

cast. My understanding is, according to the media reports, champagne was poured and the celebration went on inside the beltway.

Outside the beltway, in the homes and offices and all of the residences and places where people gather across the country, there is a sense of outrage, and a sense of betrayal because, for the first time in history, we have enacted a major reform on a strictly partisan basis about which the process has angered the American people as much as the product.

The deals that were made behind closed doors for individuals, the names of which we have all become familiar with—the “Cornhusker kickback,” the “Louisiana purchase,” the “Gator aid,” and also the purchases made of the various entities in the health care industry in America—most egregious probably is that of Pharma, but the list goes on, the AMA, the Hospital Association, it goes on and on.

Americans are disillusioned and are angry and Americans are not going to forget it. There seems to be an inside-the-beltway liberal media view that, well, it is done, the American people will forget about it; they will appreciate it; and what a magnificent victory this is. It may be in the view of some a victory for the President of the United States. What it is is a defeat of the American people, because the overwhelming majority of American people, by 2-to-1 margins, said stop and start over. They said they did not want this and they did not like this process. They do not like the behind-the-closed doors foolishness that went on, that, in many peoples’ minds represented an unsavory sausage-making process.

This morning’s Wall Street Journal opinion is entitled: “Inside the Pelosi Sausage Factory” and “Michigan Rep. Bart Stupak Sold His Anti-abortion Soul For a Toothless Executive Order.”

Never before has the average American been treated to such a live-action view of the sordid politics necessary to push a deeply flawed bill to completion. It was dirty deals, open threats, broken promises and disregard for democracy that pulled ObamaCare to this point, and yesterday the same machinations pushed it across the finish line.

Then this same article goes on to describe how.

For those who needed more persuasion: California Rep. Jim Costa bragged publicly that during his meeting in the Oval Office, he’d demanded the administration increase water to his Central Valley district.

By the way, a move that I strongly favored.

On Tuesday, Interior pushed up its announcement giving the Central Valley farmers 25 percent of water supplies, rather than the expected 5 percent allocation. Mr. Costa, who denies there was a quid pro quo, on Saturday said he’d flip to a yes.

Florida Rep. Suzanne Kosmas (whose district is home to the Kennedy Space Center) admitted that in her own Thursday meeting with the president, she’d brought up the need for more NASA funding. On Friday she flipped to a yes. So watch the NASA budget.

Democrats inserted a new provision providing \$100 million in extra Med-

icaid money for Tennessee. Retiring Tennessee Rep. BART GORDON flipped to a yes vote on Thursday.

The list goes on and on. And those are the ones we know about. Those are the ones that have been publicized. We know about Pharma. We know about the deal they got and about \$100 million or so that they have spent on advertisements and paid ads touting this legislation, which will get them billions of dollars in profits, the same Pharma that changed the administration position on reimportation of drugs from Canada that is in direct contradiction of the position that then-Senator Obama had, that we should be able to reimport drugs from Canada, the same administration that supported competition amongst pharmaceutical companies for Medicare enrollees and now changed that position as well. There will be months, even years, where we will find out what went on behind closed doors, either in the majority leader’s office, the Speaker’s office, or the White House.

There are those who believe the attention span of the American people is rather short. I disagree. I was back in my home State of Arizona on Saturday, two townhall meetings, hundreds of people packed into the townhall meetings.

Every one of them is angry about what this will do, what this will do to companies and corporations such as Caterpillar that announced it would cost them, in only 1 year, \$100 million in additional taxes.

People have figured out the gimmickry of imposing taxes and cutting benefits for 4 years before a single beneficiary receives any help, the myth that we will actually cut 21 percent from doctors’ payments for treating Medicare enrollees that will take place this fall. Is there anyone who believes we are going to cut doctors’ payments by 21 percent? If so, I would like to meet them and hear from them. We are not. The word is out: Don’t worry. We will fix it. And they will fix it because we can’t do that to physicians. But yet they use that \$271 billion reduction in physicians’ payments for treatment of Medicare enrollees as a way to disguise the true deficit. In fact, that alone would show that this legislation would have resulted in an increase in cost rather than a decrease.

I haven’t got that much time except to say that I want to make clear that the people I represent in Arizona are not going to sit still for this. They are going to want this repealed. We will challenge this in the courts. We will challenge this in the towns. We will challenge this in the cities. We will challenge this on the farms. We will challenge this all over America. The will of the people will be heard. They do not like this process, and they do not like this product. We will prevail over time. I am confident of that.

I yield the floor.

(Disturbance in the Visitors’ Galleries)

The ACTING PRESIDENT pro tempore. Expressions of approval or disapproval of statements on the floor are not permitted.

## 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.

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.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 4:30 p.m. will be for debate only, with the time equally divided and controlled between the Senator from West Virginia and the Senator from Texas.

The Senator from West Virginia.

Mr. ROCKEFELLER. I suggest the absence of a quorum and ask unanimous consent that the time be divided equally.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. 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.

Mr. KYL. Mr. President, this evening, there is a vote scheduled on the Ensign amendment, which would amend an archaic regulation, called the DCA perimeter rule, that has limited competition and travel options for those who fly in and out of Ronald Reagan Washington National Airport or DCA, as it is called.

More specifically, the DCA perimeter rule restricts the departure or arrival of nonstop flights to or from airports that are beyond 1,250 miles from DCA. This restriction effectively forces passengers who are coming from the Western States or going to the Western

States to use Dulles International Airport or to connect in some other city and then come on in. Obviously, this is inconvenient and discriminatory.

The rule was first codified as a Federal statute in 1985. But actually it goes back to 1962. It first had existed as a Federal rule in its various iterations since the 1960s when Dulles was first built. The original purpose of the DCA perimeter rule was to establish Dulles as the long-haul airport serving the Washington area, and that has worked.

In 1962, Dulles only served about 52,000 passengers. But today Dulles is thriving. In 2009, the airport served approximately 23 million passengers. According to the Metropolitan Washington Airports Authority:

Dulles has emerged as one of the fastest growing airports in the world and a major East Coast gateway for domestic and international travelers as well as cargo activities.

Given the success of Dulles and the improvement in technology, including quieter jet engines, over the years, Congress has granted a limited number of exemptions to the DCA perimeter rule because the traveling public is eager for air travel options. Yet, today, there are only a dozen nonstop flights between Ronald Reagan National Airport and the entire Western United States. There are four to Denver, three to Phoenix, two to Seattle, one to Las Vegas, one to Los Angeles, and one to Salt Lake City. That is it.

To put that number in perspective, that is 12 flights beyond the perimeter at DCA out of approximately 400 flights daily. The beyond-the-perimeter flights represent 3 percent of all daily domestic operations at DCA. Just 3 percent of all flights out of DCA serve our Nation's largest cities such as Phoenix, Los Angeles, Las Vegas, and San Antonio.

A 1999 study by the Transportation Research Board found that perimeter rules "no longer serve their original purpose and have produced too many adverse side effects, including barriers to competition." The study found, further, that such rules "arbitrarily prevent some airlines from extending their networks to these airports" and that "they discourage competition among the airports in the region and among the airlines that use these airports."

There is also recent legislative precedent that supports the argument that the DCA perimeter rule should be repealed. The Wright Amendment of 1979 was a Federal law restricting flights at Dallas's Love Field Airport. It originally limited most nonstop flights from Love Field to destinations within Texas and neighboring States. In 2006, Congress passed the Wright Amendment Reform Act, which issued a full repeal of the Love Field perimeter rule with certain conditions. Lifting the restrictions at Love Field gave the traveling public more flight options. It also cut prices and made traveling more efficient.

The Ensign amendment would amend the DCA perimeter rule by allowing

any carrier which currently holds slots at DCA to convert those flights—flights now serving large hub airports inside the perimeter—to flights serving any airport outside the perimeter. This is referred to as "the slot conversion provision;" in other words, no more flights simply converting a flight that exists to go to a different city. The Ensign amendment would cap the number of flights that could be converted to 15 roundtrip flights per carrier.

The slot conversion provision ensures that service to small and medium hub airports within the perimeter would not be affected. There is no restriction, however, on converting a flight that currently serves a large hub airport within the perimeter to a small or medium hub airport beyond the perimeter. So presumably the Ensign amendment could expand service to small and medium hub airports beyond the perimeter. Indeed, I know some of the airlines do intend to use some of these conversion slots to go to their hubs outside the perimeter.

It is also important to note that the amendment would not alter the slot regulations at DCA or increase the number of allowable flight operations at the airport. The number of flights currently serving DCA would remain the same. Residents around the airport would not hear an increase in noise from takeoffs or landings and would not see larger planes operating at DCA. The only change is that a few of the planes would have a different destination.

Let me speak to how this amendment would or would not affect Dulles. As I mentioned, the conversion provision is capped at 15 roundtrip flights per carrier. It is expected that only 5 carriers could take advantage of this provision, making the total maximum number of new flights that could go beyond the perimeter to 75. But not all of the 5 airlines will make full use of all 15 slots. It is estimated that the 5 eligible airlines would only convert to perhaps 30 flights.

So how could flights, say, 30, at DCA that go beyond the perimeter affect Dulles? Well, according to the latest figures from the Metropolitan Washington Airports Authority, Dulles has 401 daily flights. So 30 additional beyond the perimeter would have a negligible effect on the operations at or demand for service at Dulles.

According to a recent GAO study:

GAO did not find evidence in passengers or fare data that would indicate that the new service between Reagan National and the six beyond perimeter cities—

The current 12 exemptions that exist—

had substantially affected service from Dulles or Baltimore-Washington International airports to these cities.

There is no reason to believe that 30 additional beyond the perimeter flights would be any more consequential to Dulles Airport.

The bottom line is, the Ensign amendment is not about changing the

character of Dulles International Airport as to the long-haul airport for the region or increasing the amount of flights at DCA. It simply would allow a limited number of direct flights out of DCA to reach the Western States so that passengers have more choice. It would also allow more tourists and business travelers from around the country another option for visiting the Nation's capital and its surrounding States, such as the State of Virginia.

My colleagues realize a lot has changed in 50 years, and they realize the need that has previously existed to protect Dulles Airport has lessened due to its own success. Thanks to a recognition of this fact, and some assurances that have been made by Senators DORGAN and the Acting President pro tempore, the Senator from Virginia, a vote on the Ensign amendment may not be needed tonight. Instead, it is my understanding that Senator DORGAN and other conferees will make a good-faith effort to modify the DCA perimeter rule when the FAA reauthorization bill is conferred with the House. I know my friend from North Dakota intends to pursue this matter in conference, and I appreciate what he has said on this matter.

I also very much appreciate the spirit by which the Acting President pro tempore has approached this issue. As his predecessors have done, he has very much acted out of concern both for the traveling public and also the airports in his State of Virginia, and I would expect him to do nothing less. But I appreciate the open mind he has in trying to deal with an issue that we out West have that, hopefully, could be worked out in such a way that it would be a win-win and recognize the fact that times have changed since the early 1960s.

Mr. President, unless the Senator from West Virginia has anything, I will suggest the absence of a quorum, and I do.

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

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. 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.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

IN PRAISE OF MARY KLUTTS, DONNA SCHEEDER,  
AND RONALD O'ROURKE

Mr. KAUFMAN. Mr. President, I rise to share the stories, once again, of some of our Nation's great Federal employees.

All throughout March, libraries across America have been celebrating

National Reading Month. Children from coast to coast have been learning about the importance of books, and schools have been promoting literacy as a tool for academic advancement.

This month-long celebration of reading—from Dr. Seuss's classic "The Cat in the Hat" to Joyce's "Ulysses"—reminds us not only of the joy found in the written word but also of the critical role libraries play in all our communities.

Libraries have long been a staple of American life, dating back even to our early colonial days. In the decades before the Revolution, America's first libraries enabled the dissemination of the very ideas that inspired our founding patriots. In the eighteenth century, the athenaeums of New England and the shareholder libraries of Benjamin Franklin served as precursors to our robust, modern network of free public libraries.

In 1800, our predecessors in the Sixth Congress established a research library to help those in government carry out their work with access to scholarly volumes on every subject. Today, the Library of Congress is the largest library in the world, and its ornate reading room remains an awe-inspiring cathedral of learning.

I have chosen today to honor three public servants who work at the Library of Congress.

Mary Klutts began her Federal career as a U.S. Marine. In 1990, she came to the Library of Congress as a budget analyst, and in her 20 years there she has become an expert in every aspect of the Library's operating budget.

Since 2007, when Mary was named budget officer, she has set out to transform the way the Library's budget proposals and funding justifications are formulated. Her work has helped make the Library's budget and operations more transparent, and its funding proposals are more concise. Now Library of Congress budget proposals are often cited as the model for the legislative branch. As a result of Mary's efforts, the Library received strong support from Congress in appropriations for the last two fiscal years.

During this time of economic challenges, Mary has helped demonstrate where every dollar of taxpayer money for the Library goes and why.

Another outstanding Library of Congress employee is Donna Scheeder, who has worked there for over 40 years. Having worked in a number of roles throughout her career at the Library, Donna was an early champion of integrating computers into libraries, and she introduced the idea of electronic briefing books for Congress.

She is recognized as a leader in the information management field, and she has guest-lectured around the world on the topic of legislative library management. Donna is also a former president of the Special Libraries Association.

Until recently, Donna was serving as the Acting Law Librarian of Congress, and she was awarded the Federal Librarians Achievement Award in 2009.

An active member of the Washington, DC, community, she serves as Chair of the Eastern Market Community Advisory Committee and on the Board of the Old Naval Hospital Foundation. When not spearheading innovative initiatives at the Library, Donna spends time relaxing at her home on the Delaware shore.

One of the branches of the Library of Congress most familiar to those of us who serve in this chamber is the Congressional Research Service, or CRS. This nonpartisan office houses scholars who prepare reports on every policy issue and the effects of proposed and enacted legislation. They are our "go-to guys" for information on every topic, and they are truly great at their jobs.

The third person I am honoring today has been an analyst with the CRS since 1984.

When Ronald O'Rourke joined the CRS as a naval analyst, he arrived with an impressive background as a Phi Beta Kappa graduate of the Johns Hopkins University. He was also valedictorian of his class at the Nitze School of Advanced International Studies, where he obtained his master's degree.

At CRS, Ronald quickly distinguished himself as a leading expert on naval strategic and budgetary issues, and he frequently briefs members of Congress and their staffs on defense programs and appropriations. He has even been called to testify as an expert at congressional hearings.

Though he already had a busy schedule as a specialist in naval affairs, he stepped in when the CRS's expert in military aviation passed away suddenly last year. Ronald took responsibility for that portfolio in addition to his own, and his reports on high-profile aviation programs proved invaluable during the congressional debates on defense spending in the 2010 budget.

Mary Klutts, Donna Scheeder, and Ronald O'Rourke continue their work in public service at the Library of Congress to this day. They are just three of the many talented and dedicated men and women whose work benefits not only those of us in Congress but also the tens of millions who access resources from community libraries throughout our Nation.

I hope my colleagues will join me in recognizing the important contribution made by the employees of the Library of Congress.

They are all truly Great Federal Employees.

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

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

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. 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.

AMENDMENT NO. 3528

Mr. BINGAMAN. Mr. President, I rise in opposition to the McCain amend-

ment No. 3528. I understand we are scheduled to consider that amendment in a series of votes beginning at 5:30 p.m. The amendment deals with commercial air tours over Grand Canyon National Park. I wish to take a few minutes to explain the reasons for my opposition.

The Grand Canyon, of course, is one of the crown jewels of the National Park System. It is one of the earliest areas that was set aside for conservation purposes—originally in 1893 as a forest reserve; later designated as a national monument by President Theodore Roosevelt in 1908; and in 1919, it was designated by Congress as a national park. The Colorado River winds its way over 275 miles through the park, forming one of the most spectacular series of canyons anywhere in the world.

The park is one of the most heavily visited sites in our country, with just under 4.4 million visitors last year. Visitors come not only to see the awe-inspiring views or to float down the Colorado River but also to experience the quiet and the solitude that much of the park offers.

In recent years, however, experiencing the natural quiet has become more difficult as noise associated with aircraft flights over the park has resulted in increased noise on the ground in the park.

Recognizing this fact, in 1987 Congress enacted the National Parks Overflight Act. This law included a finding that "noise associated with aircraft overflights at Grand Canyon National Park is causing a significant adverse effect on the natural quiet and experience of the park . . ." The 1987 Park Overflight Act directed the Secretary of the Interior to submit to the Federal Aviation Administration "recommendations regarding actions necessary for the protection of resources in the Grand Canyon from adverse impacts associated with aircraft overflights."

It also went on to say:

. . . and shall provide for substantial restoration of the natural quiet and experience of the park and protection of the public health and safety from adverse effects associated with aircraft overflight.

Importantly, the act also directed the FAA to implement the Secretary's recommendations unless the FAA Administrator determined doing so would adversely affect aviation safety.

In response to the 1987 law, the National Park Service developed recommendations which were implemented by the FAA and which remained in place for several years. However, by 1996, both the Park Service and the FAA concluded that the policies in place were not achieving the goal of restoring the natural quiet in the Grand Canyon. In addition, the projected increase in commercial air tours over the park would result in even more noise at the park.

Since then, the agencies attempted to finalize new rules to improve noise

conditions in the park, but those rules were challenged in court, both by air tour operators who thought the rules were too restrictive and by environmental groups who thought the rules did not go far enough to limit aircraft noise. The challenges went to the court of appeals on two separate occasions. This is in the D.C. Circuit Court of Appeals.

Following clarification of the law from the court in its most recent decision in 2002, the agencies refined key definitions and have worked with affected stakeholders to be able to finally implement a rule that will achieve the congressional directive to restore the natural quiet in the Grand Canyon. I am told that currently the National Park Service and the FAA expect to have the draft environmental impact statement for the proposed rule ready this summer and the final environmental impact statement completed and a record of decision implemented sometime next year.

That is a lot of history. It has been 23 years since the National Parks Overflight Act was enacted. I appreciate the frustration all parties have with the fact that a final rule is still not in place that meets the goals and requirements of the 1987 law. However, as evidenced by the history of the process I have described, the delays are not the result of inaction or of inattention to the law; rather, they are the result of the difficulty establishing accurate models for acceptable noise standards, as well as the multiple legal challenges that have occurred.

I have several concerns with the amendment Senator MCCAIN has proposed. My principal objection is, however, that I do not believe it makes sense to legislatively enact new standards when the National Park Service is close to putting out its new recommendations, especially since it has taken so long to get to this point. I believe the better action would be for us to wait and see what the agencies actually propose. Then, if there is disagreement with the new proposed rule, we can enact legislation to correct it.

Besides the fact that I believe the timing of the amendment is premature, I also have concerns about many of the specific provisions the amendment would legislate. Some of these get somewhat detailed.

Let me indicate that there is a concern I have with the definition in this legislation for "substantial restoration of the natural quiet." What does that mean? The legislation would establish a certain definition of that which is significantly different from what has been assumed and worked with for a long time by a great many people.

The amendment also prohibits the National Park Service from considering aircraft sound from sources other than commercial tour operators, which will significantly limit the ability to control aircraft noise over the park.

The amendment prohibits the allocation for commercial air tours over the

Grand Canyon from being reduced, notwithstanding any other provision of law, regardless of the noise effects over the park. It goes even further and directs that the FAA begin a rulemaking to increase the flight allocations over the park.

Because the proposal has not been through a standard committee process—as, to my knowledge, there have not been hearings on this proposal—and input from affected agencies and stakeholders have not been solicited, the potential impact of several other provisions in the amendment remain unclear, at least to this Senator. For all these reasons, I believe we should not proceed with this amendment, and I would urge my colleagues to oppose it.

Let me mention also a very good editorial on this issue that appeared in the Arizona Republic yesterday. It is entitled "Congress Should Not Foil Process," and its first couple of sentences say:

The plan to reduce aircraft noise at the Grand Canyon is finally wrapping up. Suddenly, there's an attempt in Congress to make a last-minute end-run around the process. This makes no sense. The draft environmental document is weeks away from being released. Multiple stakeholders have weighed in. After years of work, we are on the verge of a plan to restore natural quiet to one of the most majestic places on Earth.

Then it goes on to discuss, in very substantial detail, what the amendment of Senator MCCAIN would try to do. It ends by saying:

Congress should hold off. A plan to restore quiet at the Grand Canyon is so close to completion. Let the process go forward.

That sums up my sentiments exactly. I hope we will heed the good advice contained in the editorial, and I ask unanimous consent to have printed in the RECORD the article from the Arizona Republic.

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

[From the Arizona Republic, Mar. 21, 2010]

#### CONGRESS SHOULD NOT FOIL PROCESS

The plan to reduce aircraft noise at the Grand Canyon is finally wrapping up. Suddenly, there's an attempt in Congress to make a last-minute endrun around the process. This makes no sense. The draft environmental document is weeks away from being released. Multiple stakeholders have weighed in. After years of work, we're on the verge of a plan to restore natural quiet to one of the most majestic places on Earth.

But last week, Sen. John McCain, R-Ariz., introduced legislation that would unilaterally set out rules for air-tour operations at the Grand Canyon.

The measure, an amendment to another bill, was co-sponsored by his fellow Arizona Republican, Jon Kyl, and Nevada's senators, Democrat Harry Reid and Republican John Ensign.

McCain has been a longtime champion of park tranquility. He helped pass the National Park Overflights Act in 1987, which directed the Federal Aviation Administration and the National Park Service to reduce noise from low-flying aircraft at the Grand Canyon.

Since then, the process of adopting a noise-management plan often seemed to move at

the same geological pace as the forces shaping the Canyon. As 23 years rolled by, McCain repeatedly expressed impatience. And we agreed.

But now is not the time for Congress to step in. The draft environmental-impact statement, which will identify a preferred noise-reduction strategy, is expected to be out by the beginning of May. It will address such issues as the number of flights, requirements for quieter aircraft and hours of operation.

The public will have a chance to comment before a final choice is made. The Federal Aviation Administration will then adopt rules, which should be in place by early 2011.

We must achieve a delicate balancing act at the Grand Canyon: giving visitors access, including by air, while preserving as much of its wild solitude as possible.

Many groups and individuals from all sides have contributed countless hours to the process, hunting for the best balance.

The amendment would ignore their efforts and set into law such issues as operating hours, air-corridor routes and flight allocations.

It would prohibit reducing the number of flights currently allowed. It would exclude any consideration of noise from regular commercial air traffic. It would decree that natural quiet is restored if for at least 75 percent of the day, 50 percent of the park is free of sound from authorized air tours.

Years of work on the environmental review may indicate that different rules or more flexibility are in order. But if the amendment passes, anything that doesn't conform to it will go into the waste basket.

In his floor statement in the Senate, McCain said the amendment reduces excessive aircraft noise "without waiting another 23 years for progress."

But we don't have years to wait anymore. We'll see a noise-management proposal within weeks.

Why the rush? Are air-tour operators—with a heavy presence in Las Vegas—pushing to get rules to their liking in place, trumping whatever is in the environmental-impact statement?

Congress should hold off. A plan to restore quiet at the Grand Canyon is so close to completion. Let the process go forward.

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

The PRESIDING OFFICER (Mr. KAUFMAN). 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.

Mr. ROCKEFELLER. Mr. President, as we approach a final vote on the FAA reauthorization, which we are doing slowly—that will take place at about 5:30—I wish to talk briefly about why I think this is so important. I see my distinguished colleague from Texas is here, whom I am going to praise so much in my final comments, but she will have to wait for that. I wish to discuss why we have spent so much precious time in the middle of a national debate on health care and jobs and the economy to work on this bill, which we have been doing now for several years. As I have often pointed out, it was sort of pushed forward 11 times without a final resolve. We want a final resolve

this evening, and we believe we are going to get one.

We are here today because FAA reauthorization is about so much more than aviation. It has everything to do with safety for our people, it is about jobs, it is about our economy, it is about, frankly, our self-esteem as a nation in the world of aviation. Fifty percent of all the flights that take place in the world are American planes, but we are behind, in some ways, and we shouldn't be. The Congress has allowed us to be behind because we haven't been able to put attention on this because time is hard to get on the floor. So I appreciate Leader REID's willingness to give us this time, even as these momentous matters are going on.

To me, this is all about improving commercial aviation air service to small and rural counties, communities. You would expect that from me. I represent my State. But as chairman of the committee, I represent the country, too, as does my distinguished ranking member. It is also very much about establishing better consumer rights protections for the people who fly, whom we call passengers and whom we also call consumers. But ultimately it is about improving safety and about modernizing our system, which I have taken very seriously for years and about which we have done precious little. In other words, it is about people's lives every day.

I can remember years ago I could say a relatively few percentage of the folks from my State flew. They just didn't fly. I mean a lot did but most didn't. That has changed now. You can't do business in West Virginia, and West Virginians can't do anything without getting on an airplane, if you can find one to get on and if you cram yourself into one—which would be a problem for the Presiding Officer as well as the present speaker. In other words, our utmost priority always has to be safety in the skies and for the passengers and their families. They have to trust us to get this right.

There is a lot that goes wrong. There is a lot that isn't noticed that goes wrong, but we do notice and we haven't corrected it and we have a moral obligation to correct it. So let me say a word about safety.

Statistically, as everybody says, we have the safest air transportation system in the world. I always bridle a little bit when I hear that. It is true. Our airlines talk about it, politicians talk about it. But it is so much less safe than it could easily be if we were to be a bit more farsighted and energetic. We have done that in the Commerce Committee, and we have put forward a bill which does that and creates a much more wholesome story and I will get into that.

It has been a little more than a year since the tragic crash in Buffalo, NY, of flight 3407 that took the lives of 50 people. It is clear we need to take serious steps to improve pilot training, to address flight crew fatigue, which

seems to be an esoteric subject until you look at it. Senator BYRON DORGAN, who is the chairman of our subcommittee, had some charts which brilliantly showed what pilots in some of these commuter airlines have to go through to get to work and sometimes then go two nights with no sleep before they fly. Well, it doesn't take a rocket scientist to figure out that is dangerous. And then you have chatter in the cockpits. We have even had one instance of an 8- or 11-year-old kid helping to land a plane. I mean it is ridiculous. It is pathetic. It exists. We are trying to get rid of all that.

Our bill does a lot to address these problems. We need to have resources for all our airports, both large and small. This legislation is about equality among airports and economic stability among airports. We have to provide adequate resources to airports, both large and small, both urban and rural. When people think of California, they think of San Francisco and Los Angeles, but they don't think of the dozens of places in between and above and below that are rural or the inner part of California, where people need air transportation but have a hard time.

The continuing economic crisis has hit the U.S. airline industry very hard. That is easy to say, but it has been devastating for our legacy airlines. They have been in and out of bankruptcy, mergers have taken place, and they are always on the edge. I remember at one point they were showing how they were going to move the seats about an inch closer to each other and there was an uproar. So the pillows disappeared and the pretzels and the potato chips disappeared and we have come to understand that. They are not doing that because they want to treat us badly. They are doing that because every penny is desperate for them, and they have overwhelming problems with the recession. Even before the recession, they were having overwhelming problems.

That is the whole question with the deregulation of airlines. A lot of things happened, not all of them good. I can remember—and I hope my ranking member will indulge me—when I went to West Virginia in 1964, and I drove there, actually, but there were Eastern Airlines jets, there were United Airlines jets, there were American Airlines jets, and all the big jets at that time. Within 3 weeks of deregulation, they were all gone. Now I take my 6 feet 6½ inches and pray I get an exit row. I am a master at working the exit system, should that ever be necessary, but I have to have that exit row, which is always No. 7, or else I am in big trouble.

The continuing economic crisis has hit the U.S. airline industry extremely hard and this affects the future of hundreds of our communities and particularly rural communities because the rural communities are always at the end of the food chain. When you are at

the end of the food chain, it is akin to being at the end of the line. You are the one who is cut out. No more seats in the house, you are cut out, cut off. I have witnessed that a lot in West Virginia and it hurts. It hurts. I have seen, time and time again, how important a lifeline it is for local communities, and therefore it continues to hurt.

The Federal Government needs to provide additional resources and tools for small communities to attract adequate airline service. That is possible. It is not just a matter of the Federal Government supplying a certain amount of money or the essential air service, it is a matter of the local airports taking themselves very seriously as a product. We discovered that in West Virginia. Others have discovered it, perhaps before us or after us, but it makes no difference, you have to market yourself. An airport is not just a place where planes land, it is a consumer product and it has to be marketed.

It used to be that lots of our people drove to Cincinnati and took Southwest, and there was nothing we could do about it. Of course, there was something we could do about it, and that was to market our airport in Charleston, WV, and we did that. They marketed on the air, in the newspapers, and they marketed it in every way possible. Gradually, the people who had been going to Cincinnati stopped going to Cincinnati because they discovered they didn't have to spend the money on gasoline and the overnight motel rooms. They could simply go to Charleston, to Yeager Airport, and get to Huntington or Parkersburg or wherever it was.

So it is a tough fight for local communities. It is easy if you are in a big city. It is hard if you are in a small State, and the Presiding Officer is familiar with that. So our legislation accomplishes this business of new resources by building on the existing programs and strengthening them.

There are some very good programs. I will not go into all of them now, but there are some very good programs. The Airport Improvement Program was started a number of years ago. It is absolutely superb at what it does. It allows airports to expand, to build parking garages, to expand runways, and build those sort of off-ramp safety places, as they do for trucks, so that when they are speeding too much and suddenly there is something which shoots up the hill. Airports have something called EMASS, which is the same thing. At the end of a runway, if the plane lands on a short runway—because most of our airports are on the tops of hills—and they overshoot a little bit, they can end up in an EMASS and they are safe. It is soft concrete blocks. We had 34 lives saved in the last month and a half because of that EMASS system which happened to be there, and that has to be utilized all over the country.

Consumer rights. This bill also strengthens passenger protections by

incorporating elements of the Passenger Bill of Rights to deal with the most egregious flight delays and cancellations. We are rather specific about that. You never know exactly how things work out, but we have set some rules. We have said nobody can wait more than 3 hours without food, without medical attention, without bathroom facilities. They have to take the passengers back, get them to unload so you don't have these 9-hour, 8-hour, 7-hour waits that always become national stories whenever they happen. That is not a question of being practical, it is a question of being humane. It makes sense. It takes away people's anger, and it makes them more likely to want to fly.

Passengers, frankly, have really had it with endless delays—they really have had it. They do not like the way they are being treated, especially when they are stuck on a tarmac in the summertime. People feel bad sometimes when they are just in an airplane—the white-knuckle syndrome even if they are not flying, just being in an airplane. The air is not always so good. People can come close to a point of panic. You don't want that. We deal with that in this legislation. We do have a responsibility to bring their rights back into the equation and take them seriously.

Modernization. Our system is outdated. It is strained beyond its capacity. I feel very passionate about this one and I have for years. America's air traffic control system is literally using a World War II technology. We are the only ones in the industrialized world who do that. It is embarrassing beyond belief, it is costly beyond belief, it is climate-unfriendly beyond belief, and it is dangerous beyond belief because everything is based on radar. It is ancient, World War II. We have not changed. Everybody else has. Mongolia has done it. We have not.

On the committee, we decided we were going to get into it in a very big way. The Next Generation Air Transportation System, called NextGen—that is what we call it—will save our economy billions by creating additional capacity and more direct routes, allowing aircraft to move more efficiently. Why? Because it will be GPS, it will be digitalized, and it will be real-time streaming of where airplanes are. It will help the ground controllers. They will have to put equipment in the airlines themselves so the pilots and the ground-control people will know exactly where they are at all times. That means maybe they will be able to bring planes closer together and can land more often or fly a little closer together—things that cause the whole system to purge itself of inefficiencies, but not unsafely but safely because you are using a digitalized system which the rest of the world is already using.

It has the further advantage, which I have indicated, of reducing carbon emissions and noise emissions. Noise emissions are very important. The

noise emissions can be overestimated by some; nevertheless, if people feel strongly about it, they feel strongly about it, and people do feel strongly about it. You see that in our local area here. So we want to be helpful on that.

A modern air traffic control system will provide pilots and their air traffic controllers with a better situational awareness—I have said that, but it is so important—giving them the tools to see other aircraft, both at the same time, both streaming information real time. Also, the weather maps, so they have precise knowledge—not just visual knowledge of where there might be a thunderstorm but precise knowledge.

This kind of modernization requires sustained focus and substantial resources. We have worked that out in our bill, and we will have a nationwide system by, I believe it is, 2025. It seems like a long way off, but considering where we are starting—we only have one in place, in the gulf, which is working. We have to do the whole system. It costs money, both by the Federal Government and by airlines—which are not going to love that, but it is part of the deal. This authorization takes steps to make sure we begin all of this now.

In closing, we have to move boldly. This is a huge subject. It is a huge part of our economy. I guess 700 million people fly today, each year. In the next 10 years, it will go over 1 billion, maybe 1.2 billion people in the air over the course of a year. At any given moment, there are 36,000 planes in the skies. How do you keep track of them all? How can you be sure that they are safe, that they are not going? How do you shut off the chatter business where pilots are just talking to each other about things. How far do you go on that without invading privacy rights? On the other hand, if you don't go far enough, you are invading consumer and passenger safety, and I lean in that direction.

Last week, I spoke a little on the floor about the main four goals we set out to achieve with this bill. No. 1 is to address critical safety concerns. No. 2 is to establish a roadmap to implement NextGen, that is, the modern system, so we can catch up with Mongolia and accelerate the FAA's key modernization programs. No. 3 is to invest in airport infrastructure. It is so important. If you look at what is happening at Dulles Airport—that is sort of an extreme example because that is preparing for the 23rd century, not for the 21st or 22nd. But they have it right, they have all the land out there, they have bonding authority, and they can do what they want. They have a good board. It works very well for them. It needs to work for other airports, also, in small communities as well. No. 4 is to continue improving small communities' access to the nation's aviation system. You know I will never deviate from that, coming from the State of West Virginia.

Frankly, I am proud of how far we have come and prouder still that we

got here in a truly bipartisan fashion. It is refreshing. It was quite wonderful, working with Senators—obviously Senator HUTCHISON being the key; Senator DORGAN, a terrific chairman of the aviation subcommittee, absolutely terrific; also, Senator DEMINT—toward a vibrant, strong aviation system so fundamental to our country.

I urge my colleagues to give the FAA the tools, the resources, the direction, and the deadlines to make sure the agency can provide effective oversight of the aviation industry. This is a big-ticket item that appears not so dramatic as events of the recent days, but over the course of our country, it is extraordinarily dramatic.

I will at the proper time urge my colleagues to support reauthorization. As I say, we have put this off now 11 different times. This will last for 2 years after conference—it may be 3 years. I would take more than that, myself. But we cannot afford to wait any longer.

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. 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. 3528, WITHDRAWN

Mrs. HUTCHISON. Mr. President, on behalf of the Senator from Arizona, Mr. MCCAIN, I ask unanimous consent that amendment No. 3528 be withdrawn.

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

Mrs. HUTCHISON. Mr. President, let me say that I know Senator ROCKEFELLER and I will have a little time toward the vote to do a summation of the bill. But while we are at this stage, I do wish to say that I think we have taken a major step forward in FAA reauthorization. As many who have worked on this project know, we have had 11 extensions of FAA reauthorization since 2007—short-term extensions because we have not been able to get the agreements that are necessary to propel this bill from the floor.

There are some very important provisions of this bill that I hope we will eventually have final passage and that we can all support. However, we are not there yet. We are at the stage of getting it from the Senate floor, but there are still some issues that will have to be resolved even before we go to conference.

I think before we appoint conferees there will have to be some agreements that have not yet been clearly reached. One of those is the perimeter rule. I am going to talk a little bit more about that when my colleague, Senator ENSIGN, comes because his amendment is the pending amendment on that on the bill. But besides the perimeter rule, there are issues that are addressed in this bill that are so important, that



will take us a major step forward for the traveling public in our country.

There are safety provisions in this bill addressing issues throughout all sectors of the aviation community. I think they are major improvements in our airline safety, although we know we have the safest system we have ever had. There are very few accidents. But I do think the accidents we have had are still teaching us what can be done in the area of fatigue of pilots and human factors, which has always been the hardest part of the aviation system to address. We do have some standards and a way forward that I think will improve aviation safety because none of us wants to have anything less than 100 percent aviation safety. That is what we are striving for.

The bill will also modernize our air traffic control system. Our air traffic control system is using technology that is probably based back in the 1960s. It is time for us to have a satellite-based system. This is going to be expensive. Having the startup of this NextGen system is essential for our country to stay in the forefront of efficient use of our air traffic control system, and also eventually, hopefully, when it is all in place, we will also be able to open more airspace so we can better utilize our air traffic control system.

The bill will provide infrastructure funds for our airports. That is one of the reasons we need to get this bill from the floor and assure our airports that the airport trust fund money is available, it is stable, and they can count on the funds flowing from the airport trust fund in an orderly way so that the improvements to our airports can be done.

The bill will improve rural access to aviation through the Essential Air Service Program. This is a very important part of our whole system. Not only do we have a great general aviation community, which does so much for capabilities for volunteers and recreational pilots to use our airspace, but also the business aviation—the smaller aviation facilities that are private but also very important. And then, of course, our regional airlines are a very important part of our overall air service, and we will have improvements in those sectors.

The bill will improve passenger and consumer protections. There is no doubt that the Passenger Bill of Rights is long overdue, and I think we have come to a good place to protect passengers from sitting on the tarmac for 5 hours without the ability to get off an airplane. Issues such as that that have cropped up are being addressed in our new Passenger Bill of Rights. It will strengthen aeronautics and aviation research as well.

There is a lot that is good in this bill, and we still have a long way to go to finish it, but I do look forward to working through tonight, getting the bill passed from the Senate, and then working on these issues that are not yet

completely agreed to before we go to conference. Then, from there, I hope we can take the next step, which is not going to be an easy one, and that is resolving the differences between the House and Senate bills. The differences are pretty big, so I think we are going to have our jobs cut out for us. It means we are not anywhere close to being finished yet, but we are certainly in a better place than we have ever been since 2007 when FAA reauthorization, the previous bill, lapsed, and we have been doing short-term extensions since then.

I look forward to more after wrap-up and more of a discussion of the perimeter rule as soon as Senator ENSIGN arrives.

I yield the floor.

BOISE TERMINAL RADAR APPROACH CONTROL

Mr. CRAPO. Mr. President, I appreciate the fact that the chairman and ranking member of the Senate Commerce Committee have created an Air Traffic Control Modernization Board and tasked it with reviewing and evaluating the Federal Aviation Administration facility and service realignment proposals.

The Idaho delegation has been raising serious concerns with the FAA's proposed transfer of the Boise Terminal Radar Approach Control, TRACON, for several years. Despite the years of requests for transparency and detailed cost and safety data, the agency has failed to clearly demonstrate that the radar transfer would result in improved air traffic control services for Boise air traffic users. In fact, the evidence that the Idaho delegation has seen continues to indicate that services would be diminished and efficiency and operational costs could also be impacted.

The Idaho delegation requested the Department of Transportation's Office of the Inspector General to initiate a study of the costs associated with this radar transfer. In addition we have asked the Air Traffic Safety Oversight Service, AOV, to determine whether FAA safety risk management procedures have been followed in the proposed move.

The Idaho delegation remains unconvinced that physically relocating the radar would be cost effective and question the assumptions that have driven the FAA's proposal. Because these concerns have not been adequately addressed, we believe the consolidation should be halted until the new Air Traffic Control Modernization Oversight Board completes its recommendations for realignment.

As I read the new section 308 language, the bill will halt the consolidation of the Boise TRACON into the Salt Lake City TRACON until after the board completes its recommendations for realignment even though the FAA has sent an article 46 notification to move the Boise TRACON to Salt Lake City. At this point, I ask to have printed in the RECORD a letter from the National Air Traffic Controllers Association,

NATCA, that agrees with this position.

The letter follows.

NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION, AFL-CIO,  
Washington, DC, March 18, 2010.

DEAR SENATORS CRAPO AND RISCH: We write today to thank you for your continued leadership in the U.S. Senate on behalf of the air traffic controllers in Idaho.

As you know, the National Air Traffic Controllers Association has a strong track record of support of consolidations that do not compromise safety. Unfortunately, the FAA has failed to collaborate with the controller workforce during its most recent round of facility and service realignments, including the agency's intentions to remove local radar services from Boise. Your support for the controllers in Idaho during this dispute has been critical and has not gone unnoticed.

The language in Section 308 of the substitute amendment to H.R. 1586, legislation to reauthorize the Federal Aviation Administration, will protect the Boise TRACON and the city's air traffic control facilities from the FAA's current plans to transfer these services to Salt Lake City despite the FAA's Article 46 notification of its intent to move forward with the proposed transfer.

This language will ensure the local radar services will remain at Boise until the Air Traffic Control Modernization Oversight Board's recommendations are complete, or with the full participation of and collaboration with the air traffic controllers at Boise. Similarly, we at NATCA will not move forward with negotiations with the FAA on the Boise TRACON transfer without full cooperation with the Idaho Congressional Delegation and other key stakeholders. Full collaboration will ensure that this and all future ATC facility and service realignments will only be considered if the proposals serve the public good by improving safety, efficiency and service.

The inclusion of this provision in the substitute amendment is a direct product of your tireless efforts to compel the FAA to work collaboratively with the air traffic controllers and other vital aviation stakeholders in Boise. On behalf of the air traffic controllers in Boise and throughout the country, we want to thank you for your continued leadership on this issue.

Sincerely,

PATRICIA GILBERT,  
National Executive  
Vice President.

MARK GRIFFIN,  
President, Boise  
NATCA Local.

Mr. RISCH. Mr. President, I completely agree with the distinguished senior Senator from Idaho, and I associate myself with his statements fully. Senator Crapo and I want to confirm with the chairman and ranking member of the Senate Commerce Committee that section 308 prohibits the FAA from proceeding with the consolidation of the Boise TRACON into the Salt Lake City TRACON until after the board completes its recommendations concerning all air traffic control facility realignments and consolidations nationwide. From where we stand, it is necessary to have a thorough review of the Boise consolidation and an independent determination of the cost effectiveness of transferring the Boise TRACON to Salt Lake City.

Mr. ROCKEFELLER. Yes, that is correct. The FAA article 46 notification of its intent to move forward with the proposed transfer would be stopped if section 308 is enacted into law, unless the affected employees execute a written agreement regarding the proposed realignment.

Mrs. HUTCHISON. I concur with the Senator from West Virginia. No realignments will be allowed to continue before the completion of the board's recommendations, unless the affected employees and the FAA agree in writing to do so.

Mr. CRAPO. Per this colloquy, Senator Risch and I will follow up with the FAA that it is the clear intent of the Senate for the FAA to halt its consolidation of the Boise TRACON until after the new board completes its recommendations for realignment.

Mr. DURBIN. Mr. President, FAA authorization expired in October of 2007. For more than 2 years, we have been operating on short-term extensions.

I thank Chairman ROCKEFELLER and Senators HUTCHISON, DORGAN and DEMINT for working together to bring this bill to the floor.

The bill before us will improve the safety of air travel, modernize our air traffic control system, boost the economy and create thousands of jobs.

Senator DORGAN and Senator ROCKEFELLER have had many hearings over the last few years on aviation but each hearing had one theme: safety.

This bill will improve safety by creating an Aviation Safety Whistleblower Investigation Office that can catch problems before they result in serious accidents.

The bill also requires the FAA Administrator to re-evaluate flight crew training and certification.

We also require FAA to establish safety standards for training programs for flight crew members and aircraft dispatchers.

Another key component of this bill is NextGen.

NextGen is the term we use to describe our transition to a more modern, satellite-based air traffic control system.

NextGen will give pilots and air traffic controllers the ability to accurately pinpoint aircraft in the sky—to avoid problems, to monitor traffic, to move things more smoothly, safely and efficiently.

The FAA released its aviation forecast study last Tuesday.

Last year, we saw 704 million passengers carried on U.S. airlines. Soon, those numbers will increase significantly. The FAA reports we will see more than 1 billion air passengers by 2023 and more than 1.2 billion passengers by 2030. We just do not have the capacity with our current air traffic control system to handle this increase in traffic. But with NextGen, we hope to triple the capacity of our national aviation system.

This technology will allow planes to fly the straightest, quickest route from point A to point B. And with more precise information and better communication between the ground and the

cockpit, we can fit more planes safely in our airspace. Doing so will save airlines at least 3.3 billion gallons of fuel a year or more than \$10 billion annually by 2025. NextGen should also reduce airport delays significantly.

Chicago's Midway Airport was ranked dead last in January for on-time departures among the nation's 29 busiest airports. Chicago's O'Hare airport has won that dubious distinction more than once. One of the main reasons for these delays is the lack of capacity in airspace. Fully implementing NextGen should reduce delays by half. This is a great investment. This bill will help airports and air travelers in Illinois and nationwide save time and money.

In Illinois, we are in the middle of the largest airport expansion project in U.S. history at O'Hare airport.

This \$6.6 billion project will completely reconfigure the runways at O'Hare to make sure we can move more traffic in and out of Chicago more efficiently. Moving this project along means a lot to the people of Chicago and Illinois. O'Hare already generates 450,000 jobs and \$38 billion in economic activity for the Chicago region and the State of Illinois. The O'Hare modernization project will create 195,000 more jobs, and another \$18 billion in annual economic activity. This bill will allow O'Hare to keep moving forward by streamlining the passenger facility charge application process.

And it isn't just O'Hare. Airports in Illinois will benefit from more than \$4 billion per year for the airport improvement program, AIP.

Last year, airports in the Quad Cities, Rockford, Decatur and Springfield all used AIP funds to make critical improvements to their airfields.

Keeping this funding flowing will allow these airports to handle the traffic of today and the future increases of tomorrow.

The bill helps rural areas keep the commercial air service they have now and attract new service in the future. For a long time, the Essential Air Service, EAS, program was relegated to the back bench at the Department of Transportation.

In Illinois, two air carriers provided subpar service for too long.

In 2007, the EAS carrier providing service from Quincy, Decatur and Marion, IL, to St. Louis was shut down by the FAA. The next carrier promised each community four round-trips each day and codeshare agreement with a major airline. That carrier broke those promises and left town as soon as they could. This administration is taking a different approach and so is this Congress.

This bill fully funds the EAS program and puts in place important reforms so the Department of Transportation works with businesses, local communities and the airline industry to start and retain quality air service to rural communities.

Without a robust EAS program, many rural communities would have no commercial air service at all, and residents of smaller cities would have

to travel significant distances for flights. But with reliable and safe commercial air service, communities can retain and attract businesses.

The bill also helps smaller airports gain new commercial air service by increasing funding for the Small Community Air Service Grant program.

This program has helped airports in Illinois, including Rockford and Springfield, bring new routes to their cities.

I want to thank Senator ROCKEFELLER for including the Essential Air Service and Small Community provisions in this bill and for creating an Office of Rural Aviation within DOT to make sure rural areas are not forgotten.

Safety, efficiency, capacity and even the connectivity in smaller communities—all of these aspects of the FAA reauthorization also generate jobs.

The FAA estimates commercial aviation is responsible for 5.2 percent of gross domestic product and generates \$1.142 trillion in economic activity.

The aviation industry provides \$346 billion in earnings and 10.2 million jobs.

And this bill will help grow those numbers. In 2010, DOT estimates this legislation will support 150,000 jobs. The economist Mark Zandi said, "Aviation is the glue that keeps the global economy together."

This bill will boost our economy now and lay the foundation to keep the United States competitive in the global marketplace moving forward.

Mr. WYDEN. Mr. President, I rise in support of this legislation to modernize our Nation's aviation system and I am especially pleased that it includes Senate Amendment No. 3534 to protect the pristine beauty and quiet of Crater Lake National Park.

This amendment offered by Senator MERKLEY and I would bring an end to the bureaucratic stalemate that exists between the Federal Aviation Administration and the National Park Service over implementation of the National Parks Air Tour Management Act of 2000.

That act required the FAA and the Park Service to work together in regulating air tours over national parks. Unfortunately, that is not happening. After nearly a decade, these two agencies have yet to complete a single required air tour management plan for those parks with air tours.

Meanwhile, parks where air tours applications are pending are in limbo over whether tours will operate and where. Efforts to provide adequate safeguards to protect the parks' resources have stalled, leaving places such as Oregon's Crater Lake National Park—the 6th oldest national park in the Nation—lingering in needless uncertainty. In short, the law is not working as it was intended and providing no benefit to anyone.

When an air tour company applied last year for permission to fly tours



over Crater Lake National Park, the public outcry in my state and elsewhere was swift and dramatic—and for good reason. Anyone familiar with Crater Lake knows that it is one of the crown jewels of the Nation's system of national parks. It is a place that my constituents care deeply about. It is visited by countless Oregonians and tourists alike every year who come to see its deep-blue lake, dramatic lava flows, towering trees and, perhaps most of all, to experience its quiet.

While we cannot agree on what to do about air tours over every single national park, we can agree that if we are going to ban them anywhere it should be Crater Lake. Such a ban will guarantee future generations the same pristine solitude that exists today.

Since Crater Lake represents one of the few places to escape the din of everyday life, I and many others have serious concerns over what the proposed helicopter over flights would do to that tranquility.

Yet that concern isn't able to be considered by the FAA and the Park Service under the requirements found in the current National Park Air Tour Management Act of 2000. Parks such as Crater Lake must go through the costly and time-consuming process of attempting to craft an air tour management plan before being able to deny an application for air tours. As no such plans have been completed for any park in 10 years, there is little prospect of getting any certainty any time in the near future. This is uncertainty for air tour operators and for parks visitors alike. Will there be over flights or won't there? The way things work now, we'll never know and our treasured parks don't get the certain protection they need.

My amendment would provide needed clarity regarding the responsibilities of the FAA and the National Park Service so that air tour management plans can finally be completed. It will speed implementation of the act by ensuring that air tour management plans are not required at Crater Lake, where it is clear that having them would be unacceptable to park resources or visitor experiences.

I am pleased that Senator ROCKEFELLER has worked with me to include this amendment in the managers' package. I thank my colleagues Senator MERKLEY who cosponsored this amendment and Senator ALEXANDER who also lent his support. This amendment will help ensure that our parks' resources are protected.

Mr. LEVIN. Mr. President, I am pleased the Senate will vote on final passage of the FAA Air Transportation Modernization and Safety Improvement Act. This 2-year reauthorization of FAA's programs provides important funding increases and program improvements that will enhance the safety and efficiency of our Nation's aviation system. In so doing, it makes key investments in our Nation's aviation infrastructure and creates jobs with these investments.

Our global economy depends on the smooth and efficient movement of goods, services, and people from city to city and across international borders. A safe and efficient aviation system goes hand in hand with a strong economy. We are fortunate to have the best aviation system in the world, and we must continue to make the necessary investments and upgrades to keep it as such. The FAA reauthorization bill helps us to do this by addressing problems of capacity, congestion, and delays that have emerged to ensure our aviation system can adequately handle the projected growth in airlines passengers.

The FAA reauthorization bill will create much needed jobs by providing the funding and directives for safety improvements at our airports and in the aviation industry. For instance, the FAA is building two new air traffic control towers in Michigan: at Kalamazoo and Traverse City. The FAA is also repaving two runways and various taxiways at Detroit Metropolitan Wayne County Airport. The FAA is also constructing a new terminal building at Kalamazoo/Battle Creek International Airport, and it is designing a new building for aircraft rescue and firefighting and snow removal equipment at Pellston Regional Airport in Emmet County. These are much needed upgrades and will make flying into and around Michigan safer and easier.

A key component of this bill is to modernize our air traffic control system by building the Next Generation Air Transportation System, NextGen, of satellite-based navigation. The NextGen system will be more accurate and more efficient than the current radar based air traffic control system. It will also result in significant fuel efficiencies and time savings by allowing aircraft to fly more direct routes. This is good for the environment, good for air carrier's bottom line, and good for the flying public. This bill accelerates the process and moves the NextGen modernization process forward. The bill also provides flexibility to airports regarding how Airport Improvement Program funds can be utilized as well as studying ways to raise revenue for airport projects through a pilot program.

I will vote in support of the FAA reauthorization bill, and I urge its quick adoption and enactment.

The PRESIDING OFFICER. The Senator from Louisiana.

#### HEALTH CARE

Mr. VITTER. I stand to talk about health care on this significant day, the day after the House passed the ObamaCare bill and the day before the reconciliation bill comes here to the Senate.

Needless to say, I am deeply disappointed by the House's action for all of the reasons I and so many others have raised, the concerns we have raised previously on the Senate floor.

Mrs. HUTCHISON. Mr. President, could I ask the Senator to yield for a parliamentary inquiry?

Mr. VITTER. Yes, I will yield.

Mrs. HUTCHISON. I wanted to ask my colleague from Virginia, because he has been on the floor, I think seeking recognition, and I wanted to make sure that we ask him—that we protect his place following Senator VITTER—how much time does the Senator from Virginia want to use?

Mr. WEBB. I thank the Senator for inquiring. I wish to speak for up to 10 minutes about the Ensign amendment.

Mrs. HUTCHISON. I ask unanimous consent that following the remarks by the Senator from Louisiana, the Senator from Virginia be recognized for up to 10 minutes.

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

Mr. WEBB. Mr. President, it was my understanding that the Ensign amendment was going to be called up at 4:30.

The PRESIDING OFFICER. The Senator is correct.

Mr. WEBB. Would that not be the proper topic of discussion on the floor? I have been waiting since 4:15 when I was slated to speak.

Mrs. HUTCHISON. Mr. President, I would be happy to call up the Ensign amendment, after which Senator VITTER had had the floor, and did give me the right to protect you. So, if possible, I wish to call up the amendment, ask that Senator VITTER be allowed to speak up to 10 minutes, and then, following that, I wish to protect the Senator from Virginia's time.

Mr. WEBB. May I ask for a courtesy from the Senator from Texas and the Senator from Louisiana? I have a commitment I cannot break back in my office that was supposed to begin at this moment. Would you feel it appropriate if I were to ask that my statement be printed in the RECORD at this point with respect to the Ensign amendment, once you called it up?

Mr. VITTER. I have no objection.

Mrs. HUTCHISON. Let me ask the Senator from Louisiana, would he be able to allow the Senator from Virginia to go forward?

Mr. VITTER. I am afraid I cannot for exactly the same reason. I am late for a meeting in my office. But I certainly would have no objection to placing his comments in the RECORD and regaining the floor at a future time.

Mr. WEBB. I appreciate that courtesy. If there is opportunity for me to come back later, I will try.

Mrs. HUTCHISON. Mr. President, if the Senator does come back, I will do everything I can to give him a chance to speak, because I know this is very important to his State, and I wish for him to have his views known.

Senator ENSIGN is on his way, and I will do everything possible to give him some time.

Mr. WEBB. I also wish to thank the Senator from Louisiana for yielding for this exchange.

#### AMENDMENT NO. 3476, AS MODIFIED

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. ENSIGN, proposes amendment numbered 3476, as modified, to amendment No. 3452.

The amendment, as modified, is as follows:

On page 279, after line 24, add the following:

**SEC. 723. PRESERVATION AND EXPANSION OF ACCESS TO THE NATIONAL CAPITAL FOR SMALL COMMUNITIES.**

Section 41718 is amended by adding at the end the following:

“(g) SLOT USAGE.—Notwithstanding section 49109 or any other provision of law, any air carrier that holds or operates air carrier slots at Ronald Reagan Washington National Airport (DCA) as of January 1, 2010, pursuant to subparts K and S of part 93 of title 14, Code of Federal Regulations, which are being used as of that date for scheduled service between DCA and a large hub airport may use such slots for up to 15 round trip flights between DCA and any airport located outside of the perimeter restriction described in section 49109.”.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, again like so many Americans, I was deeply disappointed by last night's House vote. At its core, that health care reform legislation will put the government between us and our doctors. It will raise health care costs significantly. That is not me saying that, that is nonpartisan sources such as the Congressional Budget Office.

It will try to be “paid for” through a \$½ trillion raid on Medicare, another \$½ trillion set of tax increases. And, of course, that is the cause of pushing up health care costs. Then, to add insult to injury for so many Americans, including so many Louisianans, it will provide taxpayer funding of abortion.

It was truly a sad day for our country, in my opinion. But I take the floor today not so much to focus on that but to focus on the continuing fight and to focus on the future. My message is very simple. Speaking for one Senator, for myself, this fight is not over by a long shot. I will be on the floor regularly all this week fighting the separate reconciliation bill. Certainly, if any House Democrats thought all aspects of that bill would pass into law, to “fix” certain portions of the underlying Senate ObamaCare bill, I think this week they will be sadly disappointed.

There are many aspects of that bill that are subject to serious challenges that will require 60 votes, and will not get them here on the Senate floor. We will have a number of important debates and amendments.

I will also continue the fight to try to repeal this very counterproductive legislation. Today at 2 o'clock, as soon, as absolutely soon, as it was in order, I filed a bill to repeal ObamaCare, to repeal what has passed already through the process. I am joined with so many other Members, so many other Americans across the country to fight to that end, however long it takes. It may not be this Congress, but I believe that day will come, because the great majority of Americans, certainly including the

great majority of Louisianans, want that to happen. They want us to act instead in a focused, positive way, attacking real problems with real solutions, not a 3,000-plus-page bill.

I yield the floor.

The PRESIDING OFFICER. If neither side yields time, the time will be equally charged to both sides.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent the time be charged equally to both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

STEWART L. UDALL

Mr. DURBIN. Mr. President, when we reflect on the great families in American politics—we have had our fair share—we certainly think of John Adams and John Quincy Adams and what they gave to America. In our time one thinks of the Kennedy family and how much those brothers gave to this Nation. Some of us were honored to serve with Ted Kennedy and the sons and daughters of those great Senators of the past. But there is another family from the West who has given so much to us. That would be the Udall family.

I was blessed to serve in the House of Representatives with Morris Udall. He was a joy, not only a great man of principle but a great sense of humor. It was fun to be around Mo Udall. He had an ill-fated run for the Presidency which probably generated more one-liners than any race in American political history. But he was one of two brothers, Stewart Udall being his brother before him who had served as well in the House of Representatives from the State of Arizona and backed a man for President named John Kennedy in 1960. Because of his early support of John Kennedy, when President Kennedy was elected, he called on Stewart Udall to serve as his Secretary of the Interior.

Last Saturday, Stewart Udall passed away. I came to the floor this afternoon to say a few words about this great man and the great contributions he made to America. He was one of the first real activists as Secretary of the Interior. I want to read, if I may, some of the things he managed to achieve in the time he served as Secretary of the Interior under Presidents Kennedy and Johnson: the acquisition of 3.85 million acres of new holdings, four national parks—Canyonlands in Utah, Redwood in California, North Cascades in Washington State, Guadalupe Mountains in Texas—six national monuments, nine national recreation areas, 20 historic

sites, 50 wildlife refuges, and eight national seashores. He had an interest in preserving historic sites and helped to save Carnegie Hall from destruction. What an amazing legacy Stewart Udall left as the leader of America's efforts toward conservation.

He was an extraordinary man too, a real Renaissance man in his interests. He held evening meetings at the Interior Department and invited the likes of Carl Sandburg and the actor Hal Holbrook, as well as Wallace Stegner, the Pulitzer Prize-winning author, who he invited to become the Department's writer in residence.

It was Stewart Udall who suggested that John Kennedy invite Robert Frost to recite a poem at Mr. Kennedy's inauguration, which is one of the most celebrated moments in history in the last century when Robert Frost stood before that frozen crowd on Inauguration Day for John Kennedy.

I think back too of his work when it came to the environment. In the early days Rachel Carson was the inspiration for many. Her book “The Silent Spring” inspired Stewart Udall to look beyond conservation to protecting the world we live in.

He did so many things that were ahead of their time. Under the Kennedy administration, he began efforts to establish the Nation's first national seashores, and it wasn't welcomed by a lot of the people affected. People living in Cape Cod, MA, Cape Hatteras in North Carolina, and Point Reyes in California objected to taking coastal lands out of private hands, saying it would ruin the local economy. Exactly the opposite occurred. When these became protected areas, they drew more tourism and more economic development than any one had ever before realized.

Stewart Lee Udall was born on January 31, 1920, in St. Johns, AZ, a small community in Apache country. His family had strong ties to the Mormon Church. They used to say that you could find Udalls all over the political history of the West. His brother Morris, of course, represented the State of Arizona for so many years. I remember one story I read recently in *Sports Illustrated*. I mentioned it to TOM UDALL, his son, who now represents the State of New Mexico. It is a story that isn't well known, and it goes back to the early 1960s, when Stewart Udall, as Secretary of the Interior, decided to challenge the Washington Redskins football team. It turned out in the early 1960s it was an all-white team, and the man who owned the team, Mr. Marshall, took great pride in the fact there were no black players on the Washington Redskins football team. Stewart Udall contacted the President and said: Mr. President, it turns out the Federal Government has the lease on the stadium that Mr. Marshall is using for his football games, and we want to make it clear to him that he better integrate that team.

Well, Mr. Marshall wouldn't hear anything about that. He was going to

fight him all the way. There were pickets and protests and demonstrations and harsh words back and forth. But in the end, Stewart Udall and President Kennedy prevailed. The Washington Redskins were integrated. In fact, some of their first Black players ended up in the Hall of Fame. Interior Secretary Udall did the Washington Redskins and their fans quite a favor. That was in the early 1960s. Those who know the fight song for the Washington Redskins may be surprised to learn that the refrain that talks about "fight for old DC" before this battle used to say "fight for old Dixie." Things have changed in the capital city, and Stewart Udall was part of that change.

In his life too he was a man who relished physical challenges, as his son still does, my colleague Senator TOM UDALL and his cousin MARK UDALL of Colorado. He was an all-conference guard on the University of Arizona basketball team, climbed Mount Kilimanjaro and Mount Fuji, headed up American delegations to many regions. At the age of 84, Stewart Udall, at the end of his last rafting trip on the Colorado River, hiked up the steep Bright Angel trail from the bottom of the Grand Canyon to the south rim, a 10-hour walk at age 84. And it says in the *New York Times*:

... he celebrated at the end with a martini.

What an amazing man, an amazing life, a great contribution to America. His passing is a reminder of some of the greats who have served in so many different ways and have left a mark, an indelible legacy, and a heritage.

Stewart L. Udall was one of those men, and among his legacy items would include not only a great family but a great colleague in the Senate, his son, Senator TOM UDALL of New Mexico. We should honor his service, note his passing, and remember his inspiration. His leadership made America a better place. His legacy in conservation will serve generations to come. We need more like Stewart Udall.

Thank you, Mr. President.

Mr. WEBB. Mr. President, I want to thank Senate leadership for bringing this bill to the floor. Our Nation's air traffic control systems are in serious need of modernization, and this bill is the right step forward in addressing those challenges. Improved safety, a reduction in flight delays and more efficient routes resulting in less fuel burned are all possible with a modern, 21st century air traffic control system. I commend Chairman ROCKEFELLER, Ranking Member HUTCHISON and the Senate Commerce Committee for their commitment in addressing these issues.

I want to take a few moments today to talk about an issue that is important to me, the communities near Washington Reagan National Airport and those communities throughout America who currently have reliable service to the Nation's Capital. I am deeply concerned with any attempts to

modify the current agreement on the perimeter and slot rules that currently apply to Reagan National Airport.

In 1987, Congress created the Metropolitan Washington Airports Authority to run Reagan National and Washington Dulles International Airports. The creation of the Airports Authority established a professional organization to operate the airports efficiently and represented a commitment to the surrounding communities regarding aircraft noise and traffic. I think that bears repeating. Congress made a commitment to the residents of Alexandria, Arlington and Fairfax County on the operation of Reagan National Airport when it transferred authority to the Airports Authority. Those commitments were codified by Congress in the so-called perimeter and slot rules. Changes to these rules threaten to seriously degrade service to Reagan National, Dulles International, and Baltimore-Washington International airports. And they break the commitment made to our surrounding communities.

The amendment that the Senator from Nevada has offered seeks essentially to do away with the existing 1,250 mile perimeter rule that governs flights into and out of Reagan National Airport. The Senator from Arizona, Mr. KYL, has argued that this will have a limited impact on existing flights at DCA. On the contrary, if this amendment passes, up to 75 existing flights that currently fly from DCA to other large cities within the perimeter could be lost. Shifting these flights would not only have a direct impact on the cities that stand to lose the routes they currently have, but it would also have follow-on effects to flights in smaller markets, as well as flights that now service Dulles and BWI.

Furthermore, the flights that would be added at Reagan National would be long-haul flights, which means bigger planes and more passengers. That in turn means more congestion around and inside the airport: worse traffic, longer lines at security, more difficulty parking large planes at already crowded gates.

There are basic physical constraints at Reagan National Airport that cannot be ignored, and the original slots and perimeter rules were carefully crafted to take that into consideration. If you have ever tried to fly out of Reagan National Airport during peak hours, you know that parking can be impossible, ticket counters can be incredibly congested and the number of gates for jets to park is limited.

More than 10 years ago, the Airports Authority rebuilt much of Reagan National Airport, transforming it into one of the most efficient airports in the Nation as the facilities constructed were matched to the number of flights established by law. It did so with the slot and perimeter restrictions in mind. Any significant change in those rules will overburden critical airport facilities and infrastructure, causing serious disruptions. New flights will

create more demand for parking where none is available. At the same time, gate access at Reagan National Airport is limited, as airlines are currently sharing gates in some areas. Flights coming and going would be delayed, an important issue we happen to be addressing in this bill. We have laid out policies to reduce the inconvenience of delays and sitting in grounded aircraft because of air traffic congestion in this very bill.

These are significant issues that the Senate must consider before making any changes to the perimeter rule. When members consider this issue in the context of additional flights for them to get back to their constituents, keep in mind there is a significant risk of greater delays and, for many Senators here, a possible reduction in services to their communities. With a change in the current structure at Reagan National Airport, there will be potential impact for communities inside the perimeter who could see their access reduced or eliminated. Flights to cities like Miami, FL; Chicago, IL; New York City; and Boston, MA could lose many of the flights they now have. Communities like Charleston, WV; Des Moines, IA; Jackson, MI; Lexington, KY; Madison, WI; Manchester, NH; or Omaha, NE; could eventually lose their access as well, as airlines backfill their flights to more profitable routes.

It strikes me that the desire to change the slot and perimeter rules at Reagan National Airport is not being driven by market demand, but rather by a few airlines seeking a competitive advantage over others. Allowing airlines to swap flights from hub airports inside the perimeter to hub airports outside of the perimeter could be seen as a special interest earmark for a select group of carriers, as the pool of beneficiaries is identifiable and limited. By allowing existing rules to be altered for a select class, Congress will be allocating this scarce resource for the convenience of a few rather than the larger community need. This is fundamentally anticompetitive behavior and we need to end this periodic and detrimental practice.

Congress added 24 new slots in 2000 and another 22 slots in 2003. If we get rid of the perimeter rule, or modify it in such a way that causes loss of service or diminished service to communities inside the perimeter, the affected communities will be back before Congress seeking more slots to make up for lost service. The communities of Northern Virginia should not have to continually suffer for the convenience of a relative few. We have seen examples of service in other congested airspaces where reasonable slots restrictions have controlled or reduced growing delays in flight times.

The convenience of Reagan National comes at a heavy price for many airport neighbors in the form of aircraft noise and airport related traffic in Arlington, Alexandria and southern Fairfax County. Changing current law only

further breaks the bond that was created with the neighbors of the airports and unfairly burdens them for the sake of the convenience of others. With some foresight in this body, we can avoid any greater congestion whether in the air, on the tarmac or on our roads. The position that the Senators from Maryland, Mr. WARNER, and I hold is consistent with local communities groups of Northern Virginia and that of many previous Governors of the Commonwealth.

With regard to the perimeter rule, its value is evident in the development taking place at Dulles Airport today. Because Dulles is better situated to handle the demands of long-haul flying, Congress wisely established the perimeter rule to move long-haul traffic to Dulles where the space exists to handle the necessary parking and infrastructure expansion. The multibillion-dollar Dulles Development program, and the investments in rail service to Dulles, are all predicated upon Congress keeping its word on the perimeter rule. Eliminating or changing the perimeter rule will not only overburden capacity at Reagan National Airport by overwhelming the facilities but would significantly change the infrastructure improvements needed at Dulles International Airport, many of which are already under construction. Sizable business interests have located their operations in Fairfax and Loudoun Counties based on their proximity to Dulles and on assumptions about the stability of the slot and perimeter rules.

Service will suffer, infrastructure will be strained and the communities surrounding the airport will face more noise and more traffic. That is the last thing we need for Northern Virginia, or the Nation's Capital.

I have laid out only the most significant arguments against changes to the slot and perimeter rules. But here is one more: it is not appropriate for Congress to meddle and manipulate the airports in my home State. Congress no longer maintains this kind of silent hand in the operations at any airports in my colleagues' home states. Let us let the Airports Authority run Washington's airports as Congress agreed to. I urge my colleagues to vote against the Ensign amendment and reject changes to the perimeter rules at Reagan National Airport.

I ask unanimous consent to have printed in the RECORD a March 17, 2010, letter to me from the Metropolitan Washington Airports Authority.

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

METROPOLITAN WASHINGTON  
AIRPORTS AUTHORITY,  
*Washington, DC, March 17, 2010.*

Hon. JAMES H. WEBB,  
U.S. Senate,  
*Washington, DC.*

DEAR SENATOR WEBB: The Metropolitan Washington Airports Authority (Airports Authority) is aware of several proposed amendments to H.R. 1586, the legislative vehicle for the Federal Aviation Administra-

tion Air Transportation Modernization and Safety Improvement Act, which address flight rules at Ronald Reagan Washington National Airport (Reagan National). The Airports Authority would like to reiterate our commitment to maintaining the current High Density Rule (or "Slot" Rule) and "Perimeter Rule", which direct the allocation of a very scarce resource—take offs and landings—at Reagan National.

Congress initially mandated the Slot and Perimeter rules in 1987, balancing the physical limitations of Reagan National with the growth potential of Washington Dulles International Airport (Dulles International) and Baltimore/Washington Thurgood Marshall International Airport (Baltimore/Washington). Over the years, Congress has made modest changes to these rules, and Reagan National has been able to operate with a high degree of arrival and departure reliability. Over the past two decades, tremendous capital investments have been made at Dulles International, as annual air traffic has grown substantially.

Reagan National's facilities were rebuilt in the 1990s, at a cost of \$1 billion, to match the capacity established by Congress in the Slot and Perimeter rules. Drastic changes to the Slot and Perimeter rules that are currently under discussion will add significant flight activity with the potential to result in surface traffic congestion, passenger delays, and security screening back-ups. Further, increases in flights and passenger volumes could stress the air traffic control system during poor weather, ground facilities, baggage, gate and other terminal services. The Airports Authority is also concerned about the possible, or perceived, noise-related impact on the region resulting from additional flights at Reagan National.

The Airports Authority urges the Congress to reject the temptation to add flights to Reagan National without regard to the ability of Reagan National to absorb this increase, or to the impact on the neighboring community, and Dulles International and Baltimore/Washington Airports.

Sincerely,

JAMES E. BENNETT,  
*President and Chief Executive Officer.*

Mr. ROCKEFELLER. Mr. President, as we conclude this debate on this reauthorization of the Federal Aviation Administration, I wish to thank my colleagues for their hard work, and I wish to do so with some specificity.

First, I thank Senator KAY BAILEY HUTCHISON, the ranking member of the Commerce Committee. Senator HUTCHISON and I, in a sense, kind of grew up together on the Commerce Committee. We have worked together, in my judgment, entirely successfully on aviation issues. For much of the last decade, Senator HUTCHISON and I have served as either chair or ranking member of the Aviation Subcommittee. In 2009, I assumed the chairmanship of the Commerce Committee, and she assumed the ranking member position on the committee.

But, more importantly, we have a long history of producing strong, bipartisan aviation legislation and working well, generally, starting with the landmark AIR 21 bill in 2000—which greatly increased funding for our aviation system—through the chaotic days after September 11, 9/11—which culminated in the Aviation and Transportation Security Act—to this important reauthorization we are considering today.

I am profoundly proud of our work together over the years. I respect her professionally. I respect her personally. I think our work is a legacy we both can be very proud of. I know I am. She is an extraordinary Senator who is deeply committed to making sure the United States has the finest aviation system in the world. She has many other interests, but that is one of them. Our Nation's aviation system is demonstrably safer and more secure because of her efforts.

I also thank my good friend, Senator BYRON DORGAN. In 2009, Senator DORGAN became the chair of the Aviation Subcommittee—just a year ago—but he has attacked it with such ferocity and intensity, typical of him, that it seems like much longer than that. He has been a magnificent chairman of that subcommittee. His laserlike focus on making our aviation system safer has become a cornerstone of this bill. He held, for example, eight hearings on aviation safety over the last 15 months. Eight hearings in 15 months does not seem like a lot, but given our schedule around here, it is. He was totally focused, such as on what happened in Buffalo and all other aspects.

As with every issue in which he is engaged—and there are many of them—he has made a lasting contribution. I personally regret he has chosen to retire at the end of this year. Not only will I miss him as a friend, but the people of North Dakota and this country will lose one of their most passionate and effective advocates. He should be enormously proud of his work on this bill. I know I am.

I also recognize the work of Senator DEMINT, who has championed a number of important safety provisions and has been a strong advocate of moving this bill forward. It is important to say, very important to say.

Senator BAUCUS worked hard to develop a revenue title for this bill. Through his efforts, the aviation system will have resources it needs to build the modern digital air traffic control system our Nation demands. We will be spending about \$500 billion a year.

As with every bill that moves through this body, much, much, much of the work is done by our staff who put in extraordinary hours.

First and foremost, I would like to recognize, among other people, Gael Sullivan of my staff. Gael has served as a professional staff member for the Aviation Subcommittee for almost a decade. For 3 years, Gael has worked tirelessly on this bill. It would not be a reality without his efforts.

I would also like to recognize Rich Swayze and Adam Duffy of my staff, in addition to Jim Conneely, a detailee from the FAA, as it turns out, to the Commerce Committee. He has been of invaluable assistance.

I would like to thank Jarrod Thompson and Ann Begeman of Senator HUTCHISON's staff. They are true and total professionals, without whose work the bill would not be possible.

I would also like to thank Margaret McCarthy of Senator DORGAN's staff, who worked seamlessly with the committee staff.

As always, Senator BAUCUS's staff was critical to getting the revenue title in place.

Finally, I would be kind of remiss if I did not mention the hard and constant work of Ellen Doneski, the staff director of the Commerce Committee, who was my legislative director in a former life; Mr. James Reid, who sits beside me, my deputy staff director; and the Commerce Committee press team, Jamie Smith and Jena Longo.

The staff never gets enough credit. We talk about it. We say it. I think they know we mean it. I wonder if they can guess how much we do mean it—the hours they put in; their selflessness; their willingness to work together; their willingness to work across party lines, where sometimes their Members cannot as easily. So I am fortunate to have so many talented people working with me and with Senator HUTCHISON.

But most of all, I thank Senator HUTCHISON.

Mr. President, I want to say just a few words about two very important programs at the Federal Aviation Administration, FAA—the Disadvantaged Business Enterprise and the Airport Concessions Disadvantaged Business Enterprise Airport Improvement Programs.

These programs have been critically important in helping to level the playing field for minority and women owned businesses in the airport industry and continue to be instrumental in addressing ongoing discrimination. While it is true that our nation has made tremendous progress against discrimination in the past five decades, there continues to be a good deal more work to do.

Discrimination in the lending, bonding, and bid process, as well as disparities in the treatment of DBE subcontractors once a contract is awarded are real life problems faced by these businesses. For this reason, I strongly support the provisions in this bill to improve the DBE program, including provisions to adjust the personal net worth cap for inflation and to require certification training for those who review DBE applications.

We must not forget the true impact of DBE firms on the economy. Minority and women owned businesses not only improve the vitality of the airport industry, but they are important economic contributors to their communities.

The statistical and qualitative evidence of discrimination is clear and has been compiled in disparity studies that are conducted by state and local governments around the country. These studies are well constructed third party examinations that shed light on whether qualified DBE firms in the area are being utilized, examine the contracting and business activities of

the state or local government, review the corresponding private markets in the same geographic area, and analyze anecdotal reports about discrimination from actual stakeholders.

These studies, many examples of which were received during the Commerce Committee's May 2009 hearing, and during a hearing in the House of Representatives in March 2009, demonstrate that progress has been made and that our efforts here in Congress are still necessary.

For example, studies have showed that airports operated by Denver, CO, Phoenix, AZ, and the State of Maryland all have made progress, but that significant hurdles remain. These studies demonstrate that discrimination continues to exist in both the public contracting process and in the private sector, such as in access to credit markets.

The inclusion of the DBE provisions in the bill will provide an important on-the-ground benefit to businesses by helping to level the playing field and enabling fairer competition. I am pleased that Congress has recognized the continued need for these programs and these new provisions as integral to the reauthorization of the FAA.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, let me say how much I appreciate the remarks of the chairman. It has been truly delightful working with the chairman on this bill. He and I used to be the chairman and ranking member of the Aviation Subcommittee. Now we are the chairman and ranking member of the full committee. So I think our views on aviation—its importance, the importance of the NextGen air traffic control system, the importance of safety, the Passenger Bill of Rights—are one and the same, and I appreciate working with him.

I do have some closing remarks, but I wish to let Senator ENSIGN talk about his amendment. It is the pending business. So I think I am going to put my remarks to the side for now and let Senator ENSIGN speak on his amendment. I do have comments, following his comments, on his perimeter amendment. Then, if we have time, I would like to make my closing statement. But if not, in order for us to stay on time, I will stay and do it after the vote.

With that, I yield to the Senator from Utah—I am sorry, the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, tourism is the backbone of the economy of my State of Nevada. It has taken a nose-dive over the last year with the crash of the Nation's economy. More than ever, the industry has needed a lifeline that was recently given to my State when the legislation I authored with Senator DORGAN, the Travel Promotion Act, was signed into law by the President. Our legislation will revitalize the

tourism industry across our country and in my State of Nevada by reintroducing our rural class destinations to people all over the world.

On the piece of legislation before us, I have offered two important amendments to the FAA bill that will also help tourism in my State and will create jobs in this important industry.

Last week, Senator REID and I sponsored an amendment that will encourage more construction on land around McCarran International Airport in Las Vegas, which will ultimately create more jobs for the area. Our legislation lifts an outdated deed restriction for land surrounding McCarran International Airport which previously prevented development on this land because of an agreement with the Bureau of Land Management that enforced noise mitigation for airlines flying overhead.

However, because of technology, aircrafts are not as noisy as they were 10 years ago, when this restriction was put in place. While our amendment does not alter the noise threshold in the area, it does broaden the types of buildings that can be constructed on the land because airline noise no longer threatens to violate the threshold.

Clark County can now sell the lands to be used for hotels, arenas, auditoriums, and concert halls. Not only are we making this land more attractive and more valuable, we are creating jobs by increasing construction in the area and increasing the use of the land. I was happy this amendment was accepted by both the majority and the minority.

The second amendment Senator MCCAIN has been working on for a long time, as well as myself, Senator REID, and others was unfortunately pulled, but it deals with the issue of flights—helicopter flights, especially, and fixed-wing flights—over the Grand Canyon, which is something I have been working on since I was in the House of Representatives. I thought we were close to getting this amendment finalized because it is very important not only for tourism, but it is also important for those who cannot necessarily hike the Grand Canyon, who cannot experience the wonderful aspects of it—those in wheelchairs, the elderly—and this amendment would have made sure they would have continued to have access.

I hope we can work on that and get that amendment either in conference or in some other way. It is not only good for the economy, but it is also good for those who are disabled or those who for other reasons cannot go and enjoy the Grand Canyon such as hikers and others can.

AMENDMENT NO. 3476, AS MODIFIED

The last piece I wish to talk about is the amendment we have before us today. It is called the DC perimeter amendment. Once again, this is something I have been working on for many years. The initial rule was put into place in 1966, to put a limit on how far flights could fly out of Reagan, then

known as Washington National Airport. It was to divert air traffic over to the new Dulles Airport, basically making National a short-haul and Dulles a long-haul airport.

To carry out this purpose, there was a restriction of 1,250 miles put from National Airport. While Congress has granted certain limited exceptions to the perimeter rule over the years, the rule continues to place arbitrary limits that restrict air traffic between the airport and the Western United States. Today, there are only a dozen nonstop flights between Reagan National and the entire Western United States. I encourage my colleagues to work on this amendment in conference. In a little while, we are probably going to be withdrawing the amendment, but we want to work on it in conference so that more areas, more places in the United States will have direct access to Reagan National Airport, which is much more convenient to use than Washington Dulles or the Baltimore airport.

I will say this: It really is a matter of fairness. Should only the east coast or the Midwest have access to Reagan National or should the rest of the country have the convenience of flying into Reagan National?

My amendment actually would not have increased the number of landing slots available. My amendment would have allowed airlines to take the slots. They fly from certain airports, the large hub airports, and transfer those to other slots that work better for their business plan as well as gives other people in America the right to fly into Reagan National Airport, which is, as I mentioned, so much more convenient.

So after 40 years of implementation of the perimeter rule, it is outdated. The last time I checked—and I fly Dulles all the time—Dulles is thriving. As a matter of fact, it is packed. I circled for over an hour today because of the number of flights coming into Dulles. It is an extremely busy airport. I don't think we have to make sure Dulles stays busy any longer. It has more than it can actually handle. But it is time to scale back the perimeter restrictions at Reagan National.

So I really hope in conference we can get together and work on reasonable changes to the DC perimeter rule that will give other Americans, other than those living within the perimeter rule today, access to the closest airport to our Nation's Capital.

With that, I thank the chairman and the ranking member for their willingness to work with us on this amendment as well as generally. This is important legislation they have worked on. We have a lot of outdated technology in our current FAA system, and this is a very important piece of legislation. I applaud the efforts they have made in bringing the legislation to this point.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, expanding air service to metropolitan airports is always a very contentious issue. I believe it is important that we give due consideration to local interests when considering the addition of slots, particularly at National Airport. Senators WARNER and WEBB have significant reservations about moving forward on any changes to existing policy at this time, and I have worked to address these concerns.

I believe the agreement reached between Senators DORGAN, WARNER, HUTCHISON, KYL, ENSIGN, and DEMINT is a reasonable way forward. It will allow us to balance the desire for additional slots against the opposition from local residents.

Pursuing a more abrupt policy change such as eliminating the perimeter rule altogether has significant implications for competition, small community air service, congestion, and delay. Going forward, we need to make sure there are not unintended consequences from such changes and that service to small communities is preserved. Obviously, service to small communities is very important to me.

I also wish to make clear that the Federal Government's role in this process is specific. Air carriers sometimes treat airport slots as though they are their own property. It is not. It is their privilege. The air transportation system is operated for the benefit of the public interest, not for the private interests. Too often, the air carriers abuse the rights they have been granted. They schedule too many flights at congested airports, and the result is gridlock. This is part of the reason there is a cap on slots at National.

The air transportation network requires that capacity be managed carefully so the entire system functions rationally. It is the responsibility of the Federal Government to make sure it operates well, and I take this role very seriously. If the air carriers cannot manage their slots in an effective manner, the Federal Government will have to step in and do it for them.

Crafting a bipartisan bill to reauthorize the FAA has been my long and difficult journey, together with the ranking member, Senator HUTCHISON. I recognize that many of my colleagues have a strong interest in expanding service at National. I appreciate the work they have done. But I do believe that what has been discussed here and will be discussed later in conference is a balanced approach. I look forward to working with my colleagues in a conference with the House that will achieve an appropriate agreement that is acceptable to everybody.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I wish to thank my colleagues for their work on the Reagan National perimeter rule issue.

Last week, I sat down with several interested colleagues in an effort to try

to find a path forward on this issue, and the result is the modified Ensign amendment before us. I wish to say a few words about the intent of the amendment.

I sympathize with the concerns of my friend from Virginia, Senator WARNER, who is also a member of the Senate Commerce Committee, and our colleague, Senator WEBB. While in a somewhat different position in the past, I have had similar issues raised concerning my home State of Texas with Love Field and DFW Airport, and I recognize the impact of dealing with the decision to change the status quo. It is difficult.

I also recognize the views of western State Senators concerned about the few opportunities for their constituents to have direct access to Reagan National Airport. There are now only 12 flights a day. That really should be expanded, but it needs to be expanded in a way that does not have the harmful effects on National and the Virginia residents who live in and around the airport.

With that in mind, I think we have come up with a compromise proposal that meets the concerns of the western State colleagues and others, as well as addressing the concerns of the Virginia Senators. The modified Ensign amendment is a simple solution that allows air carriers with existing inside-the-perimeter large hub airport slots into Reagan National the ability to convert those slots to any community outside the perimeter, with each air carrier being kept at 15 roundtrip operations eligible for conversion. By utilizing the conversions, we don't add any new flights at all to the airport, but we do give the air carriers the opportunity to better utilize their networks. I am hopeful we can take that concept and message to the House in the next round of the legislative process on this bill.

I thank Senators ENSIGN and KYL, Senators DEMINT, BOXER, MCCAIN, ROCKEFELLER, DORGAN, and WARNER for their work on this very important issue. I remain hopeful that the final version of this FAA reauthorization bill will include a consensus agreement on this issue that allows the opportunity for direct service to our Nation's Capital for a number of our communities that are eager for that service. It is time for some expansion, but I think we can do it in a way that will not impact the quality of life in and around Washington National Airport.

I also wish to take a moment to commend my colleagues who have worked so hard on this bill. We are coming to the point when we will pass this bill out of the Senate. We have been able to accommodate the amendments that have been offered, both relevant to the bill as well as those that are outside the purview of the bill. It has been an open process. It has been a whole week, but we have been able to make slow progress and accommodate the amendments that have been offered, and I think we are at a very good place now with everyone's cooperation.



I mentioned that it has really been a very good experience working this bill because we have been able to work out some of the problems that are on both sides of the aisle, and I think in a constructive way.

With the passage of this bill, we will now go to work with the House. We are very different from the House in many respects, but in FAA reauthorization we are in many more respects very different from the House in that they have passed a bill and we are getting ready to pass a bill that is very different. So we still have a long way to go on this legislation. But I think we can do it. With the same cooperation we have seen in the Senate, I hope we can get a bill agreed to that the Senate will approve as well as the House.

I thank Senator ROCKEFELLER and his staff. They have been very diligent in this process. As I said, we have worked since 2007 to get this bill done. I think we are in a very good position now. Ellen Doneski has been great, his chief of staff of the committee; James Reid, Gael Sullivan, Rich Swayze, Jim Conneely, and Adam Duffey on Senator ROCKEFELLER's staff are to be commended.

Senator DORGAN, the chairman of the aviation subcommittee, has been great. I appreciate all he has done on this bill to keep it moving, to work with both Senator ROCKEFELLER and myself and Senator DEMINT. I appreciate Senator DORGAN's work and his commitment to this. When he leaves the Senate at the end of the year, I hope he will have this significant FAA reauthorization as one of his achievements he can claim. His staffer, Margaret McCarthy, has been also very helpful.

Senator DEMINT is the ranking member of the aviation subcommittee, and he, too, has been very constructive in this effort, moving the bill forward along with his staff and Tom Jones, who has really helped move the ball forward on this bill that is right out of their subcommittee.

On my staff, Jarrod Thompson has been wonderful. He knows this issue backward and forward and has worked on many of these aviation reauthorizations through the years on the Commerce Committee. I look to him for the knowledge he has gained over the years in all facets of FAA, including safety, NextGen, and all of the relevant issues that come under this subcommittee and this bill. My chief of staff for the committee, Ann Begeman, has been solid as a rock, helping to move the ball forward, going through the different issues and settling many of them. She has been great, as well as Dan Neumann; Patrick Mullane, also in my office, who does all of my transportation work; Brian Hendricks, the general counsel of the Commerce Committee on our side, the ranking general counsel; and Matt Acock, my legislative director, who also is going to be leaving in a few weeks. This is something he has worked on and he knows about as much as any of us, and he has done a great job as well.

Having said all of that, I thank the distinguished chairman and look forward to having a vote in just a few minutes, as soon as we dispose of the Ensign amendment and move forward to final passage.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, may I ask the Senator what does the amendment do?

Mr. ENSIGN. The amendment allows any carrier which currently has slots at DCA to convert flights now serving large hub airports inside the perimeter into flights serving any airport outside the perimeter.

This would mean that more passengers travelling from the West could fly into and out of National, avoiding the inconvenience and additional expense associated with getting into the city from Dulles.

Mr. KYL. Does the amendment add any flights to DCA?

Mr. ENSIGN. The amendment does not reduce the number of flights between DCA and small cities within the 1,250-mile perimeter; it does not affect the slot regulations at DCA; it does not increase the number of allowable flight operations at the airport; and it does not impact the small and medium size airports inside the perimeter.

Rather, the amendment is a reasonable pro-competition solution that gives tourists and business travelers from around the nation another option for visiting the nation's Capital.

Mr. KYL. How many flights at DCA are currently exempted from the perimeter rule?

Mr. ENSIGN. There are only a dozen nonstop flights between Ronald Reagan National Airport and the entire western United States. To put that number in perspective, that is 12 beyond the perimeter flights at DCA out of approximately 400 flights daily. The beyond the perimeter flights represent just 3 percent of all daily, domestic operations at DCA.

Mr. KYL. Does Dulles need to be protected by the perimeter rule?

Mr. ENSIGN. No. In 1962, Dulles only served approximately 52,000 passengers. Today, however, Dulles is thriving. In 2009, the airport served approximately 23 million passengers. According to the Metropolitan Washington Airports Authority, "Dulles has emerged as one of the fastest growing airports in the world and a major East Coast gateway for domestic and international travelers as well as cargo activities."

Mr. KYL. Is there any legislative language to support amending the DCA perimeter rule?

Mr. ENSIGN. Yes, the Wright amendment of 1979 was a Federal law restricting flights at Dallas' Love Field Airport. It originally limited most nonstop flights from Love Field to destinations within Texas and neighboring States. In 2006, Congress passed the Wright Amendment Reform Act, which issued a full repeal of the Love Field perimeter rule with conditions. Lifting

the restrictions at Love Field gave the traveling public more flight options, cut prices, and made traveling more efficient.

Mr. KYL. How does the Ensign amendment affect service to small and medium hub airports inside the perimeter?

Mr. ENSIGN. The slot conversion provision ensures that service to small and medium hub airports within the perimeter would not be affected. There is no restriction, however, on converting a flight that currently serves a large hub airport within the perimeter to a small or medium hub airport beyond the perimeter. So, presumably the Ensign amendment could expand service to small and medium hub airports beyond the perimeter.

Mr. KYL. Does the Ensign amendment increase slot allocations at DCA?

Mr. ENSIGN. No. The number of flights currently serving DCA remains the same. Residents around the airport will not hear an increase in noise from takeoffs and landings and will not see larger planes operating at DCA. The only change is that a few of the planes would have a different destination.

Mr. KYL. Do you intend to withdraw your amendment?

Mr. ENSIGN. Yes, because Senator DORGAN and our other colleagues have agreed to address the DCA perimeter rule as the FAA reauthorization process moves forward.

Mr. WARNER. Mr. President, I rise today to express my strong concerns over efforts to expand service at Washington-Reagan National Airport—National. I would first like to remind my colleagues that this Congress passed legislation in 1986 to create the Metropolitan Washington Airports Authority so that a professional group of aviation experts would manage both National and Dulles airports. The Airports Authority has done its job well: Dulles has blossomed as an international gateway to the region and National remains an efficiently run airport.

I recognize the value of National Airport and the critical role it plays in serving our Nation's Capital. It is a key component of the transportation system in this region and it provides excellent access to the rest of the country for my colleagues.

At the same time, the citizens of my State are the ones who are most directly affected by National's operations, and we must take a balanced approach in considering any changes at the airport. My constituents are the ones who have to deal with the consequences of any decision—additional aircraft noise, growing traffic congestion, and airport emissions that will affect them on a daily basis.

I appreciate that some of my colleagues want direct service from National to destinations in their State, but we must be even-handed in moving forward on this issue. We must avoid making wholesale changes that would have an impact on the important economic balance between National, Dulles and BWI. The airport authorities

that manage these airports, and the airlines that fly to them, have made long-term investment decisions based on the current rules. Dramatic changes to the rules would have a negative financial and economic impact on those airports and the communities that depend on them for economic growth.

In addition, any new capacity must be allowed through a fair process that does not favor any one airline or class of airlines. The limited new capacity needs to be allocated in an open and transparent process that benefits the most potential passengers, promotes competition and does not tip the scales for any airline or class of airlines.

I believe strongly that the rules currently in place at National Airport serve my state and our region well. I also recognize and respect the interests of the sponsors of the Ensign amendment and will work with Chairman ROCKEFELLER and Ranking Member HUTCHISON to try to address them in conference.

Mr. ROCKEFELLER. Expanding air service to metropolitan airports is always a contentious issue and I believe it is important that we give due consideration to local interests when considering the addition of slots at National Airport. Senators WARNER and WEBB have significant reservations about moving forward on any changes to existing policy at this time, and I have worked to address these concerns.

I believe the agreement reached between Senators DORGAN, WARNER, HUTCHISON, KYL, ENSIGN and DEMINT is a reasonable way forward. It will allow us to balance the desire for additional slots against the opposition from local residents.

Pursuing a more abrupt policy—change such as eliminating the perimeter rule altogether—has significant implications for competition, small community air service, and congestion and delay.

Going forward we need to make sure that there are not unintended consequences from such changes, and that service to small communities is preserved. Service to small communities is critical to me, and I cannot support any proposal that will adversely affect such service.

I also want to make the Federal Government's role in this process clear. Air carriers treat airport slots like it is their own property—it is not—it is a privilege. The air transportation system is operated for the benefit of the public interest—not the private interest. Too often the air carriers abuse the rights they have been granted—they schedule too many flights at congested airports and the result is gridlock. This is part of the reason why there is a cap on slots at National.

The air transportation network requires that capacity be managed carefully so the entire system functions efficiently. It is the responsibility of the Federal Government to make sure it operates well, and I take this role seriously. If the air carriers cannot man-

age their slots in an effective manner the Federal Government will have to step in and do it for them.

Crafting a bipartisan bill to reauthorize the FAA has been a long and difficult journey. I recognize many of my colleagues have a strong interest in expanding service at National. I appreciate the work they have done to reach a compromise on this issue.

It is a balanced approach and I look forward to working with my colleagues in conference with the House that will achieve an appropriate agreement that is acceptable to everyone.

Mr. DORGAN. The issue of slots and the perimeter rule at Reagan National Airport has a long and very complicated history. Many of my colleagues have interests on both sides of this debate. I have been pleased to work closely with Senator WARNER, a member of the Aviation Subcommittee that I chair, on this matter, which has the most immediate impact on his constituents in Virginia. I can also sympathize with my colleagues from Western States who would like the opportunity for their constituents to be able to access National Airport.

The FAA reauthorization bill that was approved by the Senate Commerce Committee and is before the Senate today does not make any changes at National Airport. However, the House FAA reauthorization bill does increase the number of slots at National Airport. So we know that this is an issue that will need to be addressed in conference with the House and that the end result will be some change to the status quo.

But after spending more than 5 days on this FAA reauthorization bill in the Senate, I fear that a protracted debate on this contentious issue will derail the good bipartisan bill we are so close to passing. A number of my colleagues have filed amendments on slots and the perimeter rule. We understand that the Senate position needs to address access for citizens outside the current perimeter.

We cannot forget that this bill is about the safety and modernization of our nation's aviation system. This legislation takes important strides to bring our air traffic control system into the 21st century with the Next Generation Air Transportation System, NextGen. It includes provisions to ensure one high level of safety across the entire industry. After 11 extensions instead of a reauthorization bill that addresses these issues, it is time for the Senate to pass this legislation.

Mr. DEMINT. The current perimeter rule at Ronald Reagan Washington National Airport stands as an artificial and antiquated barrier to competition and an impediment to choice. I am strongly supportive of this amendment and others that provide travelers with more choices in air travel.

The Ensign amendment provides a needed improvement by allowing carriers traveling out of DCA to respond to market demands and provide their

customers with the air travel choices they demand most, instead of being confined by an antiquated statutory restriction. I am optimistic that as this bill moves forward that we can keep customer choice at the forefront and continue to open the skies to competition.

AMENDMENT NO. 3476, AS MODIFIED WITHDRAWN

Mr. ENSIGN. Mr. President, I ask unanimous consent that my amendment No. 3476, as modified, be withdrawn.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to be recognized following the vote on the legislation to speak briefly about the FAA reauthorization.

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

The Senator from West Virginia.

AMENDMENT NO. 3527

Mr. ROCKEFELLER. Mr. President, notwithstanding the order of March 19, I ask unanimous consent that amendment No. 3527 not be withdrawn; that it be considered when the managers' package is presented.

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

AMENDMENTS NOS. 3469, 3488, 3492, 3494, 3511, 3479, AS MODIFIED; 3483, AS MODIFIED; 3506, AS MODIFIED; 3514, AS MODIFIED; 3520, AS MODIFIED; 3538, AS MODIFIED; 3543, 3527, AS MODIFIED; 3541, AS MODIFIED; 3539, AS MODIFIED; 3532, 3525, AS MODIFIED; AND 3534, AS MODIFIED

Mr. ROCKEFELLER. Mr. President, pursuant to the order of March 19 regarding a managers' package of amendments, I send to the desk the managers' package, with the other provisions of the order with respect to the amendments remaining in effect.

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

The managers' amendment at the desk is agreed to, and the motion to reconsider is considered made and laid upon the table.

The amendments are as follows:

AMENDMENT NO. 3469

(Purpose: To require the Secretary of the Interior to convey to Clark County, Nevada, certain public land for the development of flood mitigation infrastructure for the Southern Nevada Supplemental Airport in the State of Nevada)

At the end of title VII, add the following:  
**SEC. 7. LAND CONVEYANCE FOR SOUTHERN NEVADA SUPPLEMENTAL AIRPORT.**

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term "County" means Clark County, Nevada.

(2) PUBLIC LAND.—The term "public land" means the land located at—

(A) sec. 23 and sec. 26, T. 26 S., R. 59 E., Mount Diablo Meridian;

(B) the NE  $\frac{1}{4}$  and the N  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of sec. 6, T. 25 S., R. 59 E., Mount Diablo Meridian, together with the SE  $\frac{1}{4}$  of sec. 31, T. 24 S., R. 59 E., Mount Diablo Meridian; and

(C) sec. 8, T. 26 S., R. 60 E., Mount Diablo Meridian.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) LAND CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date described in paragraph (2), subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the County, without consideration, all right, title, and interest of the United States in and to the public land.

(2) DATE ON WHICH CONVEYANCE MAY BE MADE.—The Secretary shall not make the conveyance described in paragraph (1) until the later of the date on which the Administrator of the Federal Aviation Administration has—

(A) approved an airport layout plan for an airport to be located in the Ivanpah Valley; and

(B) with respect to the construction and operation of an airport on the site conveyed to the County pursuant to section 2(a) of the Ivanpah Valley Airport Public Lands Transfer Act (Public Law 106-362; 114 Stat. 1404), issued a record of decision after the preparation of an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) WITHDRAWAL.—Subject to valid existing rights, the public land to be conveyed under paragraph (1) is withdrawn from—

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

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

(4) USE.—The public land conveyed under paragraph (1) shall be used for the development of flood mitigation infrastructure for the Southern Nevada Supplemental Airport.

#### AMENDMENT NO. 3488

(Purpose: To allow aircraft owners and operators to accept reimbursement for voluntary medical transportation)

#### SEC. —. CLARIFICATION OF REQUIREMENTS FOR VOLUNTEER PILOTS OPERATING CHARITABLE MEDICAL FLIGHTS.

In administering part 61.113(c) of title 14, Code of Federal Regulations, the Administrator of the Federal Aviation Administration shall allow an aircraft owner or aircraft operator who has volunteered to provide transportation for an individual or individuals for medical purposes to accept reimbursement to cover all or part of the fuel costs associated with the operation from a volunteer pilot organization.

#### AMENDMENT NO. 3492

(Purpose: To provide a limited exemption from compliance with FAA and PHMSA standards for the air transportation within Alaska of cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases without regard to the end use of the cylinders)

At the appropriate place, insert the following:

#### SEC. —. CYLINDERS OF COMPRESSED OXYGEN, NITROUS OXIDE, OR OTHER OXIDIZING GASES.

(a) IN GENERAL.—The transportation within Alaska of cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases aboard aircraft shall be exempt from compliance with the requirements, under sections 173.302(f)(3) and (f)(4) and 173.304(f)(3) and (f)(4) of the Pipeline and Hazardous Material Safety Administration's regulations (49 CFR 173.302(f)(3) and (f)(4) and 173.304(f)(3) and (f)(4)), that oxidizing gases transported aboard aircraft be enclosed in outer packaging capable of passing the flame penetration and resistance test and the thermal resistance test, without regard to the end use of the cylinders, if—

(1) there is no other practical means of transportation for transporting the cylinders to their destination and transportation by ground or vessel is unavailable; and

(2) the transportation meets the requirements of subsection (b).

(b) EXEMPTION REQUIREMENTS.—Subsection (a) shall not apply to the transportation of cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases aboard aircraft unless the following requirements are met:

(1) PACKAGING.—

(A) SMALLER CYLINDERS.—Each cylinder with a capacity of not more than 116 cubic feet shall be—

(i) fully covered with a fire or flame resistant blanket that is secured in place; and

(ii) placed in a rigid outer packaging or an ATA 300 Category 1 shipping container.

(B) LARGER CYLINDERS.—Each cylinder with a capacity of more than 116 cubic feet but not more than 281 cubic feet shall be—

(i) secured within a frame;

(ii) fully covered with a fire or flame resistant blanket that is secured in place; and

(iii) fitted with a securely attached metal cap of sufficient strength to protect the valve from damage during transportation.

(2) OPERATIONAL CONTROLS.—

(A) STORAGE; ACCESS TO FIRE EXTINGUISHERS.—Unless the cylinders are stored in a Class C cargo compartment or its equivalent on the aircraft, crew members shall have access to the cylinders and at least 2 fire extinguishers shall be readily available for use by the crew members.

(B) SHIPMENT WITH OTHER HAZARDOUS MATERIALS.—The cylinders may not be transported in the same aircraft with other hazardous materials other than Division 2.2 materials with no subsidiary risk, Class 9 materials, and ORM-D materials.

(3) AIRCRAFT REQUIREMENTS.—

(A) AIRCRAFT TYPE.—The transportation shall be provided only aboard a passenger-carrying aircraft or a cargo aircraft.

(B) PASSENGER-CARRYING AIRCRAFT.—

(i) SMALLER CYLINDERS ONLY.—A cylinder with a capacity of more than 116 cubic feet may not be transported aboard a passenger-carrying aircraft.

(ii) MAXIMUM NUMBER.—Unless transported in a Class C cargo compartment or its equivalent, no more than 6 cylinders in each cargo compartment may be transported aboard a passenger-carrying aircraft.

(C) CARGO AIRCRAFT.—A cylinder may not be transported aboard a cargo aircraft unless it is transported in a Class B cargo compartment or a Class C cargo compartment or its equivalent.

(c) DEFINITIONS.—Terms used in this section shall have the meaning given those terms in parts 106, 107, and 171 through 180 of the Pipeline and Hazardous Material Safety Administration's regulations (49 CFR parts 106, 107, and 171-180).

#### AMENDMENT NO. 3494

(Purpose: To correct an error related to Amtrak security in the enrollment of the Consolidated Appropriations Act, 2010)

At the end of title VII, add the following:

#### SEC. 723. TECHNICAL CORRECTION.

Section 159(b)(2)(C) of title I of division A of the Consolidated Appropriations Act, 2010, is amended by striking clauses (i) and (ii) and inserting the following:

“(i) requiring inspections of any container containing a firearm or ammunition; and

“(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains.”.

#### AMENDMENT NO. 3511

(Purpose: To require a semiannual report on the status of the Greener Skies project)

On page 98, between lines 20 and 21, insert the following:

#### SEC. 325. SEMIANNUAL REPORT ON STATUS OF GREENER SKIES PROJECT.

(a) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the strategy of the Administrator for implementing, on an accelerated basis, the NextGen operational capabilities produced by the Greener Skies project, as recommended in the final report of the RTCA NextGen Mid-Term Implementation Task Force that was issued on September 9, 2009.

(b) SUBSEQUENT REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the Administrator submits to Congress the report required by subsection (a) and not less frequently than once every 180 days thereafter until September 30, 2011, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress of the Administrator in carrying out the strategy described in the report submitted under subsection (a).

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A timeline for full implementation of the strategy described in the report submitted under subsection (a).

(B) A description of the progress made in carrying out such strategy.

(C) A description of the challenges, if any, encountered by the Administrator in carrying out such strategy.

#### AMENDMENT NO. 3479, AS MODIFIED

(Purpose: To allow for the simultaneous inclusion of more than one General Aviation airport in the Military Airport Program)

On page 282, between lines 3 and 4, insert the following:

#### SEC. 219. DESIGNATION OF FORMER MILITARY AIRPORTS.

Section 47118(g) is amended by striking “one” and inserting “three” in its place.

#### AMENDMENT NO. 3483, AS MODIFIED

At the end of title II, add the following:

#### SEC. 2 AIRPORT SUSTAINABILITY PLANNING WORKING GROUP.

(a) IN GENERAL.—The Administrator shall establish an airport sustainability working group to assist the Administrator with issues pertaining to airport sustainability practices.

(b) MEMBERSHIP.—The Working Group shall be comprised of not more than 15 members including—

(1) the Administrator

(2) 5 member organizations representing aviation interests including: (A) an organization representing airport operators; (B) an organization representing airport employees; (C) an organization representing air carriers; (D) an organization representing airport development and operations experts; (E) a labor organization representing aviation employees.

(3) 9 airport chief executive officers which shall include: (A) at least one from each of the FAA Regions; (B) at least 1 large hub; (C) at least 1 medium hub; (D) at least 1 small hub; (E) at least 1 non hub; (E) at least 1 general aviation airport.

(c) FUNCTIONS.—

(1) develop consensus-based best practices and metrics for the sustainable design, construction, planning, maintenance, and operation of an airport that comply with the guidelines prescribed by the Administrator;

(2) develop standards for a consensus-based rating system based on the aforementioned best practices, metrics, and ratings; and

(3) develop standards for a voluntary ratings process, based on the aforementioned best practices, metrics, and ratings

(4) examine and submit recommendations for the industry's next steps with regard to sustainability

(d) DETERMINATION.—The Administrator shall provide assurance that the best practices developed by the working group under paragraph (a) are not in conflict with any federal aviation or federal, state or local environmental regulation.

(e) UNPAID POSITION.—Working Group members shall serve at their own expense and receive no salary, reimbursement of travel expenses, or other compensation from the Federal Government.

(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Working Group under this section.

(g) REPORT.—Not later than one year after the date of enactment the Working Group shall submit a report to the Administrator containing the best practices and standards contained in paragraph (c). After receiving the report, the Administrator may publish such best practices in order to disseminate the information to support the sustainable design, construction, planning, maintenance, and operation of airports.

(h) No funds may be authorized to carry out this provision.

#### AMENDMENT NO. 3506, AS MODIFIED

(Purpose: To ensure that all consumers are able to easily and fairly compare airfares and other costs applicable to tickets for air transportation, including all taxes and fees)

At the end of subtitle A of title IV, add the following:

#### SEC. 407. NOTIFICATION REQUIREMENTS WITH RESPECT TO THE SALE OF AIRLINE TICKETS.

(a) IN GENERAL.—The Office of Aviation Consumer Protection and Enforcement of the Department of Transportation shall establish rules to ensure that all consumers are able to easily and fairly compare airfares and charges paid when purchasing tickets for air transportation, including all taxes and fees.

(b) NOTICE OF TAXES AND FEES APPLICABLE TO TICKETS FOR AIR TRANSPORTATION.—Section 41712, as amended by this Act, is further amended by adding at the end the following:

“(d) NOTICE OF TAXES AND FEES APPLICABLE TO TICKETS FOR AIR TRANSPORTATION.—

“(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for an air carrier, foreign air carrier, or ticket agent to sell a ticket for air transportation on the Internet unless the air carrier, foreign air carrier, or ticket agent, as the case may be—

“(A) displays information with respect to the taxes and fees described in paragraph (2), including the amount and a description of each such tax or fee, in reasonable proximity to the price listed for the ticket; and

“(B) provides to the purchaser of the ticket information with respect to the taxes and fees described in paragraph (2), including the amount and a description of each such tax or fee, before requiring the purchaser to provide any personal information, including the name, address, phone number, e-mail address, or credit card information of the purchaser.

“(2) TAXES AND FEES DESCRIBED.—The taxes and fees described in this paragraph are all taxes, fees, and charges applicable to a ticket for air transportation, consisting of—

“(A) all taxes, fees, charges, and surcharges included in the price paid by a pur-

chaser for the ticket, including fuel surcharges and surcharges relating to peak or holiday travel; and

“(B) any fees for baggage, seating assignments; and

“(C) operational services that are charged when the ticket is purchased.”

(c) REGULATIONS.—The Secretary of Transportation, in consultation with the Administrator of the Federal Aviation Administration, shall prescribe such regulations as may be necessary to carry out subsection (d) of section 41712 of title 49, United States Code, as added by subsection (b) of this section.

#### AMENDMENT NO. 3514, AS MODIFIED

(Purpose: To include the modernization, renovation, and repairs of buildings to meet the criteria for being high-performance green buildings as airport development)

At the end of title II, add the following:

#### SEC. 219. INCLUSION OF MEASURES TO IMPROVE THE EFFICIENCY OF AIRPORT BUILDINGS IN AIRPORT IMPROVEMENT PROJECTS.

Section 47101(a) is amended—

(1) in paragraph (12), by striking “; and” and inserting a semicolon;

(2) in paragraph (13), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(14) that the airport improvement program should be administered to allow measures to improve the efficiency of airport buildings to be included in airport improvement projects, such as measures designed to meet one or more of the criteria for being a high-performance green building set forth in section 401(13) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061(13)), if any significant increase in upfront project costs from any such measure is justified by expected savings over the lifecycle of the project.”

#### AMENDMENT NO. 3520, AS MODIFIED

(Purpose: To develop a monitoring system for flight service specialist staffing and training under service contracts for flight service stations)

On page 246, between lines 2 and 3, insert the following:

(d) ALASKA FLIGHT SERVICE STATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator, in conjunction with flight service station personnel, shall submit a report to Congress on the future of flight service stations in Alaska, which includes—

(1) an analysis of the number of flight service specialists needed, the training needed by such personnel, and the need for a formal training and hiring program for such personnel;

(2) a schedule for necessary inspection, upgrades, and modernization of stations and equipment; and

(3) a description of the interaction between flight service stations operated by the Administration and flight service stations operated by contractors.

#### AMENDMENT NO. 3538, AS MODIFIED

(Purpose: To conduct audits of certain small airports to analyze the accrual of annual passenger enplanements and to modify the method for apportioning amounts to airports for airport improvements)

On page 10, after the matter following line 5, insert the following:

(c) PASSENGER ENPLANEMENT REPORT.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prepare a report on every airport in the United States that reported between 10,000 and 15,000 passenger enplanements during each of the 2 most recent years for which such data is available.

(2) REPORT OBJECTIVES.—In carrying out the report under paragraph (1), the Adminis-

trator shall document the methods used by each subject airport to reach the 10,000 passenger enplanement threshold, including whether airports subsidize commercial flights to reach such threshold.

(3) REVIEW.—The Inspector General of the Department of Transportation shall review the process of the Administrator in developing the report under paragraph (1).

(4) REPORT.—The Administrator shall submit the report prepared under paragraph (1) to Congress and the Secretary of Transportation.

#### AMENDMENT NO. 3543

(Purpose: To authorize the FAA to provide financial assistance for NextGen equipage of aircraft)

At the appropriate place in title III, insert the following:

#### SEC. —. FINANCIAL INCENTIVES FOR NEXTGEN EQUIPAGE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into agreements to fund the costs of equipping aircraft with communications, surveillance, navigation, and other avionics to enable NextGen air traffic control capabilities.

(b) FUNDING INSTRUMENT.—The Administrator may make grants or other instruments authorized under section 106(l)(6) of title 49, United States Code, to carry out subsection (a).

#### AMENDMENT NO. 3527, AS MODIFIED

On page 84, between lines 21 and 22, insert the following:

#### SEC. 319. REPORT ON FUNDING FOR NEXTGEN TECHNOLOGY.

Not later than 120 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report that contains—

(1) a financing proposal that—

(A) uses innovative methods to fully fund the development and implementation of technology for the Next Generation Air Transportation System in a manner that does not increase the Federal deficit; and

(B) takes into consideration opportunities for involvement by public-private partnerships; and

(C) recommends creative financing proposals other than user fees or higher taxes and

(2) recommendations with respect to how the Administrator and Congress can provide operational benefits, such as benefits relating to preferred airspace, routings, or runway access, for all aircraft, including air carriers and general aviation, that equip their aircraft with technology necessary for the operation of the Next Generation Air Transportation System before the date by which the Administrator requires the use of such technology.

#### AMENDMENT NO. 3541, AS MODIFIED

At the end of title V, insert the following:

#### SEC. 564. STUDY OF AIR QUALITY IN AIRCRAFT CABINS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study of air quality in aircraft cabins to—

(1) assess bleed air quality on the full range of commercial aircraft operating in the United States;

(2) identify oil-based contaminants, hydraulic fluid toxins, and other air toxins that appear in cabin air and measure the quantity and prevalence, or absence of those toxins through a comprehensive sampling program;

(3) determine the specific amount and duration of toxic fumes present in aircraft cabins that constitutes a health risk to passengers;

(4) develop a systematic reporting standard for smoke and fume events in aircraft cabins;

(5) identify the potential health risks to individuals exposed to toxic fumes during flight;

(6) determine the extent to which the installation of sensors and air filters on commercial aircraft would provide a public health benefit; and

(b) **AUTHORITY TO MONITOR AIR IN AIRCRAFT CABINS.**—For purposes of conducting the study required by subsection (a), the Administrator of the Federal Aviation Administration shall require domestic air carriers to allow air quality monitoring on their aircraft in a manner that imposes no significant costs on the carrier and does not interfere with the normal operation of the aircraft.

#### AMENDMENT NO. 3539, AS MODIFIED

(Purpose: To apportion amounts to airports for airport improvements in proportion to the amounts of air traffic at the airports and to limit aggregate apportionments to the aggregate amount apportioned for fiscal year 2009)

At the end of Title II, add the following:

#### SEC. \_\_\_\_ . STUDY ON APPORTIONING AMOUNTS FOR AIRPORT IMPROVEMENT IN PROPORTION TO AMOUNTS OF AIR TRAFFIC.

(a) **STUDY AND REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) complete a study on the feasibility and advisability of apportioning amounts under section 47114(c)(1) of title 49, United States Code, to the sponsor of each primary airport for each fiscal year an amount that bears the same ratio to the amount subject to the apportionment for fiscal year 2009 as the number of passenger boardings at the airport during the prior calendar year bears to the aggregate of all passenger boardings at all primary airports during that calendar year; and

(2) submit to Congress a report on the study completed under paragraph (1).

(b) **REPORT CONTENTS.**—The report required by subsection (a)(2) shall include the following:

(1) A description of the study carried out under subsection. (a)(1).

(2) The findings of the Administrator with respect to such study.

(3) A list of each sponsor of a primary airport that received an amount under section 47114(c)(1) of title 49, United States Code, in 2009.

(4) For each sponsor listed in accordance with paragraph (3), the following:

(A) The amount such sponsor received, if any, in 2005, 2006, 2007, 2008, and 2009 under such section 47114(c)(1).

(B) An explanation of how the amount awarded to such sponsor was determined.

(C) The average number of air passenger flights serviced each month at the airport of such sponsor in 2009.

(D) The number of enplanements for air passenger transportation at such airport in 2005, 2006, 2007, 2008, and 2009.

#### AMENDMENT NO. 3532

(Purpose: To set the fee to be paid by commercial air tour operators that conduct commercial air tour operations over a national park at an amount sufficient to offset all of the costs incurred by the Federal Government to develop air tour management plans for national parks)

On page 250, strike line 12 and all that follows through page 251, line 18, and insert the following:

(e) **COLLECTION OF FEES FROM AIR TOUR OPERATIONS.**—

(1) **IN GENERAL.**—The Secretary of the Interior shall 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 collect sufficient revenue, in the aggregate, to pay for the expenses incurred by the Federal Government to develop air tour management plans for national parks.

(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) **FUNDING FOR AIR TOUR MANAGEMENT PLANS.**—The Secretary of the Interior shall use the amounts collected under subsection (e) to develop air tour management plans under section 40128(b) of title 49, United States Code, for the national parks the Secretary determines would most benefit from such a plan.

#### AMENDMENT NO. 3525, AS MODIFIED

At the end of title VII, add the following:

**SEC. 723. PLAN FOR FLYING SCIENTIFIC INSTRUMENTS ON COMMERCIAL FLIGHTS.**

(a) **PLAN DEVELOPMENT.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Transportation and the Secretary of Commerce, in consultation with interested representatives of the aviation industry and other relevant agencies, shall develop a plan and process to allow Federal agencies to fly scientific instruments on commercial flights with airlines who volunteer, for the purpose of taking measurements to improve weather forecasting.

#### AMENDMENT NO. 3534, AS MODIFIED

(Purpose: To amend section 40128 of title 49, United States Code, relating to air tour management plans at national parks)

On page 246, strike lines 16 through 18 and insert the following:

(D) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by striking “, in cooperation with” and inserting “and”; and

(bb) by striking “The air tour” and all that follows; and

(II) by redesignating subparagraph (B) as subparagraph (C);

(III) by inserting after subparagraph (A) the following:

“(B) **PROCESS AND APPROVAL.**—The Federal Aviation Administration has sole authority to control airspace over the United States. The National Park Service has the sole responsibility for conserving the scenery and natural resources in National Parks and providing for the enjoyment of the National Parks unimpaired for future generations. Each air tour management plan shall be—

“(i) developed through a public process that complies with paragraph (4); and

“(ii) approved by the Administrator and the Director.”; and

(IV) by adding at the end the following:

“(D) **EXCEPTION.**—An application to begin commercial air tour operations at Crater Lake National Park may be denied without the establishment of an air tour management plan by the Director of the National Park Service if the Director determines that such operations would unacceptably impact park resources or visitor experiences.”; and

(ii) in paragraph (4)(C), by striking “National Park Service” and inserting “Department of the Interior”.

The PRESIDING OFFICER. The amendment in the nature of a substitute, as amended, is agreed to, and the motion to reconsider is considered made and laid upon the table.

The clerk will read the bill for the third time.

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

The bill having been read the third time, the question is on passage of the bill, as amended.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Vermont (Mr. SANDERS), and the Senator from New Mexico, (Mr. UDALL) are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico, (Mr. UDALL) would vote “yea.”

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from South Carolina (Mr. DEMINT), the Senator from Mississippi (Mr. WICKER), and the Senator from Georgia (Mr. ISAKSON).

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

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 61 Leg.]

#### YEAS—93

Akaka	Ensign	McCaskill
Alexander	Enzi	McConnell
Barrasso	Feingold	Menendez
Baucus	Feinstein	Merkley
Bayh	Franken	Mikulski
Begich	Gillibrand	Murkowski
Bennet	Graham	Murray
Bingaman	Grassley	Nelson (NE)
Bond	Gregg	Nelson (FL)
Boxer	Hagan	Pryor
Brown (MA)	Harkin	Reed
Brown (OH)	Hatch	Reid
Brownback	Hutchison	Risch
Bunning	Inhofe	Roberts
Burr	Inouye	Rockefeller
Burr	Johanns	Schumer
Cantwell	Johnson	Sessions
Cardin	Kaufman	Shaheen
Carper	Kerry	Shelby
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Tester
Collins	Lautenberg	Thune
Conrad	Leahy	Udall (CO)
Corker	LeMieux	Vitter
Cornyn	Levin	Voinovich
Crapo	Lieberman	Warner
Dodd	Lincoln	Webb
Dorgan	Lugar	Whitehouse
Durbin	McCaIn	Wyden

#### NOT VOTING—7

Bennett	Isakson	Wicker
Byrd	Sanders	
DeMint	Udall (NM)	

The bill (H.R. 1586), as amended, was passed, as follows:

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

The PRESIDING OFFICER. The title amendment at the desk is agreed to.

The amendment (No. 3555) was agreed to, as follows:

Amend the title so as to read: "An Act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes."

The Senator from West Virginia.

CORRECTED AMENDMENT NO. 3479, AS MODIFIED

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that notwithstanding the adoption of amendment No. 3479, as modified, it be corrected to reflect that the instruction line was modified.

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

The amendment (No. 3479), as modified, is as follows:

(Purpose: To allow for the simultaneous inclusion of more than one General Aviation airport in the Military Airport Program)

At the end of title II, insert the following:

**SEC. 219. DESIGNATION OF FORMER MILITARY AIRPORTS.**

Section 47118(g) is amended by striking "one" and inserting "three" in its place.

Mr. DORGAN. Madam President, the vote just taken was unanimous, which is interesting. We were able to work on this for 5 days here on the floor of the Senate. But I also want to say we always talk about good staff work. We do have an exceptionally fine staff at the Commerce Committee and I want to say that Senator ROCKEFELLER's work and Senator HUTCHISON's work was so important in order to move us in this direction to get this completed.

I think they would agree as well that the staff director Ellen Doneski, deputy staff director James Reid, Gael Sullivan, Rich Swayze on the Aviation Subcommittee staff, and I know Senator HUTCHISON's staff, Ann Begeman, staff director, Jarrod Thompson, and Tom Jones for Senator DEMINT, is a fine staff.

The reason I wanted to say a word about this piece of legislation—I just got off an airplane myself, just came back from North Dakota. But I wanted to say that this piece of legislation, while not getting the attention that some other pieces of legislation are getting these days, notably health care, among others, is a very important piece of legislation, and it has some very important critical changes that I think will be beneficial and will save lives. I wanted to mention a couple of them.

No. 1, for the irritants that exist in air travel these days, and there are a lot of them, this includes the Passenger Bill of Rights—a lot of people probably do not know that, but just common sense, sound thinking about what are the rights of passengers here.

We worked with the airlines and the passenger groups and so on. This in-

cludes the Passenger Bill of Rights, the 3-hour limit. If you are on an airline some place and they want to have you sit on the end of a runway or on the tarmac for 5 or 6 hours, it is not going to happen, not when this legislation passes. We have a 3-hour limitation. That is just the start of it. But the Passenger Bill of Rights is important.

Most important to me are the safety issues. I held a number of hearings on safety in our subcommittee, and I appreciate very much the work of Senator ROCKEFELLER. He was very interested in making sure that we pursue these safety issues in order that they can become a part of the FAA reauthorization bill.

A significant part of this bill is modernization of the air traffic control system. But this bill also is about aviation safety, and so I want to mention the safety provisions. We held a number of hearings to try to understand what could we learn from the tragedy that occurred at the Colgan crash in Buffalo, NY. We learned a lot, and a lot of things that were frankly, to me, very troubling. We have addressed a number of those provisions in this legislation.

Pilot training and experience. Frankly, were it not for the families of the victims of the Colgan crash who have witnessed here at every opportunity, in every circumstance, where there has been a hearing or something in which aviation safety was discussed, they were here pushing and prodding and asking the right questions.

We do advance the interests of aviation training and experience in this legislation. The FAA must revisit flight and duty-time limitations to address pilot fatigue in this legislation.

We do not yet and have not addressed the commuting issue which I think is an issue, but we have not yet addressed that, and could not in this bill, but that will continue to be an issue we will work on. We have an FAA-required report to the Congress now, annually every year, of all of the safety recommendations from the NTSB, and which have been followed and which have not.

This issue of the most-wanted list of safety recommendations, which in some cases has been on the list for 10 and 15 years, it is unforgivable that that has happened. We are not going to let that happen again.

Obviously, we prohibit the use of wireless communications devices and laptop computers in the cockpit that are not used for the purpose of the operation of the airplane. When I say obviously, an airplane that overflies its destination with a couple of pilots working on laptops, overflying the destination by 150 miles or so, does not make much sense to me that we do not have a prohibition in the FAA manuals to prohibit in every circumstance the use of these kinds of personal wireless communications devices for personal use in the cockpit during flight.

We enhance safety oversight of foreign repair stations, which is very im-

portant. It mandates two inspections per year by the FAA. A lot of people do not understand that a lot of the maintenance now is being done in some cases overseas, and in other cases, they are being done, farmed out and contracted out, to someone outside of the airline itself.

We require the disclosure of the airline operating flights. When a consumer buys a ticket on an airline, we want them to understand who is the company that is carrying them, not what is the brand on the airline, but what company is this, so they have some sense of who is in charge of that flight.

Access to all pilots records. You know regarding the captain in the Colgan flight, the CEO of Colgan Air said: Had I known the failures of that captain in certain exams and tests along the way, in certifying these various licenses, we would not have hired that captain. And yet the company did not know. That will not be the case in the future.

Those are just some, not all, of the safety issues. They are very important. I am convinced that lives will be saved. I do not suggest this is the entire set of issues that has to be resolved. More remains to be done and we will remain on the case to do that. We will continue even now with additional hearings.

Finally, I want to say on the issue of modernization, this too is so important. It relates to safety, but it relates to other things. It relates to the reduced use of fuel, more direct routing, better timelines for trips for passengers, because they will get to their destination more quickly; less spacing between airplanes in the sky. That is because, rather than fly to the old ground-based radar system, where you know about where an airline is, you only know about where it is when the transponder flashes a dot on that screen in front of the air traffic controller, and the next 7 or so seconds that airplane is somewhere else.

Well, using the GPS system which all of us, or at least some of us—I do not have, but many people use it in their car, use it on their cell phone. The common use of the GPS is all over the world these days, except we do not use it, by and large, for commercial airlines, and we should.

Air traffic control modernization means ground-based systems that need to be built, it means protocols that have to be developed, it means equipment in the cockpit. But we must get there not in 15 or 20 years, we must get there soon. So this piece of legislation dramatically advances those timelines.

Some talk about waiting and finishing this job in 15 years. We substantially truncated the time to say: No, let's get this done. So those are the significant issues.

Again, I want to thank Margaret McCarthy on my staff, along with the other staff I have previously mentioned.

I especially again want to say, I have served on the Commerce Committee for



a good many years, and we have worked on a lot of issues. It has such a wide jurisdiction, a wide range of interests and issues. Senator ROCKEFELLER assumed control of the Commerce Committee just this Congress, and I think has done an extraordinary job. I appreciate his leadership. I appreciate the fact that he gave us not only directions but the reins to work in the subcommittee, and then he and the ranking member worked very hard at the full committee to put this piece of legislation together.

It is rare indeed in this day and age to find a piece of legislation that passes the Senate in a record vote, that is a piece of legislation of great consequence, that deals with many issues, some of them controversial, to be passed by the Senate with no negative votes at all. Think of that. No negative votes cast on this bill today.

Would not it be nice if we could see more of that kind of togetherness, coming together on public policy that all of us think is good for this country and its future.

I wanted to again say how proud I am of this legislation and how important it is to this country. I am pleased that this is the next step, an important step, and then we would conference with the House and bring a conference report back, and it will be signed by the President. We will have all done something to advance safety and modernization in aviation in this country; not just for commercial aviation, but for general aviation, which is an increasingly important part of our aviation system.

Madam President, I also want to take this opportunity to say a few words about the Disadvantaged Business Enterprise—DBE—Program and the Airport Concessions Disadvantaged Business Enterprise—ACDBE—Program, or the DBE Programs. As the Senate is well aware, this program was originally enacted by Congress to level the playing field for minority and women contractors working in airport related businesses.

While we have made considerable progress toward that goal over the years, unfortunately a good deal more work remains. The Commerce Committee examined disparity studies documenting the existence of discrimination in public contracting while considering and drafting FAA reauthorization legislation. We concluded that the DBE Program remains necessary to thwart ongoing discrimination and determined that several improvements to the DBE Programs were necessary. I am pleased that the FAA Reauthorization bill includes provisions to adjust the personal net worth calculation for inflation, to require certification training of officials involved in the review of DBE applications, to prohibit excess bonding requirements, and to ensure that retirement savings are not included in the personal net worth calculation.

The evidence of discrimination included in disparities studies makes clear that discrimination against mi-

nority and women owned businesses is still a serious problem in airport-related businesses and beyond. This is unacceptable. The DBE and ACDBE Programs are the only current safeguard against the problems of business discrimination in the airport context. I am encouraged that this bill includes provisions to ensure the continued health of the program and to promote a level playing field within the industry.

I yield the floor, and 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. ROCKEFELLER. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MORNING BUSINESS

Mr. ROCKEFELLER. Madam 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.

#### HONORING OUR ARMED FORCES

SERGEANT JONATHAN J. RICHARDSON

Mr. PRYOR. Madam President, it is with a heavy heart that today I honor U.S. Army Sgt. Jonathan J. Richardson from Bald Knob, AR, and pay tribute to his life and service to our country.

Sergeant Richardson was a fire support specialist who lost his life from wounds suffered when his unit came under fire in Khost Province, Afghanistan. He was a member of the C Company, 1st Battalion, 187th Infantry Regiment, 3rd Brigade Combat Team, 101st Airborne Division, and had previously served in Iraq with the same unit. He was never afraid to go where the action was, knowing that the line of fire was where he was needed most.

Sergeant Richardson served both tours with courage and distinction, receiving awards including the Army Commendation Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Army Good Conduct Medal, and National Defense Service Medal.

Sergeant Richardson graduated from Bald Knob High School in 2004, where he was a talented student and excelled on the football team. His family and friends described him as an honorable man, devoted to his wife and family. These qualities were readily apparent on the battlefield, where his comrades called him “the kind of leader soldiers strive to emulate.” He was committed to serving others, and while he could have done a great many things with his young life, he chose to serve our Nation in the military. This commitment to serve is, to me, what makes Sergeant Richardson a true hero.

My thoughts and prayers are with Sergeant Richardson’s wife Rachel, parents, Sharon and Jeffery, and all

those who loved him during this heart-breaking time.

As John 15:13 states: “Greater love has no one than this, that one lay down his life for his friends.” Sergeant Richardson had the greatest love for his country, and his country will always remember his selfless service.

#### HEALTH CARE

Mr. COBURN. Madam President, I rise to bring attention to the crucial role of health care professionals in providing quality health care across our Nation. Other than being a father, grandfather, and husband nothing has been more personally satisfying for me than meeting and caring for patients. As a practicing physician I have seen firsthand the importance of each and every health care practitioner—not just doctors and nurses—in meeting this country’s diverse health care needs. I am thankful for the contribution that dedicated health professionals have made to not just my medical practice, but all of our communities.

These professionals are found not only in hospitals and doctor’s offices, but everywhere from local schools to athletic training clinics, long-term care facilities to rehabilitation centers, and providing loving care in hospices and private homes. There are more than 100 distinct allied health professions including respiratory therapists, music therapists, athletic trainers, clinical laboratory scientists, radiologic technologists, medical assistants and many others. They provide expert care in a number of therapeutic, diagnostic and preventive services in a multitude of settings. These professionals practice expertise in disease prevention and control, dietary and nutritional services, mental and physical health promotion, rehabilitation, and health systems management. Approximately 6 million individuals are currently serving in allied health professions, representing about 60 percent of the healthcare workforce. According to the Bureau of Labor Statistics, 10 of the 20 fastest growing occupations for 2008–2018 are in the health professions.

As Congress continues to engage in a national debate on health care, I have consistently been offering patient-centered solutions that would allow individuals to access care tailored to their individual needs. Consumer choice, not government coercion, has made goods and services that were once scarce affordable and accessible. For instance, in the past 18 months the number of unique iPhone applications available to consumers has gone from 500 to more than 140,000—with 3 billion applications downloaded. If patients were empowered to take control of their health care spending, it would enable health care professionals to more freely exercise their immense talents—no