

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

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

SUBMITTED RESOLUTIONS

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

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

S. RES. 47

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

S. RES. 48

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

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

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

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

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

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

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

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

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

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

Resolved, That the Senate—

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

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

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

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

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

AMENDMENTS SUBMITTED AND PROPOSED

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

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

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

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

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

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

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

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

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

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

SA 70. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

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

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

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

TEXT OF AMENDMENTS

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

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

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

SEC. 733. REGULATORY FLEXIBILITY.

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

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

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

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

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

SA 61. Mr. RUBIO (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 733. PROHIBITION ON EXPANSION OF FLIGHTS TO LOCATIONS IN COUNTRIES THAT ARE STATE SPONSORS OF TERRORISM.

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

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

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

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

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

SA 62. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 207 and insert the following:
SEC. 207. FEDERAL SHARE OF AIRPORT IMPROVEMENT PROJECT COSTS.

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

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

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

SA 63. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 207 and insert the following:

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

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

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

SA 64. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ORPHAN EARMARKS ACT.

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

(b) **UNUSED EARMARKS.**—

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

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

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

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

(3) **IDENTIFICATION AND REPORT.**—

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

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

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

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

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

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

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

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

(a) **OEP AIRPORT PROCEDURES.**—

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

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

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

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

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

(ii) specific implementation and transition steps;

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

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

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

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

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

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

(viii) lifecycle management for RNP procedures; and

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

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

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

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

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

(b) OTHER AIRPORTS.—

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

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

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

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

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

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

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

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

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

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

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

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

SA 67. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:
SEC. 733. SECURING AIRPORT TERMINALS.

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

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

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

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

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

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

(i) the timing of such access;

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

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

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

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

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

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

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

(B) assesses—

(i) differences in configurations of such locations; and

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

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

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

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

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

(d) INCREASED PENALTIES FOR CIRCUMVENTING SECURITY SCREENING.—

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

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

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

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

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

(3) NOTICE OF PENALTIES.—

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

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

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

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

SEC. 614. AEROSPACE WORKFORCE CENTERS OF EXCELLENCE.

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

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

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

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

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

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

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

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

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

(7) other appropriate organizations.

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

(d) DESIGNATION AS CENTERS OF EXCELLENCE.—

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

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

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

(B) take any necessary measures to ensure—

(i) an equitable geographic distribution of funds; and

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

SA 69. Mr. WYDEN (for himself, Mr. MERKLEY, Mrs. MURRAY, Ms. CANTWELL, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(4) to State capitals;”

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

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

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

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

SA 70. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 333, between lines 11 and 12, insert the following:

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

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

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

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

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

SA 71. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:
SEC. 733. CONTROLLING HELICOPTER NOISE POLLUTION IN RESIDENTIAL AREAS.

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

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

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

“(A) standards to measure helicopter noise; and

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

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

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

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

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

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

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

SA 72. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 733. NOTIFICATION REQUIREMENT WITH RESPECT TO WILDLIFE STRIKES ON AIRCRAFT.

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

“§ 44733. Notification of wildlife strikes

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

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

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

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

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

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

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

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

CONGRATULATING THE GREEN BAY PACKERS ON WINNING SUPER BOWL XLV

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

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

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

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

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

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

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

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 48

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

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

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

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

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

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

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

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

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

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

Resolved, That the Senate—

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

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

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

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

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

**ORDER OF PROCEDURE—
EXECUTIVE CALENDAR**

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

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

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

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

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

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

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

PROGRAM

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

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

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

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