

the full Senate, and now we are trying to negotiate an agreement with the House. Someone said to me as I came in today, I understand FAA reauthorization is dead for this session. I said: That is not the case. Senator ROCKEFELLER and I remain hopeful that between now and the end of the year we will be able to solve those remaining few points and get this done. It is critically important—very important—that we get this done.

So I make this unanimous consent request with the understanding that I am continuing to work on it, as is Senator ROCKEFELLER and Senator HUTCHISON and many others to try to get the FAA reauthorization bill done through the House and the Senate and get it resolved.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 324, H.R. 4853.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

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

Mr. DORGAN. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to; that the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4656) was agreed to, as follows:

(Purpose: To extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes)

Strike all after the enacting clause, and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Airport and Airway Extension Act of 2010, Part III”.

#### SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking “September 30, 2010” and inserting “December 31, 2010”.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking “September 30, 2010” and inserting “December 31, 2010”.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking “September 30, 2010” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

#### SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking “October 1, 2010” and inserting “January 1, 2011”; and

(2) by inserting “or the Airport and Airway Extension Act of 2010, Part III” before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking “October 1, 2010” and inserting “January 1, 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

#### SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended—

(A) by striking “and” at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting “; and”; and

(C) by inserting after paragraph (7) the following:

“(8) \$925,000,000 for the 3-month period beginning on October 1, 2010.”

(2) OBLIGATION OF AMOUNTS.—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2011, and shall remain available until expended.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of title 49, United States Code, is amended by striking “September 30, 2010,” and inserting “December 31, 2010.”

(c) APPORTIONMENT AMOUNTS.—The Secretary shall apportion in fiscal year 2011 to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

#### SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking “October 1, 2010,” and inserting “January 1, 2011.”

(b) Section 41743(e)(2) of such title is amended by striking “2010” and inserting “2011”.

(c) Section 44302(f)(1) of such title is amended—

(1) by striking “September 30, 2010,” and inserting “December 31, 2010.”; and

(2) by striking “December 31, 2010,” and inserting “March 31, 2011.”

(d) Section 44303(b) of such title is amended by striking “December 31, 2010,” and inserting “March 31, 2011.”

(e) Section 47107(s)(3) of such title is amended by striking “October 1, 2010,” and inserting “January 1, 2011.”

(f) Section 47115(j) of such title is amended by inserting “and for the portion of fiscal year 2011 ending before January 1, 2011,” after “2010.”

(g) Section 47141(f) of such title is amended by striking “September 30, 2010,” and inserting “December 31, 2010.”

(h) Section 49108 of such title is amended by striking “September 30, 2010” and inserting “December 31, 2010.”

(i) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by inserting “, or in the portion of fiscal year 2011 ending before January 1, 2011,” after “fiscal year 2009 or 2010”.

(j) Section 186(d) of such Act (117 Stat. 2518) is amended by inserting “and for the

portion of fiscal year 2011 ending before January 1, 2011,” after “October 1, 2010.”

(k) Section 409(d) of such Act (49 U.S.C. 41731 note) is amended by striking “September 30, 2010,” and inserting “September 30, 2011.”

(1) The amendments made by this section shall take effect on October 1, 2010.

#### SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1) of title 49, United States Code, is amended—

(1) by striking “and” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting “; and”; and

(3) by inserting after subparagraph (F) the following:

“(G) \$2,451,375,000 for the 3-month period beginning on October 1, 2010.”

#### SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended—

(1) by striking “and” at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting “; and”; and

(3) by adding at the end the following:

“(7) \$746,250,000 for the 3-month period beginning on October 1, 2010.”

#### SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking “and” at the end of paragraph (13);

(2) by striking the period at the end of paragraph (14) and inserting “; and”; and

(3) by adding at the end the following:

“(15) \$49,593,750 for the 3-month period beginning on October 1, 2010.”

#### SEC. 9. TECHNICAL CORRECTIONS.

Effective as of August 1, 2010, and as if included therein as enacted, the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Public Law 111-216) is amended as follows:

(1) In section 202(a) (124 Stat. 2351) by inserting “of title 49, United States Code,” before “is amended”.

(2) In section 202(b) (124 Stat. 2351) by inserting “of such title” before “is amended”.

(3) In section 203(c)(1) (124 Stat. 2356) by inserting “of such title” before “(as redesignated)”.

(4) In section 203(c)(2) (124 Stat. 2357) by inserting “of such title” before “(as redesignated)”.

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

The bill (H.R. 4853), as amended, was read the third time, and passed.

#### MORNING BUSINESS

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

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

The Senator from South Dakota is recognized for 10 minutes.

#### FAA REAUTHORIZATION AND TAX EXTENDERS

Mr. THUNE. Mr. President, I also want to add my support for the FAA

reauthorization bill which the Senator from North Dakota talked about. It is important that we get this done. We have been operating without an authorization since 2007. We had a bill pass through the Senate by a vote of 93 to 0 back in March, and this is something that needs to be done.

So I hope we can get floor time scheduled for this and that we can get on that bill, get a conference report, and get it through and enacted because there are a number of important improvements that need to occur, and that legislation provides for that to happen. It has been kicking around here for way too long, so I hope we can get to that bill and quit having to do these month-to-month or—in this case, as it ends up being—the end-of-the-year extensions, which keeps us from doing what we need to do, and that is get a long-term reauthorization in place that provides some certainty and predictability for the users of aviation in this country.

Mr. BAUCUS. Mr. President, might I ask, through the Chair, that the Senator yield for a question?

Mr. THUNE. I would be happy to yield to the Senator.

Mr. BAUCUS. I wanted to ask him—because we have to ask questions around here—isn't it a good idea for us to have more permanence and not pass so many short-term extensions in Congress, just as a general principle?

Mr. THUNE. I would say to the Senator, through the Chair, one of the things I think is hurting business and economic development in this country is a lack of certainty.

Mr. BAUCUS. Is the Senator aware, if my calculation is correct, that there are about 130 extenders that we have to extend at the end of every calendar year—approximately 130? Did the Senator know the number is that great?

Mr. THUNE. I didn't know the precise number, Mr. President. I will say to my colleague from Montana if it is not, in fact, 130—and I will take his word for that—I know it is a lot. There are lots of provisions in law that need to be extended and lots of communities in this country that depend on that.

Mr. BAUCUS. One final question: Does the Senator agree it is about time this Congress does something about that; that we pass fewer extenders and more laws that are a little more permanent?

Mr. THUNE. I would say, through the Chair, to my colleague, I think it is important that this Senate act in a way that provides some certainty and predictability for people in this country who depend upon public policy coming out of here that has some permanence to it. Right now, we continue to act on short-term extensions in so many different areas. So I don't dispute at all the statement of the Senator from Montana.

Mr. BAUCUS. I thank my good friend from South Dakota for mentioning that.

Mr. THUNE. If I might continue, Mr. President, let me just say with regard

to the observations of the Senator from Montana that I couldn't agree more that we need to get these things done, and we need to provide some long-term certainty for those in this country who rely upon decisions that come out of the Congress. I know the Senator from Montana has offered an extenders bill that would provide at least some near-term relief for many of these provisions of law that expire and that impact so many across this country.

I would say through the Chair to my colleague from Montana that I agree with his premise. I think it comes down to how we go about doing that. The Senator from Montana has offered up a proposal that would extend many of these expiring tax provisions, but he does it in a way that raises taxes. I have a proposal I offered earlier in response to the majority leader's unanimous consent request to move a tax extenders bill that would substitute my bill for that one because my bill does all the same things the Senator from Montana wants to accomplish. But it does it with spending reductions—reducing spending—as opposed to raising taxes.

There are a number of things my bill would do, one of which is to extend the \$215 million tax break for teachers to purchase books, supplies, computer equipment, and other materials for the classroom.

It also includes the biodiesel tax credit, which supports our Nation's budding biodiesel industry. It provides \$854 million in tax relief for these biodiesel manufacturers to invest in our clean energy future.

The bill reinstates the State and local sales tax deduction, which provides \$1.8 billion in tax relief to residents of States such as South Dakota who pay State and local sales taxes but are not allowed to deduct these taxes from their Federal income taxes. It also allows for the deduction of State and local property taxes, which saves taxpayers \$1.5 billion as well.

My bill reinstates the research and development tax credit, which the President has supported for 2010. This important tax credit incentivizes important research and development across the country.

It also provides a number of needed tax credits for businesses to invest and create jobs, including refundable AMT credits for corporations, and it provides a generous doc fix. One of the things we talk about around here is the doc fix. On the doc fix, we continue to go month to month or quarter to quarter. Now we are good to the end of November. But at the end of November we are going to be dealing with this issue again. If we do not, physicians across the country are going to experience a significant and dramatic pay reduction, which will impair their ability to serve patients across this country who depend upon Medicare.

My doc fix provides a 2-percent increase for 2011 and another 2-percent increase for 2012. The current doc fix,

as I said, is set to expire later this year, on November 30.

The way I do this is I fully offset this by spending cuts, including medical malpractice reform, a freeze on Federal salaries, reductions in wasteful, duplicative, and excessive government spending, rescinding unspent Federal funds including the stimulus, an expansion of the affordability exception to the individual mandate that was included in the recently passed health care reform bill and by disposing of unused and unneeded Federal property.

I also add in my proposal a new deficit reduction trust fund, where rescinded balances and money saved through this amendment will be deposited for the purposes of paying down the Federal debt. It does not include job-killing tax hikes on carried interest income, which would discourage investment and hurt our Nation's productivity, and does not include a 70-cent-per-barrel increase, a tax hike on oil, nor does it double count the revenues from that tax by saying it both offsets the cost to the bill and also adds money to the Oil Spill Liability Trust Fund.

I concur entirely with the premise the Senator from Montana was addressing, that we need to get these things extended. We need to provide some permanence. But there is a difference in the approach on how we deal with that. The Senator from Montana proposed one way, I proposed another. I obviously would love to get a vote on this proposal because I think what we ought to be focused on right now, rather than raising taxes at a time when we have a very fragile economy in an economic downturn and making it more difficult for businesses to create jobs, that we ought to be looking at what we can do to reduce spending in our Federal budget and offset the cost of these extenders and pay for this 2-year extension of the doc fix, which also provides for a modest increase, not the significant reduction they are going to experience otherwise. We do this through spending reductions in the Federal budget. I hope we get an opportunity to vote on this.

I yield my time.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Montana.

Mr. BAUCUS. Mr. President, I appreciate the remarks of my good friend from South Dakota. I hope we can find some reasonable accommodation, some compromise. There are 100 Senators here. Each has his or her own view as to what the right solution should be. Without sounding too trite and corny, we are a democracy, we have to live together. I hope we could find a way to get these provisions extended in a way with give and take, back and forth. Clearly, if I bring up a bill and it is my way, it is not going to pass. With all due respect to my friend from South Dakota, if he brings up his bill his way, it is not going to pass. The only way to get something to help the people whom we are here to represent is to find a

compromise, working together in accommodation. I know the Senator looks forward to that. I hope we can achieve that result.

Mr. THUNE. Mr. President, if the Senator will yield, I say in response to that, that is absolutely true. Around here I think, traditionally, tax extenders have been something both sides have worked on. Generally, it tends to be kind of noncontroversial. I think our side is very open to discussions and would welcome an opportunity to sit down with the majority and the Senator from Montana and others, whenever they feel necessary, to work something out. We stand ready and willing to have that discussion and hopefully to get this thing put behind us.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I would add a final point to these remarks; that is, the approach I take. As chairman of the Finance Committee, I try not to bring up these extenders bills until they have been worked out. With sufficient work on both sides, I believe that leaves at least 60 votes available, and I hope we can achieve a result quickly.

#### HEALTH CARE REFORM

Mr. BAUCUS. Mr. President, today marks 6 months since Congress enacted the new health care reform law.

Americans have reason to celebrate.

The new law put America on the road to a more sustainable consumer-friendly health care system.

The new law put America on the road to a healthcare system in which all Americans have access to quality, affordable health insurance.

And the new law put America on the road to a health care system in which patients and their doctors—not insurance companies—control patient care.

These transformative changes will not happen overnight. But we heard the distressed cries from American families and businesses for immediate relief from insurer abuses. Congress included in the new health reform law many consumer protection provisions that take effect today, September 23, 2010.

These provisions—a new Patient's Bill of Rights—put an end to some of the worst insurance company abuses. The new law puts consumers in control of their health care decisions. And the new law extends important new coverage benefits under insurance plans.

Starting today plans cannot discriminate against children with pre-existing conditions. No longer will insurance companies be able to deny tens of thousands of families insurance each year for their children because of a pre-existing condition.

Starting today insurance companies are banned from canceling your coverage due to an unintentional mistake on your application. No longer will insurance companies be allowed to arbitrarily drop your coverage when you get sick and need it the most.

Starting today insurance companies can no longer place lifetime or restrictive annual limits on coverage. No longer will families need to worry that their coverage will run out when they need it the most.

Starting today when you purchase or join a new insurance plan, you have the right to choose your own doctor in your network. No longer will insurance companies be able to arbitrarily decide which doctor you have to see.

Starting today, if you purchase or join a new insurance policy, you will be guaranteed the right to appeal insurance company decisions to an independent third party. No longer will consumers find themselves with nowhere to turn when insurers deny them coverage or restrict their treatment.

Starting today, providers and suppliers—that is doctors and medical equipment manufacturers—who fail a fraud screening will be denied eligibility for payments under government programs like Medicare and Medicaid. No longer will providers and suppliers be able to defraud the government and taxpayers instead of provide quality health care.

There is more. Starting today, young adults will be allowed to remain on their parents' plan until their 26th birthday, unless they are offered coverage at work. No longer will young adults be without affordable coverage options. Now they will have choices to transition them into their adult lives and protect them from financial ruin.

And starting today, if you purchase or join a new insurance plan, you will be able to receive free recommended preventive care. No longer will Americans have to forgo valuable preventive care until it is too late.

All of the benefits that begin today are in addition to the benefits that families and businesses already enjoy as a result of the new health reform law.

Already because of the new law, across the Nation, federally subsidized preexisting condition insurance plans are available for Americans with pre-existing conditions who have been denied coverage by insurance companies.

Already because of the new law up to 4,000 small businesses are eligible for tax credits this year if they provide health insurance for their employees.

Already because of the new law, more than 2,000 businesses have qualified to receive reimbursement for the retiree coverage that they provide.

And already because of the new law, more than a million seniors have received rebate checks to reduce their prescription drug out-of-pocket costs in the donut hole.

Today, with this 6-month mark, we pass a key milestone on our road to providing quality, affordable health care to all Americans.

This milestone is just one of many along the road. But this milestone is one that signals an end to the insurance companies' worst abuses. This milestone signals the beginning to pa-

tient-controlled health care, and that is something to celebrate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### LUMBEE RECOGNITION ACT

Mrs. HAGAN. Mr. President, I come to the floor today to discuss an issue that is vitally important to North Carolina's economy, and to the heritage and cultural identity of more than 40,000 Americans. I urge my colleagues to join me in supporting the Lumbee Recognition Act.

The Lumbee Indians are among the earliest North Carolinians. They descended from the coastal tribes of North Carolina and lived along the Lumber River before our Nation was founded.

During that time, the Lumbee have maintained a distinct community in what is now Robeson County, NC, with more than 40,000 current members in and around the county seat of Lumberton.

Tribe members have worked diligently throughout the generations to sustain a strong tribal society.

Each and every Lumbee can trace his or her ancestry to the tribe's base roll, which is comprised of school and church records and early 20th-century census data. This common ancestry has bound the tribe for generations and established the Lumbee as a long-standing, distinct community in southeastern North Carolina.

Nearly two-thirds of the tribe live within 15 miles of the city of Pembroke, where they start families and businesses, run for tribal office, and attend the annual Fourth of July parade.

The Lumbee fought alongside the American Colonists during the Revolutionary War, and helped shape North Carolina's history.

But because the tribe lacked a formal treaty relationship with the new United States, the tribe has worked for over 120 years to win the recognition that they so clearly deserve.

As has been noted by the Senate Indian Affairs Committee, "The Lumbees have a longstanding history of functioning like an Indian tribe and being recognized as such by State and local authorities. Since 1885, the Lumbees have maintained an active political relationship with the State of North Carolina."

The State officially recognized the tribe in 1885, and established a separate school system for Lumbee children.

With initial enrollment limited to children who could demonstrate at least four generations of Lumbee descent, this autonomous school system has remained in place for over 100 years.