''§ 48105. Airport programs administrative expenses

''Of the amount made available under section 48103 of this title, the following may be available for administrative expenses relating to the Airport Improvement Program, passenger facility charge approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, airport-related environmental activities (including legal services), and other airport-related activities (including airport technology research), to remain available until expended—

''(1) for fiscal year 2010, $94,000,000; and

''(2) for fiscal year 2011, $98,000,000.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 481 is amended by striking the item relating to section 48105 and inserting the following:

''48105. Airport programs administrative expenses''.

TITLE II—AIRPORT IMPROVEMENTS

SEC. 201. REFORM OF PASSENGER FACILITY CHARGE AUTHORITY.

(a) PASSENGER FACILITY CHARGE STREAMLINING.—Section 40117(c) is amended to read as follows:

''(c) PROCEDURAL REQUIREMENTS FOR IMPOSITION OF PASSENGER FACILITY CHARGE.—

''(1) IN GENERAL.—An eligible agency must submit to those air carriers and foreign air carriers operating at the airport with a significant business interest, as defined in paragraph (3), and to the Secretary and make available to the public annually a report, in the form required by the Secretary, on the status of the eligible agency's passenger facility charge program, including—

''(A) the total amount of program revenue held by the agency at the beginning of the 12 months covered by the report;

''(B) the total amount of program revenue collected by the agency during the period covered by the report;

''(C) the amount of expenditures with program revenue made by the agency on each eligible airport-related project during the period covered by the report;

''(D) each airport-related project for which the agency plans to collect and use program revenue during the next 12-month period covered by the report, including the amount of revenue projected to be used for such project;

''(E) the level of program revenue the agency plans to collect during the next 12-month period covered by the report;

''(F) a description of the notice and consultation process with air carriers and foreign air carriers under paragraph (3), and with the public under paragraph (4), including a copy of any adverse comments received and how the agency responded; and

''(G) any other information on the program that the Secretary may require.

''(2) IMPLEMENTATION.—Subject to the requirements of paragraphs (3), (4), (5), and (6), the eligible agency may implement the planned collection and use of passenger facility charges in accordance with its report upon filing the report as required in paragraph (1).

''(3) CONSULTATION WITH CARRIERS FOR NEW PROJECTS.—

''(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was submitted in a prior year shall provide to air carriers and foreign air carriers operating at the airport reasonable notice, and an opportunity to comment on the planned collection and use of program revenue before providing the report required under paragraph (1). The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum include—

''(i) that the eligible agency provide to air carriers and foreign air carriers operating at the airport written notice of the planned collection and use of passenger facility charge revenue;

''(ii) that the notice include a full description and justification for a proposed project;

''(iii) that the notice include a detailed financial plan for the proposed project; and

''(iv) that the notice include the proposed level for the passenger facility charge.

''(B) An eligible agency providing notice and an opportunity for comment shall be deemed to have satisfied the requirements of this paragraph if the eligible agency provides such notice to air carriers and foreign air carriers that have a significant business interest at the airport. For purposes of this subparagraph, the term 'significant business interest' means an air carrier or foreign air carrier that—

''(i) had not less than 1.0 percent of passenger boardings at the airport in the prior calendar year;

''(ii) had at least 25,000 passenger boardings at the airport in the prior calendar year; or

''(iii) provides scheduled service at the airport.

''(C) Not later than 45 days after written notice is provided under subparagraph (A), each air carrier and foreign air carrier may provide written comments to the eligible agency indicating its agreement or disagreement with the project or, if applicable, the proposed level for a passenger facility charge.

''(D) The eligible agency may include, as part of the notice and comment process, a consultation meeting to discuss the proposed project or, if applicable, the proposed level for a passenger facility charge. If the agency provides a consultation meeting, the written comments specified in subparagraph (C) shall be due not later than 30 days after the meeting.

''(4) PUBLIC NOTICE AND COMMENT.—

''(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was filed in a prior year shall provide reasonable notice and an opportunity for public comment on the planned collection and use of program revenue before providing the report required in paragraph (1).

''(B) The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum require—

''(i) that the eligible agency provide public notice of intent to collect a passenger facility charge so as to inform those interested persons and agencies that may be affected;

''(ii) appropriate methods of publication, which may include notice in local newspapers of general circulation or other local media, or posting of the notice on the agency's Internet website; and

''(iii) submission of public comments no later than 45 days after the date of the publication of the notice.

''(5) OBJECTIONS.—

''(A) Any interested person may file with the Secretary a written objection to a proposed project included in a notice under this paragraph provided that the filing is made within 30 days after submission of the report specified in paragraph (1).

''(B) The Secretary shall provide not less than 30 days for the eligible agency to respond to any filed objection.

''(C) Not later than 90 days after receiving the eligible agency's response to a filed objection, the Secretary shall make a determination whether or not to terminate authority to collect the passenger facility charge for the project, based on the filed objection. The Secretary shall state the reasons for any determination. The Secretary may only terminate authority if—

''(i) the project is not an eligible airport related project;

''(ii) the eligible agency has not complied with the requirements of this section or the Secretary's implementing regulations in proposing the project;

''(iii) the eligible agency has been found to be in violation of section 47107(b) of this title and has failed to take corrective action, prior to the filing of the objection; or

''(iv) in the case of a proposed increase in the passenger facility charge level, the level is not authorized by this section.

''(D) Upon issuance of a decision terminating authority, the public agency shall prepare an accounting of passenger facility revenue collected under the terminated authority and restore the funds for use on other authorized projects.

''(E) Except as provided in subparagraph (C), the eligible agency may implement the planned collection and use of a passenger facility charge in accordance with its report upon filing the report as specified in paragraph (1)(A).

''(6) APPROVAL REQUIREMENT FOR INCREASED PASSENGER FACILITY CHARGE OR INTERMODAL GROUND ACCESS PROJECT.—

''(A) An eligible agency may not collect or use a passenger facility charge to finance an intermodal ground access project, or increase a passenger facility charge, unless the project is first approved by the Secretary in accordance with this paragraph.

''(B) The eligible agency may submit to the Secretary an application for authority to impose a passenger facility charge for an intermodal ground access project or to increase a passenger facility charge. The application shall contain information and be in the form that the Secretary may require by regulation but, at a minimum, must include copies of any comments received by the agency during the comment period described by subparagraph (C).

''(C) Before submitting an application under this paragraph, an eligible agency must provide air carriers and foreign air carriers operating at the airport, and the public, reasonable notice of and an opportunity to comment on a proposed intermodal ground access project or the increased passenger facility charge. Such notice and opportunity to comment shall conform to the requirements of paragraphs (3) and (4).

''(D) After receiving an application, the Secretary may provide air carriers, foreign air carriers and other interested persons notice and an opportunity to comment on the application. The Secretary shall make a final decision on the application not later than 120 days after receiving it.''.

(b) CONFORMING AMENDMENTS.—

(1) REFERENCES.—

(A) Section 40117(a) is amended—

(i) by striking ''FEE'' in the heading for paragraph (5) and inserting ''CHARGE''; and

(ii) by striking ''fee'' each place it appears in paragraphs (5) and (6) and inserting ''charge''.

(B) Subsections (b), and subsections (d) through (m), of section 40117 are amended—

(i) by striking ''fee'' or ''fees'' each place either appears and inserting ''charge'' or ''charges'', respectively; and

(ii) by striking ''FEE'' in the subsection caption for subsection (1), and ''FEES'' in the subsection captions for subsections (e) and (m), and inserting ''CHARGE'' and ''CHARGES'', respectively.

(C) The caption for section 40117 is amended to read as follows:

''§ 40117. Passenger facility charges''.

(D) The table of contents for chapter 401 is amended by striking the item relating to section 40117 and inserting the following:

''40117. Passenger facility charges''.

(2) LIMITATIONS ON APPROVING APPLICATIONS.—Section 40117(d) is amended—

(A) by striking ''subsection (c) of this section to finance a specific'' and inserting ''subsection (c)(6) of this section to finance an intermodal ground access'';

(B) by striking ''specific'' in paragraph (1);

(C) by striking paragraph (2) and inserting the following:

''(2) the project is an eligible airport-related project; and'';

(D) by striking ''each of the specific projects; and'' in paragraph (3) and inserting ''the project.''; and

(E) by striking paragraph (4).

(3) LIMITATIONS ON IMPOSING CHARGES.—Section 40117(e)(1) is amended to read as follows: ''(1) An eligible agency may impose a passenger facility charge only subject to terms the Secretary may prescribe to carry out the objectives of this section.''.

(4) LIMITATIONS ON CONTRACTS, LEASES, AND USE AGREEMENTS.—Section 40117(f)(2) is amended by striking ''long-term''.

(5) COMPLIANCE.—Section 40117(h) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

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

''(3) The Secretary may, on complaint of an interested person or on the Secretary's own initiative, conduct an investigation into an eligible agency's collection and use of

passenger facility charge revenue to determine whether a passenger facility charge is excessive or that passenger facility revenue is not being used as provided in this section. The Secretary shall prescribe regulations establishing procedures for complaints and investigations. The regulations may provide for the issuance of a final agency decision without resort to an oral evidentiary hearing. The Secretary shall not accept complaints filed under this paragraph until after the issuance of regulations establishing complaint procedures.''.

(6) PILOT PROGRAM FOR PFC AT NONHUB AIRPORTS.—Section 40117(l) is amended—

(A) by striking ''(c)(2)'' in paragraph (2) and inserting ''(c)(3)''; and

(B) by striking ''October 1, 2009.'' in paragraph (7) and inserting ''the date of issuance of regulations to carry out subsection (c) of this section, as amended by the FAA Air Transportation Modernization and Safety Improvement Act.''.

(7) PROHIBITION ON APPROVING PFC APPLICATIONS FOR AIRPORT REVENUE DIVERSION.—Section 47111(e) is amended by striking ''sponsor'' the second place it appears in the first sentence and all that follows and inserting ''sponsor. A sponsor shall not propose collection or use of passenger facility charges for any new projects under paragraphs (3) through (6) of section 40117(c) unless the Secretary determines that the sponsor has taken corrective action to address the violation and the violation no longer exists.''.

SEC. 202. PASSENGER FACILITY CHARGE PILOT PROGRAM.

(a) IN GENERAL.—Section 40117 is amended by adding at the end thereof the following:

''(n) ALTERNATIVE PASSENGER FACILITY CHARGE COLLECTION PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish and conduct a pilot program at not more than 6 airports under which an eligible agency may impose a passenger facility charge under this section without regard to the dollar amount limitations set forth in paragraph (1) or (4) of subsection (b) if the participating eligible agency meets the requirements of paragraph (2).

''(2) COLLECTION REQUIREMENTS.—

''(A) DIRECT COLLECTION.—An eligible agency participating in the pilot program—

''(i) may collect the charge from the passenger at the facility, via the Internet, or in any other reasonable manner; but

''(ii) may not require or permit the charge to be collected by an air carrier or foreign air carrier for the flight segment.

''(B) PFC COLLECTION REQUIREMENT NOT TO APPLY.—Subpart C of part 158 of title 14, Code of Federal Regulations, does not apply to the collection of the passenger facility charge imposed by an eligible agency participating in the pilot program.''.

(b) GAO STUDY OF ALTERNATIVE MEANS OF COLLECTING PFCS.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of alternative means of collection passenger facility charges imposed under section 40117 of title 49, United States Code, that would permit such charges to be collected without being included in the ticket price. In the study, the Comptroller General shall consider, at a minimum—

(A) collection options for arriving, connecting, and departing passengers at airports;

(B) cost sharing or fee allocation methods based on passenger travel to address connecting traffic; and

(C) examples of airport fees collected by domestic and international airports that are not included in ticket prices.

(2) REPORT.—No later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing the Comptroller General's findings, conclusions, and recommendations.

SEC. 203. AMENDMENTS TO GRANT ASSURANCES.

Section 47107 is amended—

(1) by striking ''made;'' in subsection (a)(16)(D)(ii) and inserting ''made, except that, if there is a change in airport design standards that the Secretary determines is beyond the owner or operator's control that requires the relocation or replacement of an existing airport facility, the Secretary, upon the request of the owner or operator, may grant funds available under section 47114 to pay the cost of relocating or replacing such facility;'';

(2) by striking ''purpose;'' in subsection (c)(2)(A)(i) and inserting ''purpose, which includes serving as noise buffer land;'';

(3) by striking ''paid to the Secretary for deposit in the Fund if another eligible project does not exist.'' in subsection (c)(2)(B)(iii) and inserting ''reinvested in another project at the airport or transferred to another airport as the Secretary prescribes.''; and

(4) by redesignating paragraph (3) of subsection (c) as paragraph (4) and inserting after paragraph (2) the following:

''(3) In approving the reinvestment or transfer of proceeds under paragraph (2)(C)(iii), the Secretary shall give preference, in descending order, to—

''(i) reinvestment in an approved noise compatibility project;

''(ii) reinvestment in an approved project that is eligible for funding under section 47117(e);

''(iii) reinvestment in an airport development project that is eligible for funding under section 47114, 47115, or 47117 and meets the requirements of this chapter;

''(iv) transfer to the sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport; and

''(v) payment to the Secretary for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502).''.

SEC. 204. GOVERNMENT SHARE OF PROJECT COSTS.

(a) FEDERAL SHARE.—Section 47109 is amended—

(1) by striking ''subsection (b) or subsection (c)'' in subsection (a) and inserting ''subsection (b), (c), or (e)''; and

(2) by adding at the end the following:

''(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub primary airport changes to a medium hub primary airport, the United States Government's share of allowable project costs for the airport may not exceed 95 percent for 2 fiscal years following such change in hub status.''.

(b) TRANSITIONING AIRPORTS.—Section 47114(f)(3)(B) is amended by striking ''year 2004.'' and inserting ''years 2010 and 2011.''.

SEC. 205. AMENDMENTS TO ALLOWABLE COSTS.

Section 47110 is amended—

(1) by striking subsection (d) and inserting the following:

''(d) RELOCATION OF AIRPORT-OWNED FACILITIES.—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

''(1) the Government's share of such costs is paid with funds apportioned to the airport sponsor under sections 47114(c)(1) or 47114(d)(2);

''(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and

''(3) the Secretary determines that the change is beyond the control of the airport sponsor.'';

(2) by striking ''facilities, including fuel farms and hangars,'' in subsection (h) and inserting ''facilities, as defined by section 47102,''; and

(3) by adding at the end the following:

''(i) BIRD-DETECTING RADAR SYSTEMS.—Within 180 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator shall analyze the conclusions of ongoing studies of various types of commercially-available bird radar systems, based upon that analysis, if the Administrator determines such systems have no negative impact on existing navigational aids and that the expenditure of such funds is appropriate, the Administrator shall allow the purchase of bird-detecting radar systems as an allowable airport development project costs subject to subsection (b). If a determination is made that such radar systems will not improve or negatively impact airport safety, the Administrator shall issue a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on why that determination was made.''.

SEC. 206. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.

Section 47133(b) is amended—

(1) by resetting the text of the subsection as an indented paragraph 2 ems from the left margin;

(2) by inserting ''(1)'' before ''Subsection''; and

(3) by adding at the end thereof the following:

''(2) In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

''(A) the sale is approved by the Secretary;

''(B) funding is provided under this title for the public sponsor's acquisition; and

''(C) an amount equal to the remaining unamortized portion of the original grant, amortized over a 20-year period, is repaid to the Secretary by the private owner for deposit in the Trust Fund for airport acquisitions.

''(3) This subsection shall apply to grants issued on or after October 1, 1996.''.

SEC. 207. GOVERNMENT SHARE OF CERTAIN AIR PROJECT COSTS.

Notwithstanding section 47109(a) of title 49, United States Code, the Federal Government's share of allowable project costs for a grant made in fiscal year 2008, 2009, 2010, or 2011 under chapter 471 of that title for a project described in paragraph (2) or (3) of that section shall be 95 percent.

SEC. 208. MISCELLANEOUS AMENDMENTS.

(a) TECHNICAL CHANGES TO NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.—Section 47103 is amended—

(1) by striking ''each airport to—'' in subsection (a) and inserting ''the airport system to—'';

(2) by striking ''system in the particular area;'' in subsection (a)(1) and inserting ''system, including connection to the surface transportation network; and'';

(3) by striking ''aeronautics; and'' in subsection (a)(2) and inserting ''aeronautics.'';

(4) by striking subsection (a)(3);

(5) by inserting ''and'' after the semicolon in subsection (b)(1);

(6) by striking paragraph (2) of subsection (b) and redesignating paragraph (3) as paragraph (2);

(7) by striking ''operations, Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,'' in subsection (b)(2), as redesignated, and inserting ''operations''; and

(8) by striking ''status of the'' in subsection (d).

(b) UPDATE VETERANS PREFERENCE DEFINITION.—Section 47112(c) is amended—

(1) by striking ''separated from'' in paragraph (1)(B) and inserting ''discharged or released from active duty in'';

(2) by adding at the end of paragraph (1) the following:

''(C) 'Afghanistan-Iraq war veteran' means an individual who served on active duty, as defined by section 101(21) of title 38, at any time in the armed forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom.'';

(3) by striking ''veterans and'' in paragraph (2) and inserting ''veterans, Afghanistan-Iraq war veterans, and''; and

(4) by adding at the end the following:

''(3) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must require that a preference be given to the use of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans.''.

(c) ANNUAL REPORT.—Section 47131(a) is amended—

(1) by striking ''April 1'' and inserting ''June 1''; and

(2) by striking paragraphs (1) through (4) and inserting the following:

''(1) a summary of airport development and planning completed;

''(2) a summary of individual grants issued;

''(3) an accounting of discretionary and apportioned funds allocated; and

''(4) the allocation of appropriations; and''.

(d) SUNSET OF PROGRAM.—Section 47137 is repealed effective September 30, 2008.

(e) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47139 is amended—

(1) by striking ''47102(3)(F),'' in subsection (a);

(2) by striking ''47102(3)(F), 47102(3)(K), 47102(3)(L), or 47140'' in subsection (b) and inserting ''47102(3)(K) or 47102(3)(L)''; and

(3) by striking ''40117(a)(3)(G), 47103(3)(F), 47102(3)(K), 47102(3)(L), or 47140,'' in subsection (b) and inserting ''40117(a)(3)(G), 47102(3)(K), or 47102(3)(L),''; and

(f) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking ''(other than real property that is subject to section 2687 of title 10, section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note),''.

(g) AIRPORT CAPACITY BENCHMARK REPORTS; DEFINITION OF JOINT USE AIRPORT.—Section 47175 is amended—

(1) by striking ''Airport Capacity Benchmark Report 2001.'' in paragraph (2) and inserting ''2001 and 2004 Airport Capacity Benchmark Reports or of the most recent Benchmark report, Future Airport Capacity Task Report, or other comparable FAA report.''; and

(2) by adding at the end thereof the following:

''(7) JOINT USE AIRPORT.—The term 'joint use airport' means an airport owned by the United States Department of Defense, at which both military and civilian aircraft make shared use of the airfield.''.

(h) USE OF APPORTIONED AMOUNTS.—Section 47117(e)(1)(A) is amended—

(1) by striking ''35 percent'' in the first sentence and inserting ''$300,000,000'';

(2) by striking ''and'' after ''47141,'';

(3) by striking ''et seq.).'' and inserting ''et seq.), and for water quality mitigation projects to comply with the Act of June 30, 1948 (33 U.S.C. 1251 et seq.), approved in an environmental record of decision for an airport development project under this title.''; and

(4) by striking ''such 35 percent requirement is'' in the second sentence and inserting ''the requirements of the preceding sentence are''.

(i) USE OF PREVIOUS FISCAL YEAR'S APPORTIONMENT.—Section 47114(c)(1) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (E)(ii);

(2) by striking ''airport.'' in subparagraph (E)(iii) and inserting ''airport; and'';

(3 by adding at the end of subparagraph (E) the following:

''(iv) the airport received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14, Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) and the Secretary determines that the airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.'';

(4) in subparagraph (G)—

(A) by striking ''FISCAL YEAR 2006'' in the heading and inserting ''FISCAL YEARS 2008 THROUGH 2011'';

(B) by striking ''fiscal year 2006'' and inserting ''fiscal years 2008 through 2011'';

(C) by striking clause (i) and inserting the following:

''(i) the average annual passenger boardings at the airport for calendar years 2004 through 2006 were below 10,000 per year;''; and

(D) by striking ''2000 or 2001;'' in clause (ii) and inserting ''2003;''; and

(5) by adding at the end thereof the following:

''(H) SPECIAL RULE FOR FISCAL YEARS 2010 AND 2011.—Notwithstanding subparagraph (A), for an airport that had more than 10,000 passenger boardings and scheduled passenger aircraft service in calendar year 2007, but in either calendar years 2008 or 2009, or both years, the number of passenger boardings decreased to a level below 10,000 boardings per year at such airport, the Secretary may apportion in fiscal years 2010 or 2011 to the sponsor of such an airport an amount equal to the amount apportioned to that sponsor in fiscal year 2009.''.

(j) MOBILE REFUELER PARKING CONSTRUCTION.—Section 47102(3) is amended by adding at the end the following:

''(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.''.

(k) DISCRETIONARY FUND.—Section 47115(g)(1) is amended by striking ''of—'' and all that follows and inserting ''of $520,000,000. The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.''.

SEC. 209. STATE BLOCK GRANT PROGRAM.

Section 47128 is amended—

(1) by striking ''regulations'' each place it appears in subsection (a) and inserting ''guidance'';

(2) by striking ''grant;'' in subsection (b)(4) and inserting ''grant, including Federal environmental requirements or an agreed upon equivalent;'';

(3) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

''(c) PROJECT ANALYSIS AND COORDINATION REQUIREMENTS.—Any Federal agency that must approve, license, or permit a proposed action by a participating State shall coordinate and consult with the State. The agency shall utilize the environmental analysis prepared by the State, provided it is adequate, or supplement that analysis as necessary to meet applicable Federal requirements.''; and

(4) by adding at the end the following:

''(e) PILOT PROGRAM.—The Secretary shall establish a pilot program for up to 3 States that do not participate in the program established under subsection (a) that is consistent with the program under subsection (a).''.

SEC. 210. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking ''project.'' and inserting ''project, or to conduct special environmental studies related to a federally funded airport project or for special studies or reviews to support approved noise compatibility measures in a Part 150 program or environmental mitigation in a Federal Aviation Administration Record of Decision or Finding of No Significant Impact.''.

SEC. 211. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

''(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—

''(1) The Secretary is authorized in accordance with subsection (c)(1) to make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures that have been approved for airport noise compatibility planning purposes under subsection (b).

''(2) The Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review and completion of environmental activities associated with proposals to implement flight procedures submitted and approved for airport noise compatibility planning purposes in accordance with this section. Funds received under this authority shall not be subject to the procedures applicable to the receipt of gifts by the Administrator.''.

SEC. 212. SAFETY-CRITICAL AIRPORTS.

Section 47118(c) is amended—

(1) by striking ''or'' after the semicolon in paragraph (1);

(2) by striking ''delays.'' in paragraph (2) and inserting ''delays; or''; and

(3) by adding at the end the following:

''(3) be critical to the safety of commercial, military, or general aviation in transoceanic flights.''.

SEC. 213. ENVIRONMENTAL MITIGATION DEMONSTRATION PILOT PROGRAM.

(a) PILOT PROGRAM.—Subchapter I of chapter 471 is amended by adding at the end thereof the following:

''§ 47143. Environmental mitigation demonstration pilot program

''(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program involving not more than 6 projects at public-use airports under which the Secretary may make grants to sponsors of such airports from funds apportioned under paragraph 47117(e)(1)(A) for use at such airports for environmental mitigation demonstration projects that will measurably reduce or mitigate aviation impacts on noise, air quality or water quality in the vicinity of the airport. Notwithstanding any other provision of

this subchapter, an environmental mitigation demonstration project approved under this section shall be treated as eligible for assistance under this subchapter.

''(b) PARTICIPATION IN PILOT PROGRAM.—A public-use airport shall be eligible for participation in the pilot.

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary may give priority consideration to environmental mitigation demonstration projects that—

''(1) will achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis, or on a per-dollar-of-funds expended basis; and

''(2) will be implemented by an eligible consortium.

''(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the United States Government's share of the costs of a project carried out under this section shall be 50 percent.

''(e) MAXIMUM AMOUNT.—Not more than $2,500,000 may be made available by the Secretary in grants under this section for any single project.

''(f) IDENTIFYING BEST PRACTICES.—The Administrator may develop and publish information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports, based on the projects carried out under the pilot program.

''(g) DEFINITIONS.—In this section:

''(1) ELIGIBLE CONSORTIUM.—The term 'eligible consortium' means a consortium that comprises 2 or more of the following entities:

''(A) Businesses operating in the United States.

''(B) Public or private educational or research organizations located in the United States.

''(C) Entities of State or local governments in the United States.

''(D) Federal laboratories.

''(2) ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.—The term 'environmental mitigation demonstration project' means a project that—

''(A) introduces new conceptual environmental mitigation techniques or technology with associated benefits, which have already been proven in laboratory demonstrations;

''(B) proposes methods for efficient adaptation or integration of new concepts to airport operations; and

''(C) will demonstrate whether new techniques or technology for environmental mitigation identified in research are—

''(i) practical to implement at or near multiple public use airports; and

''(ii) capable of reducing noise, airport emissions, or water quality impacts in measurably significant amounts.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47142 the following:

''47143. Environmental mitigation demonstration pilot program''.

SEC. 214. ALLOWABLE PROJECT COSTS FOR AIRPORT DEVELOPMENT PROGRAM.

Section 47110(c) is amended—

(1) by striking ''; or'' in paragraph (1) and inserting a semicolon;

(2) by striking ''project.'' in paragraph (2) and inserting ''project; or''; and

(3) by adding at the end the following:

''(3) necessarily incurred in anticipation of severe weather.''.

SEC. 215. GLYCOL RECOVERY VEHICLES.

Section 47102(3)(G) is amended by inserting ''including acquiring glycol recovery vehicles,'' after ''aircraft,''.

SEC. 216. RESEARCH IMPROVEMENT FOR AIRCRAFT.

Section 44504(b) is amended—

(1) by striking ''and'' after the semicolon in paragraph (6);

(2) by striking ''aircraft.'' in paragraph (7) and inserting ''aircraft; and''; and

(3) by adding at the end thereof the following:

''(8) to conduct research to support programs designed to reduce gases and particulates emitted.''.

SEC. 217. UNITED STATES TERRITORY MINIMUM GUARANTEE.

Section 47114(e) is amended—

(1) by inserting ''AND ANY UNITED STATES TERRITORY'' after ''ALASKA'' in the subsection heading; and

(2) by adding at the end thereof the following:

''(5) UNITED STATES TERRITORY MINIMUM GUARANTEE.—In any fiscal year in which the total amount apportioned to airports in a United States Territory under subsections (c) and (d) is less than 1.5 percent of the total amount apportioned to all airports under those subsections, the Secretary may apportion to the local authority in any United States Territory responsible for airport development projects in that fiscal year an amount equal to the difference between 1.5 percent of the total amounts apportioned under subsections (c) and (d) in that fiscal year and the amount otherwise apportioned under those subsections to airports in a United States Territory in that fiscal year.''.

SEC. 218. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Federal Airport Act (as in effect on August 8, 1958), the United States releases, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in the municipality of Anchorage, Alaska, more particularly described as Tracts 22 and 24 of the Fourth Addition to the Town Site of Anchorage, Alaska, as shown on the plat of U.S. Survey No. 1456, accepted June 13, 1923, on file in the Bureau of Land Management, Department of Interior.

(b) GRANTS.—Notwithstanding any other provision of law, the municipality of Anchorage shall be released from the repayment of any outstanding grant obligations owed by the municipality to the Federal Aviation Administration with respect to any land described in subsection (a) that is subsequently conveyed to or used by the Department of Transportation and Public Facilities of the State of Alaska for the construction or reconstruction of a federally subsidized highway project.

TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM

SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.

Section 106(p) is amended to read as follows:

''(p) AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.—

''(1) ESTABLISHMENT.—Within 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall establish and appoint the members of an advisory Board which shall be known as the Air Traffic Control Modernization Oversight Board.

''(2) MEMBERSHIP.—The Board shall be comprised of the individual appointed or designated under section 302 of the FAA Air Transportation Modernization and Safety Improvement Act (who shall serve ex officio without the right to vote) and 9 other members, who shall consist of—

''(A) the Administrator and a representative from the Department of Defense;

''(B) 1 member who shall have a fiduciary responsibility to represent the public interest; and

''(C) 6 members representing aviation interests, as follows:

''(i) 1 representative that is the chief executive officer of an airport.

''(ii) 1 representative that is the chief executive officer of a passenger or cargo air carrier.

''(iii) 1 representative of a labor organization representing employees at the Federal Aviation Administration that are involved with the operation of the air traffic control system.

''(iv) 1 representative with extensive operational experience in the general aviation community.

''(v) 1 representative from an aircraft manufacturer.

''(vi) 1 representative of a labor organization representing employees at the Federal Aviation Administration who are involved with maintenance of the air traffic control system.

''(3) APPOINTMENT AND QUALIFICATIONS.—

''(A) Members of the Board appointed under paragraphs (2)(B) and (2)(C) shall be appointed by the President, by and with the advice and consent of the Senate.

''(B) Members of the Board appointed under paragraph (2)(B) shall be citizens of the United States and shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in—

''(i) management of large service organizations;

''(ii) customer service;

''(iii) management of large procurements;

''(iv) information and communications technology;

''(v) organizational development; and

''(vi) labor relations.

''(C) Of the members first appointed under paragraphs (2)(B) and (2)(C)—

''(i) 2 shall be appointed for terms of 1 year;

''(ii) 1 shall be appointed for a term of 2 years;

''(iii) 1 shall be appointed for a term of 3 years; and

''(iv) 1 shall be appointed for a term of 4 years.

''(4) FUNCTIONS.—

''(A) IN GENERAL.—The Board shall—

''(i) review and provide advice on the Administration's modernization programs, budget, and cost accounting system;

''(ii) review the Administration's strategic plan and make recommendations on the nonsafety program portions of the plan, and provide advice on the safety programs of the plan;

''(iii) review the operational efficiency of the air traffic control system and make recommendations on the operational and performance metrics for that system;

''(iv) approve procurements of air traffic control equipment in excess of $100,000,000;

''(v) approve by July 31 of each year the Administrator's budget request for facilities and equipment prior to its submission to the Office of Management and budget, including which programs are proposed to be funded from the Air Traffic control system Modernization Account of the Airport and Airway Trust Fund;

''(vi) approve the Federal Aviation Administration's Capital Investment Plan prior to its submission to the Congress;

''(vii) annually review and make recommendations on the NextGen Implementation Plan;

''(viii) approve the Administrator's selection of the Chief NextGen Officer appointed

or designated under section 302(a) of the FAA Air Transportation Modernization and Safety Improvement Act; and

''(ix) approve the selection of the head of the Joint Planning and Development Office.

''(B) MEETINGS.—The Board shall meet on a regular and periodic basis or at the call of the Chairman or of the Administrator.

''(C) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Board appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, cost data associated with the acquisition and operation of air traffic control systems. Any member of the Board who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

''(5) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board or such rulemaking committees as the Administrator shall designate.

''(6) ADMINISTRATIVE MATTERS.—

''(A) TERMS OF MEMBERS.—Except as provided in paragraph (3)(C), members of the Board appointed under paragraph (2)(B) and (2)(C) shall be appointed for a term of 4 years.

''(B) REAPPOINTMENT.—No individual may be appointed to the Board for more than 8 years total.

''(C) VACANCY.—Any vacancy on the Board shall be filled in the same manner as the original position. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for a term of 4 years.

''(D) CONTINUATION IN OFFICE.—A member of the Board whose term expires shall continue to serve until the date on which the member's successor takes office.

''(E) REMOVAL.—Any member of the Board appointed under paragraph (2)(B) or (2)(C) may be removed by the President for cause.

''(F) CLAIMS AGAINST MEMBERS OF THE BOARD.—

''(i) IN GENERAL.—A member appointed to the Board shall have no personal liability under State or Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Board.

''(ii) EFFECT ON OTHER LAW.—This subparagraph shall not be construed—

''(I) to affect any other immunity or protection that may be available to a member of the Board under applicable law with respect to such transactions;

''(II) to affect any other right or remedy against the United States under applicable law; or

''(III) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

''(G) ETHICAL CONSIDERATIONS.—Each member of the Board appointed under paragraph (2)(B) must certify that the member—

''(i) does not have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

''(ii) does not engage in another business related to aviation or aeronautics; and

''(iii) is not a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.

''(H) CHAIRMAN; VICE CHAIRMAN.—The Board shall elect a chair and a vice chair from among its members, each of whom shall serve for a term of 2 years. The vice chair shall perform the duties of the chairman in the absence of the chairman.

''(I) COMPENSATON.—No member shall receive any compensation or other benefits from the Federal Government for serving on the Board, except for compensation benefits for injuries under subchapter I of chapter 81 of title 5 and except as provided under subparagraph (J).

''(J) EXPENSES.—Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

''(K) BOARD RESOURCES.—From resources otherwise available to the Administrator, the Chairman shall appoint such staff to assist the board and provide impartial analysis, and the Administrator shall make available to the Board such information and administrative services and assistance, as may reasonably be required to enable the Board to carry out its responsibilities under this subsection.

''(L) QUORUM AND VOTING.—A simple majority of members of the Board duly appointed shall constitute a quorum. A majority vote of members present and voting shall be required for the Committee to take action.

''(7) AIR TRAFFIC CONTROL SYSTEM DEFINED.—In this subsection, the term 'air traffic control system' has the meaning given that term in section 40102(a).''.

SEC. 302. NEXTGEN MANAGEMENT.

(a) IN GENERAL.—The Administrator shall appoint or designate an individual, as the Chief NextGen Officer, to be responsible for implementation of all Administration programs associated with the Next Generation Air Transportation System.

(b) SPECIFIC DUTIES.—The individual appointed or designated under subsection (a) shall—

(1) oversee the implementation of all Administration NextGen programs;

(2) coordinate implementation of those NextGen programs with the Office of Management and Budget;

(3) develop an annual NextGen implementation plan;

(4) ensure that Next Generation Air Transportation System implementation activities are planned in such a manner as to require that system architecture is designed to allow for the incorporation of novel and currently unknown technologies into the System in the future and that current decisions do not bias future decisions unfairly in favor of existing technology at the expense of innovation; and

(5) oversee the Joint Planning and Development Office's facilitation of cooperation among all Federal agencies whose operations and interests are affected by implementation of the NextGen programs.

SEC. 303. FACILITATION OF NEXT GENERATION AIR TRAFFIC SERVICES.

Section 106(l) is amended by adding at the end the following:

''(7) AIR TRAFFIC SERVICES.—In determining what actions to take, by rule or through an agreement or transaction under paragraph (6) or under section 44502, to permit non-Government providers of communications, navigation, surveillance or other services to provide such services in the National Airspace System, or to require the usage of such services, the Administrator shall consider whether such actions would—

''(A) promote the safety of life and property;

''(B) improve the efficiency of the National Airspace System and reduce the regulatory burden upon National Airspace System users, based upon sound engineering principles, user operational requirements, and marketplace demands;

''(C) encourage competition and provide services to the largest feasible number of users; and

''(D) take into account the unique role served by general aviation.''.

SEC. 304. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

Section 106(m) is amended by striking ''without'' in the last sentence and inserting ''with or without''.

SEC. 305. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by inserting ''and'' after the semicolon in paragraph (3);

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 306. ASSISTANCE TO OTHER AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) by inserting ''(whether public or private)'' in paragraph (1) after ''authorities'';

(2) by striking ''safety.'' in paragraph (1) and inserting ''safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with the provisions under section 106(l)(6) of this title. The Administrator is also authorized, notwithstanding any other provision of law or policy, to accept payments in arrears.''; and

(3) by striking ''appropriation from which expenses were incurred in providing such services.'' in paragraph (3) and inserting ''appropriation current when the expenditures are or were paid, or the appropriation current when the amount is received.''.

SEC. 307. PRESIDENTIAL RANK AWARD PROGRAM.

Section 40122(g)(2) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (G);

(2) by striking ''Board.'' in subparagraph (H) and inserting ''Board; and''; and

(3) by inserting at the end the following new subparagraph:

''(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards), and subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank awards), except that—

''(i) for purposes of applying such provisions to the personnel management system—

''(I) the term 'agency' means the Department of Transportation;

''(II) the term 'senior executive' means a Federal Aviation Administration executive;

''(III) the term 'career appointee' means a Federal Aviation Administration career executive; and

''(IV) the term 'senior career employee' means a Federal Aviation Administration career senior professional;

''(ii) receipt by a career appointee of the rank of Meritorious Executive or Meritorious Senior Professional entitles such individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

''(iii) receipt by a career appointee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan.''.

SEC. 308. NEXT GENERATION FACILITIES NEEDS ASSESSMENT.

(a) FAA CRITERIA FOR FACILITIES REALIGNMENT.—Within 9 months after the date of enactment of this Act, the Administrator, after providing an opportunity for public comment, shall publish final criteria to be used in making the Administrator's recommendations for the realignment of services and facilities to assist in the transition to next generation facilities and help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(b) REALIGNMENT RECOMMENDATIONS.—Within 9 months after publication of the criteria, the Administrator shall publish a list of the services and facilities that the Administrator recommends for realignment, including a justification for each recommendation and a description of the costs and savings of such transition, in the Federal Register and allow 45 days for the submission of public comments to the Board. In addition, the Administrator upon request shall hold a public hearing in any community that would be affected by a recommendation in the report.

(c) STUDY BY BOARD.—The Air Traffic Control Modernization Oversight Board established by section 106(p) of title 49, United States Code, shall study the Administrator's recommendations for realignment and the opportunities, risks, and benefits of realigning services and facilities of the Administration to help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(d) REVIEW AND RECOMMENDATIONS.—

(1) Based on its review and analysis of the Administrator's recommendations and any public comment it may receive, the Board shall make its independent recommendations for realignment of aviation services or facilities and submit its recommendations in a report to the President, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure.

(2) The Board shall explain and justify in its report any recommendation made by the Board that is different from the recommendations made by the Administrator pursuant to subsection (b).

(3) The Administrator may not realign any air traffic control facilities or regional offices until the Board's recommendations are complete, unless for each proposed realignment the Administrator and each exclusive bargaining representative certified under section 7114 of title 5, United States Code, of affected employees execute a written agreement regarding the proposed realignment.

(e) REALIGNMENT DEFINED.—In this section, the term ''realignment''—

(1) means a relocation or reorganization of functions, services, or personnel positions, including a facility closure, consolidation, deconsolidation, collocation, decombining, decoupling, split, or inter-facility or inter-regional reorganization that requires a reassignment of employees; but

(2) does not include a reduction in personnel resulting from workload adjustments.

SEC. 309. NEXT GENERATION AIR TRANSPORTATION SYSTEM IMPLEMENTATION OFFICE.

(a) IMPROVED COOPERATION AND COORDINATION AMONG PARTICIPATING AGENCIES.—Section 709 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended—

(1) by inserting ''strategic and cross-agency'' after ''manage'' in subsection (a)(1);

(2) by adding at the end of subsection (a)(1) ''The office shall be headed by a Director, who shall report to the Chief NextGen Officer appointed or designated under section 302(a) of the FAA Air Transportation Modernization and Safety Improvement Act.'';

(3) by inserting ''(A)'' after ''(3)'' in subsection (a)(3);

(4) by inserting after subsection (a)(3) the following:

''(B) The Administrator, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Department or Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate an implementation office to be responsible for—

''(i) carrying out the Department or agency's Next Generation Air Transportation System implementation activities with the Office;

''(ii) liaison and coordination with other Departments and agencies involved in Next Generation Air Transportation System activities; and

''(iii) managing all Next Generation Air Transportation System programs for the Department or agency, including necessary budgetary and staff resources, including, for the Federal Aviation Administration, those projects described in section 44501(b)(5) of title 49, United States Code).

''(C) The head of any such Department or agency shall ensure that—

''(i) the Department's or agency's Next Generation Air Transportation System responsibilities are clearly communicated to the designated office; and

''(ii) the performance of supervisory personnel in that office in carrying out the Department's or agency's Next Generation Air Transportation System responsibilities is reflected in their annual performance evaluations and compensation decisions.

''(D)(i) Within 6 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the head of each such Department or agency shall execute a memorandum of understanding with the Office and with the other Departments and agencies participating in the Next Generation Air Transportation System project that—

''(I) describes the respective responsibilities of each such Department and agency, including budgetary commitments; and

''(II) the budgetary and staff resources committed to the project.

''(ii) The memorandum shall be revised as necessary to reflect any changes in such responsibilities or commitments and be reflected in each Department or agency's budget request.'';

(5) by striking ''beyond those currently included in the Federal Aviation Administration's operational evolution plan'' in subsection (b);

(6) by striking ''research and development roadmap'' in subsection (b)(3) and inserting ''implementation plan'';

(7) by striking ''and'' after the semicolon in subsection (b)(3)(B);

(8) by inserting after subsection (b)(3)(C) the following:

''(D) a schedule of rulemakings required to issue regulations and guidelines for implementation of the Next Generation Air Transportation System within a timeframe consistent with the integrated plan; and'';

(9) by inserting ''and key technologies'' after ''concepts'' in subsection (b)(4);

(10) by striking ''users'' in subsection (b)(4) and inserting ''users, an implementation plan,'';

(11) by adding at the end of subsection (b) the following:

''Within 6 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator shall develop the implementation plan described in paragraph (3) of this subsection and shall update it annually thereafter.''; and

(12) by striking ''2010.'' in subsection (e) and inserting ''2011.''.

(b) SENIOR POLICY COMMITTEE MEETINGS.—Section 710(a) of such Act (49 U.S.C. 40101 note) is amended by striking ''Secretary.'' and inserting ''Secretary and shall meet at least once each quarter.''.

SEC. 310. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by striking subparagraph (B) and inserting the following:

''(B) runway lighting and airport surface visual and other navigation aids;'';

(2) by striking ''weather information, signaling, radio-directional finding, or radio or other electromagnetic communication; and'' in subparagraph (C) and inserting ''aeronautical and meteorological information to air traffic control facilities or aircraft, supplying communication, navigation or surveillance equipment for air-to-ground or air-to-air applications;'';

(3) by striking ''another structure'' in subparagraph (D) and inserting ''any structure, equipment,'';

(4) by striking ''aircraft.'' in subparagraph (D) and inserting ''aircraft; and''; and

(5) by adding at the end the following:

''(E) buildings, equipment, and systems dedicated to the National Airspace System.''.

SEC. 311. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a)(2) is amended by striking ''compensation; and'' and inserting ''compensation, and the amount received may be credited to the appropriation current when the amount is received; and''.

SEC. 312. EDUCATIONAL REQUIREMENTS.

The Administrator shall make payments to the Department of Defense for the education of dependent children of those Administration employees in Puerto Rico and Guam as they are subject to transfer by policy and practice and meet the eligibility requirements of section 2164(c) of title 10, United States Code.

SEC. 313. FAA PERSONNEL MANAGEMENT SYSTEM.

Section 40122(a)(2) is amended to read as follows:

''(2) DISPUTE RESOLUTION.—

''(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or subsection (g)(2)(C) with the exclusive bargaining representatives, the services of the Federal Mediation and Conciliation Service shall be used to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations. The Administrator and bargaining representatives may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

''(B) BINDING ARBITRATION.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A) do not lead to an agreement, the Administrator and the bargaining representatives shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members in accordance with section 2471.6(a)(2)(ii) of title 5, Code of Federal Regulations. The executive director of the Panel shall request a list of not less than 15

names of arbitrators with Federal sector experience from the director of the Federal Mediation and Conciliation Service to be provided to the Administrator and the bargaining representatives. Within 10 days after receiving the list, the parties shall each select 1 person. The 2 arbitrators shall then select a third person from the list within 7 days. If the 2 arbitrators are unable to agree on the third person, the parties shall select the third person by alternately striking names from the list until only 1 name remains. If the parties do not agree on the framing of the issues to be submitted, the arbitration board shall frame the issues. The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel, or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 90 days after its appointment. The Administrator and the bargaining representative shall share costs of the arbitration equally. The arbitration board shall take into consideration the effect of its arbitration decisions on the Federal Aviation Administration's ability to attract and retain a qualified workforce and the Federal Aviation Administration's budget.

''(C) EFFECT.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under subparagraph (B) above, the final agreement, except for those matters decided by the arbitration board, shall be subject to ratification by the exclusive representative, if so requested by the exclusive representative, and approval by the head of the agency in accordance with subsection (g)(2)(C).

''(D) ENFORCEMENT.—Enforcement of the provisions of this paragraph shall be in the United States District Court for the District of Columbia.''.

SEC. 314. ACCELERATION OF NEXTGEN TECHNOLOGIES.

(a) OEP AIRPORT PROCEDURES.—

(1) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, and aircraft manufacturers that includes the following:

(A) RNP/RNAV OPERATIONS.—The required navigation performance and area navigation operations, including the procedures to be developed, certified, and published and the air traffic control operational changes, to maximize the efficiency and capacity of NextGen commercial operations at the 35 Operational Evolution Partnership airports identified by the Administration.

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

(C) IMPLEMENTATION PLAN.—A plan for implementing those procedures that establishes—

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

(ii) specific implementation and transition steps; and

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

(D) COST/BENEFIT ANALYSIS FOR THIRD-PARTY USAGE.—An assessment of the costs and benefits of using third parties to assist in the development of the procedures.

(E) ADDITIONAL PROCEDURES.—A process for the identification, certification, and publication of additional required navigation performance and area navigation procedures that may be required at such airports in the future.

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

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

(B) 60 percent of the procedures within 36 months after the date of enactment of this Act; and

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

(b) EXPANSION OF PLAN TO OTHER AIRPORTS.—

(1) IN GENERAL.—No later than January 1, 2014, the Administrator shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, and air carriers, that includes a plan for applying the procedures, requirements, criteria, and metrics described in subsection (a)(1) to other airports across the Nation.

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

(A) 25 percent of the required procedures at such other airports before January 1, 2015;

(B) 50 percent of the procedures at such other airports before January 1, 2016;

(C) 75 percent of the procedures at such other airports before January 1, 2017; and

(D) 100 percent of the procedures before January 1, 2018.

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

(d) COORDINATED AND EXPEDITED REVIEW.—Navigation performance and area navigation procedures developed, certified, published, and implemented under this section shall be presumed to be covered by a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations) under chapter 3 of FAA Order 1050.1E unless the Administrator determines that extraordinary circumstances exist with respect to the procedure.

(e) DEPLOYMENT PLAN FOR NATIONWIDE DATA COMMUNICATIONS SYSTEM.—Within 1 year after the date of enactment of this Act, the Administrator shall submit a plan for implementation of a nationwide communications system to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. The plan shall include—

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

(2) specific implementation and transition steps; and

(3) baseline and performance metrics for measuring the Administration's progress in implementing the plan.

(f) IMPROVED PERFORMANCE STANDARDS.—Within 90 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate committee on commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that—

(1) evaluates whether utilization of ADS–B, RNP, and other technologies as part of the NextGen Air Transportation System implementation plan will display the position of aircraft more accurately and frequently so as to enable a more efficient use of existing airspace and result in reduced consumption of aviation fuel and aircraft engine emissions;

(2) evaluates the feasibility of reducing aircraft separation standards in a safe manner as a result of implementation of such technologies; and

(3) if the Administrator determines that such standards can be reduced safely, includes a timetable for implementation of such reduced standards.

SEC. 315. ADS–B DEVELOPMENT AND IMPLEMENTATION.

(a) IN GENERAL.—

(1) REPORT REQUIRED.—Within 90 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure detailing the Administration's program and schedule for integrating ADS–B technology into the National Airspace System. The report shall include—

(A) a clearly defined budget, schedule, project organization, leadership, and the specific implementation or transition steps required to achieve these ADS–B ground station installation goals;

(B) a transition plan for ADS–B that includes date-specific milestones for the implementation of new capabilities into the National Airspace System;

(C) identification of any potential operational or workforce changes resulting from deployment of ADS–B;

(D) detailed plans and schedules for implementation of advanced operational procedures and ADS–B air-to-air applications; and

(E) baseline and performance metrics in order to measure the agency's progress.

(2) IDENTIFICATION AND MEASUREMENT OF BENEFITS.—In the report required by paragraph (1), the Administrator shall identify actual benefits that will accrue to National Airspace System users from deployment of ADS–B and provide and explanation of the metrics used to quantify those benefits.

(b) RULEMAKINGS.—

(1) ADS–B OUT.—Not later than 45 days after the date of enactment of this Act the Administrator shall—

(A) complete the initial rulemaking proceeding (Docket No. FAA–2007–29305; Notice No. 07–15; 72 FR 56947) to issue guidelines and regulations for ADS–B Out technology that—

(i) identify the ADS–B Out technology that will be required under NextGen;

(ii) subject to paragraph (3), require all aircraft to be equipped with such technology by 2015; and

(iii) identify—

(I) the type of such avionics required of aircraft for all classes of airspace;

(II) the expected costs associated with the avionics; and

(III) the expected uses and benefits of the avionics; and

(B) initiate a rulemaking proceeding to issue any additional guidelines and regulations for ADS–B Out technology not addressed in the initial rulemaking.

(2) ADS–B IN.—Not later than 45 days after the date of enactment of this Act the Administrator shall initiate a rulemaking proceeding to issue guidelines and regulations for ADS–B In technology that—

(A) identify the ADS–B In technology that will be required under NextGen;

(B) subject to paragraph (3), require all aircraft to be equipped with such technology by 2018; and

(C) identify—

(i) the type of such avionics required of aircraft for all classes of airspace;

(ii) the expected costs associated with the avionics; and

(iii) the expected uses and benefits of the avionics.

(3) READINESS VERIFICATION.—Before the date on which all aircraft are required to be equipped with ADS–B technology pursuant to rulemakings under paragraphs (1) and (2), the Air Traffic Control Modernization Oversight Board shall verify that—

(A) the necessary ground infrastructure is installed and functioning properly;

(B) certification standards have been approved; and

(C) appropriate operational platforms interface safely and efficiently.

(c) USES.—Within 18 months after the date of enactment of this Act, the Administrator shall develop, in consultation with appropriate employee groups, a plan for the use of ADS–B technology for surveillance and active air traffic control by 2015. The plans shall—

(1) include provisions to test the use of ADS–B prior to the 2015 deadline for surveillance and active air traffic control in specific regions of the country with the most congested airspace;

(2) identify the equipment required at air traffic control facilities and the training required for air traffic controllers;

(3) develop procedures, in consultation with appropriate employee groups, to conduct air traffic management in mixed equipage environments; and

(4) establish a policy in these test regions, with consultation from appropriate employee groups, to provide incentives for equipage with ADS–B technology by giving priority to aircraft equipped with such technology before the 2015 and 2018 equipage deadlines.

SEC. 316. EQUIPAGE INCENTIVES.

(a) IN GENERAL.—The Administrator shall issue a report that—

(1) identifies incentive options to encourage the equipage of aircraft with NextGen technologies, including a policy that gives priority to aircraft equipped with ADS–B technology;

(2) identifies the costs and benefits of each option; and

(3) includes input from industry stakeholders, including passenger and cargo air carriers, aerospace manufacturers, and general aviation aircraft operators.

(b) DEADLINE.—The Administrator shall issue the report before the earlier of—

(1) the date that is 6 months after the date of enactment of this Act; or

(2) the date on which aircraft are required to be equipped with ADS–B technology pursuant to rulemakings under section 315(b) of this Act.

SEC. 317. PERFORMANCE METRICS.

(a) IN GENERAL.—No later than June 1, 2010, the Administrator shall establish and track National Airspace System performance metrics, including, at a minimum—

(1) the allowable operations per hour on runways;

(2) average gate-to-gate times;

(3) fuel burned between key city pairs;

(4) operations using the advanced procedures implemented under section 314 of this Act;

(5) average distance flown between key city pairs;

(6) time between pushing back from the gate and taking off;

(7) uninterrupted climb or descent;

(8) average gate arrival delay for all arrivals;

(9) flown versus filed flight times for key city pairs; and

(10) metrics to demonstrate reduced fuel burn and reduced emissions.

(b) OPTIMAL BASELINES.—The Administrator, in consultation with aviation industry stakeholders, shall identify optimal baselines for each of these metrics and appropriate methods to measure deviations from these baselines.

(c) PUBLICATION.—The Administration shall make the data obtained under subsection (a) available to the public in a searchable, sortable, downloadable format through its website and other appropriate media.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that contains—

(A) a description of the metrics that will be used to measure the Administration's progress in implementing NextGen Air Transportation System capabilities and operational results; and

(B) information about how any additional metrics were developed.

(2) ANNUAL PROGRESS REPORT.—The Administrator shall submit an annual progress report to those committees on the Administration's progress in implementing NextGen Air Transportation System.

SEC. 318. CERTIFICATION STANDARDS AND RESOURCES.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator shall develop a plan to accelerate and streamline the process for certification of NextGen technologies, including—

(1) updated project plans and timelines to meet the deadlines established by this title;

(2) identification of the specific activities needed to certify core NextGen technologies, including the establishment of NextGen technical requirements for the manufacture of equipage, installation of equipage, airline operational procedures, pilot training standards, air traffic control procedures, and air traffic controller training;

(3) staffing requirements for the Air Certification Service and the Flight Standards Service, and measures addressing concerns expressed by the Department of Transportation Inspector General and the Comptroller General regarding staffing needs for modernization;

(4) an assessment of the extent to which the Administration will use third parties in the certification process, and the cost and benefits of this approach; and

(5) performance metrics to measure the Administration's progress.

(b) CERTIFICATION INTEGRITY.—The Administrator shall make no distinction between public or privately owned equipment, systems, or services used in the National Airspace System when determining certification requirements.

SEC. 319. UNMANNED AERIAL SYSTEMS.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator shall develop a plan to accelerate the integration of unmanned aerial systems into the National Airspace System that—

(1) creates a pilot project to integrate such vehicles into the National Airspace System at 4 test sites in the National Airspace System by 2012;

(2) creates a safe, non-exclusionary airspace designation for cooperative manned and unmanned flight operations in the National Airspace System;

(3) establishes a process to develop certification, flight standards, and air traffic requirements for such vehicles at the test sites;

(4) dedicates funding for unmanned aerial systems research and development to certification, flight standards, and air traffic requirements;

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

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

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

(8) provides for verification of the safety of the vehicles and navigation procedures before their integration into the National Airspace System.

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

SEC. 320. SURFACE SYSTEMS PROGRAM OFFICE.

(a) IN GENERAL.—The Air Traffic Organization shall—

(1) evaluate the Airport Surface Detection Equipment-Model X program for its potential contribution to implementation of the NextGen initiative;

(2) evaluate airport surveillance technologies and associated collaborative surface management software for potential contributions to implementation of NextGen surface management;

(3) accelerate implementation of the program; and

(4) carry out such additional duties as the Administrator may require.

(b) EXPEDITED CERTIFICATION AND UTILIZATION.—The Administrator shall—

(1) consider options for expediting the certification of Ground Based Augmentation System technology; and

(2) develop a plan to utilize such a system at the 35 Operational Evolution Partnership airports by September 30, 2012.

SEC. 321. STAKEHOLDER COORDINATION.

(a) IN GENERAL.—The Administrator shall establish a process for including qualified employees selected by each exclusive collective bargaining representative of employees of the Administration who are likely to be affected by the planning, development, and deployment of air traffic control modernization projects (including the Next Generation Air Transportation System) in, and collaborating with, such employees in the planning, development, and deployment of those projects.

(b) PARTICIPATION.—

(1) BARGAINING OBLIGATIONS AND RIGHTS.—Participation in the process described in subsection (a) shall not be construed as a waiver of any bargaining obligations or rights under section 40122(a)(1) or 40122(g)(2)(C) of title 49, United States Code.

(2) CAPACITY AND COMPENSATION.—Exclusive collective bargaining representatives and selected employees participating in the process described in subsection (a) shall—

(A) serve in a collaborative and advisory capacity; and

(B) receive appropriate travel and per diem expenses in accordance with the travel policies of the Administration in addition to any regular compensation and benefits.

(c) REPORT.—No later than 180 days after the date of enactment of this Act, the Administrator shall submit a report on the implementation of this section to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 322. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.

(a) ESTABLISHMENT.—The Administrator shall establish a special task force to be known as the ''FAA Task Force on Air Traffic Control Facility Conditions''.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Task Force shall be composed of 11 members of whom—

(A) 7 members shall be appointed by the Administrator; and

(B) 4 members shall be appointed by labor unions representing employees who work at field facilities of the Administration.

(2) QUALIFICATIONS.—Of the members appointed by the Administrator under paragraph (1)(A)—

(A) 4 members shall be specialists on toxic mold abatement, ''sick building syndrome,'' and other hazardous building conditions that can lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and

(B) 2 members shall be specialists on the rehabilitation of aging buildings.

(3) TERMS.—Members shall be appointed for the life of the Task Force.

(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) CHAIRPERSON.—The Administrator shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Task Force.

(d) TASK FORCE PERSONNEL MATTERS.—

(1) STAFF.—The Task Force may appoint and fix the pay of such personnel as it considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson of the Task Force, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Task Force to assist it in carrying out its duties under this section.

(3) OTHER STAFF AND SUPPORT.—Upon request of the Task Force or a panel of the Task Force, the Administrator shall provide the Task Force or panel with professional and administrative staff and other support, on a reimbursable basis, to the Task Force to assist it in carrying out its duties under this section.

(e) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Task Force to carry out its duties under this section. Upon request of the chairperson of the Task Force, the head of that department or agency shall furnish such information to the Task Force.

(f) DUTIES.—

(1) STUDY.—The Task Force shall undertake a study of—

(A) the conditions of all air traffic control facilities across the Nation, including towers, centers, and terminal radar air control;

(B) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in facilities of the Administration;

(C) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;

(D) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(E) whether employees of the Administration who report facility-related illnesses are treated fairly;

(F) utilization of scientifically approved remediation techniques in a timely fashion once hazardous conditions are identified in a facility of the Administration; and

(G) resources allocated to facility maintenance and renovation by the Administration.

(2) FACILITY CONDITION INDICES.—The Task Force shall review the facility condition indices of the Administration for inclusion in the recommendations under subsection (g).

(g) RECOMMENDATIONS.—Based on the results of the study and review of the facility condition indices under subsection (f), the Task Force shall make recommendations as it considers necessary to—

(1) prioritize those facilities needing the most immediate attention in order of the greatest risk to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging air traffic control facilities do not deteriorate to unsafe levels.

(h) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Task Force are completed, the Task Force shall submit a report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).

(i) IMPLEMENTATION.—Within 30 days after receipt of the Task Force report under subsection (h), the Administrator shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report that includes a plan and timeline to implement the recommendations of the Task Force and to align future budgets and priorities of the Administration accordingly.

(j) TERMINATION.—The Task Force shall terminate on the last day of the 30-day period beginning on the date on which the report under subsection (h) is submitted.

(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

SEC. 323. STATE ADS–B EQUIPAGE BANK PILOT PROGRAM.

(a) IN GENERAL.—

(1) COOPERATIVE AGREEMENTS.—Subject to the provisions of this section, the Secretary of Transportation may enter into cooperative agreements with not to exceed 5 States for the establishment of State ADS–B equipage banks for making loans and providing other assistance to public entities for projects eligible for assistance under this section.

(b) FUNDING.—

(1) SEPARATE ACCOUNT.—An ADS–B equipage bank established under this section shall maintain a separate aviation trust fund account for Federal funds contributed to the bank under paragraph (2). No Federal funds contributed or credited to an account of an ADS–B equipage bank established under this section may be commingled with Federal funds contributed or credited to any other account of such bank.

(2) AUTHORIZATION.—There are authorized to be appropriated to the Secretary $25,000,000 for each of fiscal years 2010 through 2014.

(c) FORMS OF ASSISTANCE FROM ADS–B EQUIPAGE BANKS.—An ADS–B equipage bank established under this section may make loans or provide other assistance to a public entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section. The amount of any loan or other assistance provided for such project may be subordinated to any other debt financing for the project.

(d) QUALIFYING PROJECTS.—Federal funds in the ADS–B equipage account of an ADS–B equipage bank established under this section may be used only to provide assistance with respect to aircraft ADS–B and related avionics equipage.

(e) REQUIREMENTS.—In order to establish an ADS–B equipage bank under this section, each State establishing such a bank shall—

(1) contribute, at a minimum, in each account of the bank from non-Federal sources an amount equal to 50 percent of the amount of each capitalization grant made to the State and contributed to the bank;

(2) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances or has a sufficient level of bond or debt financing instrument insurance to maintain the viability of the bank;

(3) ensure that investment income generated by funds contributed to an account of the bank will be—

(A) credited to the account;

(B) available for use in providing loans and other assistance to projects eligible for assistance from the account; and

(C) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

(4) ensure that any loan from the bank will bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible;

(5) ensure that the term for repaying any loan will not exceed 10 years after the date of the first payment on the loan; and

(6) require the bank to make an annual report to the Secretary on its status no later than September 30 of each year for which funds are made available under this section, and to make such other reports as the Secretary may require by guidelines.

SEC. 324. IMPLEMENTATION OF INSPECTOR GENERAL ATC RECOMMENDATIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, but no later than 1 year after that date, the Administrator of the Federal Aviation Administration shall—

(1) provide the Los Angeles International Air Traffic Control Tower facility, the Southern California Terminal Radar Approach Control facility, and the Northern California Terminal Radar Approach Control facility a sufficient number of contract instructors, classroom space (including off-site locations as needed), and simulators for a surge in the number of new air traffic controllers at those facilities;

(2) to the greatest extent practicable, distribute the placement of new trainee air traffic controllers at those facilities evenly across the calendar year in order to avoid training bottlenecks;

(3) commission an independent analysis, in consultation with the Administration and the exclusive bargaining representative of air traffic controllers certified under section 7111 of title 5, United States Code, of overtime scheduling practices at those facilities; and

(4) to the greatest extent practicable, provide priority to certified professional controllers-in-training when filling staffing vacancies at those facilities.

(b) STAFFING ANALYSES AND REPORTS.—For the purposes of—

(1) the Federal Aviation Administration's annual controller workforce plan,

(2) the Administration's facility-by-facility authorized staffing ranges, and

(3) any report of air traffic controller staffing levels submitted to the Congress,

the Administrator may not consider an individual to be an air traffic controller unless that individual is a certified professional controller.

SEC. 325. DEFINITIONS.

In this title:

(1) ADMINISTRATION.—The term ''Administration'' means the Federal Aviation Administration.

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

(3) NEXTGEN.—The term ''NextGen'' means the Next Generation Air Transportation System.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SUBTITLE A—CONSUMER PROTECTION

SEC. 401. AIRLINE CUSTOMER SERVICE COMMITMENT.

(a) IN GENERAL.—Chapter 417 is amended by adding at the end the following:

''SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

''§ 41781. Air carrier and airport contingency plans for long on-board tarmac delays

''(a) DEFINITION OF TARMAC DELAY.—The term 'tarmac delay' means the holding of an aircraft on the ground before taking off or after landing with no opportunity for its passengers to deplane.

''(b) SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.—Not later than 60 days after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, each air carrier and airport operator shall submit, in accordance with the requirements under this section, a proposed contingency plan to the Secretary of Transportation for review and approval.

''(c) MINIMUM STANDARDS.—The Secretary of Transportation shall establish minimum standards for elements in contingency plans required to be submitted under this section to ensure that such plans effectively address long on-board tarmac delays and provide for the health and safety of passengers and crew.

''(d) AIR CARRIER PLANS.—The plan shall require each air carrier to implement at a minimum the following:

''(1) PROVISION OF ESSENTIAL SERVICES.—Each air carrier shall provide for the essential needs of passengers on board an aircraft at an airport in any case in which the departure of a flight is delayed or disembarkation of passengers on an arriving flight that has landed is substantially delayed, including—

''(A) adequate food and potable water;

''(B) adequate restroom facilities;

''(C) cabin ventilation and comfortable cabin temperatures; and

''(D) access to necessary medical treatment.

''(2) RIGHT TO DEPLANE.—

''(A) IN GENERAL.—Each air carrier shall submit a proposed contingency plan to the Secretary of Transportation that identifies a clear time frame under which passengers would be permitted to deplane a delayed aircraft. After the Secretary has reviewed and approved the proposed plan, the air carrier shall make the plan available to the public.

''(B) DELAYS.—

''(i) IN GENERAL.—As part of the plan, except as provided under clause (iii), an air carrier shall provide passengers with the option of deplaning and returning to the terminal at which such deplaning could be safely completed, or deplaning at the terminal if—

''(I) 3 hours have elapsed after passengers have boarded the aircraft, the aircraft doors are closed, and the aircraft has not departed; or

''(II) 3 hours have elapsed after the aircraft has landed and the passengers on the aircraft have been unable to deplane.

''(ii) FREQUENCY.—The option described in clause (i) shall be offered to passengers at a minimum not less often than once during each successive 3-hour period that the plane remains on the ground.

''(iii) EXCEPTIONS.—This subparagraph shall not apply if—

''(I) the pilot of such aircraft reasonably determines that the aircraft will depart or be unloaded at the terminal not later than 30 minutes after the 3 hour delay; or

''(II) the pilot of such aircraft reasonably determines that permitting a passenger to deplane would jeopardize passenger safety or security.

''(C) APPLICATION TO DIVERTED FLIGHTS.—This section applies to aircraft without regard to whether they have been diverted to an airport other than the original destination.

''(D) REPORTS.—Not later than 30 days after any flight experiences a tarmac delay lasting at least 3 hours, the air carrier responsible for such flight shall submit a written description of the incident and its resolution to the Aviation Consumer Protection Office of the Department of Transportation.

''(e) AIRPORT PLANS.—Each airport operator shall submit a proposed contingency plan under subsection (b) that contains a description of—

''(1) how the airport operator will provide for the deplanement of passengers following a long tarmac delay; and

''(2) how, to the maximum extent practicable, the airport operator will provide for the sharing of facilities and make gates available at the airport for use by aircraft experiencing such delays.

''(f) UPDATES.—The Secretary shall require periodic reviews and updates of the plans as necessary.

''(g) APPROVAL.—

''(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Secretary of Transportation shall—

''(A) review the initial contingency plans submitted under subsection (b); and

''(B) approve plans that closely adhere to the standards described in subsections (d) or (e), whichever is applicable.

''(2) UPDATES.—Not later than 60 days after the submission of an update under subsection (f) or an initial contingency plan by a new air carrier or airport, the Secretary shall—

''(A) review the plan; and

''(B) approve the plan if it closely adheres to the standards described in subsections (d) or (e), whichever is applicable.

''(h) CIVIL PENALTIES.—The Secretary may assess a civil penalty under section 46301 against any air carrier or airport operator that does not submit, obtain approval of, or adhere to a contingency plan submitted under this section.

''(i) PUBLIC ACCESS.—Each air carrier and airport operator required to submit a contingency plan under this section shall ensure public access to an approved plan under this section by—

''(1) including the plan on the Internet Web site of the carrier or airport; or

''(2) disseminating the plan by other means, as determined by the Secretary.

''§ 41782. Air passenger complaints hotline and information

''(a) AIR PASSENGER COMPLAINTS HOTLINE TELEPHONE NUMBER.—The Secretary of Transportation shall establish a consumer complaints hotline telephone number for the use of air passengers.

''(b) PUBLIC NOTICE.—The Secretary shall notify the public of the telephone number established under subsection (a).

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section, which sums shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 417 is amended by adding at the end the following:

''SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

''41781. Air carrier and airport contingency plans for long on-board tarmac delays

''41782. Air passenger complaints hotline and information''.

SEC. 402. PUBLICATION OF CUSTOMER SERVICE DATA AND FLIGHT DELAY HISTORY.

(a) IN GENERAL.—Section 41722 is amended by adding at the end the following:

''(f) CHRONICALLY DELAYED FLIGHTS.—

''(1) PUBLICATION OF LIST OF FLIGHTS.—Each air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation shall, on a monthly basis—

''(A) publish and update on the Internet website of the air carrier a list of chronically delayed flights operated by such air carrier; and

''(B) share such list with each entity that is authorized to book passenger air transportation for such air carrier for inclusion on the Internet website of such entity.

''(2) DISCLOSURE TO CUSTOMERS WHEN PURCHASING TICKETS.—For each individual who books passenger air transportation on the Internet website of an air carrier, or the Internet website of an entity that is authorized to book passenger air transportation for an air carrier, for any flight for which data is reported to the Department of Transportation under part 234 of title 14, Code of Federal Regulations, such air carrier or entity, as the case may be, shall prominently disclose to such individual, before such individual makes such booking, the following:

''(A) The on-time performance for the flight if the flight is a chronically delayed flight.

''(B) The cancellation rate for the flight if the flight is a chronically canceled flight.

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

''(A) CHRONICALLY DELAYED FLIGHT.—The term 'chronically delayed flight' means a regularly scheduled flight that has failed to arrive on time (as such term is defined in section 234.2 of title 14, Code of Federal Regulations) at least 40 percent of the time during the most recent 3-month period for which data is available.

''(B) CHRONICALLY CANCELED FLIGHT.—The term 'chronically canceled flight' means a regularly scheduled flight at least 30 percent of the departures of which have been canceled during the most recent 3-month period for which data is available.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SEC. 403. EXPANSION OF DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Transportation shall investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats flights;

(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flier miles, or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

(b) BUDGET NEEDS REPORT.—The Secretary shall provide, as an annex to its annual budget request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to the Congress when the President submits the budget of the United States to the Congress under section 1105 of title 31, United States Code.

SEC. 404. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection to advise the Secretary in carrying out airline customer service improvements, including those required by subchapter IV of chapter 417 of title 49, United States Code.

(b) MEMBERSHIP.—The Secretary shall appoint members of the advisory committee comprised of one representative each of—

(1) air carriers;

(2) airport operators;

(3) State or local governments who has expertise in consumer protection matters; and

(4) a nonprofit public interest group who has expertise in consumer protection matters.

(c) VACANCIES.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

(d) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

(f) DUTIES.—The duties of the advisory committee shall include—

(1) evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed; and

(2) providing recommendations to establish additional aviation consumer protection programs, if needed.

(g) REPORT.—Not later than February 1 of each of the first 2 calendar years beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

(1) the recommendations made by the advisory committee during the preceding calendar year; and

(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.

SEC. 405. DISCLOSURE OF PASSENGER FEES.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary of Transportation shall complete a rulemaking that requires each air carrier operating in the United States under part 121 of title 49, Code of Federal Regulations, to make available to the public and to the Secretary a list of all passenger fees and charges (other than airfare) that may be imposed by the air carrier, including fees for—

(1) checked baggage or oversized or heavy baggage;

(2) meals, beverages, or other refreshments;

(3) seats in exit rows, seats with additional space, or other preferred seats in any given class of travel;

(4) purchasing tickets from an airline ticket agent or a travel agency; or

(5) any other good, service, or amenity provided by the air carrier, as required by the Secretary.

(b) PUBLICATION; UPDATES.—In order to ensure that the fee information required by subsection (a) is both current and widely available to the travelling public, the Secretary—

(1) may require an air carrier to make such information on any public website maintained by an air carrier, to make such information available to travel agencies, and to notify passengers of the availability of such information when advertising airfares; and

(2) shall require air carriers to update the information as necessary, but no less frequently than every 90 days unless there has been no increase in the amount or type of fees shown in the most recent publication.

SEC. 406. DISCLOSURE OF AIR CARRIERS OPERATING FLIGHTS FOR TICKETS SOLD FOR AIR TRANSPORTATION.

Section 41712 is amended by adding at the end the following:

''(c) DISCLOSURE REQUIREMENT FOR SELLERS OF TICKETS FOR FLIGHTS.—

''(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or other person offering to sell tickets for air transportation on a flight of an air carrier to not disclose, whether verbally in oral communication or in writing in written or electronic communication, prior to the purchase of a ticket—

''(A) the name (including any business or corporate name) of the air carrier providing the air transportation; and

''(B) if the flight has more than one flight segment, the name of each air carrier providing the air transportation for each such flight segment.

''(2) INTERNET OFFERS.—In the case of an offer to sell tickets described in paragraph (1) on an Internet Web site, disclosure of the information required by paragraph (1) shall be provided on the first display of the Web site following a search of a requested itinerary in a format that is easily visible to a viewer.''.

SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL COMMUNITIES

SEC. 411. EAS CONNECTIVITY PROGRAM.

Section 406(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking ''may'' and inserting ''shall''.

SEC. 412. EXTENSION OF FINAL ORDER ESTABLISHING MILEAGE ADJUSTMENT ELIGIBILITY.

Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking ''September 30, 2007.'' and inserting ''September 30, 2011.''.

SEC. 413. EAS CONTRACT GUIDELINES.

Section 41737(a)(1) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (B);

(2) by striking ''provided.'' in subparagraph (C) and inserting ''provided;''; and

(3) by adding at the end the following:

''(D) include provisions under which the Secretary may encourage carriers to improve air service to small and rural communities by incorporating financial incentives in essential air service contracts based on specified performance goals; and

''(E) include provisions under which the Secretary may execute long-term essential air service contracts to encourage carriers to provide air service to small and rural communities where it would be in the public interest to do so.''.

SEC. 414. CONVERSION OF FORMER EAS AIRPORTS.

(a) IN GENERAL.—Section 41745 is amended—

(1) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively; and

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

''(c) CONVERSION OF LOST ELIGIBILITY AIRPORTS.—

''(1) IN GENERAL.—The Secretary shall establish a program to provide general aviation conversion funding for airports serving eligible places that the Secretary has determined no longer qualify for a subsidy.

''(2) GRANTS.—A grant under this subsection—

''(A) may not exceed twice the compensation paid to provide essential air service to the airport in the fiscal year preceding the fiscal year in which the Secretary determines that the place served by the airport is no longer an eligible place; and

''(B) may be used—

''(i) for airport development (as defined in section 47102(3)) that will enhance general aviation capacity at the airport;

''(ii) to defray operating expenses, if such use is approved by the Secretary; or

''(iii) to develop innovative air service options, such as on-demand or air taxi operations, if such use is approved by the Secretary.

''(3) AIP REQUIREMENTS.—An airport sponsor that uses funds provided under this subsection for an airport development project shall comply with the requirements of subchapter I of chapter 471 applicable to airport development projects funded under that subchapter with respect to the project funded under this subsection.

''(4) LIMITATION.—The sponsor of an airport receiving funding under this subsection is not eligible for funding under section 41736.''.

(b) CONFORMING AMENDMENT.—Section 41745(f), as redesignated, is amended—

(1) by striking ''An eligible place'' and inserting ''Neither an eligible place, nor a place to which subsection (c) applies,''; and

(2) by striking ''not''.

SEC. 415. EAS REFORM.

Section 41742(a) is amended—

(1) by adding at the end of paragraph (1) ''Any amount in excess of $50,000,000 credited for any fiscal year to the account established under section 45303(c) shall be obligated for programs under section 406 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) and section 41745 of this title. Amounts appropriated pursuant to this section shall remain available until expended.''; and

(2) by striking ''$77,000,000'' in paragraph (2) and inserting ''$150,000,000''.

SEC. 416. SMALL COMMUNITY AIR SERVICE.

(a) PRIORITIES.—Section 41743(c)(5) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (D);

(2) by striking ''fashion.'' in subparagraph (E) and inserting ''fashion; and''; and

(3) by adding at the end the following:

''(F) multiple communities cooperate to submit a region or multistate application to improve air service.''.

(b) EXTENSION OF AUTHORIZATION.—Section 41743(e)(2) is amended—

(1) by striking ''is appropriated'' and inserting ''are appropriated''; and

(2) by striking ''2009'' and inserting ''2011''.

SEC. 417. EAS MARKETING.

The Secretary of Transportation shall require all applications to provide service

under subchapter II of chapter 417 of title 49, United States Code, include a marketing plan.

SEC. 418. RURAL AVIATION IMPROVEMENT.

(a) COMMUNITIES ABOVE PER PASSENGER SUBSIDY CAP.—

(1) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

"§ 41749. Essential air service for eligible places above per passenger subsidy cap

''(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for an air carrier to provide air transportation to a place described in subsection (b).

''(b) PLACE DESCRIBED.—A place described in this subsection is a place—

''(1) that is otherwise an eligible place; and

''(2) for which the per passenger subsidy exceeds the dollar amount allowable under this subchapter.

''(c) DECISIONS.—Not later than 90 days after receiving a proposal under subsection (a) for compensation for an air carrier to provide air transportation to a place described in subsection (b), the Secretary shall—

''(1) decide whether to provide compensation for the air carrier to provide air transportation to the place; and

''(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

''(A) the per passenger subsidy; and

''(B) the dollar amount allowable for such subsidy under this subchapter.

''(d) COMPENSATION PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

''(2) DURATION OF PAYMENTS.—The Secretary shall continue to pay compensation under this section only as long as—

''(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

''(B) the Secretary decides the compensation is necessary to maintain air transportation to the place.

''(e) REVIEW.—

''(1) IN GENERAL.—The Secretary shall periodically review the type and level of air service provided under this section.

''(2) CONSULTATION.—The Secretary may make appropriate adjustments in the type and level of air service to a place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

''(f) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION.—An air carrier providing air transportation to a place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the air carrier provides notice of the intent of the air carrier to end, suspend, or reduce such air transportation to—

''(1) the Secretary;

''(2) the affected community; and

''(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).''.

(2) CLERICAL AMENDMENT.—The table of contents for chapter 417 is amended by adding after the item relating to section 41748 the following new item:

''41749. Essential air service for eligible places above per passenger subsidy cap''.

(b) PREFERRED ESSENTIAL AIR SERVICE.—

(1) IN GENERAL.—Subchapter II of chapter 417, as amended by subsection (a), is further amended by adding after section 41749 the following:

"§ 41750. Preferred essential air service

''(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place.

''(b) PREFERRED AIR CARRIER DESCRIBED.—A preferred air carrier described in this subsection is an air carrier that—

''(1) submits an application under section 41733(c) to provide air transportation to an eligible place;

''(2) is not the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

''(3) is an air carrier that the affected community prefers to provide air transportation to the eligible place instead of the air carrier that submits the lowest cost bid.

''(c) DECISIONS.—Not later than 90 days after receiving a proposal under subsection (a) for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place, the Secretary shall—

''(1) decide whether to provide compensation for the preferred air carrier to provide air transportation to the eligible place; and

''(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

''(A) the rate of compensation the Secretary would provide to the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

''(B) the rate of compensation the preferred air carrier estimates to be necessary to provide air transportation to the eligible place.

''(d) COMPENSATION PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

''(2) DURATION OF PAYMENTS.—The Secretary shall continue to pay compensation under this section only as long as—

''(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

''(B) the Secretary decides the compensation is necessary to maintain air transportation to the eligible place.

''(e) REVIEW.—

''(1) IN GENERAL.—The Secretary shall periodically review the type and level of air service provided under this section.

''(2) CONSULTATION.—The Secretary may make appropriate adjustments in the type and level of air service to an eligible place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

''(f) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION.—A preferred air carrier providing air transportation to an eligible place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the preferred air carrier provides notice of the intent of the preferred air carrier to end, suspend, or reduce such air transportation to—

''(1) the Secretary;

''(2) the affected community; and

''(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).''.

(2) CLERICAL AMENDMENT.—The table of contents for chapter 417, as amended by subsection (a), is further amended by adding after the item relating to section 41749 the following new item:

''41750. Preferred essential air service''.

(c) RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.—Section 41733 is amended by adding at the end the following:

''(f) RESTORATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.—

''(1) IN GENERAL.—If the Secretary of Transportation terminates the eligibility of an otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c), a State or local government may submit to the Secretary a proposal for restoring such eligibility.

''(2) DETERMINATION BY SECRETARY.—If the per passenger subsidy required by the proposal submitted by a State or local government under paragraph (1) does not exceed the per passenger subsidy cap provided under this subchapter, the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c).''.

(d) OFFICE OF RURAL AVIATION.—

(1) ESTABLISHMENT.—There is established within the Office of the Secretary of Transportation the Office of Rural Aviation.

(e) FUNCTIONS.—The functions of the Office are—

(1) to develop a uniform 4-year contract for air carriers providing essential air service to communities under subchapter II of chapter 417 of title 49, United States Code;

(2) to develop a mechanism for comparing applications submitted by air carriers under section 41733(c) to provide essential air service to communities, including comparing—

(A) estimates from air carriers on—

(i) the cost of providing essential air service; and

(ii) the revenues air carriers expect to receive when providing essential air service; and

(B) estimated schedules for air transportation; and

(3) to select an air carrier from among air carriers applying to provide essential air service, based on the criteria described in paragraph (2).

(f) EXTENSION OF AUTHORITY TO MAKE AGREEMENTS UNDER THE ESSENTIAL AIR SERVICE PROGRAM.—Section 41743(e)(2) is amended by striking ''2009'' and inserting ''2011''.

(g) ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.—Section 41737 is amended by adding at the end thereof the following:

''(f) FUEL COST SUBSIDY DISREGARD.—Any amount provided as an adjustment in compensation pursuant to subsection (a)(1)(D) shall be disregarded for the purpose of determining whether the amount of compensation provided under this subchapter with respect to an eligible place exceeds the per passenger subsidy exceeds the dollar amount allowable under this subchapter.''.

SUBTITLE C—MISCELLANEOUS

SEC. 431. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

(a) IN GENERAL.—Section 47129 is amended—

(1) by striking the section heading and inserting the following:

"§ 47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees" ;

(2) by inserting ''AND FOREIGN AIR CARRIER'' after ''CARRIER'' in the heading for subsection (d);

(3) by inserting ''AND FOREIGN AIR CARRIER'' after ''CARRIER'' in the heading for subsection (d)(2);

(4) by striking ''air carrier'' each place it appears and inserting ''air carrier or foreign air carrier'';

(5) by striking ''air carrier's'' each place it appears and inserting ''air carrier's or foreign air carrier's'';

(6) by striking ''air carriers'' and inserting ''air carriers or foreign air carriers''; and

(7) by striking ''(as defined in section 40102 of this title)'' in subsection (a) and inserting ''(as those terms are defined in section 40102 of this title)''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

''47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees''.

SEC. 432. CONTRACT TOWER PROGRAM.

(a) COST-BENEFIT REQUIREMENT.—Section 47124(b)(1) is amended—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by adding at the end the following:

''(B) If the Secretary determines that a tower already operating under this program has a benefit to cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.

''(C) If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use during such fiscal year the amount not so required to carry out the program established under paragraph (3) of this section.''.

(b) COSTS EXCEEDING BENEFITS.—Subparagraph (D) of section 47124(b)(3) is amended—

(1) by striking ''benefit.'' and inserting ''benefit, with the maximum allowable local cost share for FAA Part 139 certified airports capped at 20 percent for those airports with fewer than 50,000 annual passenger enplanements.''.

(c) FUNDING.—Subparagraph (E) of section 47124(b)(3) is amended—

(1) by striking ''and'' after ''2006,''; and

(2) by striking ''2007'' and inserting ''2007, $9,500,000 for fiscal year 2010, and $10,000,000 for fiscal year 2011'' after ''2007,''; and

(3) by inserting after ''paragraph.'' the following: ''If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use during such fiscal year the amount not so required to carry out the program continued under subsection (b)(1) of this section.''.

(d) FEDERAL SHARE.—Subparagraph (C) of section 47124(b)(4) is amended by striking ''$1,500,000.'' and inserting ''$2,000,000.''.

(e) SAFETY AUDITS.—Section 41724 is amended by adding at the end the following:

''(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under this section in accordance with the Administration's safety management system.''.

SEC. 433. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—The Congress finds that—

(1) the Armed Forces is comprised of approximately 1,450,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees (including baggage fees), ancillary costs, or penalties.

TITLE V— SAFETY

SUBTITLE A—AVIATION SAFETY

SEC. 501. RUNWAY SAFETY EQUIPMENT PLAN.

Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall issue a plan to develop an installation and deployment schedule for systems the Administration is installing to alert controllers and flight crews to potential runway incursions. The plan shall be integrated into the annual Federal Aviation Administration NextGen Implementation Plan.

SEC. 502. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Section 44703(d) is amended by adding at the end the following:

''(3) JUDICIAL REVIEW.—A person substantially affected by an order of the Board under this subsection, or the Administrator when the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.''.

(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking ''section 44709 or'' and inserting ''section 44703(d), 44709, or''.

SEC. 503. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

Section 44704(a) is amended by adding at the end the following:

''(5) RELEASE OF DATA.—

''(A) Notwithstanding any other provision of law, the Administrator may designate, without the consent of the owner of record, engineering data in the agency's possession related to a type certificate or a supplemental type certificate for an aircraft, engine, propeller or appliance as public data, and therefore releasable, upon request, to a person seeking to maintain the airworthiness of such product, if the Administrator determines that—

''(i) the certificate containing the requested data has been inactive for 3 years;

''(ii) the owner of record, or the owner of record's heir, of the type certificate or supplemental certificate has not been located despite a search of due diligence by the agency; and

''(iii) the designation of such data as public data will enhance aviation safety.

''(B) In this section, the term 'engineering data' means type design drawings and specifications for the entire product or change to the product, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular aeronautical product certificate.''.

SEC. 504. DESIGN ORGANIZATION CERTIFICATES.

Section 44704(e) is amended—

(1) by striking ''Beginning 7 years after the date of enactment of this subsection,'' in paragraph (1) and inserting ''Effective January 1, 2013,'';

(2) by striking ''testing'' in paragraph (2) and inserting ''production''; and

(3) by striking paragraph (3) and inserting the following:

''(3) ISSUANCE OF CERTIFICATE BASED ON DESIGN ORGANIZATION CERTIFICATION.—The Administrator may rely on the Design Organization for certification of compliance under this section.''.

SEC. 505. FAA ACCESS TO CRIMINAL HISTORY RECORDS OR DATABASE SYSTEMS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end thereof the following:

''§ 40130. FAA access to criminal history records or databases systems

''(a) ACCESS TO RECORDS OR DATABASES SYSTEMS.—

''(1) Notwithstanding section 534 of title 28 and the implementing regulations for such section (28 C.F.R. part 20), the Administrator of the Federal Aviation Administration is authorized to access a system of documented criminal justice information maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out its civil and administrative responsibilities to protect the safety and security of the National Airspace System or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies. The Administrator shall be subject to the same conditions or procedures established by the Department of Justice or State for access to such an information system by other governmental agencies with access to the system.

''(2) The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.

''(b) DESIGNATED EMPLOYEES.—The Administrator shall, by order, designate those employees of the Administration who shall carry out the authority described in subsection (a). Such designated employees may—

''(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or of any jurisdiction in a State in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

''(2) use any radio, data link, or warning system of the Federal Government and of any jurisdiction in a State that provides information about wanted persons, be-on-the-lookout notices, or warrant status or other officer safety information to which a police officer employed by a State or local authority in that State who is certified or commission under the laws of that State has access and in the same manner as such police officer; or

''(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority

in that State who is commissioned under the laws of that State.

''(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section the term 'system of documented criminal justice information' means any law enforcement databases, systems, or communications containing information concerning identification, criminal history, arrests, convictions, arrest warrants, or wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 401 is amended by inserting after the item relating to section 40129 the following:

''40130. FAA access to criminal history records or databases systems''.

SEC. 506. PILOT FATIGUE.

(a) FLIGHT AND DUTY TIME REGULATIONS.—

(1) IN GENERAL.—In accordance with paragraph (2), the Administrator of the Federal Aviation Administration shall issue regulations, based on the best available scientific information—

(A) to specify limitations on the hours of flight and duty time allowed for pilots to address problems relating to pilot fatigue; and

(B) to require part 121 air carriers to develop and implement fatigue risk management plans.

(2) DEADLINES.—The Administrator shall issue—

(A) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under paragraph (1); and

(B) not later than one year after the date of enactment of this Act, a final rule under paragraph (1).

(b) FATIGUE RISK MANAGEMENT PLAN.—

(1) SUBMISSION OF FATIGUE RISK MANAGEMENT PLAN BY PART 121 AIR CARRIERS.—Not later than 90 days after the date of enactment of this Act, each part 121 air carrier shall submit to the Administrator for review and approval a fatigue risk management plan.

(2) CONTENTS OF PLAN.—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

(A) Current flight time and duty period limitations.

(B) A rest scheme that enables the management of fatigue, including annual training to increase awareness of—

(i) fatigue;

(ii) the effects of fatigue on pilots; and

(iii) fatigue countermeasures.

(C) Development and use of a methodology that continually assesses the effectiveness of the program, including the ability of the program—

(i) to improve alertness; and

(ii) to mitigate performance errors.

(3) PLAN UPDATES.—A part 121 air carrier shall update its fatigue risk management plan under paragraph (1) every 2 years and submit the update to the Administrator for review and approval.

(4) APPROVAL.—

(A) INITIAL APPROVAL OR MODIFICATION.—Not later than 9 months after the date of enactment of this Act, the Administrator shall review and approve or require modification to fatigue risk management plans submitted under this subsection to ensure that pilots are not operating aircraft while fatigued.

(B) UPDATE APPROVAL OR MODIFICATION.—Not later than 9 months after submission of a plan update under paragraph (3), the Administrator shall review and approve or require modification to such update.

(5) CIVIL PENALTIES.—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.

(6) LIMITATION ON APPLICABILITY.—The requirements of this subsection shall cease to apply to a part 121 air carrier on and after the effective date of the regulations to be issued under subsection (a).

(c) EFFECT OF COMMUTING ON FATIGUE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the effects of commuting on pilot fatigue and report its findings to the Administrator.

(2) STUDY.—In conducting the study, the National Academy of Sciences shall consider—

(A) the prevalence of pilot commuting in the commercial air carrier industry, including the number and percentage of pilots who commute;

(B) information relating to commuting by pilots, including distances traveled, time zones crossed, time spent, and methods used;

(C) research on the impact of commuting on pilot fatigue, sleep, and circadian rhythms;

(D) commuting policies of commercial air carriers (including passenger and all-cargo air carriers), including pilot check-in requirements and sick leave and fatigue policies;

(E) post-conference materials from the Federal Aviation Administration's June 2008 symposium entitled ''Aviation Fatigue Management Symposium: Partnerships for Solutions'';

(F) Federal Aviation Administration and international policies and guidance regarding commuting; and

(G) any other matters as the Administrator considers appropriate.

(3) PRELIMINARY FINDINGS.—Not later than 90 days after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator its preliminary findings under the study.

(4) REPORT.—Not later than 6 months after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit a report to the Administrator containing its findings under the study and any recommendations for regulatory or administrative actions by the Federal Aviation Administration concerning commuting by pilots.

(5) RULEMAKING.—Following receipt of the report of the National Academy of Sciences under paragraph (4), the Administrator shall—

(A) consider the findings and recommendations in the report; and

(B) update, as appropriate based on scientific data, regulations required by subsection (a) on flight and duty time.

SEC. 507. INCREASING SAFETY FOR HELICOPTER AND FIXED WING EMERGENCY MEDICAL SERVICE OPERATORS AND PATIENTS.

(a) COMPLIANCE REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 18 months after the date of enactment of this Act, helicopter and fixed wing aircraft certificate holders providing emergency medical services shall comply with part 135 of title 14, Code of Federal Regulations, if there is a medical crew on board, without regard to whether there are patients on board.

(2) EXCEPTION.—If a certificate holder described in paragraph (1) is operating under instrument flight rules or is carrying out training therefor—

(A) the weather minimums and duty and rest time regulations under such part 135 of such title shall apply; and

(B) the weather reporting requirement at the destination shall not apply until such time as the Administrator of the Federal Aviation Administration determines that portable, reliable, and accurate ground-based weather measuring and reporting systems are available.

(b) IMPLEMENTATION OF FLIGHT RISK EVALUATION PROGRAM.—

(1) INITIATION.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to create a standardized checklist of risk evaluation factors based on Notice 8000.301, which was issued by the Administration on August 1, 2005; and

(B) to require helicopter and fixed wing aircraft emergency medical service operators to use the checklist created under subparagraph (A) to determine whether a mission should be accepted.

(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it is initiated.

(c) COMPREHENSIVE CONSISTENT FLIGHT DISPATCH PROCEDURES.—

(1) INITIATION.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to require that helicopter and fixed wing emergency medical service operators formalize and implement performance based flight dispatch and flight-following procedures; and

(B) to develop a method to assess and ensure that such operators comply with the requirements described in subparagraph (A).

(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it is initiated.

(d) IMPROVING SITUATIONAL AWARENESS.—Within 1 year after the date of enactment of this Act, any helicopter or fixed-wing aircraft used for emergency medical service shall have on board a device that performs the function of a terrain awareness and warning system and a means of displaying that information that meets the requirements of the applicable Federal Aviation Administration Technical Standard Order or other guidance prescribed by the Administrator.

(e) IMPROVING THE DATA AVAILABLE ON AIR MEDICAL OPERATIONS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require each certificate holder for helicopters and fixed-wing aircraft used for emergency medical service operations to report not later than 1 year after the date of enactment of this Act and annually thereafter on—

(A) the number of aircraft and helicopters used to provide air ambulance services, the registration number of each of these aircraft or helicopters, and the base location of each of these aircraft or helicopters;

(B) the number of flights and hours flown by each such aircraft or helicopter used by the certificate holder to provide such services during the reporting period;

(C) the number of flights and the purpose of each flight for each aircraft or helicopter used by the certificate holder to provide such services during the reporting period;

(D) the number of flight requests for a helicopter providing helicopter air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, inter-facility transport, organ transport, or ferry or repositioning flight);

(E) the number of accidents involving helicopters operated by the certificate holder

while providing helicopter air ambulance services and a description of the accidents;

(F) the number of flights and hours flown under instrument flight rules by helicopters operated by the certificate holder while providing helicopter air ambulance services;

(G) the time of day of each flight flown by helicopters operated by the certificate holder while providing helicopter air ambulance services; and

(H) The number of incidents where more helicopters arrive to transport patients than is needed in a flight request or scene response.

(2) REPORT TO CONGRESS.—The Administrator of the Federal Aviation Administration shall report to Congress on the information received pursuant to paragraph (1) of this subsection no later than 18 months after the date of enactment of this Act.

(f) IMPROVING THE DATA AVAILABLE TO NTSB INVESTIGATORS AT CRASH SITES.—

(1) STUDY.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a report that indicates the availability, survivability, size, weight, and cost of devices that perform the function of recording voice communications and flight data information on existing and new helicopters and existing and new fixed wing aircraft used for emergency medical service operations.

(2) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations that require devices that perform the function of recording voice communications and flight data information on board aircraft described in paragraph (1).

SEC. 508. CABIN CREW COMMUNICATION.

(a) IN GENERAL.—Section 44728 is amended—

(1) by redesignating subsection (f) as subsection (g); and

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

''(f) MINIMUM LANGUAGE SKILLS.—

''(1) IN GENERAL.—No certificate holder may use any person to serve, nor may any person serve, as a flight attendant under this part, unless that person has demonstrated to an individual qualified to determine proficiency the ability to read, speak, and write English well enough to—

''(A) read material written in English and comprehend the information;

''(B) speak and understand English sufficiently to provide direction to, and understand and answer questions from, English-speaking individuals;

''(C) write incident reports and statements and log entries and statements; and

''(D) carry out written and oral instructions regarding the proper performance of their duties.

''(2) FOREIGN FLIGHTS.—The requirements of paragraph (1) do not apply to service as a flight attendant serving solely between points outside the United States.''.

(b) ADMINISTRATION.—The Administrator of the Federal Aviation Administration shall work with certificate holders to which section 44728(f) of title 49, United States Code, applies to facilitate compliance with the requirements of section 44728(f)(1) of that title.

SEC. 509. CLARIFICATION OF MEMORANDUM OF UNDERSTANDING WITH OSHA.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) establish milestones, in consultation with the Occupational Safety and Health Administration, through a report to Congress for the completion of work begun under the August 2000 memorandum of understanding between the 2 Administrations and to address issues needing further action in the Administrations' joint report in December 2000; and

(2) initiate development of a policy statement to set forth the circumstances in which Occupational Safety and Health Administration requirements may be applied to crewmembers while working in the aircraft.

(b) POLICY STATEMENT.—The policy statement to be developed under subsection (a)(2) shall be completed within 18 months after the date of enactment of this Act and shall satisfy the following principles:

(1) The establishment of a coordinating body similar to the Aviation Safety and Health Joint Team established by the August 2000 memorandum of understanding that includes representatives designated by both Administrations—

(A) to examine the applicability of current and future Occupational Safety and Health Administration regulations;

(B) to recommend policies for facilitating the training of Federal Aviation Administration inspectors; and

(C) to make recommendations that will govern the inspection and enforcement of safety and health standards on board aircraft in operation and all work-related environments.

(2) Any standards adopted by the Federal Aviation Administration shall set forth clearly—

(A) the circumstances under which an employer is required to take action to address occupational safety and health hazards;

(B) the measures required of an employer under the standard; and

(C) the compliance obligations of an employer under the standard.

SEC. 510. ACCELERATION OF DEVELOPMENT AND IMPLEMENTATION OF REQUIRED NAVIGATION PERFORMANCE APPROACH PROCEDURES.

(a) IN GENERAL.—

(1) ANNUAL MINIMUM REQUIRED NAVIGATION PERFORMANCE PROCEDURES.—The Administrator shall set a target of achieving a minimum of 200 Required Navigation Performance procedures each fiscal year through fiscal year 2012, with 25 percent of that target number meeting the low visibility approach criteria consistent with the NextGen Implementation Plan.

(2) USE OF THIRD PARTIES.—The Administrator is authorized to provide third parties the ability to design, flight check, and implement Required Navigation Performance approach procedures.

(b) DOT INSPECTOR GENERAL REVIEW OF OPERATIONAL AND APPROACH PROCEDURES BY A THIRD PARTY.—

(1) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding the effectiveness of the oversight activities conducted by the Administration in connection with any agreement with or delegation of authority to a third party for the development of flight procedures, including public use procedures, for the National Airspace System.

(2) ASSESSMENTS.—The Inspector General shall include, at a minimum, in the review—

(A) an assessment of the extent to which the Administration is relying or intends to rely on a third party for the development of new procedures and a determination of whether the Administration has established sufficient mechanisms and staffing to provide safety oversight functions, which may include quality assurance processes, flight checks, integration of procedures into the National Aviation System, and operational assessments of procedures developed by third parties; and

(B) an assessment regarding whether the Administration has sufficient existing personnel and technical resources or mechanisms to develop such flight procedures in a safe and efficient manner to meet the demands of the National Airspace System without the use of third party resources.

(c) REPORT.—No later than 1 year after the date of enactment of this Act, the Inspector General shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the results of the review conducted under this section.

SEC. 511. IMPROVED SAFETY INFORMATION.

Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall issue a final rule in docket No. FAA–2008–0188, Re-registration and Renewal of Aircraft Registration. The final rule shall include—

(1) provision for the expiration of a certificate for an aircraft registered as of the date of enactment of this Act, with re-registration requirements for those aircraft that remain eligible for registration;

(2) provision for the periodic expiration of all certificates issued after the effective date of the rule with a registration renewal process; and

(3) other measures to promote the accuracy and efficient operation and value of the Administration's aircraft registry.

SEC. 512. VOLUNTARY DISCLOSURE REPORTING PROCESS IMPROVEMENTS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) take such action as may be necessary to ensure that the Voluntary Disclosure Reporting Process requires inspectors—

(A) to evaluate corrective action proposed by an air carrier with respect to a matter disclosed by that air carrier is sufficiently comprehensive in scope and application and applies to all affected aircraft operated by that air carrier before accepting the proposed voluntary disclosure;

(B) to verify that corrective action so identified by an air carrier is completed within the timeframe proposed; and

(C) to verify by inspection that the carrier's corrective action adequately corrects the problem that was disclosed; and

(2) establish a second level supervisory review of disclosures under the Voluntary Disclosure Reporting Process before any proposed disclosure is accepted and closed that will ensure that a matter disclosed by an air carrier—

(A) has not been previously identified by a Federal Aviation Administration inspector; and

(B) has not been previously disclosed by the carrier in the preceding 5 years.

(b) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the Voluntary Disclosure Reporting Program.

(2) REVIEW.—In conducting the study, the Comptroller General shall examine, at a minimum, whether—

(A) there is evidence that voluntary disclosure is resulting in regulated entities discovering and correcting violations to a greater extent than would otherwise occur if there was no program for immunity from enforcement action;

(B) the voluntary disclosure program makes the Federal Aviation Administration aware of violations that it would not have discovered if there was not a program, and if a violation is disclosed voluntarily, whether the Administration insists on stronger corrective actions than would have occurred if

the regulated entity knew of a violation, but the Administration did not;

(C) the information the Administration gets under the program leads to fewer violations by other entities, either because the information leads other entities to look for similar violations or because the information leads Administration investigators to look for similar violations at other entities; and

(D) there is any evidence that voluntary disclosure has improved compliance with regulations, either for the entities making disclosures or for the industry generally.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of the study conducted under this subsection.

SEC. 513. PROCEDURAL IMPROVEMENTS FOR INSPECTIONS.

(a) IN GENERAL.—Section 44711 is amended by adding at the end the following:

''(d) POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.—

''(1) PROHIBITION.—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement which permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration if the individual, in the preceding 3-year period—

''(A) served as, or was responsible for oversight of, a flight standards inspector of the Administration; and

''(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

''(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Federal Aviation Administration if the individual makes any written or oral communication on behalf of the certificate holder to the Administration (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Administration.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act.

SEC. 514. INDEPENDENT REVIEW OF SAFETY ISSUES.

Within 30 days after the date of enactment of this Act, the Comptroller General shall initiate a review and investigation of air safety issues identified by Federal Aviation Administration employees and reported to the Administrator. The Comptroller General shall report the Government Accountability Office's findings and recommendations to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on an annual basis.

SEC. 515. NATIONAL REVIEW TEAM.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a national review team within the Administration to conduct periodic, unannounced, and random reviews of the Administration's oversight of air carriers and report annually its findings and recommendations to the Administrator, the Senate Commerce, Science, and Transportation Committee, and the House of Representatives Committee on Transportation and Infrastructure.

(b) LIMITATION.—The Administrator shall prohibit a member of the National Review Team from participating in any review or audit of an air carrier under subsection (a) if the member has previously had responsibility for inspecting, or overseeing the inspection of, the operations of that air carrier.

(c) INSPECTOR GENERAL REPORTS.—The Inspector General of the Department of Transportation shall provide progress reports to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the review teams and their effectiveness.

SEC. 516. FAA ACADEMY IMPROVEMENTS.

(a) REVIEW.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a comprehensive review and evaluation of its Academy and facility training efforts.

(b) FACILITY TRAINING PROGRAM.—The Administrator shall—

(1) clarify responsibility for oversight and direction of the Academy's facility training program at the national level;

(2) communicate information concerning that responsibility to facility managers; and

(3) establish standards to identify the number of developmental controllers that can be accommodated at each facility, based on—

(A) the number of available on-the-job-training instructors;

(B) available classroom space;

(C) the number of available simulators;

(D) training requirements; and

(E) the number of recently placed new personnel already in training.

SEC. 517. REDUCTION OF RUNWAY INCURSIONS AND OPERATIONAL ERRORS.

(a) PLAN.—The Administrator of the Federal Aviation Administration shall develop a plan for the reduction of runway incursions by reviewing every commercial service airport (as defined in section 47102 of title 49, United States Code) in the United States and initiating action to improve airport lighting, provide better signage, and improve runway and taxiway markings.

(b) PROCESS.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a process for tracking and investigating operational errors and runway incursions that includes—

(1) identifying the office responsible for establishing regulations regarding operational errors and runway incursions;

(2) identifying who is responsible for tracking and investigating operational errors and runway incursions and taking remedial actions;

(3) identifying who is responsible for tracking operational errors and runway incursions, including a process for lower level employees to report to higher supervisory levels; and

(4) periodic random audits of the oversight process.

SEC. 518. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.

Section 106 is amended by adding at the end the following:

''(s) AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.—

''(1) ESTABLISHMENT.—There is established in the Administration an Aviation Safety Whistleblower Investigation Office.

''(2) DIRECTOR.—

''(A) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

''(B) QUALIFICATIONS.—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

''(C) TERM.—The Director shall be appointed for a term of 5 years.

''(D) VACANCY.—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

''(3) COMPLAINTS AND INVESTIGATIONS.—

''(A) AUTHORITY OF DIRECTOR.—The Director shall—

''(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations, and employees of the Administration concerning the possible existence of an activity relating to a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety;

''(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred; and

''(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Administrator in writing for further investigation or corrective actions.

''(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity of an individual who submits a complaint or information under subparagraph (A)(i) unless—

''(i) the individual consents to the disclosure in writing; or

''(ii) the Director determines, in the course of an investigation, that the disclosure is unavoidable.

''(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Administration may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted subparagraph (A)(i) or from reporting to Congress on any such assessment.

''(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred.

''(4) RESPONSES TO RECOMMENDATIONS.—The Administrator shall respond to a recommendation made by the Director under subparagraph (A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation.

''(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Administrator and the Inspector General of the Department of Transportation.

''(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

''(7) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a report containing—

''(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;

''(B) summaries of those submissions;

''(C) summaries of further investigations and corrective actions recommended in response to the submissions; and

''(D) summaries of the responses of the Administrator to such recommendations.''.

SEC. 519. MODIFICATION OF CUSTOMER SERVICE INITIATIVE.

(a) MODIFICATION OF INITIATIVE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall modify the customer service initiative, mission and vision statements, and other statements of policy of the Administration—

(1) to remove any reference to air carriers or other entities regulated by the Administration as ''customers'';

(2) to clarify that in regulating safety the only customers of the Administration are members of the traveling public; and

(3) to clarify that air carriers and other entities regulated by the Administration do not have the right to select the employees of the Administration who will inspect their operations.

(b) SAFETY PRIORITY.—In carrying out the Administrator's responsibilities, the Administrator shall ensure that safety is given a higher priority than preventing the dissatisfaction of an air carrier or other entity regulated by the Administration with an employee of the Administration.

SEC. 520. HEADQUARTERS REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Administration is reviewed by a team of employees of the Agency on a monthly basis to ensure that—

(1) any trends in regulatory compliance are identified; and

(2) appropriate corrective actions are taken in accordance with Agency regulations, advisory directives, policies, and procedures.

(b) MONTHLY TEAM REPORTS.—

(1) IN GENERAL.—The team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards a report on the results of the review.

(2) CONTENTS.—A report submitted under paragraph (1) shall identify—

(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

(B) any corrective actions taken or proposed to be taken in response to the trends.

(c) QUARTERLY REPORTS TO CONGRESS.—The Administrator, on a quarterly basis, shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

SEC. 521. INSPECTION OF FOREIGN REPAIR STATIONS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''§ 44730. Inspection of foreign repair stations

''(a) IN GENERAL.—Within 1 year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act the Administrator of the Federal Aviation Administration shall establish and implement a safety assessment system for all part 145 repair stations based on the type, scope, and complexity of work being performed. The system shall—

''(1) ensure that repair stations outside the United States are subject to appropriate inspections based on identified risk and consistent with existing United States requirements;

''(2) consider inspection results and findings submitted by foreign civil aviation authorities operating under a maintenance safety or maintenance implementation agreement with the United States in meeting the requirements of the safety assessment system; and

''(3) require all maintenance safety or maintenance implementation agreements to provide an opportunity for the Federal Aviation Administration to conduct independent inspections of covered part 145 repair stations when safety concerns warrant such inspections.

''(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The Administrator shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 30 days after initiating formal negotiations with foreign aviation authorities or other appropriate foreign government agencies on a new maintenance safety or maintenance implementation agreement.

''(c) ANNUAL REPORT.—The Administrator shall publish an annual report on the Federal Aviation Administration's oversight of part 145 repair stations and implementation of the safety assessment system required by subsection (a). The report shall—

''(1) describe in detail any improvements in the Federal Aviation Administration's ability to identify and track where part 121 air carrier repair work is performed;

''(2) include a staffing model to determine the best placement of inspectors and the number of inspectors needed;

''(3) describe the training provided to inspectors; and

''(4) include an assessment of the quality of monitoring and surveillance by the Federal Aviation Administration of work provided by its inspectors and the inspectors of foreign authorities operating under a maintenance safety or implementation agreement.

''(d) ALCOHOL AND CONTROLLED SUBSTANCE TESTING PROGRAM REQUIREMENTS.—

''(1) IN GENERAL.—The Secretaries of State and Transportation jointly shall request the governments of foreign countries that are members of the International Civil Aviation Organization to establish international standards for alcohol and controlled substances testing of persons that perform safety sensitive maintenance functions upon commercial air carrier aircraft.

''(2) APPLICATION TO PART 121 AIRCRAFT WORK.—Within 1 year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act the Administrator shall promulgate a proposed rule requiring that all part 145 repair station employees responsible for safety-sensitive functions on part 121 air carrier aircraft are subject to an alcohol and controlled substance testing program determined acceptable by the Administrator and consistent with the applicable laws of the country in which the repair station is located.

''(e) BIANNUAL INSPECTIONS.—The Administrator shall require part 145 repair stations to be inspected twice each year by Federal Aviation Administration safety inspectors, regardless of where the station is located, in a manner consistent with United States obligations under international agreements.

''(f) DEFINITIONS.—In this section:

''(1) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

''(2) PART 145 REPAIR STATION.—The term 'part 145 repair station' means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 447 is amended by adding at the end thereof the following:

''44730. Inspection of foreign repair stations''.

SEC. 522. NON-CERTIFICATED MAINTENANCE PROVIDERS.

(a) REGULATIONS.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that all covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by individuals in accordance with subsection (b).

(b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—No individual may perform covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations unless that individual is employed by—

(1) a part 121 air carrier;

(2) a part 145 repair station or a person authorized under section 43.17 of title 14, Code of Federal Regulations;

(3) a person that provides contract maintenance workers or services to a part 145 repair station or part 121 air carrier, and the individual—

(A) meets the requirements of the part 121 air carrier or the part 145 repair station;

(B) performs the work under the direct supervision and control of the part 121 air carrier or the part 145 repair station directly in charge of the maintenance services; and

(C) carries out the work in accordance with the part 121 air carrier's maintenance manual;

(4) by the holder of a type certificate, production certificate, or other production approval issued under part 21 of title 14, Code of Federal Regulations, and the holder of such certificate or approval—

(A) originally produced, and continues to produce, the article upon which the work is to be performed; and

(B) is acting in conjunction with a part 121 air carrier or a part 145 repair station.

(d) DEFINITIONS.—In this section:

(1) COVERED MAINTENANCE WORK.—The term ''covered maintenance work'' means maintenance work that is essential maintenance, regularly scheduled maintenance, or a required inspection item, as determined by the Administrator.

(2) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' has the meaning given that term in section 44730(f)(1) of title 49, United States Code.

(3) PART 145 REPAIR STATION.—The term ''part 145 repair station'' has the meaning given that term in section 44730(f)(2) of title 49, United States Code.

SUBTITLE B—FLIGHT SAFETY

SEC. 551. FAA PILOT RECORDS DATABASE.

(a) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Section 44703(h) is amended by adding at the end the following:

''(16) APPLICABILITY.—This subsection shall cease to be effective on the date specified in regulations issued under subsection (i).''.

(b) ESTABLISHMENT OF FAA PILOT RECORDS DATABASE.—Section 44703 is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

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

''(i) FAA PILOT RECORDS DATABASE.—

''(1) IN GENERAL.—Before allowing an individual to begin service as a pilot, an air carrier shall access and evaluate, in accordance with the requirements of this subsection, information pertaining to the individual from the pilot records database established under paragraph (2).

''(2) PILOT RECORDS DATABASE.—The Administrator shall establish an electronic database (in this subsection referred to as the 'database') containing the following records:

''(A) FAA RECORDS.—From the Administrator—

''(i) records that are maintained by the Administrator concerning current airman certificates, including airman medical certificates and associated type ratings and information on any limitations to those certificates and ratings;

''(ii) records that are maintained by the Administrator concerning any failed attempt of an individual to pass a practical test required to obtain a certificate or type rating under part 61 of title 14, Code of Federal Regulations; and

''(iii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

''(B) AIR CARRIER AND OTHER RECORDS.—From any air carrier or other person (except a branch of the Armed Forces, the National Guard, or a reserve component of the Armed Forces) that has employed an individual as a pilot of a civil or public aircraft, or from the trustee in bankruptcy for such air carrier or person—

''(i) records pertaining to the individual that are maintained by the air carrier (other than records relating to flight time, duty time, or rest time), including records under regulations set forth in—

''(I) section 121.683 of title 14, Code of Federal Regulations;

''(II) paragraph (A) of section VI, appendix I, part 121 of such title;

''(III) paragraph (A) of section IV, appendix J, part 121 of such title;

''(IV) section 125.401 of such title; and

''(V) section 135.63(a)(4) of such title; and

''(ii) other records pertaining to the individual's performance as a pilot that are maintained by the air carrier or person concerning—

''(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

''(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

''(III) any release from employment or resignation, termination, or disqualification with respect to employment.

''(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(8) of this title, from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

''(3) WRITTEN CONSENT; RELEASE FROM LIABILITY.—An air carrier—

''(A) shall obtain the written consent of an individual before accessing records pertaining to the individual under paragraph (1); and

''(B) may, notwithstanding any other provision of law or agreement to the contrary, require an individual with respect to whom the carrier is accessing records under paragraph (1) to execute a release from liability for any claim arising from accessing the records or the use of such records by the air carrier in accordance with this section (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

''(4) REPORTING.—

''(A) REPORTING BY ADMINISTRATOR.—The Administrator shall enter data described in paragraph (2)(A) into the database promptly to ensure that an individual's records are current.

''(B) REPORTING BY AIR CARRIERS AND OTHER PERSONS.—

''(i) IN GENERAL.—Air carriers and other persons shall report data described in paragraphs (2)(B) and (2)(C) to the Administrator promptly for entry into the database.

''(ii) DATA TO BE REPORTED.—Air carriers and other persons shall report, at a minimum, under clause (i) the following data described in paragraph (2)(B):

''(I) Records that are generated by the air carrier or other person after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act.

''(II) Records that the air carrier or other person is maintaining, on such date of enactment, pursuant to subsection (h)(4).

''(5) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator—

''(A) shall maintain all records entered into the database under paragraph (2) pertaining to an individual until the date of receipt of notification that the individual is deceased; and

''(B) may remove the individual's records from the database after that date.

''(6) RECEIPT OF CONSENT.—The Administrator shall not permit an air carrier to access records pertaining to an individual from the database under paragraph (1) without the air carrier first demonstrating to the satisfaction of the Administrator that the air carrier has obtained the written consent of the individual.

''(7) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS AND CORRECT INACCURACIES.—Notwithstanding any other provision of law or agreement, the Administrator, upon receipt of written request from an individual—

''(A) shall make available, not later than 30 days after the date of the request, to the individual for review all records referred to in paragraph (2) pertaining to the individual; and

''(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records.

''(8) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—The Administrator may establish a reasonable charge for the cost of processing a request under paragraph (1) or (7) and for the cost of furnishing copies of requested records under paragraph (7).

''(9) PRIVACY PROTECTIONS.—

''(A) USE OF RECORDS.—An air carrier that accesses records pertaining to an individual under paragraph (1) may use the records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the individual and the confidentiality of the records accessed, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

''(B) DISCLOSURE OF INFORMATION.—

''(i) IN GENERAL.—Except as provided by clause (ii), information collected by the Administrator under paragraph (2) shall be exempt from the disclosure requirements of section 552 of title 5.

''(ii) EXCEPTIONS.—Clause (i) shall not apply to—

''(I) de-identified, summarized information to explain the need for changes in policies and regulations;

''(II) information to correct a condition that compromises safety;

''(III) information to carry out a criminal investigation or prosecution;

''(IV) information to comply with section 44905, regarding information about threats to civil aviation; and

''(V) such information as the Administrator determines necessary, if withholding the information would not be consistent with the safety responsibilities of the Federal Aviation Administration.

''(10) PERIODIC REVIEW.—Not later than 18 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

''(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be included in the database under paragraph (2); or

''(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

''(11) REGULATIONS FOR PROTECTION AND SECURITY OF RECORDS.—The Administrator shall prescribe such regulations as may be necessary—

''(A) to protect and secure—

''(i) the personal privacy of any individual whose records are accessed under paragraph (1); and

''(ii) the confidentiality of those records; and

''(B) to preclude the further dissemination of records received under paragraph (1) by the person who accessed the records.

''(12) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier may allow an individual to begin service as a pilot, without first obtaining information described in paragraph (2)(B) from the database pertaining to the individual, if—

''(A) the air carrier has made a documented good faith attempt to access the information from the database; and

''(B) has received written notice from the Administrator that the information is not contained in the database because the individual was employed by an air carrier or other person that no longer exists or by a foreign government or other entity that has not provided the information to the database.

''(13) LIMITATIONS ON ELECTRONIC ACCESS TO RECORDS.—

''(A) ACCESS BY INDIVIDUALS DESIGNATED BY AIR CARRIERS.—For the purpose of increasing timely and efficient access to records described in paragraph (2), the Administrator may allow, under terms established by the Administrator, an individual designated by an air carrier to have electronic access to the database.

''(B) TERMS.—The terms established by the Administrator under subparagraph (A) for allowing a designated individual to have electronic access to the database shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that—

''(i) the designated individual has received the written consent of the pilot applicant to access the information; and

''(ii) information obtained using such access will not be used for any purpose other than making the hiring decision.

''(14) REGULATIONS.—

''(A) IN GENERAL.—The Administrator shall issue regulations to carry out this subsection.

''(B) EFFECTIVE DATE.—The regulations shall specify the date on which the requirements of this subsection take effect and the date on which the requirements of subsection (h) cease to be effective.

''(C) EXCEPTIONS.—Notwithstanding subparagraph (B)—

''(i) the Administrator shall begin to establish the database under paragraph (2) not later than 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act;

''(ii) the Administrator shall maintain records in accordance with paragraph (5) beginning on the date of enactment of that Act; and

''(iii) air carriers and other persons shall maintain records to be reported to the database under paragraph (4)(B) in the period beginning on such date of enactment and ending on the date that is 5 years after the requirements of subsection (h) cease to be effective pursuant to subparagraph (B).

''(15) SPECIAL RULE.—During the one-year period beginning on the date on which the requirements of this section become effective pursuant to paragraph (15)(B), paragraph (7)(A) shall be applied by substituting '45 days' for '30 days'.''.

(c) CONFORMING AMENDMENTS.—

(1) LIMITATION ON LIABILITY; PREEMPTION OF STATE LAW.—Section 44703(j) (as redesignated by subsection (b)(1) of this section) is amended—

(A) in the subsection heading by striking ''LIMITATION'' and inserting ''LIMITATIONS'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking ''paragraph (2)'' and inserting ''subsection (h)(2) or (i)(3)'';

(ii) in subparagraph (A) by inserting ''or accessing the records of that individual under subsection (i)(1)'' before the semicolon; and

(iii) in the matter following subparagraph (D) by striking ''subsection (h)'' and inserting ''subsection (h) or (i)'';

(C) in paragraph (2) by striking ''subsection (h)'' and inserting ''subsection (h) or (i)'';

(D) in paragraph (3), in the matter preceding subparagraph (A), by inserting ''or who furnished information to the database established under subsection (i)(2)'' after ''subsection (h)(1)''; and

(E) by adding at the end the following:

''(4) PROHIBITION ON ACTIONS AND PROCEEDINGS AGAINST AIR CARRIERS.—

''(A) HIRING DECISIONS.—An air carrier may refuse to hire an individual as a pilot if the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute the release from liability requested under subsection (h)(2)(B) or (i)(3)(B).

''(B) ACTIONS AND PROCEEDINGS.—No action or proceeding may be brought against an air carrier by or on behalf of an individual who has applied for or is seeking a position as a pilot with the air carrier if the air carrier refused to hire the individual after the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute a release from liability requested under subsection (h)(2)(B) or (i)(3)(B).''.

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Section 44703(k) (as redesignated by subsection (b)(1) of this section) is amended by striking ''subsection (h)'' and inserting ''subsection (h) or (i)''.

SEC. 552. AIR CARRIER SAFETY MANAGEMENT SYSTEMS.

(a) IN GENERAL.—Within 60 days after the date of enactment of this Act, the Administrator shall initiate and complete a rulemaking to require part 121 air carriers—

(1) to implement, as part of their safety management systems—

(A) an Aviation Safety Action Program;

(B) a Flight Operations Quality Assurance Program;

(C) a Line Operational Safety Audit Program; and

(D) a Flight Crew Fatigue Risk Management Program;

(2) to implement appropriate privacy protection safeguards with respect to data included in such programs; and

(3) to provide appropriate collaboration and operational oversight of regional/commuter air carriers by affiliated major air carriers that include—

(A) periodic safety audits of flight operations;

(B) training, maintenance, and inspection programs; and

(C) provisions for the exchange of safety information.

(b) EFFECT ON ADVANCED QUALIFICATION PROGRAM.—Implementation of the programs under subsection (a)(1) neither limits nor invalidates the Federal Aviation Administration's advanced qualification program.

(c) LIMITATIONS ON DISCIPLINE AND ENFORCEMENT.—The Administrator shall require that each of the programs described in subsection (a)(1)(A) and (B) establish protections for an air carrier or employee submitting data or reports against disciplinary or enforcement actions by any Federal agency or employer. The protections shall not be less than the protections provided under Federal Aviation Administration Advisory Circulars governing those programs, including Advisory Circular AC No. 120-66 and AC No. 120-82.

(d) CVR DATA.—The Administrator, acting in collaboration with aviation industry interested parties, shall consider the merits and feasibility of incorporating cockpit voice recorder data in safety oversight practices.

(e) ENFORCEMENT CONSISTENCY.—Within 9 months after the date of enactment of this Act, the Administrator shall—

(1) develop and implement a plan that will ensure that the FAA's safety enforcement plan is consistently enforced; and

(2) ensure that the FAA's safety oversight program is reviewed periodically and updated as necessary.

SEC. 553. SECRETARY OF TRANSPORTATION RESPONSES TO SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—The first sentence of section 1135(a) is amended by inserting ''to the National Transportation Safety Board'' after ''shall give''.

(b) AIR CARRIER SAFETY RECOMMENDATIONS.—Section 1135 is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

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

''(c) ANNUAL REPORT ON AIR CARRIER SAFETY RECOMMENDATIONS.—

''(1) IN GENERAL.—The Secretary shall submit an annual report to the Congress and the Board on the recommendations made by the Board to the Secretary regarding air carrier operations conducted under part 121 of title 14, Code of Federal Regulations.

''(2) RECOMMENDATIONS TO BE COVERED.—The report shall cover—

''(A) any recommendation for which the Secretary has developed, or intends to develop, procedures to adopt the recommendation or part of the recommendation, but has yet to complete the procedures; and

''(B) any recommendation for which the Secretary, in the preceding year, has issued a response under subsection (a)(2) or (a)(3) refusing to carry out all or part of the procedures to adopt the recommendation.

''(3) CONTENTS.—

''(A) PLANS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(A), the report shall contain—

''(i) a description of the recommendation;

''(ii) a description of the procedures planned for adopting the recommendation or part of the recommendation;

''(iii) the proposed date for completing the procedures; and

''(iv) if the Secretary has not met a deadline contained in a proposed timeline developed in connection with the recommendation under subsection (b), an explanation for not meeting the deadline.

''(B) REFUSALS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(B), the report shall contain—

''(i) a description of the recommendation; and

''(ii) a description of the reasons for the refusal to carry out all or part of the procedures to adopt the recommendation.''.

SEC. 554. IMPROVED FLIGHT OPERATIONAL QUALITY ASSURANCE, AVIATION SAFETY ACTION, AND LINE OPERATIONAL SAFETY AUDIT PROGRAMS.

(a) LIMITATION ON DISCLOSURE AND USE OF INFORMATION.—

(1) IN GENERAL.—Except as provided by this section, a party in a judicial proceeding may not use discovery to obtain—

(A) an Aviation Safety Action Program report;

(B) Flight Operational Quality Assurance Program data; or

(C) a Line Operations Safety Audit Program report.

(2) FOIA NOT APPLICABLE.—Section 522 of title 5, United States Code, shall not apply to reports or data described in paragraph (1).

(3) EXCEPTIONS.—Nothing in paragraph (1) or (2) prohibits the FAA from disclosing information contained in reports or data described in paragraph (1) if withholding the information would not be consistent with the FAA's safety responsibilities, including—

(A) a summary of information, with identifying information redacted, to explain the need for changes in policies or regulations;

(B) information provided to correct a condition that compromises safety, if that condition continues uncorrected; or

(C) information provided to carry out a criminal investigation or prosecution.

(b) PERMISSIBLE DISCOVERY FOR SUCH REPORTS AND DATA.—Except as provided in subsection (c), a court may allow discovery by a party of an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report if, after an in camera review of the information, the court determines that a party to a claim or defense in the proceeding shows a particularized need for the report or data that outweighs the need for confidentiality of the report or data, considering the confidential nature of the report or data, and upon a showing that the report or data is both relevant to the preparation of a claim or defense and not otherwise known or available.

(c) PROTECTIVE ORDER.—When a court allows discovery, in a judicial proceeding, of an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report, the court shall issue a protective order—

(1) to limit the use of the information contained in the report or data to the judicial proceeding;

(2) to prohibit dissemination of the report or data to any person that does not need access to the report for the proceeding; and

(3) to limit the use of the report or data in the proceeding to the uses permitted for privileged self-analysis information as defined under the Federal Rules of Evidence.

(d) SEALED INFORMATION.—A court may allow an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report to be admitted into evidence in a judicial proceeding only if the court places the report or data under seal to prevent the use of the report or data for purposes other than for the proceeding.

(e) SAFETY RECOMMENDATIONS.—This section does not prevent the National Transportation Safety Board from referring at any time to information contained in an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report in making safety recommendations.

(f) WAIVER.—Any waiver of the privilege for self-analysis information by a protected party, unless occasioned by the party's own use of the information in presenting a claim or defense, must be in writing.

SEC. 555. RE-EVALUATION OF FLIGHT CREW TRAINING, TESTING, AND CERTIFICATION REQUIREMENTS.

(a) TRAINING AND TESTING.—The Administrator shall develop and implement a plan for reevaluation of flight crew training regulations in effect on the date of enactment of this Act, including regulations for—

(1) classroom instruction requirements governing curriculum content and hours of instruction;

(2) crew leadership training; and

(3) initial and recurrent testing requirements for pilots, including the rigor and consistency of testing programs such as check rides.

(b) BEST PRACTICES.—The plan shall incorporate best practices in the aviation industry with respect to training protocols, methods, and procedures.

(c) CERTIFICATION.—The Administrator shall initiate a rulemaking to re-evaluate FAA regulations governing the minimum requirements—

(1) to become a commercial pilot;

(2) to receive an Air Transport Pilot Certificate to become a captain; and

(3) to transition to a new type of aircraft.

(d) REMEDIAL TRAINING PROGRAMS.—

(1) IN GENERAL.—The Administrator shall initiate a rulemaking to require part 121 air carriers to establish remedial training programs for flightcrew members who have demonstrated performance deficiencies or experienced failures in the training environment.

(2) DEADLINES.—The Administrator shall—

(A) not later than 180 days after the date of enactment of this Act, issue a notice of proposed rulemaking under paragraph (1); and

(B) not later than 24 months after the date of enactment of this Act, issue a final rule for the rulemaking.

(e) STICK PUSHER TRAINING AND WEATHER EVENT TRAINING.—

(1) MULTIDISCIPLINARY PANEL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary panel of specialists in aircraft operations, flightcrew member training, human factors, and aviation safety to study and submit to the Administrator a report on methods to increase the familiarity of flightcrew members with, and improve the response of flightcrew members to, stick pusher systems, icing conditions, and microburst and windshear weather events.

(2) REPORT TO CONGRESS.—Not later than one year after the date on which the Administrator convenes the panel, the Administrator shall—

(A) submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation based on the findings of the panel; and

(B) with respect to stick pusher systems, initiate appropriate actions to implement the recommendations of the panel.

SEC. 556. FLIGHTCREW MEMBER MENTORING, PROFESSIONAL DEVELOPMENT, AND LEADERSHIP.

(a) AVIATION RULEMAKING COMMITTEE.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct an aviation rulemaking committee proceeding with stakeholders to develop procedures for each part 121 air carrier to take the following actions:

(A) Establish flightcrew member mentoring programs under which the air carrier will pair highly experienced flightcrew members who will serve as mentor pilots and be paired with newly employed flightcrew members. Mentor pilots should be provided, at a minimum, specific instruction on techniques for instilling and reinforcing the highest standards of technical performance, airmanship, and professionalism in newly employed flightcrew members.

(B) Establish flightcrew member professional development committees made up of air carrier management and labor union or professional association representatives to develop, administer, and oversee formal mentoring programs of the carrier to assist flightcrew members to reach their maximum potential as safe, seasoned, and proficient flightcrew members.

(C) Establish or modify training programs to accommodate substantially different levels and types of flight experience by newly employed flightcrew members.

(D) Establish or modify training programs for second-in-command flightcrew members attempting to qualify as pilot-in-command flightcrew members for the first time in a specific aircraft type and ensure that such programs include leadership and command training.

(E) Ensure that recurrent training for pilots in command includes leadership and command training.

(F) Such other actions as the aviation rulemaking committee determines appropriate to enhance flightcrew member professional development.

(2) COMPLIANCE WITH STERILE COCKPIT RULE.—Leadership and command training described in paragraphs (1)(D) and (1)(E) shall include instruction on compliance with flightcrew member duties under part 121.542 of title 14, Code of Federal Regulations.

(3) STREAMLINED PROGRAM REVIEW.—

(A) IN GENERAL.—As part of the rulemaking required by subsection (a), the Administrator shall establish a streamlined process for part 121 air carriers that have in effect, as of the date of enactment of this Act, the programs required by paragraph (1).

(B) EXPEDITED APPROVALS.—Under the streamlined process, the Administrator shall—

(i) review the programs of such part 121 air carriers to determine whether the programs meet the requirements set forth in the final rule referred to in subsection (b)(2); and

(ii) expedite the approval of the programs that the Administrator determines meet such requirements.

(b) DEADLINES.—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

SEC. 557. FLIGHTCREW MEMBER SCREENING AND QUALIFICATIONS.

(a) REQUIREMENTS.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to develop and implement means and methods for ensuring that flightcrew members have proper qualifications and experience.

(b) MINIMUM EXPERIENCE REQUIREMENT.—The final rule prescribed under subsection (a) shall, among any other requirements established by the rule, require that a pilot have no less than 750 hours of flight time before serving as a flightcrew member for a part 121 air carrier.

(c) DEADLINES.—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than December 31, 2011, a final rule under subsection (a).

(d) DEFAULT REQUIREMENTS.—If the Administrator fails to meet the deadline established by subsection (c))(2), then all flightcrew members for part 121 air carriers shall meet the requirements established by subpart G of part 61 of the Federal Aviation Administration's regulations (14 C.F.R. 61.151 et seq.).

(e) DEFINITIONS.—In this section:

(1) FLIGHTCREW MEMBER.—The term ''flightcrew member'' has the meaning given that term in section 1.1 of the Federal Aviation Administration's regulations (14 C.F.R. 1.1)).

(2) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' has the meaning given that term by section 41720(d)(1) of title 49, United States Code.

SEC. 558. PROHIBITION ON PERSONAL USE OF CERTAIN DEVICES ON FLIGHT DECK.

(a) IN GENERAL.—Chapter 447, as amended by section 521 of this Act, is further amended by adding at the end thereof the following:

''§ 44731. Use of certain devices on flight deck

''(a) IN GENERAL.—It is unlawful for any member of the flight crew of an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, to use a personal wireless communications device or laptop computer while at the crew member's duty station on the flight deck of such an aircraft while the aircraft is being operated.

''(b) EXCEPTIONS.—Subsection (a) shall not apply to the use of a personal wireless communications device or laptop computer for a purpose directly related to operation of the aircraft, or for emergency, safety-related, or employment-related communications, in accordance with procedures established by the air carrier or the Federal Aviation Administration.

''(c) ENFORCEMENT.—In addition to the penalties provided under section 46301 of this title applicable to any violation of this section, the Administrator of the Federal Aviation Administration may enforce compliance with this section under section 44709.

''(d) PERSONAL WIRELESS COMMUNICATIONS DEVICE DEFINED.—The term 'personal wireless communications device' means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted.''.

(b) PENALTY.—Section 44711(a) is amended—

(1) by striking ''or'' after the semicolon in paragraph (8);

(2) by striking ''title.'' in paragraph (9) and inserting ''title; or''; and

(3) by adding at the end the following:

''(10) violate section 44730 of this title or any regulation issued thereunder.''.

(c) CONFORMING AMENDMENT.—The table of contents for chapter 447 is amended by adding at the end thereof the following:

''44731. Use of certain devices on flight deck''.

(d) REGULATIONS.—Within 30 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking procedure for regulations under section 44730 of title 49, United States Code, and shall issue a final rule thereunder within 1 year after the date of enactment of this Act.

SEC. 559. SAFETY INSPECTIONS OF REGIONAL AIR CARRIERS.

The Administrator shall, not less frequently than once each year, perform random, unannounced, on-site inspections of air carriers that provide air transportation pursuant to a contract with a part 121 air carrier to ensure that such air carriers are complying with all applicable safety standards of the Administration.

SEC. 560. ESTABLISHMENT OF SAFETY STANDARDS WITH RESPECT TO THE TRAINING, HIRING, AND OPERATION OF AIRCRAFT BY PILOTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue a final rule with respect to the Notice of Proposed Rulemaking published in the Federal Register on January 12, 2009 (74 Fed. Reg. 1280), relating to training programs for flight crew members and aircraft dispatchers.

(b) EXPERT PANEL TO REVIEW PART 121 AND PART 135 TRAINING HOURS.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary expert panel comprised of, at a minimum, air carrier representatives, training facility representatives, instructional design experts, aircraft manufacturers, safety organization representatives, and labor union representatives.

(2) ASSESSMENT AND RECOMMENDATIONS.—The panel shall assess and make recommendations concerning—

(A) the best methods and optimal time needed for flightcrew members of part 121 air carriers and flightcrew members of part 135 air carriers to master aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination;

(B) the optimal length of time between training events for such crewmembers, including recurrent training events;

(C) the best methods to reliably evaluate mastery by such crewmembers of aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination; and

(D) the best methods to allow specific academic training courses to be credited pursuant to section 11(d) toward the total flight hours required to receive an airline transport pilot certificate.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation based on the findings of the panel.

SEC. 561. OVERSIGHT OF PILOT TRAINING SCHOOLS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to Congress a plan for overseeing pilot schools certified under part 141 of title 14, Code of Federal Regulations, that includes—

(1) ensuring that the curriculum and course outline requirements for such schools under subpart C of such part are being met; and

(2) conducting on-site inspections of each such school not less frequently than once every 2 years.

(b) GAO STUDY.—The Comptroller General shall conduct a comprehensive study of flight schools, flight education, and academic training requirements for certification of an individual as a pilot.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the results of the study.

SEC. 562. ENHANCED TRAINING FOR FLIGHT ATTENDANTS AND GATE AGENTS.

(a) IN GENERAL.—Chapter 447, as amended by section 558 of this Act, is further amended by adding at the end the following:

''§ 44732. Training of flight attendants and gate agents

''(a) TRAINING REQUIRED.—In addition to other training required under this chapter, each air carrier shall provide initial and annual recurring training for flight attendants and gate agents employed or contracted by such air carrier regarding—

''(1) serving alcohol to passengers;

''(2) recognizing intoxicated passengers; and

''(3) dealing with disruptive passengers.

''(b) SITUATIONAL TRAINING.—In carrying out the training required under subsection (a), each air carrier shall provide situational training to flight attendants and gate agents on the proper method for dealing with intoxicated passengers who act in a belligerent manner.

''(c) DEFINITIONS.—In this section:

''(1) AIR CARRIER.—The term 'air carrier' means a person or commercial enterprise that has been issued an air carrier operating certificate under section 44705.

''(2) FLIGHT ATTENDANT.—The term 'flight attendant' has the meaning given the term in section 44728(f).

''(3) GATE AGENT.—The term 'gate agent' means an individual working at an airport whose responsibilities include facilitating passenger access to commercial aircraft.

''(4) PASSENGER.—The term 'passenger' means an individual traveling on a commercial aircraft, from the time at which the individual arrives at the airport from which such aircraft departs until the time the individual leaves the airport to which such aircraft arrives.''.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 447 is amended by adding at the end the following:

''44732. Training of flight attendants and gate agents''.

(c) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations to carry out section 44730 of title 49, United States Code, as added by subsection (a).

SEC. 563. DEFINITIONS.

In this subtitle:

(1) AVIATION SAFETY ACTION PROGRAM.—The term ''Aviation Safety Action Program'' means the program described under Federal Aviation Administration Advisory Circular No. 120–66B that permits employees of participating air carriers and repair station certificate holders to identify and report safety issues to management and to the Administration for resolution.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator.

(3) AIR CARRIER.—The term ''air carrier'' has the meaning given that term by section 40102(2) of title 49, United States Code.

(4) FAA.—The term ''FAA'' means the Federal Aviation Administration.

(5) FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM.—The term ''Flight Operational Quality Assurance Program'' means the voluntary safety program authorized under section 13.401 of title 14, Code of Federal Regulations, that permits commercial air carriers and pilots to share confidential aggregate information with the Administration to permit the Administration to target resources to address operational risk issues.

(6) LINE OPERATIONS SAFETY AUDIT PROGRAM.—The term ''Line Operations Safety Audit Program'' has the meaning given that term by Federal Aviation Administration Advisory Circular Number 120–90.

(7) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' has the meaning given that term by section 41719(d)(1) of title 49, United States Code.

TITLE VI—AVIATION RESEARCH

SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Section 44511(f) is amended—

(1) by striking ''establish a 4-year pilot'' in paragraph (1) and inserting ''maintain an''; and

(2) by inserting ''pilot'' in paragraph (4) before ''program'' the first time it appears; and

(3) by striking ''program, including recommendations as to the need for establishing a permanent airport cooperative research program.'' in paragraph (4) and inserting ''program.''.

(b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—Not more than $15,000,000 per year for fiscal years 2010 and 2011 may be appropriated to the Secretary of Transportation from the amounts made available each year under subsection (a) for the Airport Cooperative Research Program under section 44511 of this title, of which not less than $5,000,000 per year shall be for research activities related to the airport environment, including reduction of community exposure to civil aircraft noise, reduction of civil aviation emissions, or addressing water quality issues.

SEC. 602. REDUCTION OF NOISE, EMISSIONS, AND ENERGY CONSUMPTION FROM CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall establish a research program related to reducing civilian aircraft energy use, emissions, and source noise with equivalent safety through grants or other measures, which may include cost-sharing, authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) ESTABLISHMENT OF CONSORTIUM.—

(1) DESIGNATION AS CONSORTIUM.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall designate, using a competitive process, one or more institutions or entities described in paragraph (2) as a Consortium for Continuous Low Energy, Emissions, and Noise (CLEEN) to perform research in accordance with this section.

(2) PARTICIPATION.—The Administrator shall include educational and research institutions or private sector entities that have existing facilities and experience for developing and testing noise, emissions and energy reduction engine and aircraft technology, and developing alternative fuels in the research program required by subsection (a).

(3) COORDINATION MECHANISMS.—In conducting the research program, the Consortium designated under paragraph (1) shall—

(A) coordinate its activities with the Department of Agriculture, the Department of Energy, the National Aeronautics and space Administration, and other relevant Federal agencies; and

(B) consult on a regular basis with the Commercial Aviation Alternative Fuels Initiative.

(c) PERFORMANCE OBJECTIVES.—Not later than January 1, 2016, the research program shall accomplish the following objectives:

(1) Certifiable aircraft technology that reduces fuel burn 33 percent compared to current technology, reducing energy consumption and carbon dioxide emissions.

(2) Certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 60 percent, at a pressure ratio of 30 over the International Civil Aviation Organization standard adopted at the 6th Meeting of the Committee on Aviation Environmental Protection, with commensurate reductions over the full pressure ratio range, while limiting or reducing other gaseous or particle emissions.

(3) Certifiable aircraft technology that reduces noise levels by 32 Effective Perceived Noise in decibels (EPNdb) cumulative, relative to Stage 4 standards.

(4) Advance qualification and environmental assurance of alternative aviation fuels to support a goal of having 20 percent of the jet fuel available for purchase by United States commercial airlines and cargo carriers be alternative fuels.

(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft so as to increase the level of penetration into the commercial fleet.

SEC. 603. PRODUCTION OF ALTERNATIVE FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) IN GENERAL.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from natural gas, biomass and other renewable sources through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION IN PROGRAM.—The Secretary shall—

(1) include educational and research institutions that have existing facilities and experience in the research, small-scale development, testing, or evaluation of technologies related to the creation, processing, and production of a variety of feedstocks into aviation fuel under the program required by subsection (a); and

(2) consider utilizing the existing capacity in Aeronautics research at Langley Research Center of the National Aeronautics and Space Administration to carry out the program required by subsection (a).

(c) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (b) as a Center of Excellence for Alternative Jet-Fuel Research in Civil Aircraft. The Center of Excellence shall be a member of the CLEEN Consortium established under section 602(b), and shall be part of a Joint Center of Excellence with the Partnership for Air Transportation Noise and Emission Reduction FAA Center of Excellence.

SEC. 604. PRODUCTION OF CLEAN COAL FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from clean coal through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that processes coal to aviation fuel.

(b) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Coal-to-Jet-Fuel Research.

SEC. 605. ADVISORY COMMITTEE ON FUTURE OF AERONAUTICS.

(a) ESTABLISHMENT.—There is established an advisory committee to be know as the ''Advisory Committee on the Future of Aeronautics''.

(b) MEMBERSHIP.—The Advisory Committee shall consist of 7 members appointed by the President from a list of 15 candidates proposed by the Director of the National Academy of Sciences.

(c) CHAIRPERSON.—The Advisory Committee members shall elect 1 member to serve as chairperson of the Advisory Committee.

(d) FUNCTIONS.—The Advisory Committee shall examine the best governmental and organizational structures for the conduct of civil aeronautics research and development, including options and recommendations for consolidating such research to ensure continued United States leadership in civil aeronautics. The Committee shall consider transferring responsibility for civil aeronautics research and development from the National Aeronautics and Space Administration to other existing departments or agencies of the Federal Government or to a non-governmental organization such as academic consortia or not-for-profit organizations. In developing its recommendations, the Advisory Committee shall consider, as appropriate, the aeronautics research policies developed pursuant to section 101(d) of Public Law 109–155 and the requirements and priorities for aeronautics research established by title IV of Public Law 109–155.

(e) REPORT.—Not later than 12 months after the date on which the full membership of the Advisory Committee is appointed, the Advisory Committee shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House Committees on Science and Technology and on Transportation and Infrastructure on its findings and recommendations. The report may recommend a rank ordered list of acceptable solutions.

(f) TERMINATION.—The Advisory Committee shall terminate 60 days after the date on which it submits the report to the Congress.

SEC. 606. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

(a) CONTINUATION OF PROGRAM.—The Administrator of the Federal Aviation Administration shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements.

(b) USE OF GRANTS OR COOPERATIVE AGREEMENTS.—The Administrator may use grants or cooperative agreements in carrying out this section.

SEC. 607. WAKE TURBULENCE, VOLCANIC ASH, AND WEATHER RESEARCH.

Within 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) initiate evaluation of proposals that would increase capacity throughout the air transportation system by reducing existing spacing requirements between aircraft of all sizes, including research on the nature of wake vortices;

(2) begin implementation of a system to improve volcanic ash avoidance options for aircraft, including the development of a volcanic ash warning and notification system for aviation; and

(3) establish research projects on—

(A) ground de-icing/anti-icing, ice pellets, and freezing drizzle;

(B) oceanic weather, including convective weather;

(C) en route turbulence prediction and detection; and

(D) all hazards during oceanic operations, where commercial traffic is high and only rudimentary satellite sensing is available, to reduce the hazards presented to commercial aviation.

SEC. 608. INCORPORATION OF UNMANNED AIRCRAFT SYSTEMS INTO FAA PLANS AND POLICIES.

(a) RESEARCH.—

(1) EQUIPMENT.—Section 44504, as amended by section 216 of this Act, is further amended—

(A) by inserting ''unmanned and manned'' in subsection (a) after ''improve'';

(B) by striking ''and'' after the semicolon in subsection (b)(7);

(C) by striking ''emitted.'' in subsection (b)(8) and inserting ''emitted; and''; and

(D) by adding at the end of subsection (b) the following:

''(9) in conjunction with other Federal agencies as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aircraft systems that could result in a catastrophic failure.''.

(2) HUMAN FACTORS; SIMULATIONS.—Section 44505(b) is amended—

(A) by striking ''and'' after the semicolon in paragraph (4);

(B) by striking ''programs.'' in paragraph (5)(C) and inserting ''programs; and''; and

(C) by adding at the end thereof the following:

''(6) to develop a better understanding of the relationship between human factors and unmanned aircraft systems air safety; and

''(7) to develop dynamic simulation models of integrating all classes of unmanned aircraft systems into the National Airspace System.''.

(b) NATIONAL ACADEMY OF SCIENCES ASSESSMENT.—

(1) IN GENERAL.—Within 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Academy of Sciences for an assessment of unmanned aircraft systems that may include consideration of—

(A) human factors regarding unmanned aircraft systems operation;

(B) ''detect, sense and avoid technologies'' with respect to both cooperative and non-cooperative aircraft;

(C) spectrum issues and bandwidth requirements;

(D) operation in suboptimal winds and adverse weather conditions;

(E) mechanisms such as the use of transponders for letting other entities know

where the unmanned aircraft system is flying;

(F) airworthiness and system redundancy;

(G) flight termination systems for safety and security;

(H) privacy issues;

(I) technologies for unmanned aircraft systems flight control;

(J) technologies for unmanned aircraft systems propulsion;

(K) unmanned aircraft systems operator qualifications, medical standards, and training requirements;

(L) unmanned aircraft systems maintenance requirements and training requirements; and

(M) any other unmanned aircraft systems-related issue the Administrator believes should be addressed.

(2) REPORT.—Within 12 months after initiating the study, the National Academy shall submit its report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing its findings and recommendations.

(c) PILOT PROJECTS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish 3 2-year cost-shared pilot projects in sparsely populated, low-density Class G air traffic airspace new test sites to conduct experiments and collect data in order to accelerate the safe integration of unmanned aircraft systems into the National Airspace System as follows:

(A) 1 project shall address operational issues required for integration of Category 1 unmanned aircraft systems defined as analogous to RC models covered in the FAA Advisory Circular AC 91-57.

(B) 1 project shall address operational issues required for integration of Category 2 unmanned aircraft systems defined as non-standard aircraft that perform special purpose operations. Operators must provide evidence of airworthiness and operator qualifications.

(C) 1 project shall address operational issues required for integration of Category 3 unmanned aircraft systems defined as capable of flying throughout all categories of airspace and conforming to part 91 of title 14, Code of Federal Regulations.

(D) All 3 pilot projects shall be operational no later than 6 months after being established.

(2) USE OF CONSORTIA.—In conducting the pilot projects, the Administrator shall encourage the formation of participating consortia from the public and private sectors, educational institutions, and non-profit organization.

(3) REPORT.—Within 90 days after completing the pilot projects, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure setting forth the Administrator's findings and conclusions concerning the projects.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator for fiscal years 2010 and 2011 such sums as may be necessary to conduct the pilot projects.

(d) UNMANNED AIRCRAFT SYSTEMS ROADMAP.—Within 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall approve and make available in print and on the Administration's website a 5-year ''roadmap'' for the introduction of unmanned aircraft systems into the National Airspace System being coordinated by its Unmanned Aircraft Program Office. The Administrator shall update the ''roadmap'' annually.

(e) UPDATED POLICY STATEMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to update the Administration's most recent policy statement on unmanned aircraft systems, Docket No. FAA-2006-25714.

(f) EXPANDING THE USE OF UAS IN THE ARCTIC.—Within 6 months after the date of enactment of this Act, the Administrator, in consultation with the National Oceanic and Atmospheric Administration, the Coast Guard, and other Federal agencies as appropriate, shall identify permanent areas in the Arctic where small unmanned aircraft may operate 24 hours per day from 2000 feet to the surface and beyond line-of-sight for research and commercial purposes. Within 12 months after the date of enactment of this Act, the Administrator shall have established and implemented a single process for approving unmanned aircraft use in the designated arctic regions regardless of whether the unmanned aircraft is used as a public aircraft, a civil aircraft, or as a model aircraft.

(g) DEFINTIONS.—In this section:

(1) ARCTIC.—The term ''Arctic'' means the United States zone of the Chukchi, Beaufort, and Bering Sea north of the Aleutian chain.

(2) PERMANENT AREAS.—The term ''permanent areas'' means areas on land or water that provide for terrestrial launch and recovery of small unmanned aircraft.

SEC. 609. REAUTHORIZATION OF CENTER OF EXCELLENCE IN APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT.

Section 708(b) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44504 note) is amended by striking ''$500,000 for fiscal year 2004'' and inserting ''$1,000,000 for each of fiscal years 2008 through 2012''.

SEC. 610. PILOT PROGRAM FOR ZERO EMISSION AIRPORT VEHICLES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47136 the following:

''§ 47136A. Zero emission airport vehicles and infrastructure

''(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program under which the sponsor of a public-use airport may use funds made available under section 47117 or section 48103 for use at such airports or passenger facility revenue (as defined in section 40117(a)(6)) to carry out activities associated with the acquisition and operation of zero emission vehicles (as defined in section 88.120–94 of title 40, Code of Federal Regulations), including the construction or modification of infrastructure to facilitate the delivery of fuel and services necessary for the use of such vehicles. Any use of funds authorized by the preceding sentence shall be considered to be an authorized use of funds under section 47117 or section 48103, or an authorized use of passenger facility revenue (as defined in section 40117(a)(6)), as the case may be.

''(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—

''(1) IN GENERAL.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))).

''(2) SHORTAGE OF CANDIDATES.—If the Secretary receives an insufficient number of applications from public-use airports located in such areas, then the Secretary may consider applications from public-use airports that are not located in such areas.

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the program.

''(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the Federal share of the costs of a project carried out under the program shall be 50 percent.

''(e) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The sponsor of a public-use airport carrying out activities funded under the program may not use more than 10 percent of the amounts made available under the program in any fiscal year for technical assistance in carrying out such activities.

''(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, participants in the program shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

''(f) MATERIALS IDENTIFYING BEST PRACTICES.—The Secretary may develop and make available materials identifying best practices for carrying out activities funded under the program based on projects carried out under section 47136 and other sources.''.

(b) REPORT ON EFFECTIVENESS OF PROGRAM.—Not later than 18 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act., the Secretary of Transportation shall transmit a report to the Senate Committee on Commerce, Science, and Transportation the House of Representatives Committee on Transportation and Infrastructure containing—

(1) an evaluation of the effectiveness of the pilot program;

(2) an identification of all public-use airports that expressed an interest in participating in the program; and

(3) a description of the mechanisms used by the Secretary to ensure that the information and know-how gained by participants in the program is transferred among the participants and to other interested parties, including other public-use airports.

(c) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47136 the following:

''47136A. Zero emission airport vehicles and infrastructure''.

SEC. 611. REDUCTION OF EMISSIONS FROM AIRPORT POWER SOURCES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47140 the following:

''§ 47140A. Reduction of emissions from airport power sources

''(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the sponsor of each airport eligible to receive grants under section 48103 is encouraged to assess the airport's energy requirements, including heating and cooling, base load, back-up power, and power for on-road airport vehicles and ground support equipment, in order to identify opportunities to reduce harmful emissions and increase energy efficiency at the airport.

''(b) GRANTS.—The Secretary may make grants under section 48103 to assist airport sponsors that have completed the assessment described in subsection (a) to acquire or construct equipment, including hydrogen equipment and related infrastructure, that will reduce harmful emissions and increase energy efficiency at the airport. To be eligible for such a grant, the sponsor of such an airport shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47140 the following:

''47140A. Reduction of emissions from airport power sources''.

SEC. 612. SITING OF WINDFARMS NEAR FAA NAVIGATIONAL AIDES AND OTHER ASSETS.

(a) SURVEY AND ASSESSMENT.—

(1) IN GENERAL.—In order to address safety and operational concerns associated with the construction, alteration, establishment, or expansion of wind farms in proximity to critical FAA facilities, the Administrator shall, within 60 days after the date of enactment of this Act, complete a survey and assessment of leases for critical FAA facility sites, including—

(A) an inventory of the leases that describes, for each such lease—

(i) the periodic cost, location, site, terms, number of years remaining, and lessor;

(ii) other Administration facilities that share the leasehold, including surveillance and communications equipment; and

(iii) the type of transmission services supported, including the terms of service, cost, and support contract obligations for the services; and

(B) a list of those leases for facilities located in or near areas suitable for the construction and operation of wind farms, as determined by the Administrator in consultation with the Secretary of Energy.

(2) REPORT.—Upon completion of the survey and assessment, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the Comptroller General containing the Administrator's findings, conclusions, and recommendations.

(b) GAO ASSESSMENT.—

(1) IN GENERAL.—Within 180 days after receiving the Administrator's report under subsection (a)(2), the Comptroller General, in consultation with the Administrator, shall report on—

(A) the current and potential impact of wind farms on the national airspace system;

(B) the extent to which the Department of Defense and the Federal Aviation Administration have guidance, processes, and procedures in place to evaluate the impact of wind farms on the implementation of the Next Generation air traffic control system; and

(C) potential mitigation strategies, if necessary, to ensure that wind farms do not have an adverse impact on the implementation of the Next Generation air traffic control system, including the installation of navigational aides associated with that system.

(c) ISSUANCE OF GUIDELINES; PUBLIC INFORMATION.—

(1) GUIDANCE.—Within 60 days after the Administrator receives the Comptroller's recommendations, the Administrator shall publish guidelines for the construction and operation of wind farms to be located in proximity to critical Federal Aviation Administration facilities. The guidelines may include—

(A) the establishment of a zone system for wind farms based on proximity to critical FAA assets;

(B) the establishment of turbine height and density limitations on such wind farms;

(C) requirements for notice to the Administration under section 44718(a) of title 49, United States Code, before the construction, alteration, establishment, or expansion of a such a wind farm; and

(D) any other requirements or recommendations designed to address Administration safety or operational concerns related to the construction, alteration, establishment, or expansion of such wind farms.

(2) PUBLIC ACCESS TO INFORMATION.—To the extent feasible, taking into consideration security, operational, and public safety concerns (as determined by the Administrator), the Administrator shall provide public access to information regarding the planning, construction, and operation of wind farms in proximity to critical FAA facilities on, or by linkage from, the homepage of the Federal Aviation Administration's public website.

(d) CONSULTATION WITH OTHER FEDERAL AGENCIES.—In carrying out this section, the Administrator and the Comptroller General shall consult, as appropriate, with the Secretaries of the Army, the Navy, the Air Force, Homeland Security, and Energy—

(1) to coordinate the requirements of each department for future air space needs;

(2) to determine what the acceptable risks are to the existing infrastructure of each department; and

(3) to define the different levels of risk for such infrastructure.

(e) REPORTS.—The Administrator and the Comptroller General shall provide a copy of reports under subsections (a) and (b), respectively, to the Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Armed Services, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Armed Services, and the House of Representatives Committee on Science and Technology, as appropriate.

(f) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term ''Administration'' means the Federal Aviation Administration.

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

(3) CRITICAL FAA FACILITIES.—The term ''critical FAA facilities'' means facilities on which are located navigational aides, surveillance systems, or communications systems used by the Administration in administration of the national airspace system.

(4) WIND FARM.—The term ''wind farm'' means an installation of 1 or more wind turbines used for the generation of electricity.

SEC. 613. RESEARCH AND DEVELOPMENT FOR EQUIPMENT TO CLEAN AND MONITOR THE ENGINE AND APU BLEED AIR SUPPLIED ON PRESSURIZED AIRCRAFT.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall, to the degree practicable, implement a research program for the identification or development of appropriate and effective air cleaning technology and sensor technology for the engine and auxiliary power unit (APU) bleed air supplied to the passenger cabin and flight deck of all pressurized aircraft.

(b) TECHNOLOGY REQUIREMENTS.—The technology referred to in subsection (a) should, at a minimum, have the capacity—

(1) to remove oil-based contaminants from the bleed air supplied to the passenger cabin and flight deck; and

(2) to detect and record oil-based contaminants in the portion of the total air supplied to the passenger cabin and flight deck from bleed air.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the research and development work carried out under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums are as necessary to carry out this section.

TITLE VII—MISCELLANEOUS

SEC. 701. GENERAL AUTHORITY.

(a) THIRD PARTY LIABILITY.—Section 44303(b) is amended by striking ''December 31, 2009,'' and inserting ''December 31, 2012,''.

(b) EXTENSION OF PROGRAM AUTHORITY.—Section 44310 is amended by striking ''December 31, 2013.'' and inserting ''October 1, 2017.''.

(c) WAR RISK.—Section 44302(f)(1) is amended—

(1) by striking ''September 30, 2009,'' and inserting ''September 30, 2011,''; and

(2) by striking ''December 31, 2009,'' and inserting ''December 31, 2011,''.

SEC. 702. HUMAN INTERVENTION MANAGEMENT STUDY.

Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a Human Intervention Management Study program for cabin crews employed by commercial air carriers in the United States.

SEC. 703. AIRPORT PROGRAM MODIFICATIONS.

The Administrator of the Federal Aviation Administration—

(1) shall establish a formal, structured certification training program for the airport concessions disadvantaged business enterprise program; and

(2) may appoint 3 additional staff to implement the programs of the airport concessions disadvantaged business enterprise initiative.

SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.

(a) MARSHALL ISLANDS, FEDERATED STATES OF MICRONESIA, AND PALAU.—Section 47115(j) is amended by striking ''2009,'' and inserting ''2011,''.

(b) MIDWAY ISLAND AIRPORT.—Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking ''2009,'' and inserting ''2011,''.

SEC. 705. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s) is amended by striking paragraph (3).

SEC. 706. UPDATE ON OVERFLIGHTS.

(a) IN GENERAL.—Section 45301(b) is amended to read as follows:

''(b) LIMITATIONS.—

''(1) IN GENERAL.—In establishing fees under subsection (a), the Administrator shall ensure that the fees required by subsection (a) are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services which are available to facilitate safe transportation over the United States, and other services provided by the Administrator or by programs financed by the Administrator to flights that neither take off nor land in the United States. The determination of such costs by the Administrator is not subject to judicial review.

''(2) ADJUSTMENT OF FEES.—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin collections under the adjusted fees by October 1, 2010. In developing the adjusted overflight fees, the Administrator shall seek and consider the recommendations, if any, offered by the Aviation Rulemaking Committee for Overflight Fees that are intended to ensure that overflight fees are reasonably related to the Administrator's costs of providing air traffic

control and related services to overflights. In addition, the Administrator may periodically modify the fees established under this section either on the Administrator's own initiative or on a recommendation from the Air Traffic Control Modernization Board.

''(3) COST DATA.—The adjustment of overflight fees under paragraph (2) shall be based on the costs to the Administration of providing the air traffic control and related activities, services, facilities, and equipment using the available data derived from the Administration's cost accounting system and cost allocation system to users, as well as budget and operational data.

''(4) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

''(5) COSTS DEFINED.—In this subsection, the term 'costs' means those costs associated with the operation, maintenance, debt service, and overhead expenses of the services provided and the facilities and equipment used in such services, including the projected costs for the period during which the services will be provided.

''(6) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register any fee schedule under this section, including any adjusted overflight fee schedule, and the associated collection process as a proposed rule, pursuant to which public comment will be sought and a final rule issued.''.

(b) ADMINISTRATIVE PROVISION.—Section 45303(c)(2) is amended to read as follows:

''(2) shall be available to the Administrator for expenditure for purposes authorized by Congress for the Federal Aviation Administration, however, fees established by section 45301(a)(1) of this title shall be available only to pay the cost of activities and services for which the fee is imposed, including the costs to determine, assess, review, and collect the fee; and''.

SEC. 707. TECHNICAL CORRECTIONS.

Section 40122(g), as amended by section 307 of this Act, is further amended—

(1) by striking ''section 2302(b), relating to whistleblower protection,'' in paragraph (2)(A) and inserting ''sections 2301 and 2302,'';

(2) by striking ''and'' after the semicolon in paragraph (2)(H);

(3) by striking ''Plan.'' in paragraph (2)(I)(iii) and inserting ''Plan;'';

(4) by adding at the end of paragraph (2) the following:

''(J) section 5596, relating to back pay; and

''(K) sections 6381 through 6387, relating to Family and Medical Leave.''; and

(5) by adding at the end of paragraph (3) ''Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.''.

SEC. 708. FAA TECHNICAL TRAINING AND STAFFING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the training of airway transportation systems specialists of the Federal Aviation Administration that includes—

(A) an analysis of the type of training provided to such specialists;

(B) an analysis of the type of training that such specialists need to be proficient in the maintenance of the latest technologies;

(C) actions that the Administration has undertaken to ensure that such specialists receive up-to-date training on such technologies;

(D) the amount and cost of training provided by vendors for such specialists;

(E) the amount and cost of training provided by the Administration after developing in-house training courses for such specialists;

(F) the amount and cost of travel required of such specialists in receiving training; and

(G) a recommendation regarding the most cost-effective approach to providing such training.

(2) REPORT.—Within 1 year after the date of enactment of this Act, the Comptroller General shall transmit a report on the study containing the Comptroller General's findings and recommendations to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(b) STUDY BY NATIONAL ACADEMY OF SCIENCES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall contract with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for Federal Aviation Administration air traffic controllers, system specialists, and engineers to ensure proper maintenance, certification, and operation of the National Airspace System. The National Academy of Sciences shall consult with the Exclusive Bargaining Representative certified under section 7111 of title 5, United States Code, and the Administration (including the Civil Aeronautical Medical Institute) and examine data entailing human factors, traffic activity, and the technology at each facility.

(2) CONTENTS.—The study shall include—

(A) recommendations for objective staffing standards that maintain the safety of the National Airspace System; and

(B) the approximate length of time for developing such standards.

(3) REPORT.—Not later than 24 months after executing a contract under subsection (a), the National Academy of Sciences shall transmit a report containing its findings and recommendations to the Congress.

(c) AVIATION SAFETY INSPECTORS.—

(1) SAFETY STAFFING MODEL.—Within 12 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall consult with representatives of the aviation safety inspectors and other interested parties.

(2) SAFETY INSPECTOR STAFFING.—The Federal Aviation Administration aviation safety inspector staffing requirement shall be no less than the staffing levels indicated as necessary in the staffing model described under subsection (a).

SEC. 709. COMMERCIAL AIR TOUR OPERATORS IN NATIONAL PARKS.

(a) SECRETARY OF THE INTERIOR AND OVERFLIGHTS OF NATIONAL PARKS.—

(1) Section 40128 is amended—

(A) by striking paragraph (8) of subsection (f);

(B) by striking ''Director'' each place it appears and inserting ''Secretary of the Interior'';

(C) by striking ''National Park Service'' in subsection (a)(2)(B)(vi) and inserting ''Department of the Interior''; and

(D) by striking ''National Park Service'' in subsection (b)(4)(C) and inserting ''Department of the Interior''.

(2) The National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note) is amended—

(A) by striking ''Director'' in section 804(b) and inserting ''Secretary of the Interior'';

(B) in section 805—

(i) by striking ''Director of the National Park Service'' in subsection (a) and inserting ''Secretary of the Interior'';

(ii) by striking ''Director'' each place it appears and inserting ''Secretary of the Interior'';

(iii) by striking ''National Park Service'' each place it appears in subsection (b) and inserting ''Department of the Interior'';

(iv) by striking ''National Park Service'' in subsection (d)(2) and inserting ''Department of the Interior''; and

(C) in section 807—

(i) by striking ''National Park Service'' in subsection (a)(1) and inserting ''Department of the Interior''; and

(ii) by striking ''Director of the National Park Service'' in subsection (b) and inserting ''Secretary of the Interior''.

(b) ALLOWING OVERFLIGHTS IN CASE OF AGREEMENT.—Paragraph (1) of subsection (a) of section 40128 is amended—

(1) by striking ''and'' after the semicolon in subparagraph (B);

(2) by striking ''lands.'' in subparagraph (C) and inserting ''lands; and''; and

(3) by adding at the end the following:

''(D) in accordance with a voluntary agreement between the commercial air tour operator and appropriate representatives of the national park or tribal lands, as the case may be.''.

(c) MODIFICATION OF INTERIM OPERATING AUTHORITY.—Section 40128(c)(2)(I) is amended to read as follows:

''(I) may allow for modifications of the interim operating authority without further environmental process, if—

''(i) adequate information on the existing and proposed operations of the commercial air tour operator is provided to the Administrator and the Secretary by the operator seeking operating authority;

''(ii) the Administrator determines that the modifications would not adversely affect aviation safety or the management of the national airspace system; and

''(iii) the Secretary agrees that the modifications would not adversely affect park resources and visitor experiences.''.

(d) REPORTING REQUIREMENTS FOR COMMERCIAL AIR TOUR OPERATORS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, each commercial air tour conducting commercial air tour operations over a national park shall report to the Administrator of the Federal Aviation Administration and the Secretary of the Interior on—

(A) the number of commercial air tour operations conducted by such operator over the national park each day;

(B) any relevant characteristics of commercial air tour operations, including the routes, altitudes, duration, and time of day of flights; and

(C) such other information as the Administrator and the Secretary may determine necessary to administer the provisions of the National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note).

(2) FORMAT.—The report required by paragraph (1) shall be submitted in such form as the Administrator and the Secretary determine to be appropriate.

(3) EFFECT OF FAILURE TO REPORT.—The Administrator shall rescind the operating authority of a commercial air tour operator that fails to file a report not later than 180 days after the date for the submittal of the report described in paragraph (1).

(4) AUDIT OF REPORTS.—Not later than 2 years after the date of the enactment of this

Act, and at such times thereafter as the Inspector General of the Department of Transportation determines necessary, the Inspector General shall audit the reports required by paragraph (1).

(e) COLLECTION OF FEES FROM AIR TOUR OPERATIONS.—

(1) IN GENERAL.—The Secretary of the Interior may assess a fee in an amount determined by the Secretary under paragraph (2) on a commercial air tour operator conducting commercial air tour operations over a national park.

(2) AMOUNT OF FEE.—In determining the amount of the fee assessed under paragraph (1), the Secretary shall consider the cost of developing air tour management plans for each national park.

(3) EFFECT OF FAILURE TO PAY FEE.—The Administrator of the Federal Aviation Administration shall revoke the operating authority of a commercial air tour operator conducting commercial air tour operations over any national park, including the Grand Canyon National Park, that has not paid the fee assessed by the Secretary under paragraph (1) by the date that is 180 days after the date on which the Secretary determines the fee shall be paid.

(f) AUTHORIZATION OF APPROPRIATIONS FOR AIR TOUR MANAGEMENT PLANS.—

(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 to the Secretary of the Interior for the development of air tour management plans under section 40128(b) of title 49, United States Code.

(2) USE OF FUNDS.—The funds authorized to be appropriated by paragraph (1) shall be used to develop air tour management plans for the national parks the Secretary determines would most benefit from such a plan.

(g) GUIDANCE TO DISTRICT OFFICES ON COMMERCIAL AIR TOUR OPERATORS.—The Administrator of the Federal Aviation Administration shall provide to the Administration's district offices clear guidance on the ability of commercial air tour operators to obtain—

(1) increased safety certifications;

(2) exemptions from regulations requiring safety certifications; and

(3) other information regarding compliance with the requirements of this Act and other Federal and State laws and regulations.

(h) OPERATING AUTHORITY OF COMMERCIAL AIR TOUR OPERATORS.—

(1) TRANSFER OF OPERATING AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a commercial air tour operator that obtains operating authority from the Administrator under section 40128 of title 49, United States Code, to conduct commercial air tour operations may transfer such authority to another commercial air tour operator at any time.

(B) NOTICE.—Not later than 30 days before the date on which a commercial air tour operator transfers operating authority under subparagraph (A), the operator shall notify the Administrator and the Secretary of the intent of the operator to transfer such authority.

(C) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prescribe regulations to allow transfers of operating authority described in subparagraph (A).

(2) TIME FOR DETERMINATION REGARDING OPERATING AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall determine whether to grant a commercial air tour operator operating authority under section 40128 of title 49, United States Code, not later than 180 days after the earlier of the date on which—

(A) the operator submits an application; or

(B) an air tour management plan is completed for the national park over which the operator seeks to conduct commercial air tour operations.

(3) INCREASE IN INTERIM OPERATING AUTHORITY.—The Administrator and the Secretary may increase the interim operating authority while an air tour management plan is being developed for a park if—

(A) the Secretary determines that such an increase does not adversely impact park resources or visitor experiences; and

(B) the Administrator determines that granting interim operating authority does not adversely affect aviation safety or the management of the national airspace system.

(4) ENFORCEMENT OF OPERATING AUTHORITY.—The Administrator is authorized and directed to enforce the requirements of this Act and any agency rules or regulations related to operating authority.

SEC. 710. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:

"§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels

"(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), a person may not operate a civil subsonic turbojet with a maximum weight of 75,000 pounds or less to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

"(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

"(c) OPT-OUT.—Subsection (a) shall not apply at an airport where the airport operator has notified the Secretary that it wants to continue to permit the operation of civil subsonic turbojets with a maximum weight of 75,000 pounds or less that do not comply with stage 3 noise levels. The Secretary shall post the notices received under this subsection on its website or in another place easily accessible to the public.

"(d) LIMITATION.—The Secretary shall permit a person to operate Stage 1 and Stage 2 aircraft with a maximum weight of 75,000 pounds or less to or from an airport in the contiguous 48 States in order—

"(1) to sell, lease, or use the aircraft outside the 48 contiguous States;

"(2) to scrap the aircraft;

"(3) to obtain modifications to the aircraft to meet stage 3 noise levels;

"(4) to perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 states;

"(5) to deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

"(6) to prepare or park or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5); or

"(7) to divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel air traffic control or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (6).

"(e) STATUTORY CONSTRUCTION.—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of the Aircraft Noise Reduction Act of 2006.".

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 is amended by striking "47529, or 47530" and inserting "47529, 47530, or 47534".

(2) Section 47532 is amended by striking "47528–47531" and inserting "47528 through 47531 or 47534".

(3) The table of contents for chapter 475 is amended by inserting after the item relating to section 47533 the following:

"47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 5 years after the date of enactment of this Act.

SEC. 711. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.

On and after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration is prohibited from taking actions designed to challenge or influence weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey, except in an emergency.

SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at up to 4 public-use airports for local airport operators that have submitted a noise compatibility program approved by the Federal Aviation Administration under section 47504 of title 49, United States Code, under which such airport operators may use funds made available under section 47117(e) of that title, or passenger facility revenue collected under section 40117 of that title, in partnership with affected neighboring local jurisdictions, to support joint planning, engineering design, and environmental permitting for the assembly and redevelopment of property purchased with noise mitigation funds or passenger facility charge funds, to encourage airport-compatible land uses and generate economic benefits to the local airport authority and adjacent community.

(b) NOISE COMPATIBILITY MEASURES.—Section 47504(a)(2) is amended—

(1) by striking "and" after the semicolon in subparagraph (D);

(2) by striking "operations." in subparagraph (E) and inserting "operations; and"; and

(3) by adding at the end the following:

"(F) joint comprehensive land use planning including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where the land or other property interest acquired by the airport operator pursuant to this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.".

(c) GRANT REQUIREMENTS.—The Administrator may not make a grant under subsection (a) unless the grant is made—

(1) to enable the airport operator and local jurisdictions undertaking the community redevelopment effort to expedite redevelopment efforts;

(2) subject to a requirement that the local jurisdiction governing the property interests in question has adopted zoning regulations that permit airport compatible redevelopment; and

(3) subject to a requirement that, in determining the part of the proceeds from disposing of the land that is subject to repayment or reinvestment under section 47107(c)(2)(A) of title 49, United States Code,

the total amount of the grant issued under this section shall be added to the amount of any grants issued for acquisition of land.

(d) DEMONSTRATION GRANTS.—

(1) IN GENERAL.—The Administrator shall provide grants for up to 4 pilot property redevelopment projects distributed geographically and targeted to airports that demonstrate—

(A) a readiness to implement cooperative land use management and redevelopment plans with the adjacent community; and

(B) the probability of clear economic benefit to the local community and financial return to the airport through the implementation of the redevelopment plan.

(2) FEDERAL SHARE.—

(A) Notwithstanding any other provision of law, the Federal share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(B) In determining the allowable costs, the Administrator shall deduct from the total costs of the activities described in subsection (a) that portion of the costs which is equal to that portion of the total property to be redeveloped under this section that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program or that is not owned by the affected neighboring local jurisdictions or other public entities.

(3) MAXIMUM AMOUNT.—Not more than $5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under the pilot program at any single public-use airport.

(4) EXCEPTION.—Amounts paid to the Administrator under subsection (c)(3)—

(A) shall be in addition to amounts authorized under section 48203 of title 49, United States Code;

(B) shall not be subject to any limitation on grant obligations for any fiscal year; and

(C) shall remain available until expended.

(e) USE OF PASSENGER REVENUE.—An airport sponsor that owns or operates an airport participating in the pilot program may use passenger facility revenue collected under section 40117 of title 49, United States Code, to pay any project cost described in subsection (a) that is not financed by a grant under the program.

(f) SUNSET.—This section, other than the amendments made by subsections (b), shall not be in effect after September 30, 2011.

(g) REPORT TO CONGRESS.—The Administrator shall report to Congress within 18 months after making the first grant under this section on the effectiveness of this program on returning part 150 lands to productive use.

SEC. 713. TRANSPORTING MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end thereof the following:

"§ 41724. Musical instruments

''(a) IN GENERAL.—

''(1) SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin without charge if—

''(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat; and

''(B) there is space for such stowage at the time the passenger boards the aircraft.

''(2) LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin without charge if—

''(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;

''(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds;

''(C) the instrument can be secured by a seat belt to avoid shifting during flight;

''(D) the instrument does not restrict access to, or use of, any required emergency exit, regular exit, or aisle;

''(E) the instrument does not obscure any passenger's view of any illuminated exit, warning, or other informational sign;

''(F) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and

''(G) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.

''(3) LARGE INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage, without charge, a musical instrument that is the property of a passenger traveling in air transportation that may not be carried in the aircraft cabin if—

''(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches; and

''(B) the weight of the instrument does not exceed 165 pounds.

''(b) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to implement subsection (a).''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 417 is amended by inserting after the item relating to section 41723 the following:

''41724. Musical instruments''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

SEC. 714. RECYCLING PLANS FOR AIRPORTS.

(a) AIRPORT PLANNING.—Section 47102(5) is amended by striking ''planning.'' and inserting ''planning and a plan for recycling and minimizing the generation of airport solid waste, consistent with applicable State and local recycling laws, including the cost of a waste audit.''.

(b) MASTER PLAN.—Section 47106(a) is amended—

(1) by striking ''and'' in paragraph (4);

(2) by striking ''proposed.'' in paragraph (5) and inserting ''proposed; and''; and

(3) by adding at the end the following:

''(6) if the project is for an airport that has an airport master plan, the master plan addresses—

''(A) the feasibility of solid waste recycling at the airport;

''(B) minimizing the generation of solid waste at the airport;

''(C) operation and maintenance requirements;

''(D) the review of waste management contracts;

''(E) the potential for cost savings or the generation of revenue; and

''(F) training and education requirements.''.

SEC. 715. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM ADJUSTMENTS.

(a) PURPOSE.—It is the purpose of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113) to ensure that minority- and women-owned businesses do not face barriers because of their race or gender and so that they have a fair opportunity to compete in Federally assisted airport contracts and concessions.

(b) FINDINGS.—The Congress finds the following:

(1) While significant progress has occurred due to the enactment of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113), discrimination continues to be a barrier for minority- and women-owned businesses seeking to do business in airport-related markets. This continuing barrier merits the continuation of the airport disadvantaged business enterprise program.

(2) The Congress has received recent evidence of discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits. This evidence also shows that race- and gender-neutral efforts alone are insufficient to address the problem.

(3) This evidence demonstrates that discrimination across the nation poses a barrier to full and fair participation in airport related businesses of women business owners and minority business owners in the racial groups detailed in parts 23 and 26 of title 49, Code of Federal Regulations, and has impacted firm development and many aspects of airport related business in the public and private markets.

(4) This evidence provides a strong basis for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program.

(c) IN GENERAL.—Section 47107(e) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

''(8) MANDATORY TRAINING PROGRAM FOR AIRPORT CONCESSIONS.—

''(A) IN GENERAL.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall establish a mandatory training program for persons described in subparagraph (C) on the certification of whether a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

''(B) IMPLEMENTATION.—The training program may be implemented by one or more private entities approved by the Secretary.

''(C) PARTICIPANTS.—A person referred to in paragraph (1) is an official or agent of an airport owner or operator who is required to provide a written assurance under paragraph (1) that the airport owner or operator will meet the percentage goal of paragraph (1) or who is responsible for determining whether or not a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

''(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this paragraph.''.

(d) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and other appropriate committees of Congress on the results of the training program conducted under section 47107(e)(8) of title 49, United States Code, as added by subsection (a).

(e) DISADVANTAGED BUSINESS ENTERPRISE PERSONAL NET WORTH CAP; BONDING REQUIREMENTS.—Section 47113 is amended by adding at the end the following:

''(e) PERSONAL NET WORTH CAP.—Not later than 180 days after the date of enactment of

the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue final regulations to adjust the personal net worth cap used in determining whether an individual is economically disadvantaged for purposes of qualifying under the definition contained in subsection (a)(2) and under section 47107(e). The regulations shall correct for the impact of inflation since the Small Business Administration established the personal net worth cap at $750,000 in 1989.

''(f) EXCLUSION OF RETIREMENT BENEFITS.—

''(1) IN GENERAL.—In calculating a business owner's personal net worth, any funds held in a qualified retirement account owned by the business owner shall be excluded, subject to regulations to be issued by the Secretary.

''(2) REGULATIONS.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue final regulations to implement paragraph (1), including consideration of appropriate safeguards, such as a limit on the amount of such accounts, to prevent circumvention of personal net worth requirements.

''(g) PROHIBITION ON EXCESSIVE OR DISCRIMINATORY BONDING REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall establish a program to eliminate barriers to small business participation in airport-related contracts and concessions by prohibiting excessive, unreasonable, or discriminatory bonding requirements for any project funded under this chapter or using passenger facility revenues under section 40117.

''(2) REGULATIONS.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue a final rule to establish the program under paragraph (1).''.

SEC. 716. FRONT LINE MANAGER STAFFING.

(a) STUDY.—Not later than 45 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study on front line manager staffing requirements in air traffic control facilities.

(b) CONSIDERATIONS.—In conducting the study, the Administrator may take into consideration—

(1) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;

(2) coverage requirements in relation to traffic demand;

(3) facility type;

(4) complexity of traffic and managerial responsibilities;

(5) proficiency and training requirements; and

(6) such other factors as the Administrator considers appropriate.

(c) DETERMINATIONS.—The Administrator shall transmit any determinations made as a result of the study to the Chief Operating Officer for the air traffic control system.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).

SEC. 717. STUDY OF HELICOPTER AND FIXED WING AIR AMBULANCE SERVICES.

(a) IN GENERAL.— The Comptroller General shall conduct a study of the helicopter and fixed-wing air ambulance industry. The study shall include information, analysis, and recommendations pertinent to ensuring a safe air ambulance industry.

(b) REQUIRED INFORMATION.—In conducting the study, the Comptroller General shall obtain detailed information on the following aspects of the air ambulance industry:

(1) A review of the industry, for part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) a listing of the number, size, and location of helicopter and fixed-wing aircraft and their flight bases;

(B) affiliations of certificate holders and indirect carriers with hospitals, governments, and other entities;

(C) coordination of air ambulance services, with each other, State and local emergency medical services systems, referring entities, and receiving hospitals;

(D) nature of services contracts, sources of payment, financial relationships between certificate holders and indirect carriers providing air ambulance services and referring entities, and costs of operations; and

(E) a survey of business models for air ambulance operations, including expenses, structure, and sources of income.

(2) Air ambulance request and dispatch practices, including the various types of protocols, models, training, certifications, and air medical communications centers relating to part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) the practices that emergency and medical officials use to request an air ambulance;

(B) information on whether economic or other nonmedical factors lead to air ambulance transport when it is not medically needed, appropriate, or safe; and

(C) the cause, occurrence, and extent of delays in air ambulance transport.

(3) Economic and medical issues relating to the air ambulance industry, including—

(A) licensing;

(B) certificates of need;

(C) public convenience and necessity requirements;

(D) assignment of geographic coverage areas;

(E) accreditation requirements;

(F) compliance with dispatch procedures; and

(G) requirements for medical equipment and personnel onboard the aircraft.

(4) Such other matters as the Comptroller General considers relevant to the purpose of the study.

(c) ANALYSIS AND RECOMMENDATIONS.—Based on information obtained under subsection (b) and other information the Comptroller General considers appropriate, the report shall also include an analysis and specific recommendations, as appropriate, related to—

(1) the relationship between State regulation and Federal preemption of rates, routes, and services of air ambulances;

(2) the extent to which Federal law may impact existing State regulation of air ambulances and the potential effect of greater State regulation—

(A) in the air ambulance industry, on the economic viability of air ambulance services, the availability and coordination of service, and costs of operations both in rural and highly populated areas;

(B) on the quality of patient care and outcomes; and

(C) on competition and safety; and

(3) whether systemic or other problems exist on a statewide, regional, or national basis with the current system governing air ambulances.

(d) REPORT.—Not later than June 1, 2010, the Comptroller General shall submit a report to the Secretary of Transportation, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing the Government Accountability Office's findings and recommendations regarding the study under this section.

(e) ADOPTION OF RECOMMENDED POLICY CHANGES.—Not later than 60 days after the date of receipt of the report under subsection (d), the Secretary shall issue a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure that—

(1) specifies which, if any, policy changes recommended by the Comptroller General and any other policy changes with respect to air ambulances the Secretary will adopt and implement; and

(2) includes recommendations for legislative change, if appropriate

(f) PART 135 CERTIFICATE HOLDER DEFINED.—In this section, the term ''part 135 certificate holder'' means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.

SEC. 718. REPEAL OF CERTAIN LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

(a) IN GENERAL.—Section 49108 is repealed.

(b) CONFORMING REPEAL.—The table of sections for chapter 491 is amended by striking the item relating to section 49108.

SEC. 719. STUDY OF AERONAUTICAL MOBILE TELEMETRY.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with other Federal agencies, shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science and Technology, and the House of Representatives Committee on Energy and Commerce that identifies—

(1) the current and anticipated need over the next decade by civil aviation, including equipment manufacturers, for aeronautical mobile telemetry services; and

(2) the potential impact to the aerospace industry of the introduction of a new radio service operating in the same spectrum allocated to the aeronautical mobile telemetry service.

SEC. 720. FLIGHTCREW MEMBER PAIRING AND CREW RESOURCE MANAGEMENT TECHNIQUES.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on aviation industry best practices with regard to flightcrew member pairing, crew resource management techniques, and pilot commuting.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the results of the study.

SEC. 721. CONSOLIDATION OR ELIMINATION OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY REPORTS; USE OF ELECTRONIC MEDIA FORMAT.

(a) CONSOLIDATION OR ELIMINATION OF REPORTS.—No later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator of the Federal Aviation Administration shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing—

(1) a list of obsolete, redundant, or otherwise unnecessary reports the Administration is required by law to submit to the Congress or publish that the Administrator recommends eliminating or consolidating with other reports; and

(2) an estimate of the cost savings that would result from the elimination or consolidation of those reports.

(b) USE OF ELECTRONIC MEDIA FOR REPORTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Federal Aviation Administration—

(A) may not publish any report required or authorized by law in printed format; and

(B) shall publish any such report by posting it on the Administration's website in an easily accessible and downloadable electronic format.

(2) EXCEPTION.—Paragraph (1) does not apply to any report with respect to which the Administrator determines that—

(A) its publication in printed format is essential to the mission of the Federal Aviation Administration; or

(B) its publication in accordance with the requirements of paragraph (1) would disclose matter—

(i) described in section 552(b) of title 5, United States Code; or

(ii) the disclosure of which would have an adverse impact on aviation safety or security, as determined by the Administrator.

SEC. 722. LINE CHECK EVALUATIONS.

Section 44729(h) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

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

SEC. 800. AMENDMENT OF 1986 CODE.

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

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

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) is amended by striking ''March 31, 2010'' and inserting ''September 30, 2013''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) is amended by striking ''March 31, 2010'' and inserting ''September 30, 2013''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) is amended by striking ''March 31, 2010'' and inserting ''September 30, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

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

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

(1) by striking ''April 1, 2010'' in the matter preceding subparagraph (A) and inserting ''October 1, 2013'', and

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

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) is amended by striking ''April 1, 2010'' and inserting ''October 1, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

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

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

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

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

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

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

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

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

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

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

(4) CONFORMING AMENDMENTS.—

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

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

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

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

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

(C) Section 4081(a)(3)(D) is amended—

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

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

(D) Section 4081(a)(4) is amended—

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

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

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

(b) RETAIL TAX ON AVIATION FUEL.—

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

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

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

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

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

(2) KEROSENE USED IN AVIATION.—Paragraph (4) of section 6427(l) is amended—

(A) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B), and

(B) by amending subparagraph (B), as redesignated by subparagraph (A), to read as follows:

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

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

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

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

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

(4) CONFORMING AMENDMENTS.—

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

(B) Section 6427(i)(4) is amended—

(i) by striking ''(4)(C)'' the first two places it occurs and inserting ''(4)(B)'', and

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

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

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

(E) Section 6427(l)(4) is amended—

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

(ii) in subparagraph (A)—

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

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

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

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

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

(2) TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.—

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

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

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

(B) CONFORMING AMENDMENTS.—

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

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

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

(ii) Section 9503(c) is amended by striking paragraph (6).

(iii) Section 9502(a) is amended—

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

(II) by striking '', section 9503(c)(7),''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels removed, entered, or sold after June 30, 2010.

(f) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of aviation fuel which is held on July 1, 2010, by any

person, there is hereby imposed a floor stocks tax on aviation fuel equal to—

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

(B) the sum of—

(i) the tax imposed before such date on such fuel under section 4081 of the Internal Revenue Code of 1986, as in effect on such date, and

(ii) in the case of kerosene held exclusively for such person's own use, the amount which such person would (but for this clause) reasonably expect (as of such date) to be paid as a refund under section 6427(l) of such Code with respect to such kerosene.

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

(A) LIABILITY FOR TAX.—A person holding aviation fuel on July 1, 2010, shall be liable for such tax.

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

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

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

(A) AVIATION FUEL.—The term ''aviation fuel'' means aviation-grade kerosene and aviation gasoline, as such terms are used within the meaning of section 4081 of the Internal Revenue Code of 1986.

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

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

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

(6) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation fuel held on July 1, 2010, by any person if the aggregate amount of such aviation fuel held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

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

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

(i) CORPORATIONS.—

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

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

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

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

SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.

(a) IN GENERAL.—Section 9502 (relating to the Airport and Airway Trust Fund) is amended by adding at the end the following new subsection:

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

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

''(2) TRANSFERS TO AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—On October 1, 2010, and annually thereafter the Secretary shall transfer $400,000,000 to the Air Traffic Control System Modernization Account from amounts appropriated to the Airport and Airway Trust Fund under subsection (b) which are attributable to taxes on aviation-grade kerosene.

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

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

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

SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNERSHIP PROGRAMS.

(a) FUEL SURTAX.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(2) MINIMUM FRACTIONAL OWNERSHIP INTEREST.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to fuel used after June 30, 2010.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to uses of aircraft after June 30, 2010.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable transportation provided after June 30, 2010.

SEC. 806. TERMINATION OF EXEMPTION FOR SMALL AIRCRAFT ON NONESTABLISHED LINES.

(a) IN GENERAL.—Section 4281 is amended to read as follows:

"SEC. 4281. SMALL AIRCRAFT OPERATED SOLELY FOR SIGHTSEEING.

''The taxes imposed by sections 4261 and 4271 shall not apply to transportation by an aircraft having a maximum certificated takeoff weight of 6,000 pounds or less at any time during which such aircraft is being operated on a flight the sole purpose of which is sightseeing. For purposes of the preceding sentence, the term 'maximum certificated takeoff weight' means the maximum such weight contained in the type certificate or airworthiness certificate.''.

(b) CONFORMING AMENDMENT.—The item relating to section 4281 in the table of sections for part III of subchapter C of chapter 33 is amended by striking ''on nonestablished lines'' and inserting ''operated solely for sightseeing''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after June 30, 2010.

SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLOSURES.

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

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

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

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

''(c) NON-TAX CHARGES.—

''(1) IN GENERAL.—In the case of transportation by air for which disclosure on the ticket or advertising for such transportation of the amounts paid for passenger taxes is required by subsection (a)(2) or (b)(1)(B), it shall be unlawful for the disclosure of the amount of such taxes on such ticket or advertising to include any amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261.

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

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after June 30, 2010.

TITLE IX—BUDGETARY EFFECTS

SEC. 901. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 3453. Mr. SESSIONS (for himself and Mrs. MCCASKILL) proposed an amendment to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; as follows:

At the end, insert the following:

SEC. __01. DISCRETIONARY SPENDING LIMITS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

''DISCRETIONARY SPENDING LIMITS

''SEC. 316. (a) DISCRETIONARY SPENDING LIMITS.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the discretionary spending limits as set forth in this section to be exceeded.

''(b) LIMITS.—In this section, the term 'discretionary spending limits' has the following meaning subject to adjustments in subsection (c):

''(1) For fiscal year 2011—

''(A) for the defense category (budget function 050), $564,293,000,000 in budget authority; and

''(B) for the nondefense category, $529,662,000,000 in budget authority.

''(2) For fiscal year 2012—

''(A) for the defense category (budget function 050), $573,612,000,000 in budget authority; and

''(B) for the nondefense category, $533,232,000,000 in budget authority.

''(3) For fiscal year 2013—

''(A) for the defense category (budget function 050), $584,421,000,000 in budget authority; and

''(B) for the nondefense category, $540,834,000,000 in budget authority.

''(4) With respect to fiscal years following 2013, the President shall recommend and the Congress shall consider legislation setting limits for those fiscal years.

''(c) ADJUSTMENTS.—

''(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

''(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, the budgetary aggregates in the concurrent resolution on the budget most recently adopted by the Senate and the House of Representatives, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing there from; and

''(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

''(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

''(A) OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013, that provides funding for overseas deployments and other activities, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that purpose but not to exceed—

''(i) with respect to fiscal year 2011, $50,000,000,000 in new budget authority;

''(ii) with respect to fiscal year 2012, $50,000,000,000 in new budget authority; and

''(iii) with respect to fiscal year 2013, $50,000,000,000 in new budget authority.

''(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—

''(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013, that includes the amount described in clause (ii)(I), plus an additional amount for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

''(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

''(I) For fiscal year 2011, $7,171,000,000, for fiscal year 2012, $7,243,000,000, and for fiscal year 2013, $7,315,000,000.

''(II) For fiscal year 2011, $899,000,000, for fiscal year 2012, and $908,000,000, for fiscal year 2013, $917,000,000.

''(C) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—

''(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes the amount described in clause (ii)(I), plus an additional amount for Continuing Disability Reviews and Supplemental Security Income Redeterminations for the Social Security Administration described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

''(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

''(I) For fiscal year 2011, $276,000,000, for fiscal year 2012, $278,000,000, and for fiscal year 2013, $281,000,000.

''(II) For fiscal year 2011, $490,000,000; for fiscal year 2012, and $495,000,000; for fiscal year 2013, $500,000,000.

''(iii) ASSET VERIFICATION.—

''(I) IN GENERAL.—The additional appropriation permitted under clause (ii)(II) may also provide that a portion of that amount, not to exceed the amount specified in subclause (II) for that fiscal year instead may be used for asset verification for Supplemental Security Income recipients, but only if, and to the extent that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in this subparagraph.

''(II) AMOUNTS.—For fiscal year 2011, $34,340,000, for fiscal year 2012, $34,683,000, and for fiscal year 2013, $35,030,000.

''(D) HEALTH CARE FRAUD AND ABUSE.—

''(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes the amount described in clause (ii) for the Health Care Fraud and Abuse Control program at the Department of Health & Human Services for that fiscal year, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed the amount described in clause (ii).

''(ii) AMOUNT.—The amount referred to in clause (i) is for fiscal year 2011, $314,000,000, for fiscal year 2012, $317,000,000, and for fiscal year 2013, $320,000,000.

''(E) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes $10,000,000, plus an additional amount for in-person reemployment and eligibility assessments and unemployment improper payment reviews for the Department of Labor, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed—

''(i) with respect to fiscal year 2011, $51,000,000 in new budget authority;

''(ii) with respect to fiscal year 2012, $51,000,000 in new budget authority; and

''(iii) with respect to fiscal year 2013, $52,000,000 in new budget authority.

''(F) LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP).—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes $3,200,000,000 in funding for the Low-Income Home Energy Assistance Program and provides an additional amount up to $1,900,000,000 for that program, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed $1,900,000,000.

''(d) EMERGENCY SPENDING.—

''(1) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this subsection.

''(2) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), and section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits).

''(3) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (6).

''(4) DEFINITIONS.—In this subsection, the terms 'direct spending', 'receipts', and 'appropriations for discretionary accounts' mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(5) POINT OF ORDER.—

''(A) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

''(B) SUPERMAJORITY WAIVER AND APPEALS.—

''(i) WAIVER.—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

''(ii) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this paragraph shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths 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 paragraph.

''(C) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this paragraph.

''(D) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

''(E) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this paragraph, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

''(6) CRITERIA.—

''(A) IN GENERAL.—For purposes of this subsection, any provision is an emergency requirement if the situation addressed by such provision is—

''(i) necessary, essential, or vital (not merely useful or beneficial);

''(ii) sudden, quickly coming into being, and not building up over time;

''(iii) an urgent, pressing, and compelling need requiring immediate action;

''(iv) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

''(v) not permanent, temporary in nature.

''(7) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

''(e) LIMITATIONS ON CHANGES TO EXEMPTIONS.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would exempt any new budget authority, outlays, and receipts from being counted for purposes of this section.

''(f) POINT OF ORDER IN THE SENATE.—

''(1) WAIVER.—The provisions of this section shall be waived or suspended in the Senate only—

''(A) by the affirmative vote of two-thirds of the Members, duly chosen and sworn; or

''(B) in the case of the defense budget authority, if Congress declares war or authorizes the use of force.

''(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. 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.

''(3) LIMITATIONS ON CHANGES TO THIS SUBSECTION.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would repeal or otherwise change this subsection.''.

(b) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

''Sec. 316. Discretionary spending limits.''.

SA 3454. Mr. DEMINT (for himself, Mr. MCCAIN, Mr. COBURN, Mr. GRASSLEY, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FISCAL YEARS 2010 AND 2011 EARMARK MORATORIUM.

(a) BILLS AND JOINT RESOLUTIONS.—

(1) POINT OF ORDER.—It shall not be in order to—

(A) consider a bill or joint resolution reported by any committee that includes an earmark, limited tax benefit, or limited tariff benefit; or

(B) a Senate bill or joint resolution not reported by committee that includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the bill or joint resolution shall be returned to the calendar until compliance with this subsection has been achieved.

(b) CONFERENCE REPORT.—

(1) POINT OF ORDER.—It shall not be in order to vote on the adoption of a report of a committee of conference if the report includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the conference report shall be returned to the calendar.

(c) FLOOR AMENDMENT.—It shall not be in order to consider an amendment to a bill or joint resolution if the amendment contains an earmark, limited tax benefit, or limited tariff benefit.

(d) AMENDMENT BETWEEN THE HOUSES.—

(1) IN GENERAL.—It shall not be in order to consider an amendment between the Houses if that amendment includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the amendment between the Houses shall be returned to the calendar until compliance with this subsection has been achieved.

(e) WAIVER.—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(f) DEFINITIONS.—For the purpose of this section—

(1) the term ''earmark'' means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(2) the term ''limited tax benefit'' means any revenue provision that—

(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; and

(3) the term ''limited tariff benefit'' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(g) FISCAL YEARS 2010 AND 2011.—The point of order under this section shall only apply to legislation providing or authorizing discretionary budget authority, credit authority or other spending authority, providing a

federal tax deduction, credit, or exclusion, or modifying the Harmonized Tariff Schedule in fiscal years 2010 and 2011.

(h) APPLICATION.—This rule shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality or congressional district.

SA 3455. Mr. CRAPO (for himself and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

On page 298, line 15, insert ''the Salt Lake City TRACON,'' after ''Miami TRACON,''.

SA 3456. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. BYRD, Mr. ENSIGN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; as follows:

At the end, add the following:

TITLE X—DC OPPORTUNITY SCHOLARSHIP PROGRAM

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Scholarships for Opportunity and Results Act of 2010'' or the ''SOAR Act''.

SEC. 1002. FINDINGS.

Congress finds the following:

(1) Parents are best equipped to make decisions for their children, including the educational setting that will best serve the interests and educational needs of their child.

(2) For many parents in the District of Columbia, public school choice provided under the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, as well as under other public school choice programs, is inadequate. More educational options are needed to ensure all families in the District of Columbia have access to a quality education. In particular, funds are needed to provide low-income parents with enhanced public opportunities and private educational environments, regardless of whether such environments are secular or nonsecular.

(3) Public school records raise persistent concerns regarding health and safety problems in District of Columbia public schools. For example, more than half of the District of Columbia's teenage public school students attend schools that meet the District of Columbia's definition of ''persistently dangerous'' due to the number of violent crimes.

(4) While the per student cost for students in the public schools of the District of Columbia is one of the highest in the United States, test scores for such students continue to be among the lowest in the Nation. The National Assessment of Educational Progress (NAEP), an annual report released by the National Center for Education Statistics, reported in its 2007 study that students in the District of Columbia were being outperformed by every State in the Nation. On the 2007 NAEP, 61 percent of fourth grade students scored ''below basic'' in reading, and 51 percent scored ''below basic'' in mathematics. Among eighth grade students, 52 percent scored ''below basic'' in reading and 56 percent scored ''below basic'' in mathematics. On the 2007 NAEP reading assessment, only 14 percent of the District of Columbia fourth grade students could read proficiently, while only 12 percent of the eighth grade students scored at the proficient or advanced level.

(5) In 2003, Congress passed the DC School Choice Incentive Act of 2003 (Public Law 108–199; 118 Stat. 126) to provide opportunity scholarships to parents of students in the District of Columbia that could be used by students in kindergarten through grade 12 to attend a private educational institution. The opportunity scholarship program under such Act was part of a comprehensive 3-part funding arrangement that also included additional funds for the District of Columbia public schools, and additional funds for public charter schools of the District of Columbia. The intent of the approach was to ensure that progress would continue to be made to improve public schools and public charter schools, and that funding for the opportunity scholarship program would not lead to a reduction in funding for the District of Columbia public and charter schools. Resources would be available for a variety of educational options that would give families in the District of Columbia a range of choices with regard to the education of their children.

(6) The opportunity scholarship program was established in accordance with the U.S. Supreme Court decision, Zelman v. Simmons-Harris, 536 U.S. 639 (2002), which found that a program enacted for the valid secular purpose of providing educational assistance to low-income children in a demonstrably failing public school system is constitutional if it is neutral with respect to religion and provides assistance to a broad class of citizens who direct government aid to religious and secular schools solely as a result of their genuine and independent private choices.

(7) Since the opportunity scholarship program's inception, it has consistently been oversubscribed. Parents express strong support for the opportunity scholarship program. A rigorous analysis of the program by the Institute of Education Sciences (IES) shows statistically significant improvements in parental satisfaction and in reading scores that are even more dramatic when only those students consistently using the scholarships are considered.

(8) The DC opportunity scholarship program is a program that offers families in need, in the District of Columbia, important alternatives while public schools are improved. It is the sense of Congress that this program should continue as 1 of a 3-part comprehensive funding strategy for the District of Columbia school system that provides new and equal funding for public schools, public charter schools, and opportunity scholarships for students to attend private schools.

SEC. 1003. PURPOSE.

The purpose of this title is to provide low-income parents residing in the District of Columbia, particularly parents of students who attend elementary schools or secondary schools identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316), with expanded opportunities for enrolling their children in other schools in the District of Columbia, at least until the public schools in the District of Columbia have adequately addressed shortfalls in health, safety, and security and the students in the District of Columbia public schools are testing in mathematics and reading at or above the national average.

SEC. 1004. GENERAL AUTHORITY.

(a) AUTHORITY.—From funds appropriated to carry out this title, the Secretary shall award grants on a competitive basis to eligible entities with approved applications under section 1005 to carry out activities to provide eligible students with expanded school choice opportunities. The Secretary may award a single grant or multiple grants, depending on the quality of applications submitted and the priorities of this title.

(b) DURATION OF GRANTS.—The Secretary shall make grants under this section for a period of not more than 5 years.

(c) MEMORANDUM OF UNDERSTANDING.—The Secretary and the Mayor of the District of Columbia shall enter into a memorandum of understanding regarding the design of, selection of eligible entities to receive grants under, and implementation of, a program assisted under this title.

(d) SPECIAL RULE.—Notwithstanding any other provision of law, funding appropriated for the opportunity scholarship program under the Omnibus Appropriations Act, 2009 (Public Law 111–8), the District of Columbia Appropriations Act, 2010 (Public Law 111–117), or any other Act, may be used to provide opportunity scholarships under section 1007 to new applicants.

SEC. 1005. APPLICATIONS.

(a) IN GENERAL.—In order to receive a grant under this title, an eligible entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) CONTENTS.—The Secretary may not approve the request of an eligible entity for a grant under this title unless the entity's application includes—

(1) a detailed description of—

(A) how the entity will address the priorities described in section 1006;

(B) how the entity will ensure that if more eligible students seek admission in the program than the program can accommodate, eligible students are selected for admission through a random selection process which gives weight to the priorities described in section 1006;

(C) how the entity will ensure that if more participating eligible students seek admission to a participating school than the school can accommodate, participating eligible students are selected for admission through a random selection process;

(D) how the entity will notify parents of eligible students of the expanded choice opportunities and how the entity will ensure that parents receive sufficient information about their options to allow the parents to make informed decisions;

(E) the activities that the entity will carry out to provide parents of eligible students with expanded choice opportunities through the awarding of scholarships under section 1007(a);

(F) how the entity will determine the amount that will be provided to parents for the tuition, fees, and transportation expenses, if any;

(G) how the entity will—

(i) seek out private elementary schools and secondary schools in the District of Columbia to participate in the program; and

(ii) ensure that participating schools will meet the reporting and other requirements of this title;

(H) how the entity will ensure that participating schools are financially responsible and will use the funds received under this title effectively;

(I) how the entity will address the renewal of scholarships to participating eligible students, including continued eligibility; and

(J) how the entity will ensure that a majority of its voting board members or governing organization are residents of the District of Columbia;

(2) an assurance that the entity will comply with all requests regarding any evaluation carried out under section 1009; and

(3) an assurance that site inspections of participating schools will be conducted at appropriate intervals.

SEC. 1006. PRIORITIES.

In awarding grants under this title, the Secretary shall give priority to applications from eligible entities that will most effectively—

(1) give priority to eligible students who, in the school year preceding the school year for which the eligible student is seeking a scholarship, attended an elementary school or secondary school identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316);

(2) give priority to students whose household includes a sibling or other child who is already participating in the program of the eligible entity under this title, regardless of whether such students have, in the past, been assigned as members of a control study group for the purposes of an evaluation under section 1009;

(3) target resources to students and families that lack the financial resources to take advantage of available educational options; and

(4) provide students and families with the widest range of educational options.

SEC. 1007. USE OF FUNDS.

(a) SCHOLARSHIPS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), an eligible entity receiving a grant under this title shall use the grant funds to provide eligible students with scholarships to pay the tuition, fees, and transportation expenses, if any, to enable the eligible students to attend the District of Columbia private elementary school or secondary school of their choice beginning in school year 2010–2011. Each such eligible entity shall ensure that the amount of any tuition or fees charged by a school participating in such eligible entity's program under this title to an eligible student participating in the program does not exceed the amount of tuition or fees that the school charges to students who do not participate in the program.

(2) PAYMENTS TO PARENTS.—An eligible entity receiving a grant under this title shall make scholarship payments under the program under this title to the parent of the eligible student participating in the program, in a manner which ensures that such payments will be used for the payment of tuition, fees, and transportation expenses (if any), in accordance with this title.

(3) AMOUNT OF ASSISTANCE.—

(A) VARYING AMOUNTS PERMITTED.—Subject to the other requirements of this section, an eligible entity receiving a grant under this title may award scholarships in larger amounts to those eligible students with the greatest need.

(B) ANNUAL LIMIT ON AMOUNT.—

(i) LIMIT FOR SCHOOL YEAR 2010–2011.—The amount of assistance provided to any eligible student by an eligible entity under a program under this title for school year 2010–2011 may not exceed—

(I) $9,000 for attendance in kindergarten through grade 8; and

(II) $11,000 for attendance in grades 9 through 12.

(ii) CUMULATIVE INFLATION ADJUSTMENT.—The limits described in clause (i) shall apply for each school year following school year 2010–2011, except that the Secretary shall adjust the maximum amounts of assistance (as described in clause (i) and adjusted under this clause for the preceding year) for inflation, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

(4) PARTICIPATING SCHOOL REQUIREMENTS.—None of the funds provided under this title for opportunity scholarships may be used by an eligible student to enroll in a participating private school unless the participating school—

(A) has and maintains a valid certificate of occupancy issued by the District of Columbia;

(B) makes readily available to all prospective students information on its school accreditation;

(C) in the case of a school that has been operating for 5 years or less, submits to the eligible entity administering the program proof of adequate financial resources reflecting the financial sustainability of the school and the school's ability to be in operation through the school year;

(D) has financial systems, controls, policies, and procedures to ensure that Federal funds are used according to this title;

(E) ensures that each teacher of core subject matter in the school has a baccalaureate degree or equivalent degree; and

(F) is in compliance with the accreditation and other standards prescribed under the District of Colombia compulsory school attendance laws that apply to educational institutions not affiliated with the District of Columbia Public Schools.

(b) ADMINISTRATIVE EXPENSES.—An eligible entity receiving a grant under this title may use not more than 3 percent of the amount provided under the grant each year for the administrative expenses of carrying out its program under this title during the year, including—

(1) determining the eligibility of students to participate;

(2) selecting eligible students to receive scholarships;

(3) determining the amount of scholarships and issuing the scholarships to eligible students; and

(4) compiling and maintaining financial and programmatic records.

(c) PARENTAL ASSISTANCE.—An eligible entity receiving a grant under this title may use not more than 2 percent of the amount provided under the grant each year for the expenses of educating parents about the program under this title and assisting parents through the application process under this title during the year, including—

(1) providing information about the program and the participating schools to parents of eligible students;

(2) providing funds to assist parents of students in meeting expenses that might otherwise preclude the participation of eligible students in the program; and

(3) streamlining the application process for parents.

(d) STUDENT ACADEMIC ASSISTANCE.—An eligible entity receiving a grant under this title may use not more than 1 percent of the amount provided under the grant each year for expenses to provide tutoring services to participating eligible students that need additional academic assistance in the students' new schools. If there are insufficient funds to pay for these costs for all such students, the eligible entity shall give priority to students who previously attended an elementary school or secondary school that was identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316) as of the time the student attended the school.

SEC. 1008. NONDISCRIMINATION.

(a) IN GENERAL.—An eligible entity or a school participating in any program under this title shall not discriminate against program participants or applicants on the basis of race, color, national origin, religion, or sex.

(b) APPLICABILITY AND SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the prohibition of sex discrimination in subsection (a) shall not apply to a participating school that is operated by, supervised by, controlled by, or connected to a religious organization to the extent that the application of subsection (a) is inconsistent with the religious tenets or beliefs of the school.

(2) SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—Notwithstanding subsection (a) or any other provision of law, a parent may choose and a school may offer a single sex school, class, or activity.

(3) APPLICABILITY.—For purposes of this title, the provisions of section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) shall apply to this title as if section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) were part of this title.

(c) CHILDREN WITH DISABILITIES.—Nothing in this title may be construed to alter or modify the provisions of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(d) RELIGIOUSLY AFFILIATED SCHOOLS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a school participating in any program under this title that is operated by, supervised by, controlled by, or connected to, a religious organization may exercise its right in matters of employment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1 et seq.), including the exemptions in such title.

(2) MAINTENANCE OF PURPOSE.—Notwithstanding any other provision of law, funds made available under this title to eligible students, which are used at a participating school as a result of their parents' choice, shall not, consistent with the first amendment of the United States Constitution, necessitate any change in the participating school's teaching mission, require any participating school to remove religious art, icons, scriptures, or other symbols, or preclude any participating school from retaining religious terms in its name, selecting its board members on a religious basis, or including religious references in its mission statements and other chartering or governing documents.

(e) RULE OF CONSTRUCTION.—A scholarship (or any other form of support provided to parents of eligible students) under this title shall be considered assistance to the student and shall not be considered assistance to the school that enrolls the eligible student. The amount of any scholarship (or other form of support provided to parents of an eligible student) under this title shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

SEC. 1009. EVALUATIONS.

(a) IN GENERAL.—

(1) DUTIES OF THE SECRETARY AND THE MAYOR.—The Secretary and the Mayor of the District of Columbia shall—

(A) jointly enter into an agreement with the Institute of Education Sciences of the Department of Education to evaluate annually the performance of students who received scholarships under the 5-year program under this title, and

(B) make the evaluations public in accordance with subsection (c).

(2) DUTIES OF THE SECRETARY.—The Secretary, through a grant, contract, or cooperative agreement, shall—

(A) ensure that the evaluation is conducted using the strongest possible research design for determining the effectiveness of the program funded under this title that addresses the issues described in paragraph (4); and

(B) disseminate information on the impact of the program in increasing the academic

growth and achievement of participating students, and on the impact of the program on students and schools in the District of Columbia.

(3) DUTIES OF THE INSTITUTE OF EDUCATION SCIENCES.—The Institute of Education Sciences shall—

(A) use a grade appropriate measurement each school year to assess participating eligible students;

(B) measure the academic achievement of all participating eligible students; and

(C) work with the eligible entities to ensure that the parents of each student who applies for a scholarship under this title (regardless of whether the student receives the scholarship) and the parents of each student participating in the scholarship program under this title, agree that the student will participate in the measurements given annually by the Institute of Educational Sciences for the period for which the student applied for or received the scholarship, respectively, except that nothing in this subparagraph shall affect a student's priority for an opportunity scholarship as provided under section 1006(2).

(4) ISSUES TO BE EVALUATED.—The issues to be evaluated include the following:

(A) A comparison of the academic growth and achievement of participating eligible students in the measurements described in this section to the academic growth and achievement of—

(i) students in the same grades in the District of Columbia public schools; and

(ii) the eligible students in the same grades in the District of Columbia public schools who sought to participate in the scholarship program but were not selected.

(B) The success of the program in expanding choice options for parents.

(C) The reasons parents choose for their children to participate in the program.

(D) A comparison of the retention rates, dropout rates, and (if appropriate) graduation and college admission rates, of students who participate in the program funded under this title with the retention rates, dropout rates, and (if appropriate) graduation and college admission rates of students of similar backgrounds who do not participate in such program.

(E) The impact of the program on students, and public elementary schools and secondary schools, in the District of Columbia.

(F) A comparison of the safety of the schools attended by students who participate in the program funded under this title and the schools attended by students who do not participate in the program, based on the perceptions of the students and parents and on objective measures of safety.

(G) Such other issues as the Secretary considers appropriate for inclusion in the evaluation.

(H) An analysis of the issues described in subparagraphs (A) through (G) with respect to the subgroup of eligible students participating in the program funded under this title who consistently use the opportunity scholarships to attend a participating school.

(I) An assessment of the academic value added by participating schools on a school-by-school basis based on test results from participating eligible students using the same test as is administered to students attending District of Columbia public schools, except that if the evaluator is able certify that other means are available to compare results from the test administrated in District of Columbia public schools to the nationally normed test used at the participating school, such nationally normed test may be used. Such assessment shall be based on the strongest possible research design and shall, to the extent possible, test students under conditions that yield scientifically valid results. Such assessment shall also provide, to the extent possible, a scientifically valid analysis of how such schools provide academic value added as compared to public schools in the District of Columbia. The results of the assessment shall be supplied to parents and included in all reports to Congress so as to ensure that Federal dollars used for the purposes of the program are positively impacting the achievement levels of student participants.

(5) PROHIBITION.—Personally identifiable information regarding the results of the measurements used for the evaluations may not be disclosed, except to the parents of the student to whom the information relates.

(b) REPORTS.—The Secretary shall submit to the Committees on Appropriations, Education and Labor, and Oversight and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Homeland Security and Governmental Affairs of the Senate—

(1) annual interim reports, not later than December 1 of each year for which a grant is made under this title, on the progress and preliminary results of the evaluation of the program funded under this title; and

(2) a final report, not later than 1 year after the final year for which a grant is made under this title, on the results of the evaluation of the program funded under this title.

(c) PUBLIC AVAILABILITY.—All reports and underlying data gathered pursuant to this section shall be made available to the public upon request, in a timely manner following submission of the applicable report under subsection (b), except that personally identifiable information shall not be disclosed or made available to the public.

(d) LIMIT ON AMOUNT EXPENDED.—The amount expended by the Secretary to carry out this section for any fiscal year may not exceed 5 percent of the total amount appropriated to carry out this title for the fiscal year.

SEC. 1010. REPORTING REQUIREMENTS.

(a) ACTIVITIES REPORTS.—Each eligible entity receiving funds under this title during a year shall submit a report to the Secretary not later than July 30 of the following year regarding the activities carried out with the funds during the preceding year.

(b) ACHIEVEMENT REPORTS.—

(1) IN GENERAL.—In addition to the reports required under subsection (a), each grantee receiving funds under this title shall, not later than September 1 of the year during which the second academic year of the grantee's program is completed and each of the next 2 years thereafter, submit to the Secretary a report, including any pertinent data collected in the preceding 2 academic years, concerning—

(A) the academic growth and achievement of students participating in the program;

(B) the graduation and college admission rates of students who participate in the program, where appropriate; and

(C) parental satisfaction with the program.

(2) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information.

(c) REPORTS TO PARENT.—

(1) IN GENERAL.—Each grantee receiving funds under this title shall ensure that each school participating in the grantee's program under this title during a year reports at least once during the year to the parents of each of the school's students who are participating in the program on—

(A) the student's academic achievement, as measured by a comparison with the aggregate academic achievement of other participating students at the student's school in the same grade or level, as appropriate, and the aggregate academic achievement of the student's peers at the student's school in the same grade or level, as appropriate; and

(B) the safety of the school, including the incidence of school violence, student suspensions, and student expulsions.

(2) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information, except as to the student who is the subject of the report to that student's parent.

(d) REPORT TO CONGRESS.—The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Oversight and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Homeland Security and Governmental Affairs of the Senate an annual report on the findings of the reports submitted under subsections (a) and (b).

SEC. 1011. OTHER REQUIREMENTS FOR PARTICIPATING SCHOOLS.

(a) TESTING.—Students participating in a program under this title shall take a nationally norm-referenced standardized test in reading and mathematics. Results of such test shall be reported to the student's parent and the Institute of Education Sciences. To preserve confidentiality, at no time should results for individual students or schools be released to the public.

(b) REQUESTS FOR DATA AND INFORMATION.—Each school participating in a program funded under this title shall comply with all requests for data and information regarding evaluations conducted under section 1009(a).

(c) RULES OF CONDUCT AND OTHER SCHOOL POLICIES.—A participating school, including a participating school described in section 1008(d), may require eligible students to abide by any rules of conduct and other requirements applicable to all other students at the school.

SEC. 1012. DEFINITIONS.

In this title:

(1) ELEMENTARY SCHOOL.—The term ''elementary school'' means an institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under District of Columbia law.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means any of the following:

(A) A nonprofit organization.

(B) A consortium of nonprofit organizations.

(3) ELIGIBLE STUDENT.—The term ''eligible student'' means a student who is a resident of the District of Columbia and comes from a household—

(A) receiving assistance under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or

(B) whose income does not exceed—

(i) 185 percent of the poverty line;

(ii) in the case of a student in a household that had a student participating in a program under this title for the preceding school year, 250 percent of the poverty line; or

(iii) in the case of a student in a household that had a student participating in a program under the DC School Choice Incentive Act of 2003 (Public Law 108–199; 118 Stat. 126) on or before the date of enactment of this title, 300 percent of the poverty line.

(4) PARENT.—The term ''parent'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(5) POVERTY LINE.—The term ''poverty line'' has the meaning given that term in

section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) SECONDARY SCHOOL.—The term ''secondary school'' means an institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under District of Columbia law, except that the term does not include any education beyond grade 12.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

SEC. 1013. TRANSITION PROVISIONS.

(a) REPEAL; SUNSET OF OTHER PROVISIONS.—

(1) REPEAL.—The DC School Choice Incentive Act of 2003 (title III of division C of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 126)) is repealed.

(2) SUNSET OF OTHER PROVISIONS.—Notwithstanding any other provision of law, all of the provisos under the heading ''FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT'' under the District of Columbia Appropriations Act, 2010 (Public Law 111–117), shall cease to have effect on and after the date of enactment of this Act.

(b) REAUTHORIZATION OF PROGRAM.—This title shall be deemed to be the reauthorization of the opportunity scholarship program under the DC School Choice Incentive Act of 2003.

(c) ORDERLY TRANSITION.—Subject to subsections (d) and (e), the Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of this title from any authority under the provisions of the DC School Choice Incentive Act of 2003 (Public Law 108–199; 118 Stat. 126), as the DC School Choice Incentive Act of 2003 was in effect on the day before the date of enactment of this title.

(d) RULE OF CONSTRUCTION.—Nothing in this title or a repeal made by this title shall be construed to alter or affect the memorandum of understanding entered into with the District of Columbia, or any grant or contract awarded, under the DC School Choice Incentive Act of 2003 (Public Law 108–199; 118 Stat. 126), as the DC School Choice Incentive Act of 2003 was in effect on the day before the date of enactment of this title.

(e) MULTI-YEAR AWARDS.—The recipient of a multi-year grant or contract award under the DC School Choice Incentive Act of 2003 (Public Law 108–199; 118 Stat. 126), as the DC School Choice Incentive Act of 2003 was in effect on the day before the date of enactment of this title, shall continue to receive funds in accordance with the terms and conditions of such award.

SEC. 1014. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) to carry out this title, $20,000,000 for fiscal year 2010 and such sums as may be necessary for each of the 4 succeeding fiscal years;

(2) for the District of Columbia public schools, in addition to any other amounts available for District of Columbia public schools, $20,000,000 for fiscal year 2010 and such sums as may be necessary for each of the 4 succeeding fiscal years; and

(3) for District of Columbia public charter schools, in addition to any other amounts available for District of Columbia public charter schools, $20,000,000 for fiscal year 2010 and such sums as may be necessary for each of the 4 succeeding fiscal years.

SA 3457. Mr. CRAPO (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

On page 61, between lines 5 and 6, insert the following:

(4) The Administrator may not consolidate any additional approach control facilities into the Salt Lake City TRACON until the Board's recommendations are completed.

SA 3458. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 7___. COASTAL IMPACT ASSISTANCE PROGRAM AMENDMENTS.

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended—

(1) in subsection (c), by adding at the end the following:

''(5) APPLICATION REQUIREMENTS; AVAILABILITY OF FUNDING.—On approval of a plan by the Secretary under this section, the producing State shall—

''(A) not be subject to any additional application or other requirements (other than notifying the Secretary of which projects are being carried out under the plan) to receive the payments; and

''(B) be immediately eligible to receive payments under this section.''; and

(2) by adding at the end the following:

''(e) FUNDING.—

''(1) ENVIRONMENTAL REQUIREMENTS.—A project funded under this section that does not involve wetlands shall not be subject to environmental review requirements under Federal law.

''(2) COST-SHARING REQUIREMENTS.—Any amounts made available to producing States under this section may be used to meet the cost-sharing requirements of other Federal grant programs, including grant programs that support coastal wetland protection and restoration.''.

SA 3459. Mr. DORGAN (for Mr. KERRY) proposed an amendment to the resolution S. Res. 158, to commend the American Sail Training Association for advancing international goodwill and character building under sail; as follows:

Strike paragraph (3) of the resolving clause and insert the following:

(3) encourages all people of the United States and the world to join in celebration of the ''Tall Ships Challenge'' races and in the character-building and educational experience that the races represent for the youth of all nations.

SA 3460. Mr. DORGAN (for Mr. KERRY) proposed an amendment to the resolution S. Res. 158, to commend the American Sail Training Association for advancing international goodwill and character building under sail; as follows:

Strike the 12th whereas clause of the preamble and insert the following:

Whereas ATSA collaborates with port partners around North America to produce the ''Tall Ships Challenge'' races and maritime events, drawing sail training vessels from around the world: Now, therefore, be it

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SA 3461. Mr. DORGAN (for Mr. FEINGOLD) proposed an amendment to the bill S. 1067, to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes; as follows:

On page 21, line 4, strike ''(a) AUTHORITY.—''.

On page 21, strike lines 12 through 14.

On page 26, strike lines 1 through 3.

On page 27, strike line 10 and insert the following:

SEC. 9. SENSE OF CONGRESS ON FUNDING.

It is the sense of Congress that—

(1) of the total amounts to be appropriated for fiscal year 2011 for the Department of State and foreign operations, up to $10,000,000 should be used to carry out activities under section 5; and

(2) of the total amounts to be appropriated for fiscal year 2011 through 2013 for the Department of State and foreign operations, up to $10,000,000 in each such fiscal year should be used to carry out activities under section 7.

SEC. 10. DEFINITIONS.

SA 3462. Mr. BENNETT (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. RELEASE FROM RESTRICTIONS.

(a) IN GENERAL.—Subject to subsection (b), and notwithstanding section 16 of the Federal Airport Act (as in effect on August 28, 1973) and sections 47125 and 47153 of title 49, United States Code, the Secretary of Transportation is authorized to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated August 28, 1973, under which the United States conveyed certain property to the city of St. George, Utah, for airport purposes.

(b) CONDITION.—Any release granted by the Secretary of Transportation pursuant to subsection (a) shall be subject to the following conditions:

(1) The city of St. George, Utah, shall agree that in conveying any interest in the property which the United States conveyed to the city by deed on August 28, 1973, the city will receive an amount for such interest which is equal to its fair market value.

(2) Any amount received by the city under paragraph (1) shall be used by the city of St. George, Utah, for the development or improvement of a replacement public airport.

SA 3463. Mr. BENNETT (for himself, Mr. HATCH, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

On page 360, between lines 10 and 11, insert the following:

SEC. 419. PRESERVATION AND EXPANSION OF ACCESS FOR SMALL COMMUNITIES.

Section 41718 is amended by adding at the end the following:

''(g) ADDITIONAL BEYOND-PERIMETER EXEMPTIONS.—

''(1) IN GENERAL.—Notwithstanding section 49109, an air carrier that holds or operates 2 or more slots at Ronald Reagan Washington National Airport (referred to in this subsection as 'DCA') as of the date of the enactment of this subsection, and is utilizing such slots for scheduled service between DCA and a large hub airport, may, subject to approval by the Secretary, use up to 2 such slots for service to a large hub airport that is more than 1,250 statute miles away from DCA (referred to in this subsection as 'beyond the perimeter').

''(2) CRITERIA FOR REVIEW.—In reviewing slot exchange requests under this subsection, the Secretary—

''(A) shall ensure that each slot exchange provides through service benefits to small communities that are beyond the perimeter in determining whether or not to grant such a request; and

''(B) may not grant such a request if the Secretary determines that such an exchange would result in the reduction of nonstop service to or from a small or medium hub airport that is not beyond the perimeter.

''(3) ANNUAL AUDIT.—The Secretary shall conduct an annual audit of the use of slots exchanged under paragraph (1) to determine if small communities that are beyond the perimeter are benefiting from such exchanges.''.

SA 3464. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

After title VII, insert the following:

TITLE VIII—LIABILITY PROTECTION TO CERTAIN VOLUNTEER PILOT ORGANIZATIONS

SEC. 801. SHORT TITLE.

This title may be cited as the ''Volunteer Pilot Organization Protection Act of 2010''.

SEC. 802. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

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

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

(3) Such nonprofit organizations are no longer able to purchase non-owned aircraft liability insurance to provide liability protection at a reasonable price, and therefore face a highly detrimental liability risk.

(4) Such nonprofit organizations have supported the homeland security of the United States by providing volunteer pilot services during times of national emergency.

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

(1) Transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis.

(2) Flights for humanitarian and charitable purposes.

(3) Other flights of compassion.

SEC. 803. LIABILITY PROTECTION FOR VOLUNTEER PILOT NONPROFIT ORGANIZATIONS THAT FLY FOR PUBLIC BENEFIT AND TO PILOTS AND STAFF OF SUCH NONPROFIT ORGANIZATIONS.

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

(1) in subsection (a)(4)—

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

(B) by striking ''the harm'' and inserting ''(A) except in the case of subparagraph (B), the harm'';

(C) in subparagraph (A)(ii), as redesignated by this paragraph, by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(B) the volunteer—

''(i) was operating an aircraft in furtherance of the purpose of a volunteer pilot nonprofit organization that flies for public benefit; and

''(ii) was properly licensed and insured for the operation of such aircraft.''; and

(2) in subsection (c)—

(A) by striking ''Nothing in this section'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section''; and

(B) by adding at the end the following:

''(2) EXCEPTION.—A volunteer pilot nonprofit organization that flies for public benefit, the staff, mission coordinators, officers, and directors (whether volunteer or otherwise) of such nonprofit organization, and a referring agency of such nonprofit organization shall not be liable for harm caused to any person by a volunteer of such nonprofit organization while such volunteer—

''(A) is operating an aircraft in furtherance of the purpose of such nonprofit organization;

''(B) is properly licensed for the operation of such aircraft; and

''(C) has certified to such nonprofit organization that such volunteer has insurance covering the volunteer's operation of such aircraft.''.

SA 3465. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

After title VII, insert the following:

TITLE VIII—ACCESS TO GENERAL AVIATION AIRPORTS

SEC. 801. SHORT TITLE.

This title may be cited as the ''Community Airport Access and Protection Act of 2010''.

SEC. 802. AGREEMENTS GRANTING THROUGH-THE-FENCE ACCESS TO GENERAL AVIATION AIRPORTS.

(a) IN GENERAL.—Section 47107 is amended by adding at the end the following:

''(t) AGREEMENTS GRANTING THROUGH-THE-FENCE ACCESS TO GENERAL AVIATION AIRPORTS.—

''(1) IN GENERAL.—Subject to paragraph (2), a sponsor of a general aviation airport shall not be considered to be in violation of this subtitle, or to be in violation of a grant assurance made under this section or under any other provision of law as a condition for the receipt of Federal financial assistance for airport development, solely because the sponsor enters into an agreement that grants to a person that owns real property adjacent to the airport, including any residential, nonresidential, or commercial property, access for aircraft located on that property to the airfield of the airport.

''(2) THROUGH THE FENCE AGREEMENTS.—

''(A) IN GENERAL.—An agreement described in paragraph (1) between an airport sponsor and a property owner shall be a written agreement that prescribes the rights, responsibilities, charges, duration, and other terms determined necessary to establish and manage the airport sponsor's relationship with the property owner.

''(B) TERMS AND CONDITIONS.—An agreement described in paragraph (1) between an airport sponsor and a property owner shall require the property owner, at minimum—

''(i) to pay airport access charges that are not less than those charged to tenants and operators on-airport making similar use of the airport;

''(ii) to bear the cost of building and maintaining the infrastructure necessary to provide aircraft located on the property adjacent to the airport access to the airfield of the airport; and

''(iii) to operate and maintain the property, and conduct any construction activities on the property, at no cost to the airport and in a manner that—

''(I) is consistent with subsections (a)(7) and (a)(9);

''(II) does not alter the airport, including the facilities of the airport;

''(III) does not adversely affect the safety, utility, or efficiency of the airport;

''(IV) is compatible with the normal operations of the airport; and

''(V) is consistent with the airport's role in the National Plan of Integrated Airport Systems.

''(3) GENERAL AVIATION AIRPORT DEFINED.—In this subsection, the term 'general aviation airport' means a public airport that is located in a State and that, as determined by the Secretary of Transportation—

''(A) does not have scheduled service; or

''(B) has scheduled service with less than 2,500 passenger boardings each year.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to an agreement between an airport sponsor and a property owner entered into before, on, or after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on March 10, 2010, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 10, 2010, at 9:30 a.m., to hold a hearing entitled ''Building on Success: New Directions in Global Health.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on March 10, 2010, at 2 p.m. in the President's Room.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 10, 2010, at 10 a.m. to conduct a hearing entitled ''The Lessons and Implications of the Christmas Day Attack: Watchlisting and Pre-Screening.''

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

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 10, 2010, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''We the People? Corporate Spending in American Elections after Citizens United.''

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

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 10, 2010, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

INTERNATIONAL OPERATIONS AND ORGANIZATIONS, DEMOCRACY AND HUMAN RIGHTS SUBCOMMITTEE

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 10, 2010, at 3 p.m. to hold an International Operations and Organizations, Democracy and Human Rights subcommittee hearing entitled ''The Future of U.S. Public Diplomacy.''

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on March 10, 2010, at 10 a.m.

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

SUBCOMMITTEE ON PERSONNEL

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on March 10, 2010 at 10:30 a.m.

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. WARNER. Mr. President, I ask unanimous consent that the subcommittee on Public lands and Forests be authorized to meet during the session of the Senate on March 10, 2010, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON SCIENCE AND SPACE

Mr. WARNER. Mr. President, I ask unanimous consent that the subcommittee on Science and Space of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 10, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on March 10, 2010, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the following Finance Committee fellows and interns be accorded floor privileges for the consideration of the FAA bill: Aislinn Baker, Mary Baker, Brittany Durrell, Scott Matthews, Greg Sullivan, Maximilian Updike, Meena Sharma; as well as Jim Connelly and Rajat Mathur, both detailees for the Committee on Commerce, Science, and Transportation.

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

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Stephen Obenhaus, who is a fellow involved in matters of education from our office be granted floor privileges for the duration of the consideration of this bill.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 706, 707, 708, 709, 713, 714, 715, 716, 717, 718, 719, 720, 721, 723, 724, 725, 727, 734, 735, and all nominations on the Secretary's Desk in the Foreign Service; that the nominations be confirmed en bloc and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action; and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Genevieve Lynn May, of Louisiana, to be United States Marshal for the Eastern District of Louisiana for the term of four years.

DEPARTMENT OF STATE

Donald E. Booth, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Ethiopia.

Scott H. DeLisi, of Minnesota, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Nepal.

Beatrice Wilkinson Welters, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Trinidad and Tobago.

Ian C. Kelly, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador.

AFRICAN DEVELOPMENT BANK

Walter Crawford Jones, of Maryland, to be United States Director of the African Development Bank for a term of five years.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Ian Hoddy Solomon, of Maryland, to be United States Executive Director of the International Bank for Reconstruction and Development for a term of two years.

UNITED STATES TRADE AND DEVELOPMENT AGENCY

Leocadia Irine Zak, of the District of Columbia, to be Director of the Trade and Development Agency.

DEPARTMENT OF STATE

Brooke D. Anderson, of California, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with a rank of Ambassador.

Brooke D. Anderson, of California, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

Rosemary Anne DiCarlo, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Deputy Representative of the United States of America in the Security Council of the United Nations.

Rosemary Anne DiCarlo, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Deputy Representative of the United States of America to the United Nations.

INTERNATIONAL MONETARY FUND

Douglas A. Rediker, of Massachusetts, to be United States Alternate Executive Director of the International Monetary Fund for a term of two years.

DEPARTMENT OF JUSTICE

William Joseph Hochul, Jr., of New York, to be United States Attorney for the Western District of New York for the term of four years.

Sally Quillian Yates, of Georgia, to be United States Attorney for the Northern District of Georgia for the term of four years.

DEPARTMENT OF EDUCATION

Kathleen S. Tighe, of Virginia, to be Inspector General, Department of Education.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

Larry Persily, of Alaska, to be Federal Coordinator for Alaska Natural Gas Transportation Projects for the term prescribed by law.

NORTHERN BORDER REGIONAL COMMISSION

Sandford Blitz, of Maine, to be Federal Cochairperson of the Northern Border Regional Commission.

APPALACHIAN REGIONAL COMMISSION

Earl F. Gohl, Jr., of the District of Columbia, to be Federal Cochairman of the Appalachian Regional Commission.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

FOREIGN SERVICE

PN1017–3 FOREIGN SERVICE nomination of Earl W. Gast, which was received by the Senate and appeared in the Congressional Record of September 25, 2009.

PN1185 FOREIGN SERVICE nominations (3) beginning Suzanne E. Heinen, and ending Bernadette Borris, which nominations were received by the Senate and appeared in the Congressional Record of November 17, 2009.

PN1271 FOREIGN SERVICE nominations (99) beginning Sean J. McIntosh, and ending William Qian Yu, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2009.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

COMMENDING THE AMERICAN SAIL TRAINING ASSOCIATION

Mr. DORGAN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 158, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 158) to commend the American Sail Training Association for advancing international goodwill and character building under sail.

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

Mr. DORGAN. Mr. President, I ask unanimous consent that a Kerry amendment to the resolution, which is at the desk, be agreed to; the resolution, as amended, be agreed to; that a Kerry amendment to the preamble, which is at the desk, be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the resolution be printed in the RECORD.

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

The amendment (No. 3459) was agreed to, as follows:

Strike paragraph (3) of the resolving clause and insert the following:

(3) encourages all people of the United States and the world to join in celebration of the ''Tall Ships Challenge'' races and in the character-building and educational experience that the races represent for the youth of all nations.

The resolution (S. Res. 158), as amended, was agreed to.

The amendment (No. 3460) was agreed to, as follows:

Strike the 12th whereas clause of the preamble and insert the following:

Whereas ATSA collaborates with port partners around North America to produce the ''Tall Ships Challenge'' races and maritime events, drawing sail training vessels from around the world: Now, therefore, be it

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 158

Whereas the American Sail Training Association (ASTA) is an educational nonprofit corporation whose declared mission is ''to encourage character building through sail training, promote sail training to the North American public and support education under sail'';

Whereas since its founding in 1973, ASTA has supported character-building experiences aboard traditionally rigged sail training vessels and has established a program of scholarship funds to support such experiences;

Whereas ASTA has a long history of tall ship races, rallies, and maritime festivals, dating back as far as 1976;

Whereas each year since 2001, ASTA has held the ''Tall Ships Challenge'', a series of races and maritime festivals that involve sail training vessels, trainees, and crews from all the coasts of the United States and around the world;

Whereas the Tall Ships Challenge series has reached an audience of approximately 8,000,000 spectators and brought more than $400,000,000 to more than 30 host communities;

Whereas ASTA supports a membership of more than 200 sail training vessels, including barks, barques, barkentines, brigantines, brigs, schooners, sloops, and full-rigged ships, which carry the flags of the United States, Canada, and many other nations and have brought life-changing adventures to thousands of young trainees;

Whereas ASTA has held a series of more than 30 annual sail training conferences in cities throughout the United States and Canada, including the Safety Under Sail Forum and the Education Under Sail Forum;

Whereas ASTA has collaborated extensively with the Coast Guard and with the premier sail training vessel of the United States, the square-rigged barque USCGC Eagle;

Whereas ASTA publishes ''Sail Tall Ships'', a periodic directory of sail training opportunities;

Whereas in 1982, ASTA supported the enactment of the Sailing School Vessel Act of 1982, title II of Public Law 97–322 (96 Stat. 1588);

Whereas ASTA has ably represented the United States as a founding member of the national sail training organization in Sail Training International, the recognized international body for the promotion of sail training, which has hosted a series of international races of square-rigged and other traditionally rigged vessels since the 1950s; and

Whereas ATSA collaborates with port partners around North America to produce the ''Tall Ships Challenge'' races and maritime events, drawing sail training vessels from around the world: Now, therefore, be it

Resolved, That the Senate—

(1) commends the American Sail Training Association for advancing character building experiences for youth at sea in traditionally rigged sailing vessels and the finest traditions of the sea;

(2) commends the American Sail Training Association for acting as the national sail training association of the United States and representing the sail training community of the United States in the international forum; and

(3) encourages all people of the United States and the world to join in celebration of the ''Tall Ships Challenge'' races and in the character-building and educational experience that the races represent for the youth of all nations.

LORD'S RESISTANCE ARMY DISARMAMENT AND NORTHERN UGANDA RECOVERY ACT OF 2009

Mr. DORGAN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 228, S. 1067.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1067) to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

There being no objection, the Senate proceeded to consider the bill (S. 1067) to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) For over 2 decades, the Government of Uganda engaged in an armed conflict with the Lord's Resistance Army (LRA) in northern Uganda that led to the internal displacement of more than 2,000,000 Ugandans from their homes.

(2) The members of the Lord's Resistance Army used brutal tactics in northern Uganda, including mutilating, abducting and forcing individuals into sexual servitude and forcing a large number of children and youth in Uganda, estimated by the Survey for War Affected Youth to be over 66,000, to fight as part of the rebel force.

(3) The Secretary of State has placed the Lord's Resistance Army on the Terrorist Exclusion list pursuant to section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)), and LRA leader Joseph Kony has been designated a ''specially designated global terrorist'' pursuant to Executive Order 13224.

(4) In late 2005, according to the United Nations Office for Coordination of Humanitarian Affairs, the Lord's Resistance Army shifted their primary base of operations from southern Sudan to northeastern Democratic Republic of Congo, and the rebels have since withdrawn from northern Uganda.

(5) Representatives of the Government of Uganda and the Lord's Resistance Army began peace negotiations in 2006, mediated by the Government of Southern Sudan in Juba, Sudan, and signed the Cessation of Hostilities Agreement on August 20, 2006, which provided for hundreds of thousands of internally displaced people to return home in safety.

(6) After nearly 2 years of negotiations, representatives from the parties reached the Final Peace Agreement in April 2008, but Joseph Kony, the leader of the Lord's Resistance Army, refused to sign the Final Peace Agreement in May 2008 and his forces launched new attacks in northeastern Congo.

(7) According to the United Nations Office for the Coordination of Humanitarian Relief and the United Nations High Commissioner for Refugees, the new activity of the Lord's Resistance Army in northeastern Congo and southern Sudan since September 2008 has led to the abduction of at least 1,500 civilians, including hundreds of children, and the displacement of more than 540,000 people.

(8) In December 2008, the military forces of Uganda, the Democratic Republic of Congo, and southern Sudan launched a joint operation against the Lord's Resistance Army's bases in northeastern Congo, but the operation failed to apprehend Joseph Kony, and his forces retaliated with a series of new attacks and massacres in Congo and southern Sudan, killing an estimated 900 people in 2 months alone.

(9) Despite the refusal of Joseph Kony to sign the Final Peace Agreement, the Government of Uganda has committed to continue reconstruction plans for northern Uganda, and to implement those mechanisms of the Final Peace Agreement not conditional on the compliance of the Lord's Resistance Army.

(10) Since 2008, recovery efforts in northern Uganda have moved forward with the financial support of the United States and other donors, but have been hampered by a lack of strategic coordination, logistical delays, and limited leadership from the Government of Uganda.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States to work with regional governments toward a comprehensive and lasting resolution to the conflict in northern Uganda and other affected areas by—

(1) providing political, economic, military, and intelligence support for viable multilateral efforts to protect civilians from the Lord's Resistance Army, to apprehend or remove Joseph Kony and his top commanders from the battlefield in the continued absence of a negotiated solution, and to disarm and demobilize the remaining Lord's Resistance Army fighters;

(2) targeting assistance to respond to the humanitarian needs of populations in northeastern Congo, southern Sudan, and Central African Republic currently affected by the activity of the Lord's Resistance Army; and

(3) further supporting and encouraging efforts of the Government of Uganda and civil society to promote comprehensive reconstruction, transitional justice, and reconciliation in northern Uganda as affirmed in the Northern Uganda Crisis Response Act of 2004 (Public Law 108–283) and subsequent resolutions, including Senate Resolution 366, 109th Congress, agreed to February 2, 2006, Senate Resolution 573, 109th Congress, agreed to September 19, 2006, Senate Concurrent Resolution 16, 110th Congress, agreed to in the Senate March 1, 2007, and House Concurrent Resolution 80, 110th Congress, agreed to in the House of Representatives June 18, 2007.

SEC. 4. REQUIREMENT OF A STRATEGY TO SUPPORT THE DISARMAMENT OF THE LORD'S RESISTANCE ARMY.

(a) REQUIREMENT FOR STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall develop and submit to the appropriate committees of Congress a strategy to guide future United States support across the region for viable multilateral efforts to mitigate and eliminate the threat to civilians and regional stability posed by the Lord's Resistance Army.

(b) CONTENT OF STRATEGY.—The strategy shall include the following:

(1) A plan to help strengthen efforts by the United Nations and regional governments to protect civilians from attacks by the Lord's Resistance Army while supporting the development of institutions in affected areas that can help to maintain the rule of law and prevent conflict in the long term.

(2) An assessment of viable options through which the United States, working with regional governments, could help develop and support multilateral efforts to eliminate the threat posed by the Lord's Resistance Army.

(3) An interagency framework to plan, coordinate, and review diplomatic, economic, intelligence, and military elements of United States policy across the region regarding the Lord's Resistance Army.

(4) A description of the type and form of diplomatic engagement across the region undertaken to coordinate and implement United States policy regarding the Lord's Resistance Army and to work multilaterally with regional mechanisms, including the Tripartite Plus Commission and the Great Lakes Pact.

(5) A description of how this engagement will fit within the context of broader efforts and policy objectives in the Great Lakes Region.

(c) FORM.—The strategy under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 5. HUMANITARIAN ASSISTANCE FOR AREAS OUTSIDE UGANDA AFFECTED BY THE LORD'S RESISTANCE ARMY.

(a) AUTHORITY.—In accordance with section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) and section 2 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601), the President is authorized to provide additional assistance to the Democratic Republic of Congo, southern Sudan, and Central African Republic to respond to the humanitarian needs of populations directly affected by the activity of the Lord's Resistance Army.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for fiscal year 2011 to carry out this section.

SEC. 6. ASSISTANCE FOR RECOVERY AND RECONSTRUCTION IN NORTHERN UGANDA.

(a) AUTHORITY.—It is the sense of Congress that the President should support efforts by the people of northern Uganda and the Government of Uganda—

(1) to assist internally displaced people in transition and returnees to secure durable solutions by spurring economic revitalization, supporting livelihoods, helping to alleviate poverty, and advancing access to basic services at return sites, specifically clean water, health care, and schools;

(2) to enhance the accountability and administrative competency of local governance institutions and public agencies in northern Uganda with regard to budget management, provision of public goods and services, and related oversight functions;

(3) to strengthen the operational capacity of the civilian police in northern Uganda to enhance public safety, prevent crime, and deal sensitively with gender-based violence, while strengthening accountability measures to prevent corruption and abuses;

(4) to rebuild and improve the capacity of the justice system in northern Uganda, including the courts and penal systems, with particular sensitivity to the needs and rights of women and children;

(5) to establish mechanisms for the disarmament, demobilization, and reintegration of former combatants and those abducted by the LRA, including vocational education and employment opportunities, with attention given to the roles and needs of men, women and children; and

(6) to promote programs to address psychosocial trauma, particularly post-traumatic stress disorder.

(b) FUTURE YEAR FUNDING.—It is the sense of Congress that the Secretary of State and Administrator of the United States Agency for International Development should work with the appropriate committees of Congress to increase assistance in future fiscal years to support activities described in this section if the Government of Uganda demonstrates a commitment to transparent and accountable reconstruction in war-affected areas of northern Uganda, specifically by—

(1) finalizing the establishment of mechanisms within the Office of the Prime Minister to sufficiently manage and coordinate the programs under the framework of the Peace Recovery and Development Plan for Northern Uganda (PRDP);

(2) increasing oversight activities and reporting, at the local and national level in Uganda, to ensure funds under the Peace Recovery and Development Plan for Northern Uganda framework are used efficiently and with minimal waste; and

(3) committing substantial funds of its own, above and beyond standard budget allocations to local governments, to the task of implementing the Peace Recovery and Development Plan for Northern Uganda such that communities affected by the war can recover.

(c) COORDINATION WITH OTHER DONOR NATIONS.—The United States should work with other donor nations to increase contributions for recovery efforts in northern Uganda and better leverage those contributions to enhance the capacity and encourage the leadership of the Government of Uganda in promoting transparent and accountable reconstruction in northern Uganda.

(d) TERMINATION OF ASSISTANCE.—It is the sense of Congress that the Secretary of State should withhold non-humanitarian bilateral assistance to the Republic of Uganda if the Secretary determines that the Government of Uganda is not committed to reconstruction and reconciliation in the war-affected areas of northern Uganda and is not taking proactive steps to ensure this process moves forward in a transparent and accountable manner.

SEC. 7. ASSISTANCE FOR RECONCILIATION AND TRANSITIONAL JUSTICE IN NORTHERN UGANDA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, despite reconstruction and development efforts, a continued failure to take meaningful steps toward national reconciliation and accountability risks perpetuating longstanding political grievances and fueling new conflicts.

(b) AUTHORITY.—In accordance with section 531 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346), the President is authorized to support efforts by the people of northern Uganda and the Government of Uganda to advance efforts to promote transitional justice and reconciliation on both local and national levels, including to encourage implementation of the mechanisms outlined in the Annexure to the Agreement on Accountability and Reconciliation between the Government of Uganda and the Lord's Resistance Army/Movement, signed at Juba February 19, 2008, namely—

(1) a body to investigate the history of the conflict, inquire into human rights violations committed during the conflict by all sides, promote truth-telling in communities, and encourage the preservation of the memory of events and victims of the conflict through memorials, archives, commemorations, and other forms of preservation;

(2) a special division of the High Court of Uganda to try individuals alleged to have committed serious crimes during the conflict, and a special unit to carry out investigations and prosecutions in support of trials;

(3) a system for making reparations to victims of the conflict; and

(4) a review and strategy for supporting transitional justice mechanisms in affected areas to promote reconciliation and encourage individuals to take personal responsibility for their conduct during the war.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for each of fiscal years 2011 through 2013 to carry out this section.

SEC. 8. REPORT.

(a) REPORT REQUIRED.—Not later than 1 year after the submission of the strategy required under section 4, the Secretary of State shall prepare and submit to the appropriate committees of Congress a report on the progress made toward the implementation of the strategy required under section 4 and a description and evaluation of the assistance provided under this Act toward the policy objectives described in section 3.

(b) CONTENTS.—The report required under section (a) shall include—

(1) a description and evaluation of actions taken toward the implementation of the strategy required under section 4;

(2) a description of assistance provided under sections 5, 6, and 7;

(3) an evaluation of bilateral assistance provided to the Republic of Uganda and associated programs in light of stated policy objectives;

(4) a description of the status of the Peace Recovery and Development Plan for Northern Uganda and the progress of the Government of Uganda in fulfilling the steps outlined in section 6(b); and

(5) a description of amounts of assistance committed, and amounts provided, to northern Uganda during the reporting period by the Government of Uganda and each donor country.

(c) FORM.—The report under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 9. DEFINITIONS.

In this Act:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives.

(2) GREAT LAKES REGION.—The term ''Great Lakes Region'' means the region comprising Burundi, Democratic Republic of Congo, Rwanda, southern Sudan, and Uganda.

(3) LRA-AFFECTED AREAS.—The term ''LRA-affected areas'' means those portions of northern Uganda, southern Sudan, northeastern Democratic Republic of Congo, and southeastern Central African Republic determined by the Secretary of State to be affected by the Lord's Resistance Army as of the date of the enactment of this Act.

Mr. DORGAN. I ask unanimous consent the committee-reported substitute amendment be considered; that a Feingold amendment which is at the desk be agreed to; the substitute amendment, as amended, be agreed to; the bill as amended be read a third time and passed, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The amendment (No. 3461) was agreed to, as follows:

(Purpose: To express the sense of Congress regarding the funding of activities under this Act)

On page 21, line 4, strike ''(a) AUTHORITY.—''.

On page 21, strike lines 12 through 14.

On page 26, strike lines 1 through 3.

On page 27, strike line 10 and insert the following:

SEC. 9. SENSE OF CONGRESS ON FUNDING.

It is the sense of Congress that—

(1) of the total amounts to be appropriated for fiscal year 2011 for the Department of State and foreign operations, up to $10,000,000 should be used to carry out activities under section 5; and

(2) of the total amounts to be appropriated for fiscal year 2011 through 2013 for the Department of State and foreign operations, up to $10,000,000 in each such fiscal year should be used to carry out activities under section 7.

SEC. 10. DEFINITIONS.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1067), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1067

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) For over 2 decades, the Government of Uganda engaged in an armed conflict with the Lord's Resistance Army (LRA) in northern Uganda that led to the internal displacement of more than 2,000,000 Ugandans from their homes.

(2) The members of the Lord's Resistance Army used brutal tactics in northern Uganda, including mutilating, abducting and forcing individuals into sexual servitude and forcing a large number of children and youth in Uganda, estimated by the Survey for War Affected Youth to be over 66,000, to fight as part of the rebel force.

(3) The Secretary of State has placed the Lord's Resistance Army on the Terrorist Exclusion list pursuant to section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)), and LRA leader Joseph Kony has been designated a ''specially designated global terrorist'' pursuant to Executive Order 13224.

(4) In late 2005, according to the United Nations Office for Coordination of Humanitarian Affairs, the Lord's Resistance Army shifted their primary base of operations from southern Sudan to northeastern Democratic Republic of Congo, and the rebels have since withdrawn from northern Uganda.

(5) Representatives of the Government of Uganda and the Lord's Resistance Army began peace negotiations in 2006, mediated by the Government of Southern Sudan in Juba, Sudan, and signed the Cessation of Hostilities Agreement on August 20, 2006, which provided for hundreds of thousands of internally displaced people to return home in safety.

(6) After nearly 2 years of negotiations, representatives from the parties reached the Final Peace Agreement in April 2008, but Joseph Kony, the leader of the Lord's Resistance Army, refused to sign the Final Peace Agreement in May 2008 and his forces launched new attacks in northeastern Congo.

(7) According to the United Nations Office for the Coordination of Humanitarian Relief and the United Nations High Commissioner for Refugees, the new activity of the Lord's Resistance Army in northeastern Congo and southern Sudan since September 2008 has led to the abduction of at least 1,500 civilians, including hundreds of children, and the displacement of more than 540,000 people.

(8) In December 2008, the military forces of Uganda, the Democratic Republic of Congo, and southern Sudan launched a joint operation against the Lord's Resistance Army's bases in northeastern Congo, but the operation failed to apprehend Joseph Kony, and his forces retaliated with a series of new attacks and massacres in Congo and southern Sudan, killing an estimated 900 people in 2 months alone.

(9) Despite the refusal of Joseph Kony to sign the Final Peace Agreement, the Government of Uganda has committed to continue reconstruction plans for northern Uganda, and to implement those mechanisms of the Final Peace Agreement not conditional on the compliance of the Lord's Resistance Army.

(10) Since 2008, recovery efforts in northern Uganda have moved forward with the financial support of the United States and other donors, but have been hampered by a lack of strategic coordination, logistical delays, and limited leadership from the Government of Uganda.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States to work with regional governments toward a comprehensive and lasting resolution to the conflict in northern Uganda and other affected areas by—

(1) providing political, economic, military, and intelligence support for viable multilateral efforts to protect civilians from the Lord's Resistance Army, to apprehend or remove Joseph Kony and his top commanders from the battlefield in the continued absence of a negotiated solution, and to disarm and demobilize the remaining Lord's Resistance Army fighters;

(2) targeting assistance to respond to the humanitarian needs of populations in northeastern Congo, southern Sudan, and Central African Republic currently affected by the activity of the Lord's Resistance Army; and

(3) further supporting and encouraging efforts of the Government of Uganda and civil society to promote comprehensive reconstruction, transitional justice, and reconciliation in northern Uganda as affirmed in the Northern Uganda Crisis Response Act of 2004 (Public Law 108–283) and subsequent resolutions, including Senate Resolution 366, 109th Congress, agreed to February 2, 2006, Senate Resolution 573, 109th Congress, agreed to September 19, 2006, Senate Concurrent Resolution 16, 110th Congress, agreed to in the Senate March 1, 2007, and House Concurrent Resolution 80, 110th Congress, agreed to in the House of Representatives June 18, 2007.

SEC. 4. REQUIREMENT OF A STRATEGY TO SUPPORT THE DISARMAMENT OF THE LORD'S RESISTANCE ARMY.

(a) REQUIREMENT FOR STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall develop and submit to the appropriate committees of Congress a strategy to guide future United States support across the region for viable multilateral efforts to mitigate and eliminate the threat to civilians and regional stability posed by the Lord's Resistance Army.

(b) CONTENT OF STRATEGY.—The strategy shall include the following:

(1) A plan to help strengthen efforts by the United Nations and regional governments to protect civilians from attacks by the Lord's Resistance Army while supporting the development of institutions in affected areas that can help to maintain the rule of law and prevent conflict in the long term.

(2) An assessment of viable options through which the United States, working with regional governments, could help develop and support multilateral efforts to eliminate the threat posed by the Lord's Resistance Army.

(3) An interagency framework to plan, coordinate, and review diplomatic, economic, intelligence, and military elements of United States policy across the region regarding the Lord's Resistance Army.

(4) A description of the type and form of diplomatic engagement across the region undertaken to coordinate and implement United States policy regarding the Lord's Resistance Army and to work multilaterally with regional mechanisms, including the Tripartite Plus Commission and the Great Lakes Pact.

(5) A description of how this engagement will fit within the context of broader efforts and policy objectives in the Great Lakes Region.

(c) FORM.—The strategy under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 5. HUMANITARIAN ASSISTANCE FOR AREAS OUTSIDE UGANDA AFFECTED BY THE LORD'S RESISTANCE ARMY.

In accordance with section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) and section 2 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601), the President is authorized to provide additional assistance to the Democratic Republic of Congo, southern Sudan, and Central African Republic to respond to the humanitarian needs of populations directly affected by the activity of the Lord's Resistance Army.

SEC. 6. ASSISTANCE FOR RECOVERY AND RECONSTRUCTION IN NORTHERN UGANDA.

(a) AUTHORITY.—It is the sense of Congress that the President should support efforts by the people of northern Uganda and the Government of Uganda—

(1) to assist internally displaced people in transition and returnees to secure durable solutions by spurring economic revitalization, supporting livelihoods, helping to alleviate poverty, and advancing access to basic services at return sites, specifically clean water, health care, and schools;

(2) to enhance the accountability and administrative competency of local governance institutions and public agencies in northern Uganda with regard to budget management, provision of public goods and services, and related oversight functions;

(3) to strengthen the operational capacity of the civilian police in northern Uganda to enhance public safety, prevent crime, and deal sensitively with gender-based violence, while strengthening accountability measures to prevent corruption and abuses;

(4) to rebuild and improve the capacity of the justice system in northern Uganda, including the courts and penal systems, with particular sensitivity to the needs and rights of women and children;

(5) to establish mechanisms for the disarmament, demobilization, and reintegration of former combatants and those abducted by the LRA, including vocational education and employment opportunities, with attention given to the roles and needs of men, women and children; and

(6) to promote programs to address psychosocial trauma, particularly post-traumatic stress disorder.

(b) FUTURE YEAR FUNDING.—It is the sense of Congress that the Secretary of State and Administrator of the United States Agency for International Development should work with the appropriate committees of Congress to increase assistance in future fiscal years to support activities described in this section if the Government of Uganda demonstrates a commitment to transparent and accountable reconstruction in war-affected areas of northern Uganda, specifically by—

(1) finalizing the establishment of mechanisms within the Office of the Prime Minister to sufficiently manage and coordinate the programs under the framework of the Peace Recovery and Development Plan for Northern Uganda (PRDP);

(2) increasing oversight activities and reporting, at the local and national level in Uganda, to ensure funds under the Peace Recovery and Development Plan for Northern Uganda framework are used efficiently and with minimal waste; and

(3) committing substantial funds of its own, above and beyond standard budget allocations to local governments, to the task of implementing the Peace Recovery and Development Plan for Northern Uganda such that communities affected by the war can recover.

(c) COORDINATION WITH OTHER DONOR NATIONS.—The United States should work with other donor nations to increase contributions for recovery efforts in northern Uganda and better leverage those contributions to enhance the capacity and encourage the leadership of the Government of Uganda in promoting transparent and accountable reconstruction in northern Uganda.

(d) TERMINATION OF ASSISTANCE.—It is the sense of Congress that the Secretary of State should withhold non-humanitarian bilateral assistance to the Republic of Uganda if the Secretary determines that the Government of Uganda is not committed to reconstruction and reconciliation in the war-affected areas of northern Uganda and is not taking proactive steps to ensure this process moves forward in a transparent and accountable manner.

SEC. 7. ASSISTANCE FOR RECONCILIATION AND TRANSITIONAL JUSTICE IN NORTHERN UGANDA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, despite reconstruction and development efforts, a continued failure to take meaningful steps toward national reconciliation and accountability risks perpetuating longstanding political grievances and fueling new conflicts.

(b) AUTHORITY.—In accordance with section 531 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346), the President is authorized to support efforts by the people of northern Uganda and the Government of Uganda to advance efforts to promote transitional justice and reconciliation on both local and national levels, including to encourage implementation of the mechanisms outlined in the Annexure to the Agreement on Accountability and Reconciliation between the Government of Uganda and the Lord's Resistance Army/Movement, signed at Juba February 19, 2008, namely—

(1) a body to investigate the history of the conflict, inquire into human rights violations committed during the conflict by all sides, promote truth-telling in communities, and encourage the preservation of the memory of events and victims of the conflict through memorials, archives, commemorations, and other forms of preservation;

(2) a special division of the High Court of Uganda to try individuals alleged to have committed serious crimes during the conflict, and a special unit to carry out investigations and prosecutions in support of trials;

(3) a system for making reparations to victims of the conflict; and

(4) a review and strategy for supporting transitional justice mechanisms in affected areas to promote reconciliation and encourage individuals to take personal responsibility for their conduct during the war.

SEC. 8. REPORT.

(a) REPORT REQUIRED.—Not later than 1 year after the submission of the strategy required under section 4, the Secretary of State shall prepare and submit to the appropriate committees of Congress a report on the progress made toward the implementation of the strategy required under section 4 and a description and evaluation of the assistance provided under this Act toward the policy objectives described in section 3.

(b) CONTENTS.—The report required under section (a) shall include—

(1) a description and evaluation of actions taken toward the implementation of the strategy required under section 4;

(2) a description of assistance provided under sections 5, 6, and 7;

(3) an evaluation of bilateral assistance provided to the Republic of Uganda and associated programs in light of stated policy objectives;

(4) a description of the status of the Peace Recovery and Development Plan for Northern Uganda and the progress of the Government of Uganda in fulfilling the steps outlined in section 6(b); and

(5) a description of amounts of assistance committed, and amounts provided, to northern Uganda during the reporting period by the Government of Uganda and each donor country.

(c) FORM.—The report under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 9. SENSE OF CONGRESS ON FUNDING.

It is the sense of Congress that—

(1) of the total amounts to be appropriated for fiscal year 2011 for the Department of State and foreign operations, up to $10,000,000 should be used to carry out activities under section 5; and

(2) of the total amounts to be appropriated for fiscal year 2011 through 2013 for the Department of State and foreign operations, up to $10,000,000 in each such fiscal year should be used to carry out activities under section 7.

SEC. 10. DEFINITIONS.

In this Act:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives.

(2) GREAT LAKES REGION.—The term ''Great Lakes Region'' means the region comprising Burundi, Democratic Republic of Congo, Rwanda, southern Sudan, and Uganda.

(3) LRA-AFFECTED AREAS.—The term ''LRA-affected areas'' means those portions of northern Uganda, southern Sudan, northeastern Democratic Republic of Congo, and southeastern Central African Republic determined by the Secretary of State to be affected by the Lord's Resistance Army as of the date of the enactment of this Act.

ORDERS FOR THURSDAY, MARCH 11, 2010

Mr. DORGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, March 11; 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 the Senate proceed to a period of morning business for 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes; that following morning business, the Senate resume consideration of H.R. 1586, the legislative vehicle for the Federal Aviation Administration reauthorization.

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

PROGRAM

Mr. DORGAN. Mr. President, rollcall votes are expected to occur throughout the day tomorrow. Senators will be notified when any votes are scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DORGAN. 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 7:06 p.m., adjourned until Thursday, March 11, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

OVERSEAS PRIVATE INVESTMENT CORPORATION

MIMI E. ALEMAYEHOU, OF THE DISTRICT OF COLUMBIA, TO BE EXECUTIVE VICE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION, VICE JOHN A. SIMON, RESIGNED.

DEPARTMENT OF DEFENSE

ELIZABETH A. MCGRATH, OF VIRGINIA, TO BE DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE. (NEW POSITION)

THE JUDICIARY

RAYMOND JOSEPH LOHIER, JR., OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE SONIA SOTOMAYOR, ELEVATED.

KATHLEEN M. O'MALLEY, OF OHIO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE ALVIN A. SCHALL, RETIRED.

CATHERINE C. EAGLES, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, VICE NORWOOD CARLTON TILLEY, JR., RETIRED.

JOHN J. MCCONNELL, JR., OF RHODE ISLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF RHODE ISLAND, VICE ERNEST C. TORRES, RETIRED.

KIMBERLY J. MUELLER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA, VICE FRANK C. DAMRELL, JR., RETIRED.

DEPARTMENT OF JUSTICE

THOMAS EDWARD DELAHANTY II, OF MAINE, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MAINE FOR THE TERM OF FOUR YEARS, VICE JAY PATRICK MCCLOSKEY.

WENDY J. OLSON, OF IDAHO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF IDAHO FOR THE TERM OF FOUR YEARS, VICE THOMAS E. MOSS.

CATHY JO JONES, OF OHIO, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF OHIO FOR THE TERM OF FOUR YEARS, VICE JAMES MICHAEL WAHLRAB, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER SECTION 211(A)(2), TITLE 14, U.S. CODE:

To be lieutenant commander

KAREN R. ANDERSON
PATRICK M. FLYNN
KEITH A. JERNIGAN
STEVEN M. LONG

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601, AND TO BE A SENIOR MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER TITLE 10, U.S.C., SECTION 711:

To be lieutenant general

LT. GEN. CHARLES H. JACOBY, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. SCOTT R. VAN BUSKIRK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MARK I. FOX

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

ELIZABETH R. ANDERSONDOZE
MARY T. GUEST

To be major

LISA M. ALESSI
MARCIA A. BRIMM
NICHOLAS B. DUVALL
CAMELLA D. NULTY
JENNIFER R. RATCLIFF
CHRISTINE R. RIVERA
WILLIAM P. TRIPLETT
RODNEY C. WADLEY
KAREN M. WHARTON

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

STEPHEN T. SAUTER

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

MILES T. GENGLER

CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, March 10, 2010:

DEPARTMENT OF STATE

DONALD E. BOOTH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA.

SCOTT H. DELISI, OF MINNESOTA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL DEMOCRATIC REPUBLIC OF NEPAL.

BEATRICE WILKINSON WELTERS, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TRINIDAD AND TOBAGO.

IAN C. KELLY, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE U.S. REPRESENTATIVE TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE, WITH THE RANK OF AMBASSADOR.

AFRICAN DEVELOPMENT BANK

WALTER CRAWFORD JONES, OF MARYLAND, TO BE UNITED STATES DIRECTOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

IAN HODDY SOLOMON, OF MARYLAND, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS.

UNITED STATES TRADE AND DEVELOPMENT AGENCY

LEOCADIA IRINE ZAK, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE TRADE AND DEVELOPMENT AGENCY.

DEPARTMENT OF STATE

BROOKE D. ANDERSON, OF CALIFORNIA, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

BROOKE D. ANDERSON, OF CALIFORNIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HER TENURE OF SERVICE AS ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS.

ROSEMARY ANNE DICARLO, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

ROSEMARY ANNE DICARLO, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HER TENURE OF SERVICE AS DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

INTERNATIONAL MONETARY FUND

DOUGLAS A. REDIKER, OF MASSACHUSETTS, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS.

DEPARTMENT OF EDUCATION

KATHLEEN S. TIGHE, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF EDUCATION.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

LARRY PERSILY, OF ALASKA, TO BE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS FOR THE TERM PRESCRIBED BY LAW.

NORTHERN BORDER REGIONAL COMMISSION

SANDFORD BLITZ, OF MAINE, TO BE FEDERAL COCHAIRPERSON OF THE NORTHERN BORDER REGIONAL COMMISSION.

APPALACHIAN REGIONAL COMMISSION

EARL F. GOHL, JR., OF THE DISTRICT OF COLUMBIA, TO BE FEDERAL COCHAIRMAN OF THE APPALACHIAN REGIONAL COMMISSION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

GENEVIEVE LYNN MAY, OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

WILLIAM JOSEPH HOCHUL, JR., OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.

SALLY QUILLIAN YATES, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATION OF EARL W. GAST.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH SUZANNE E. HEINEN AND ENDING WITH BERNADETTE BORRIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 17, 2009.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH SEAN J. MC INTOSH AND ENDING WITH WILLIAM QIAN YU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2009.