

that was created about thirty or forty years ago, and Robert Byrd was one of the people that helped to create it, to deal with budget matters where you didn't want a filibuster to prevent the balancing of the budget, in effect. I mean, there's one thing you have to do. You have to be able to either increase your revenues or reduce your spending in order to balance the budget, theoretically. So they made that one exception to the policy of the Senate, which otherwise would have required sixty votes to do the big things. Now that process is available for those kinds of monetary-related subjects. And it has been used many times. That's true. The Bush tax cuts were done as, through reconciliation, for example. Now there have been a couple of other examples where they ventured outside of pure monetary issues. They shouldn't have. I wasn't there. I don't know why or how they did it. But in any event, it is not available for large, substantive, comprehensive kinds of legislation like this health care bill. It doesn't work, it's not suitable, and it certainly isn't appropriate." [Hugh Hewitt via Think Progress, 2/25/10]

Kyl: Only Takes 51 Votes To Extend the Bush Tax Cuts. In 2005, Senator Kyl said, "the bottom line is in the Senate, to do anything permanently, it takes 60 votes because that's what it takes to break a filibuster. So if you don't have 60 votes, you've got to do the best you can. The best we can do right now, I suspect, is not to make all these tax cuts permanent but to extend them out as far as we can. If we had a five-year budget this year, for example, we could extend these tax cuts out through the year 2010. For example, that would mean that with dividends and capital gains, we need to take those two 15 percent rates and carry them forward two more years, so that they would include not only 2008 but also 2009 and 2010. And we can do that with some of the other rates as well. So with a five-year budget, that's doable. . . . And I would hope that—that only take 51 votes to accomplish, so I would hope that we would do that." [CNBC, 2/14/05]

CANTOR

2005: Cantor Hoped Congress Would Engage in Budget Reconciliation Every Year. "I would again say, though, that obviously reconciliation is a two-part process; that we are focusing on reducing spending on this one. And again, a first step in a process that I hope we can engage in every year, that we would cut the size and growth in the entitlement programs, at the same time reform these programs to promote the efficiency that the taxpayers expect." [Republican Press Conference, 11/8/05]

2005: Cantor Praised His Colleagues for Passing Budget Reconciliation Legislation. "Well, I too am here to also thank the entire team, from the speaker on down, for all that we did for America last night. And I think what is really telling, though, is the fact that we were able to vote and pass a reconciliation spending package, and unfortunately, we did it by ourselves. The fact is not one member from the other side of the aisle participated in doing what it is the whip just said, which was reform—beginning the process of reforming government. And I think it does demonstrate that the other side remains stuck to their old tax-and-spend ways and has not even presented—did not even present last night an alternative. I think that's very telling."

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

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

The legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that 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 ON BONUSES RECEIVED FROM CERTAIN TARP RECIPIENTS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1586, which the clerk will report.

The legislative clerk read as follows:

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

Pending:

Rockefeller amendment No. 3452, in the nature of a substitute.

Sessions/McCaskill modified amendment No. 3453 (to amendment No. 3452), to reduce the deficit by establishing discretionary spending caps.

McCain/Bayh amendment No. 3475 (to amendment No. 3452), to prohibit earmarks in years in which there is a deficit.

McCain amendment No. 3527 (to amendment No. 3452), to require the Administrator of the Federal Aviation Administration to develop a financing proposal for fully funding the development and implementation of technology for the Next Generation Air Transportation System.

McCain amendment No. 3528 (to amendment No. 3452), to provide standards for determining whether the substantial restoration of the natural quiet and experience of the Grand Canyon National Park has been achieved and to clarify regulatory authority with respect to commercial air tours operating over the Park.

Pryor amendment No. 3548 (to amendment 3452), to reduce the deficit by establishing discretionary spending caps

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 a.m. will be divided equally between the Senator from Alabama, Mr. SESSIONS, and the Senator from Arkansas, Mr. PRYOR, or their designees.

Mr. DORGAN. Madam President, the title of the bill just reported is the correct title. However, the legislation we are discussing inside that bill does not relate so much to the title. This is the FAA reauthorization bill, reauthorizing a wide range of programs in the Federal Aviation Administration. This is the fifth day we have been on the floor. Senator ROCKEFELLER has been managing the legislation. He is necessarily absent now and asked me, as chairman of the aviation panel, to manage in his stead. He has said—and I agree—we have put together a piece of legislation that has substantial modernization pieces in it that will modernize the air traffic control system, provide substantial improvements in safety, improvements in the airport improvement program to invest in and

expand the infrastructure in aviation. It contains a lot of things that are so very important.

I worry now, on the fifth day on this legislation, that if we don't get it done today, we may not get this bill done at all. That would be a shame because this authorization has languished for a long time. Rather than reauthorize the FAA with a new authorization, we have extended it 11 straight times. That describes how difficult it is to get things done.

Finally, Senator ROCKEFELLER and Senator HUTCHISON have brought the bill to the Senate floor. Senator DEMINT and I, as chairman and ranking member of the subcommittee, worked on the bill with them. We have now been here 5 days. The question will be, between now and the end of today, will we get this done or does this dissolve as unfinished work? We made a good try, but we just didn't make it happen, so it gets extended again and all of this work is for naught.

The fact is, every single Senator and every constituent of every Member has a big stake in getting this done. Anybody who flies on commercial airlines—and that is a lot of Americans—has a big stake in the issue of air traffic control modernization, improvements to safety, and the things that are included in this legislation. The failure to do this would be a great disappointment, not only for us but for the American people.

We have cleared a lot of amendments. As has been the case recently with a lot of legislation, there has been a lot of delay. We have worked on amendments en bloc that have been cleared. There is an additional group of amendments we hope we will clear.

At 2 o'clock today there will be votes on two amendments side by side, offered within the rules, although they do not relate to this particular legislation. But we will vote on those and try to dispose of those issues.

There is another issue, probably the last significant issue that is there. That is the issue of the slots and the perimeter rule at National Airport in Washington, DC. The slots and perimeter rule is controversial, complex, difficult. We have a number of amendments filed representing different interests of how many additional flights should be added to Washington National, how many flights might be added that would extend beyond what is a perimeter rule at Washington National. I hope those who have filed those amendments will agree to stand down and allow us to try to resolve that in some way in conference.

The House, in its legislation, does address in part the slot rule. If we get to conference with the House, if we can pass a bill through the Senate, it will be something we will need to resolve there.

What my great concern is, if this afternoon, following the votes, we get into long, protracted debate about the various amendments that have been