

Shelby	Toomey	Webb
Snowe	Udall (CO)	Whitehouse
Stabenow	Udall (NM)	Wicker
Tester	Vitter	Wyden
Thune	Warner	

NOT VOTING—2

Kerry Pryor

The amendment (No. 58), as amended, was agreed to.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the vote on Nelson of Nebraska amendment No. 58, as amended, to the FAA reauthorization bill. If I had attended today's session, I would have voted in support of that amendment.●

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that at 2:15 p.m. on this day there be 20 minutes of debate equally divided in the usual form on the Wicker amendment prior to the vote in relation to the Wicker amendment, and that the remaining provisions of the previous order remain in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT—Continued

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent I speak on my amendment and ask the time not be counted or charged from either side.

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

AMENDMENT NO. 4

Mr. MCCAIN. Mr. President, a few days ago I offered an amendment that would eliminate the Essential Air Service Program, which is at least authorized in this bill at about \$200 million. I had no idea we would approach the end of Western civilization as we know it if we eliminated this obviously outdated and unnecessary \$200 million of the taxpayers' money.

I am reminded of a comment once made by President Ronald Reagan. To paraphrase what he said: The closest thing to eternal life here on Earth is a government program. There is nothing that illustrates that point more than the Essential Air Service Program.

I ask unanimous consent that three letters be printed in the RECORD. One is

from FreedomWorks, one from the National Taxpayers Union, and another is from the Citizens Against Government Waste.

I ask unanimous consent they be printed in the RECORD.

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

FREEDOMWORKS,

Washington, DC, February 14, 2011.

DEAR SENATOR, On behalf of over a million FreedomWorks members nationwide, I urge you to vote YES on Sen. McCain's (R-Ariz.) amendment to S. 223 the Federal Aviation Administration (FAA) Air Transportation Modernization and Safety Improvement Act which would eliminate the Essential Air Service (EAS). The EAS was created in the 1970's to help a small number of rural communities retain access to air service after airline deregulation. Like so many other government programs, Congress initially enacted it to be a relatively small and temporary ten year program costing several million dollars annually. However, the needless program has continued for 23 years while costing taxpayers \$200 million every year.

Along with many fiscally conservative groups, even the Government Accountability Office (GAO) questioned the usefulness of the EAS by stating "current conditions raise concerns about whether the program can continue to operate as it has . . . the growth of air service especially by low-cost carriers—weighted against the relatively high fares and inconvenience of EAS flights." Los Angeles Times reports that taxpayers are forced to subsidize airline service to small communities at a loss. Most of the money provides service to rural airports with fewer than 30 passengers a day.

The ESA is a prime example of wasteful spending. A graph produced by the FAA shows that 99.95 percent of all Americans live within 120 miles of a major public airport. Airports should operate where there are consumers to support such an airport. Taxpayers should not be forced to subsidize rural airports with too little demand to justify their existence. I urge you to repeal the EAS to save taxpayers \$1 billion over the next five years. It's a step in the right direction to cut excessive spending wherever we find it.

This, however, is a modest step and should be easily supported by anyone serious about reining in the federal government. In order to produce even more savings, Congress should look into privatizing airports to allow private capital to flow in. Many other countries have successfully and fully privatized some of their airports including Britain, Italy and Australia. The private sector has produced more efficient airports which have led to an increase in airport revenue. The privatization of airports has been beneficial for consumers, airlines and taxpayers.

We will count your vote on Sen. McCain's amendment to the FAA Air Transportation Modernization and Safety Improvement Act as a KEY VOTE when calculating the FreedomWorks Economic Freedom Scorecard for 2011. The Economic Freedom Scorecard is used to determine eligibility for the Jefferson Award, which recognizes members of Congress with voting records that support economic freedom.

Sincerely,

MATT KIBBE,
President and CEO.

NATIONAL TAXPAYERS UNION,
Alexandria, VA, February 15, 2011.

DEAR SENATOR: On behalf of the 362,000-member National Taxpayers Union (NTU), I

urge you to vote "Yes" on Senator John McCain's amendment to S. 223, the Federal Aviation Administration (FAA) Reauthorization Bill. Approving this amendment, which would repeal the Essential Air Service (EAS) program, is an ideal way for the Senate to demonstrate its commitment toward eliminating low-priority expenditures and beginning to restore fiscal responsibility to the federal budget.

Created in 1978 as a 10-year venture that would ease the transition to a more market-driven commercial aviation sector, EAS has, like many other federal programs, engendered constituencies that have kept the program alive far beyond any demonstrable purpose. Indeed, NTU questioned the need for EAS in the first place, given the fact that robust and competitive air services would fulfill consumers' needs more efficiently than any government subsidization scheme. Unfortunately, many of the taxpayers' worst fears about EAS have come true. The program now operates in more than 100 areas of the country, even as air travelers' choices are numerous. In fact, the Government Accountability Office concluded in 2009 that many Americans are shunning EAS-subsidized flights and airports in favor of lower-cost fares offered at hubs that are still reasonably accessible by automobile. This free-market evolution can be encouraged by easing tax and regulatory burdens on airlines and customers.

Just as other federal transportation programs like Amtrak pour tax dollars into unprofitable and low-traveled routes which consumers bypass out of preference for other commercial alternatives, EAS seems to operate more out of satisfying political considerations than addressing any perceived market defects. Your colleague Senator Coburn provided a vivid illustration of these flaws in a report, Wastebook 2010, late last year:

The cities of Macon and Athens, Georgia are both less than a 90-minute drive from Atlanta's Hartsfield-Jackson International airport. Despite this, the U.S. Department of Transportation subsidized 26 flights per week to and from each city at a clip of \$464 per passenger for Macon and \$135 for Athens. Passengers pay \$39 each for a seat on the 50-minute flight. . . . The local newspaper reports that the Macon [service] averaged 10 passengers a day, while Athens averaged 12 EAS-subsidized flights. By law, the Department of Transportation subsidies are capped at \$200 for flights to airports less than 210 miles from a large or medium hub, which Atlanta is.

EAS's justification may always have been dubious, but in today's fiscal environment its continued existence is even less defensible. The savings at stake from passage of the McCain Amendment—\$200 million—certainly won't erase the current fiscal year's projected \$1.5 trillion deficit, but if the Senate cannot eliminate this blatant example of low-priority spending, taxpayers will have every right to question Congress's sincerity in the vital endeavor of bringing the budget back under control.

NTU has expressed concerns over several portions of the FAA bill, including the threat of higher Passenger Facility Charges and a lack of progress in moving toward a private sector-driven model for air traffic control. Senator McCain's proposal provides a key opportunity to break from the tax-and-spend philosophy that has dominated past FAA legislation and to recognize the role of commercial aviation in America's economic recovery. Once again, NTU asks that you support the McCain Amendment; roll call votes pertaining to this measure

will be significantly weighted in our annual Rating of Congress.

Sincerely,

PETE SEPP,
Executive Vice President.

COUNCIL FOR CITIZENS AGAINST
GOVERNMENT WASTE,
Washington, DC, February 11, 2011.

U.S. Senate,
Washington, DC.

DEAR SENATOR, Senator John McCain (R-Ariz.) recently introduced Amendment #4 to S. 223, the FAA Air Transportation Modernization and Safety Improvement Act. Senator McCain's amendment would repeal a \$200 million government subsidy for the Essential Air Service. On behalf of the more than one million members and supporters of the Council for Citizens Against Government Waste (CCAGW), I urge you to support this amendment.

Federal spending has ballooned out of control and taxpayers are bracing themselves as the nation rapidly approaches its statutory \$14.3 trillion debt limit. Yet, Congress continues to fund wasteful and unnecessary programs. The Essential Air Service was created in 1978 to subsidize airline carriers that provide service to small communities. Originally funded at \$7 million, the program has since grown to cost taxpayers \$200 million, subsidizing a dozen airline carriers in more than 100 communities.

Ironically, this air service program is anything but essential, as 99.95 percent of Americans live within 120 miles of a public airport that accommodates more than 10,000 take-offs and landings each year. CCAGW has been a long-time proponent of eliminating funding for worthless, money-draining airports that have long been protected under the Essential Air Service. One such egregious example is the John Murtha Johnstown-Cambria "Airport for No One." This airport services fewer than 30 people per day, yet it has received more than \$1.3 million under this program. This is hardly an efficient use of taxpayer dollars, especially when the government is facing a record-breaking \$1.5 trillion budget deficit.

The Essential Air Service program has been repeatedly cited in CAGW's Prime Cuts, a proprietary database comprised of 763 recommendations that would save taxpayers \$350 billion in the first year and \$2.2 trillion over five years.

Congress cannot continue on a spending rampage while ignoring the nation's balance sheets. Senator McCain's amendment would cut a profligate, indefensible government program that Americans do not need and taxpayers simply cannot afford. All votes on Amendment #4 to S. 223 will be among those considered in CCAGW's 2011 Congressional Ratings.

Sincerely,

THOMAS SCHATZ,
President.

Mr. MCCAIN. FreedomWorks says:

The ESA is a prime example of wasteful spending. A graph produced by the FAA shows that 99.95 percent of all Americans live within 120 miles of a major public airport. Taxpayers should not be forced to subsidize rural airports with too little demand to justify their existence. I urge you to repeal the EAS to save taxpayers \$1 billion over the next 5 years.

The National Taxpayers Union cites:

The cities of Macon and Athens, Georgia are both less than a 90-minute drive from Atlanta's Hartsfield-Jackson International Airport. Despite this, the U.S. Department of Transportation subsidized 26 flights per week to and from each city at a clip of \$426 per passenger from Macon and \$135 for Athens.

Then, of course, the Citizens Against Government Waste points out that:

Congress cannot continue on a spending rampage while ignoring the nation's balance sheets.

Probably the loudest complaints have been from the State of Alaska, a State I love and enjoy. There is a great article that appeared in an Alaskan newspaper. It is called "Self-Sustainability—Is it time for Alaska to grow up?"

Among other things I didn't know about is:

While the nation faces a \$14 trillion fiscal hole and Congress is looking to tighten its belt, it's inevitable that Alaska is going to feel some of the pain.

But what is interesting is that the State of Alaska, he goes on to state, has "\$12 billion in reserves and another \$40 billion banked away in the permanent fund."

Wow. I don't know of another State in the Union that is that well off. He, Andrew Halcro, goes on to say:

We Alaskans fancy ourselves as rugged individualists, who are quick to eschew the long arm of the federal government and Big Brother. However our actions sometimes don't match our rhetoric.

He goes on:

What about the amendment to eliminate essential air service subsidies in small rural communities throughout Alaska? Currently the feds subsidize air service to more than 44 communities to the tune of \$12 million per year.

The author goes on to say:

Is it really the federal government's role to subsidize air service to Rampart, a community with 15 people?

An interesting question. He goes on to say:

We've known this day was coming but have done little to prepare our communities for it. We have continued to live in a subsidized world, where one of the biggest issues so far this legislative session has been a debate over suspending Alaska's measly gas tax.

This past week, Alaska Senator Mark Begich, in response to the announced ban on earmarks stated, "I have said many times Alaska is a young State with many needs, and we deserve our fair share of Federal funding to develop our resources and our infrastructure."

The author goes on to say:

While I would absolutely agree that federal policies have restricted Alaska's ability to develop its vast resources, the "young state" argument has been used for decades to justify growing demands on the Federal budget for things like the Denali Commission and earmarks for controversial bridges.

This year Alaska turns 52, so arguably we are not kids anymore. Is it time for us to grow up?

Is it time for all of us to grow up and eliminate these Federal programs that cost billions of dollars of the taxpayers' money, which originally may have—and I emphasize "may have"—in 1978, when we deregulated the airlines, have had a legitimate reason? Obviously, it does not anymore.

I look forward to the fact that our conservative organizations are all judging these as a key vote. I also point out

to my colleagues, if we are serious, if we are serious about cutting spending and going about making tough decisions, this is an easy decision. If we vote against my amendment, if the majority votes against my amendment to eliminate essential air service, the message to the American people as of November 2 is, we aren't serious. We aren't serious. If we can't eliminate a program like this, how can we make the tough decisions that are coming?

The yeas and nays have been ordered. I hope we will have a vote as soon as reasonably possible, and I look forward to the continued debate on this issue which seems to have created quite a large degree of controversy throughout the country.

I yield the floor.

AMENDMENT NO. 14, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes of debate equally divided prior to a vote in relation to amendment No. 14 offered by the Senator from Mississippi, as modified.

The Senator from Mississippi.

Mr. WICKER. Mr. President, under the previous order I yield 4 minutes to the Senator from Maine, Ms. COLLINS.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I am pleased to be a cosponsor of the amendment of Senator WICKER to provide additional workforce protections for Transportation Security Officers while at the same time ensuring the management flexibility that is vital to the operational efficiency of the TSA, and thus the security of the American people. Instead of dramatically changing the TSA personnel system in a way that could interfere with TSA's ability to carry out its essential mission, as the administration plans, we should, instead, make some targeted but important reforms in the system to ensure that TSA employees are treated fairly.

First, we should bring TSA employees under the Whistleblower Protection Act, which safeguards the rights of whistleblowers throughout the Federal Government.

Second, we should give TSA workers the right to an independent appeal of adverse personnel actions—for example, a demotion would qualify. What we are proposing is that a TSA employee so affected would be able to appeal to the Merit Systems Protection Board.

Third, we should make clear that TSA members can, in fact, join a union. That is a different issue from collective bargaining. So our amendment specifically provides that we are not depriving employees of that choice—which they have right now.

I have just received a letter from former TSA Administrator Kip Hawley, who was extremely well regarded and served as the head of TSA for 4 years. He expresses support for the amendment that Senator WICKER and I are offering. Mr. Hawley knows firsthand how important it is for TSA to have

the flexibility in order to respond quickly and effectively to changing conditions, to emerging threats, to new intelligence, and to impending crises. I note this is not theoretical. TSA has used this authority in the past.

In 2006, for example, TSA had to respond virtually overnight to the liquids plot to blow up airplanes that originated in Great Britain. Overnight, TSA had to retrain its workers and redeploy them to different airports. This is not a theoretical concern.

Another example was the blizzard that occurred in Denver, where TSA screeners had to be flown in from another city to cover the shifts of TSA employees at that airport. This kind of management flexibility was also used in the wake of the gulf coast hurricanes when there were massive evacuations.

In his letter, Mr. Hawley states that although TSA's recent determination states that security policies and procedures will not be issues subject to collective bargaining, the dividing line between security and nonsecurity practices "is not a bright one."

He makes the same point that former Homeland Security Secretary Chertoff made the last time we debated this issue, and that is defining what is and what is not subject to collective bargaining undoubtedly will be subject to subsequent litigation.

He further notes:

The resolution of these issues could rest with an arbitrator with no direct knowledge of security issues, intelligence, and transportation security. [This could] place the performance of TSA's security mission in the hands of someone who neither has the expertise to make these decisions, nor [a person who] is accountable for them.

I ask unanimous consent the entire letter be printed in the RECORD.

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

FEBRUARY 15, 2011.

Hon. SUSAN M. COLLINS,
Ranking Member, Senate Committee on Homeland Security and Governmental Affairs,
Washington, DC.

DEAR SENATOR COLLINS, I am writing in support of the Amendment to S. 223 offered by you, Senator Wicker, and others that would exclude Transportation Security Administration employees from collective bargaining.

This issue has a long history and the arguments are well known, so I will focus on two specific elements of the administration's recently released policy on collective bargaining for Transportation Security Officers: (1) inherent ambiguity in the definition of security activities; and (2) the issue of performance management.

TSA's memorandum states that collective bargaining will be "within a framework unique to TSA that does not adversely impact the resources and agility necessary to protect the security of the traveling public." It further states that within this framework, "security policies and procedures," or "internal security practices" will not be issues subject to collective bargaining. Given that security practices and procedures frequently change, this dividing line is not a bright one and will likely be the subject to collective bargaining and subsequent litigation. The

resolution of these issues could rest with an arbitrator with no direct knowledge of security issues, intelligence, and transportation security. This could result in the very thing that TSA does not want, and that is to place the performance of TSA's security mission in the hands of someone who neither has the expertise to make these decisions, nor is accountable to them.

Secondly, the decision document drives a stake through the heart of what makes risk-based security work: meaningful performance-based incentives. The decision here uses the words "high performance," "engaged," describes an organization that "truly values and promotes initiative," and vows that security will not be compromised. This decision, however, imposes a wall between a TSO's job performance and pay incentives.

Cash incentives are effective motivators to officers who are willing to be accountable and base their personal success on good security results—something air travelers should want very much. "The performance management process" is explicitly included among the issues subject to collective bargaining, but at the same time in the next section, "pay and policies affecting pay" are specifically excluded. In other words, this decision means that better performance does not mean better pay. The union will bargain to define "performance," probably seniority-based, and TSA agrees not to use cash incentives to motivate employees' performance. For an agency that depends on its security officers to constantly adjust and improve their skills so that they are prepared for ever-changing terrorist tactics, this disconnect between pay and performance could be disastrous.

TSA has a robust pay-for-performance system in place today and those who perform their security duties better get significant bonuses and pay raises. Reversing the logic to de-link pay incentives from job performance can only sap the energy of TSOs who are motivated to be actively engaged, use initiative, and strive to achieve high performance team objectives. That cannot be good for security, or performance of any kind.

There are many other issues worthy of discussion, but these cut across philosophy and politics and gets to the issue of the security of the flying public. Action is needed now to stop the imposition of this flawed decision on TSA's fine workforce and all of us who depend on them.

Respectfully,

KIP HAWLEY,
TSA Administrator, 2005–2009.

The PRESIDING OFFICER. The Senator has used her time.

Ms. COLLINS. I urge our colleagues to support this amendment. I think it is a balanced approach that will give these employees more rights than they currently have without interfering with the essential mission of this law enforcement agency.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, do I understand I have 6 minutes remaining?

The PRESIDING OFFICER. The Senator has 4 minutes 4 seconds.

Mr. WICKER. I was under the impression I had yielded 4 minutes to the Senator from Maine.

The PRESIDING OFFICER. Would the majority object to the Senator from Mississippi taking 6 minutes? Without objection, it is so ordered. The Senator has 6 minutes.

Mr. WICKER. I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield myself 5 minutes, if I can.

I listened carefully to the statement of my friend, the Senator from Maine. Frankly, I wonder if we are in parallel worlds and we are talking about the same thing but in a different context. My friend, the Senator from Maine, seems to be ignoring the very careful limitations that TSA has placed on collective bargaining rights. For example, under the provisions of TSA, the transportation security officers cannot bargain over pay.

They cannot bargain over pay. They cannot bargain over deployment procedures—who works where. The Senator mentioned the incident involving Great Britain; they had to train people overnight. Well, they cannot bargain on training either. That is not part of the bargaining rights they would have.

The Senator mentioned about the deployment of people to Denver because of a blizzard. Well, deployment procedures, who works where, is not again subject to collective bargaining. Emergency response measures, that was the one dealing with Great Britain. On emergency response measures, who goes where, how long they have to be there for an emergency response, is not negotiable. It is not part of the collective bargaining agreement.

So I am at a loss to understand what the Senator from Maine was talking about. They cannot bargain over emergency response procedures, deployments or other security issues. So, again, this is not something that is part of the collective bargaining agreement.

Last week, the Transportation Security Administration said—the Administrator, John Pistole, testifying before the House subcommittee, said that the employee morale is a security issue—employee morale. Why did he say that? A recent survey ranked TSA 220 out of 224 Federal employers as the best place to work. In other words, 224 would be the worst place to work in the Federal Government. TSA was rated at 220. They have a high turnover rate, they have a high injury rate, and extremely low morale.

So what we are trying to do is give them that boost in morale. Here is what the TSA Administrator said last week:

The safety of the traveling public is our top priority, and we will not negotiate on security. But morale and employee engagement cannot be separated from achieving superior security.

While some of my colleagues have suggested that providing collective bargaining rights could jeopardize security, nothing could be further from the truth. Unionized security personnel are just as effective, dedicated, and willing to put their lives on the line in an emergency.

I point out, for example, Border Patrol personnel have collective bargaining rights. Immigration and Customs officials have collective bargaining rights. Our Capitol police officers who protect us have collective bargaining rights. Why should TSOs be any different? To suggest that unionized security personnel are somehow less effective, less dedicated, less willing to put their lives on the line in an emergency I believe is an insult to every man and woman in uniform in this country who works under a collective bargaining agreement.

I only need to remind everyone, remember 9/11. Remember that image of all the people in New York running away from those towers as they came down, the thousands of people running away from that calamity, and the picture was of other people running into it—our police, our firefighters, our emergency personnel, who not only risked their lives but gave their lives to help save people in that tragedy.

Every single one of them, every firefighter, every policeman, the emergency personnel, were all union people, belonged to a union with collective bargaining rights. Yet look at what they did during that emergency.

So, again, I think it is important to add that under this agreement, they get limited collective bargaining rights. They cannot bargain over security procedures and policies, deployment, disciplinary standards or “any action deemed necessary by the administrator or his or her designees to carry out the agency mission during emergencies.”

They cannot negotiate on that. So, again, we just want to help raise the morale there, to give these people bargaining rights so—

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. HARKIN. I yield myself 1 additional minute.

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

Mr. HARKIN. Here is what they can bargain on: grievance procedures—that helps on morale—nonemergency scheduling—that helps on morale—awards and recognitions, uniforms, bidding on shifts and procedures used for how they bid on shifts—who gets the 2 a.m. shift, who gets the 7 a.m. shift—all non-emergency types of situations.

This will help give them better morale and will help in terms of ensuring security. Do not take my word for it. Take the Administrator’s word for it, Administrator John Pistole, who said this will help ensure the safety of the traveling public.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I yield myself 5 minutes.

I rise in support of the Wicker amendment. Senator COLLINS, who spoke earlier, is a cosponsor of this amendment. I might also note that Senator COBURN has joined as a cospon-

sor also. The Wicker amendment has everything to do with public safety. It has everything to do with preventing excessive litigation when it comes to the definitions of the roles of our TSA workers. It has everything to do with preventing increased deficits here in the United States and in the Federal Government.

For that reason, groups that support the Wicker amendment today and urge an “aye” vote include the Heritage Foundation, the Workforce Fairness Institute, and Americans for Tax Reform.

Just a little history for those who have not followed this debate over the last several days. Currently, TSA employees are not allowed to collectively bargain. That has been the policy of the Federal Government since the inception of the Transportation Security Administration. For a decade, TSA employees have not been allowed to collectively bargain.

Their rights and considerations and morale issues have been taken care of in other ways. Since the creation of TSA, its employees have been treated similar to those in the FBI, the CIA, and the Secret Service, for purposes of collective bargaining. In fact, in a 2003 memo, the Under Secretary of Transportation for Security, which is now the TSA Administrator, prohibited TSA security screeners from unionizing with collective bargaining rights.

The Under Secretary at the time made this decision “in light of their critical national security responsibilities.” That has been the regime under which we have operated the TSA for the entire existence of the agency.

Now, however, the Obama administration is intent on doling out rewards to campaign supporters and they are moving to reverse this decades-long decision and to allow TSA workers to collectively bargain. My amendment would prevent that and, as I say, would keep the TSA employees under the same restrictions as the FBI, CIA, and Secret Service.

Senator COLLINS, in her modification to my amendment, provided some very important safeguards. It allows TSA workers to be under the Merit Systems Protection Board. It also provides Whistleblower Protection Act protections for TSA employees.

We are told our concerns about safety have been taken care of because the agreement or the decision by the TSA Administrator says we cannot have collective bargaining over other security issues. It named several, and then it says “other security issues.” What does that mean?

Well, that is what the former Administrator was talking about in the letter to Senator COLLINS. This is going to require litigation to determine what “other security issues” are. I will tell you what, apparently, is allowed under the Administrator’s proposal. It does allow bargaining over the selection process for special assignment. It allows collective bargaining over the

policies for transfers. It allows collective bargaining for shift training, as my friend from Iowa just acknowledged. All of these are going to make the TSA less flexible and less efficient in going about their business of protecting America.

I would close by saying this: There is a budget debate also. At the other end of this building, we are having hour after hour of debate about how to keep this deficit from ballooning, how to keep the cost of government from going up.

Does anybody think that allowing collective bargaining for 50,000 additional Federal employees is going to cut the cost of the Federal Government?

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. WICKER. I yield myself 1 additional minute.

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

Mr. WICKER. What is happening out in the States? State after State after State is facing bankruptcy, and a large part of it is the cost of government brought on by employee union contracts. That is just a fact. State after State, Governor after Governor, they are coming to Washington, DC and saying: We are going to have to do something about this. We are going to have break these contracts and save us from financial ruin.

At a time when Governors are moving in that direction and trying to get out from under these public employee collective bargaining agreements, would it not be the height of irresponsibility, would it not be the height of irony for the Federal Government to go in the other direction?

Vote for the Wicker amendment and save the taxpayers the additional money it will take to move to collective bargaining.

The PRESIDING OFFICER. The Senator’s time has expired.

Ms. MIKULSKI. Mr. President, I rise to speak against the Wicker amendment. This is the Republican’s first of what I worry will be a sustained attack in the 112th Congress against Federal employees.

As the Senator from Maryland and for Maryland, I represent more than 130,000 Federal employees. These men and women are dedicated and duty driven. They are on the frontlines protecting America every day securing our borders inspecting our food, and performing critical health research. They deserve a decent wage, safe working conditions and our thanks and respect.

This amendment would deny TSA workers the collective bargaining rights that many other employees at DHS currently have, including the Bureau of Prison Guards, Customs and Border Protection, and the Capitol Police.

TSA currently suffers from low morale, high injury rates, and high staff turnover. Giving these employees a voice at work representing their interests will lead to a more stable, more

experienced, and healthier workforce. That would increase productivity, performance, and safety for the flying public.

Like all Federal employees, the employees at DHS with collective bargaining rights must follow civil service rules that prohibit the right to strike and allows managers to move employees to different areas in the event of an emergency. They bargain in a way that does not compromise the agency's mission and that does not endanger national security.

Congress has been debating allowing collective bargaining for TSA employees for a decade. Republicans have been vocally against it.

In 2001, Congress took up FAA. It gave the administrator the authority to determine whether TSA employee would get collective bargaining rights.

In 2004, the 9/11 Commission recommended granting TSA workers collective bargaining.

In 2006, the Senate passed a bill granting collective bargaining for TSA workers. But we couldn't get it across the finish line because of the threat of a Presidential veto. Every Democratic Senator voted in favor of collective bargaining for TSA.

Finally, this month, the TSA completed its review of the potential impact of collective bargaining rights for TSA workers on the safety and security of American travelers. And the TSA Administrator announced that TSA workers do have collective bargaining rights, and they will soon be able to determine whether or not they wish to exercise those rights. In the coming months, TSA workers will be able to decide whether or not they want to be represented by a union to bargain on their behalf on nonsecurity employment issues.

But the Wicker amendment would bring all of this to a screeching halt.

We should not stand in the way of something that TSA employees want, and the Secretary of Homeland Security and the President support.

Federal employees serve their communities and country every day. They should be empowered to fight for their rights on the job without any fear of retribution.

Whether you are at the IRS or the TSA, you deserve collective bargaining rights. And if anyone wants to block, or take away those rights, you will have to get through me first.

The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Four minutes four seconds.

Mr. ROCKEFELLER. Let me just say that the TSA Administrator has the right to allow collective bargaining for TSA employees through the authority he was provided in the original Aviation and Transportation Security Act passed in 2001.

When Congress passed that, we came to an agreement that left the deter-

mination of allowing collective bargaining rights for Transportation Security Officers to the TSA Administrator. I firmly believe this authority should remain with the TSA Administrator.

The current agreement was approved under the Bush administration and approved by a Republican-controlled House of Representatives. I see no reason to alter this compromise at this time. There are valid reasons to keep the authority with the TSA Administrator. He works firsthand with the employees every day. The nature of his work is very hands on. He is better qualified to determine the agency's mission, how it can be improved, with or without collective bargaining—he more than anybody.

On Friday, Administrator Pistole announced his intention to allow collective bargaining over workforce issues, but security and pay will not be subject to negotiation. Most other Federal law enforcement agencies, including others housed within the Department of Homeland Security, such as Customs and Border Patrol, have collective bargaining rights.

I do not believe the sponsors of this amendment would question the dedication of these law enforcement officers, despite their right to collectively bargain. TSA employees must still follow civil service rules that prohibit the right to strike and allow managers to move workers to different areas and roles in the event of an emergency and security as needed.

I cannot support this amendment. I feel it could negatively impact security if TSA permits collective bargaining rights to improve employee retention. Finally, this amendment is a security issue, and one that is better addressed when a TSA reauthorization comes to the floor. This is our problem. We are not talking about security here, we are talking about other matters.

Accordingly, I urge my fellow Senators to oppose the Wicker amendment.

I yield the floor.

Mr. HARKIN. Would the Senator yield? How much time is remaining?

The PRESIDING OFFICER. There is 1 minute 39 seconds.

Mr. HARKIN. Mr. President, listening to my friend from Mississippi talk about deficits—and we have to be concerned about deficits. The first thing on which they cannot bargain is pay. That is not something they can bargain on. Generally, Federal employees do not bargain on pay, I might add.

So I do not know what that means. I mean, he is talking about deficits, but they cannot bargain about pay anyway.

Then he talked about the FBI and the CIA and the Secret Service, that they did not collectively bargain. Those agencies all deal with very highly sensitive national security information. What are we talking about here? We are talking about the people who check your bags. We are talking about the people at screenings and who do the patdowns, but we are also talking

about an agency that has one of the highest turnovers of any Federal agency. I do not want a high turnover rate among those people at the airport. I want them to be highly skilled, highly trained, highly motivated. I want a good morale system there. Everyone says it is one of the lowest in terms of morale and has one of the highest turnovers of any Federal agency.

Giving these people the right to organize and to bargain collectively on things that are not of national security measures—not pay, not emergency procedures, but other things that make life a little bit better for them so they know basically: What is the procedure for me being posted here, what is the procedure for me working at 2 a.m. or 7 a.m., so they have a system whereby they know what is expected of them—to me, that is the way to build morale.

Lastly—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. I just ask for 30 seconds. I gave him 2 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. I just gave him 2 minutes. I did not object.

The PRESIDING OFFICER. Objection is heard. The time that was given to the other side was due to an error in the chair.

The question is on agreeing to the Wicker amendment No. 14, as modified.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

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

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—47

Alexander	Ensign	McConnell
Ayotte	Enzi	Moran
Barrasso	Graham	Murkowski
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Brown (MA)	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker
DeMint	McCain	

NAYS—51

Akaka	Blumenthal	Carper
Baucus	Boxer	Casey
Begich	Brown (OH)	Conrad
Bennet	Cantwell	Coons
Bingaman	Cardin	Durbin

Feinstein	Levin	Rockefeller
Franken	Lieberman	Sanders
Gillibrand	Manchin	Schumer
Hagan	McCaskill	Shaheen
Harkin	Menendez	Stabenow
Inouye	Merkley	Tester
Johnson (SD)	Mikulski	Udall (CO)
Klobuchar	Murray	Udall (NM)
Kohl	Nelson (NE)	Warner
Landrieu	Nelson (FL)	Webb
Lautenberg	Reed	Whitehouse
Leahy	Reid	Wyden

NOT VOTING—2

Kerry Pryor

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 51.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment, as modified, is withdrawn.

VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the vote in relation to Wicker amendment No. 14, as modified, to the FAA reauthorization bill. If I had attended today's session, I would have voted in opposition to that amendment and would have supported any motion to table that amendment. •

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Paul amendment No. 21; that there be 100 minutes of debate equally divided between Senators PAUL and ROCKEFELLER or their designees; that upon the use or yielding back of time, the Senate vote in relation to the Paul amendment; that there be no amendments in order to the amendment prior to the vote; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

Who yields time?

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, I ask unanimous consent that if we have quorum calls during this period of time, the time be charged equally.

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

Mr. REID. 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. 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. 21

Mr. ROCKEFELLER. Mr. President, the pending Paul amendment will cut the FAA's authorization levels for fiscal year 2011 to 2008 levels, \$14.7 billion for the entire agency, representing a near \$3 billion cut from the administration's introduced level of approximately \$17.5 billion. That does not sound like a lot of money—of course it does—but let me explain.

Managing FAA at the 2008 levels would result in the immediate retrenchment of core functions to reduce operating costs; to wit, FAA would eliminate services and furlough all air traffic organization employees for at least 20 days. The primary services of the ATO is to move air traffic safely and efficiently, and that for a period of 40 days would cease. FAA would implement a hiring freeze for the ATO—air traffic organization—which would force the ATO to focus on major airports with scheduled service resulting in service reductions at particularly the smaller and rural airports, which affects some of us.

The Aviation Safety Office would eliminate 680 employees through attrition. It would also furlough all 1,015 operational support employees an average of 2 days each week. It is pretty hard to carry on 3 days and then 3 days the next week. That particular agency, Aviation Safety, is responsible for the certification, production approval, and continued airworthiness of aircraft and certification of pilots and certification of mechanics and others in safety-related positions. That is what this amendment would do.

The FAA would have to defer major Next Generation Air Traffic Control System initiatives. That is extraordinarily painful. After all, we go back to our old story that we are behind Mongolia in this modernization effort. Just a thought.

In all of this we would be including next generation network-enabled weather, data communications, systemwide information management, safety security and environmental security, information tool set. This means accurate weather forecasting would go down and pilots would have less relevant information, resulting in increased delays and congestion as aircraft would have a lot more difficulty navigating storms. Weather is the associated cause of 7 percent of delays, much less accidents. It cuts Data Comm. It would impact pilot situational awareness and lead to degraded air safety control, having an effect on safety.

It would cut FAA's research, engineering, and development, and require FAA to cancel or delay the NextGen and environmental research—I repeat, to cancel or delay NextGen.

Specifically, FAA will terminate all related programs that were started since 2008, including the Continuous Low-Energy Emission and Noise Program, which develops cleaner and quieter aircraft technologies and alternative aviation fuels. Safety research would also be impacted, including a 1-year delay for research on continued airworthiness for small aircraft, as well as research on emerging technologies for larger aircraft.

Specific office impacts: Office of Human Resources. FAA would furlough all employees for at least 46 days. Furloughing AHR employees would impose a significant hardship on AHR's ability to provide human resources to FAA. Aviation safety and security hazard materials would be reduced. This means fewer inspectors for airlines, fewer parts certified as safe, and delays in producing new U.S.-manufactured aircraft.

The Office of the Associate Administrator for Airports would also be cut. This would be an increased risk of runway incursions and delays to technology that would minimize such risks which have been widely reported in the press and often not reported in the press but nevertheless happen.

The FAA would implement a hiring freeze which amongst many things would lead to a loss of support staff in air traffic control towers and, consequently, controllers would pick up administrative duties and would have less time on the boards in front of them, the lights going off and on. This could lead to an increased number of severity of operational errors. You cannot make operational errors in the control tower. You cannot hand that off to other people. That is called essential air safety. This means fewer air traffic controllers and ones that are less focused on directing airplanes. On the safety side and on the maneuverability side, both would subside.

Elimination of all Federal contract tower funding will effectively shift the cost of operating these towers to the affected airports or to State and local government. I do not know what good comes of that since State and local governments do not do that stuff.

I could go through State by State what the effects would be, but what it does is a ham-handed approach to make a cut.

There is a very interesting thing about air traffic safety: It is highly sophisticated. It is compartmentalized. You can't just shift people from this to that as quickly as you can in other lines of work. Lives are at stake, homes on the ground are at stake, crashes are at stake, collisions are at stake. So it is all well and good to do something which appears to be cutting the budget, but when you are putting the lives of Americans on the ground and in the air directly at risk, that strikes me as something we should not do.

So I am extraordinarily unenthusiastic about this amendment,

and I hope there are many eloquent speeches that follow me in this manner.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I will take such time as I may consume, and I am sure Senator PAUL will be here shortly.

Mr. President, the Paul amendment does reduce the aggregate authorized spending level to the amount appropriated in fiscal year 2008. So basically it is going back to the 2008 levels. I am going to support the amendment because I think we have to make a start at cutting back on spending in every area of government that is discretionary and where we can make responsible cuts. However, I do want to say that the better approach, in my opinion, would be to have an overall cap on spending at the 2008 levels and then pick the priorities we must fund and take away the lesser priorities for government funding. I believe we need a more measured approach on infrastructure spending.

In the case of the FAA, I would point out that the agency is funded through a mix of aviation trust fund dollars and general fund dollars. Specifically, three of the four main accounts in the FAA budget—airport improvement, facilities and equipment, and research—are paid for entirely by the aviation trust fund. The aviation trust fund is funded by revenue from various users of the U.S. aviation system through taxes and fees on the industry. So all capital investment in aviation infrastructure is paid for by the users of that infrastructure. The fourth account—operations—is then funded partially by the aviation trust fund and partially from the general fund.

So as we move toward conference, I think we need to make sure infrastructure projects that increase airport capacity, improve safety, increase the efficiency of our aviation system, and modernize our air traffic control system are adequately funded. This should be especially true when the revenues used to pay for these projects are paid for by the users of the aviation system.

I am certainly committed to restoring fiscal responsibility. I think we have to choose the strategic places where we must invest to ensure our infrastructure serves the needs of our people. I believe Congress would be much wiser to have an aggregate discretionary spending cap and then allow us to debate the priorities that would be funded under that cap. But that means doing business not as usual. It means we don't take each bill individually, each department and agency individually. It means we set an overall cap for Federal spending and then decide which places in which agencies should be well funded and which ones should take a pass for the present until we get our fiscal house in order.

So I am going to support the Paul amendment, but I do believe we need to

have a more systematic approach going forward and fund what needs to be funded. And I do believe FAA, aviation security, aviation infrastructure and efficiency in our air traffic system should be funded. But I think we have to do it in a bigger picture than each individual bill that is going to go through here, and I ask my colleagues to think about a better approach going forward than this type of amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I yield 5 minutes to the Senator from Alaska.

Mr. BEGICH. Mr. President, I thank the chairman and the ranking member for the work they have done. As I said yesterday, it is fairly exceptional, considering the time it has taken to get to where we are.

I understand the amendment that is being proposed and the goal of it, and I have been one of those who have supported the deficit commission, which brought forward some recommendations on how to manage this budget. I have supported multiple efforts on this floor to reduce and manage the budget in the overall scheme of how we move down to sustainability regarding the finances of this country. But this is one bill where you have to take into account not only what is being proposed but what it does and what it will impact. I will use my State as an example. When you think about Alaska, there is no question that when it comes to air travel, no other State has the kind of rural and extended air travel as we have in Alaska. I talked about the Essential Air Service Program yesterday. Forty-four communities are affected by the funding for this program, which serves people who are not next door to any airport and who are not only not just a few miles from an airport, but in some cases, from their airport to a hub, it might be 1,200 miles. So the work and the resources of the Essential Air Service is critical for us to not only conduct business, to move people back and forth between communities, but for medical services. It is really the lifeblood for our communities. This amendment would literally wipe that out or reduce it to such a point that it would be impossible for us to make it economical for some of these airports to operate and some of these flight services that bring the only service to these communities, allowing them to survive.

When you think about NextGen, if we went to the 2008 levels, NextGen was just in the beginning stages. This is an important investment. And it is not the Federal Government that was anxious to get it done right away. We had to actually push Congress—the chairman may remember this—we had to push the Federal Government to move this forward. Why? Because it was the private sector that came to us. The people in the private sector came to us and said: It is important that the Fed-

eral Government move this forward, expedite this resource, help us move this new technology forward to help save fuel, save time, increase capacity at our airports, and make it a better business operation for the private sector airports.

So when I see this amendment, my view is that it is a job-killing amendment. This wasn't a decision where the Commerce Committee said: Well, let's just move this up a few years because we think the government should do this right away. The private sector came to us because they wanted to invest in this new technology. But they are not going to make the investment until there is certainty from the Federal Government on their part of the arrangement. So that is what we are doing. We are doing that in this bill. So this amendment, in my view, is truly a job-killing amendment.

Then I look at the airport improvements, and I was listening to the chairman, who was talking about the contracted services. So I quickly looked at the list affecting Alaska, and I saw Kodiak. Kodiak is where the largest Coast Guard base in this country is. Kodiak is also the contracted services tower. I don't know how that will affect the Coast Guard. I would be very nervous about what it might do.

This type of amendment may be well meaning in the sense of how we all are going to sit here—and I left the Budget Committee meeting to come here. The Budget Committee is where we are now talking about how to plan this budget in a holistic way, not nitpick it like this. The amendment may be well intended to get control of the budget, but it does not understand the impact.

Again, airport improvement is another piece. I would challenge the individual who sponsored the amendment. If he has been to Alaska, great. I would love to take him to a couple of those airports. There is now a great reality show about flying in Alaska. It is so dangerous to fly in Alaska that they had to make a reality show about it. So I would encourage everyone to turn that on and see why NextGen, which was pioneered in Alaska, is so important and why this investment the Federal Government is making is so important for the private sector to have a better tool to utilize in transportation in this country.

Again, airport improvements in my State are critical. It could be anything from refinishing a runway to just having a gravel runway—one that brings food and supplies, medical provisions, and just moving people in and out. It is a critical piece of the equation.

The phrase the Chairman used about the amendment was that he was less than enthusiastic about it. I don't like the amendment as it is written today, specifically around this bill. I am anxious to get to the bigger debate, and I hope, once this bill is cleared off, we will get to the big debate of how we manage the deficit of this country, how we look at it long term. I know I will

hear that this is a start, this is the way we have to start, and that would make sense if this bill was started with that intent in mind. But in 2007, when this authorization expired, NextGen was just an idea. Well, this is a new investment we have to make in order to make our air travel safer, more economical, save fuel, and respond to the private sector that has asked us to get off the dime and create certainty so they can make the investments that will make their business model more effective.

Again, I had no intention to speak today. I was in the Budget Committee, but I wanted to come down and say a few words.

The PRESIDING OFFICER. The Senator has used his 5 minutes.

Mr. BEGICH. I again thank the chairman for the time, allowing me to say a few words from Alaska's perspective. And I would again emphasize that this amendment is a job-killing amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. PAUL. Mr. President, everyone agrees that the FAA plays an important role in air safety. I don't think there is any real discussion or debate on either side in that regard. My amendment calls, though, for having spending levels at 2008. This is actually what is going to be produced out of the House. The House has already published their spending proposals, and most of their spending proposals will be at the 2008 level.

This is a small downpayment on the debt. Some say this is the wrong place to start, but you have to start somewhere. Everybody says they are going to be for balancing the budget or tackling the debt or doing this or that, but you don't get there unless you cut spending.

Now, you can't create a situation where you make it an either/or situation—either we have air safety or we don't have air safety—depending on a spending level. Perhaps you can spend money more wisely. Perhaps the job of a legislator is to find out how you spend money, how you find savings, and how you make do with less. If we don't, we are never going to get out of this problem.

The deficit is an enormous burden on all of us—on our kids and grandkids. The last election was about the deficit, about the mounting debt, but the other side doesn't seem to have listened. They also need to understand what the deficit does to jobs. Our national debt now is approaching our gross domestic product. That means our debt is about equal to what we produce as an economy for a year as a whole country. When it does, there are estimates that it kills the rate of growth of our economy by 1 percent and costs 1 million jobs a year. This is from the debt.

They are talking about what \$2 billion will do within one agency. We are talking about what \$14 trillion worth

of debt does to an entire economy. Remember, 1 percent loss of growth and 1 million jobs a year. The national debt is killing us.

So we had an intervening election, and a message was sent. The message was, listen to the American people. They are upset about passing this debt on to our kids and our grandkids. So we got a response. The President laid out his budget this week. Do you know what his budget will do? The President's budget will spend \$46 trillion—I am not making that up, \$46 trillion over 10 years. That tells me the other side didn't get the message.

Now, \$46 trillion over 10 years, what does this mean? When President Obama came into office, the debt was about \$7 trillion, maybe \$8 trillion. We are now going to triple that debt if he wins a second term. The President will have tripled the national debt in 8 years.

His 10-year proposal will double the debt in just 10 years. The deficit this year alone will be \$1.65 trillion.

The President said he is going to freeze spending. He is going to freeze spending in this little, tiny percentage of the budget, about 12 percent of the budget. It is not enough. It doesn't do it.

Republicans want to go back to the 2008 level, which is what I am proposing. It is not enough either because you are only looking at one tiny sliver of the budget. Today we are looking at one small program.

The problem is that people are starting to recognize the problem of the debt, but they are unwilling to do what it takes to look at the entire budget. We are going to have to look at military spending, we are going to have to look at nonmilitary discretionary spending, and ultimately we are going to have to look at entitlements. But you have to say every program has something good about it. Everybody can stand and say we need NextGen. I am for NextGen. But the thing is, if you are a legislator and you have less money, let's figure out where we find the money in the existing budget.

I proposed some other alternatives. I proposed \$500 million in savings by saying: When we build airports, let's not make it be the union wage or the prevailing wage, let's have the market wage. That would have saved \$500 million. That goes a long way toward funding NextGen. Another \$500 million, \$400 to 500 million is in the unprofitable airports that we are going to subsidize in this bill. There are savings that can be found, but we never find them.

In Washington, what do we tend to do? If we want something, we just add more money to the bill. There are always arguments for these programs, but we also have to understand what are the consequences of a \$14 trillion debt.

President Obama's 10-year plan that he released this week will change \$14 trillion into nearly \$27 trillion. The numbers are mind-boggling. If we do

not do something about it, it is a threat to our country. The President's own Secretary of Defense has said the No. 1 threat to our national security is our debt. It is out of control. I don't think the problem is fully grasped by either side, but I know if we are here today and cannot come to an agreement to save \$2 billion—think about it. I am asking to save \$2 billion out of a budget of \$3.7 trillion. It is such a small number.

They might argue it is such a small number, why even do it? If you don't start somewhere, how will we ever balance the budget? How will we ever get out of this mess if we are not willing to save \$2 billion? It is a start. It is a downpayment. It is how we can say to the American people we heard you in November. We realize we cannot pass this debt on to our kids and our grandkids. Something has to be done.

Instead, what we get from the other side is that we make this into: The other side is not for progress. They are not for developing airports. They are not for GPS systems at the airport. It is not that simple. I am for all those things, but I am for saying let's step up as legislators and say: How do we find the savings in the existing budget? Because the alternative is: How are we going to pay for \$14 trillion in debt? How are we going to pay for \$26 trillion in debt that is going to be added if the President gets his 10-year plan?

You can pay for debt in a variety of ways. You can tax people. But as you can tell by the movement out there, most of us think we are taxed enough already. The average taxpayer is often paying 40 percent and 50 percent of his income. The average taxpayer is paying more in taxes than they do for food and clothing and transportation and all their expenses; they pay more in taxes. I don't think the general public wants to raise taxes.

The other way is, you stick your head in the sand and keep borrowing. That is what we keep doing, borrowing and borrowing, but it threatens our very economy and threatens the country.

How does the country also pay for debt? Are we going to default on our debt? No. Ultimately, we will print money to pay for it, but there is a downside to that too. Countries have ruined their currency. Germany in the 1920s destroyed their currency.

If you look at the curve of what happened to the currency in the 1920s, it happened over a period of about 6 months. You had bread that sold for 100 marks and then 1 million marks and then 100 million marks and then 1 billion marks. The money became so devalued it was of more value to actually burn as a fuel. People went around with wheelbarrows full of money. The workers demanded to be paid two and three times a day.

That is what happens to a country that has a massive debt. You cannot tax people enough.

Greece just went through default recently. As Greece went through default, they tried to raise taxes, but everybody was paying too much already, so everything was forced into the underground economy. You can raise the taxes by 90 percent, you don't get more money. When you increase tax rates, you don't always get more money. The money went underground.

You can print the money, but if you just simply print the money, you destroy people's savings. You steal from those who have saved and take the value of their dollar.

This bill is the beginning of the debate. It is the first bill we have had to come forward with a new Congress that talks about money. It is a very small downpayment. I am asking for a little over \$2 billion savings. It is 2008 levels. It is what the House is asking for. You have to realize also what happened between 2008 and 2011. Do you know how much spending went up? Spending went up by 24 percent. Spending is out of control in this city, and we have to realize the consequences. If we stood here and had an argument over whether NextGen is a good thing, there is no argument. It is a good thing. We should have GPS. We have it in our cars. For certain, we should have it in our airports. I am all for modernizing the airports. But what I am saying is, it is irresponsible as legislators to stand here and just say more, more, more. We are going to spend more money.

We cannot do it. The thing is, it is not just the program. We are not talking about whether the program is justified or whether we should spend money. We are talking about what are the consequences of a massive debt. I think that is where we are.

The American people know this. They instinctively know this. I think there is a great danger to not stepping up. I wish the other side would have come back and said: Why don't we split the difference and try to save \$1.5 billion. That is what compromise would be in this city. If they don't want to save \$2.5 billion, let's save \$1.5 billion. But the thing is, we need to save money everywhere and it cannot be that every program you want to cut is somebody else's program and then when it gets to be your program that you are interested in, you can't cut it. Everybody has a self-interest in their program. Every special interest in this country has a special interest. They have an interest in their particular spending.

I would say this is a small downpayment. This is a way to say to the American people: We have heard you in the election. We know there is a problem. We are going to start cutting spending.

I urge my fellow Senators to vote for this amendment. It is something that has nothing to do with quality, has nothing to do with whether you believe in air safety. It has to do with whether you think the debt is a problem, whether you think the debt is a threat

to us as a country, and whether we are going to step up and do the responsible thing.

I reserve my time.

Mr. ROCKEFELLER. Madam President, I 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. DURBIN. Madam 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. DURBIN. Madam President, what is pending before the Senate at this moment?

The ACTING PRESIDENT pro tempore. The amendment of the Senator from Kentucky.

Mr. DURBIN. It is my understanding this amendment by the Senator from Kentucky would establish a new authorization level for the Federal Aviation Administration, which would revert to the level of 2008. I think it is worth noting that this may cut spending in some regards, but I do not believe it is a wise decision by the Senate to move in that direction.

Our world has changed dramatically since 2008 and the world of aviation even more so. The aviation industry is not the same today by any means. We debated the FAA bill on the Senate floor in 2008. At that time, oil was \$120 a barrel, and the airline industry was in the doldrums.

Eight airlines either completely ceased operations or filed for bankruptcy that year. That cost 11,000 airline-related jobs in America. Airlines that weathered the financial storm lost millions of dollars because fuel costs were going through the roof.

United Airlines, based in Chicago, which I am honored to represent, reported a \$538 million loss that year, driven by a \$618 million increase in fuel expenses. The airlines reacted to this market reality in 2008 by reducing capacity across the industry by 25 percent. Flights were reduced at airports all around the country.

The point I am trying to make is, if we take a snapshot of the aviation industry in 2008, we would find an industry devastated by high fuel prices, still recovering from some of the episodes that followed after 2001, and dramatically cutting back its services across the United States.

We have a suggestion by the Senator from Kentucky to return to that level of spending by the government, when it comes to our responsibilities related to the airline industry. I do not believe that is a thoughtful suggestion because it does not reflect the reality of where we are today and what we are likely to see in the future.

Today is a different day. The airline industry is seeing a major rebound at this point in America. Airlines have reported a \$15 profit in 2010, and the in-

dustry is adding jobs. Airline activity is up considerably compared to 3 or 4 years ago. Today the FAA announced that their forecasts for aviation traffic for the next 20 years were too low. The FAA now predicts U.S. airlines will reach 1 billion passengers per year by 2021, 2 years earlier than last year's prediction.

So the obvious question is, if the airlines are now going to move forward into a period of expansion with more flights, can we afford to say to the American public and the flying public from around the world as they come to the United States that we are going to dramatically cut government investment in aviation?

What the Senator from Kentucky would have us cut, unfortunately, is not the fluff and the extras. It goes to the heart of the responsibility of the Federal Aviation Administration. Madam President, you and I and our colleagues get on these airlines every week. We put our fate and future in their hands, trusting that we have a qualified airline crew, a plane that is ready to fly, and air traffic controllers who will move us safely from one spot to another.

Much of that is being done by those who are employees of the airlines. But a lot is being done by the employees of the Federal Aviation Administration. What Senator PAUL is suggesting is that we, at a time of great expansion in this industry, need to cut back on the government role.

It means fewer dollars and, equally important, fewer professionals who would be inspecting these airplanes to make sure they are safe, fewer air traffic controllers, less of a role by our government in making certain the airlines are operating in a safe and efficient manner at a time when the aviation industry is expanding.

Senator PAUL's suggestion moves us in the wrong direction. If there was ever a need for more vigilance, more oversight, and more professionalism at the FAA it is now. Cutting back to 2008 spending levels will take away the professional men and women who make the FAA the fine agency that it is.

We signed the last FAA reauthorization bill into law in December of 2003. That bill expired in 2007, about the same time Congress was considering the fiscal year 2008 spending levels of the FAA. We have now extended this law 17 times, lurching forward each time, waiting for this moment when the bill came to the floor.

Congress used to reauthorize the FAA every 2 years just to keep up with a changing aviation industry and to make sure our government agency, working with the airlines, was on top of its responsibility. Now we have been stuck with the same authorization bill we crafted 9 years ago, and the Senator from Kentucky, with this amendment, would have us go back to spending levels of 2008.

Almost all Senators agree we need to do more to make sure we have the best

men and women working for the Federal Aviation Administration. We need to talk about a new generation of air traffic control. Almost all Senators understand we need to update an air traffic control system that is based on World War II technology, technology from the 1940s—70 years ago. It is good, but it could be dramatically better.

This bill before us makes that investment in a technology known as NextGen. These investments move us from radar-based systems to a GPS-based system. It is incredible to me that I can stand on the floor of the Senate and make this speech while I can carry in my pocket a cell phone which has a GPS device which some people could use to determine where I am at this very moment in time. Yet when I board an airplane to fly to Chicago, this technology is not being used. Instead, they are using radar—not an ancient technology but a very old technology.

If a GPS is good enough for my cell phone, if it is good enough for so many other applications, such as the bus that travels back and forth on the streets in the city of Chicago, why don't we have it in our airplanes? Well, because we have never moved from that old technology to this modern technology of GPS, using satellites to determine exactly, pinpointing, where the planes are at every moment.

The FAA bill before us moves us in this direction. The Paul amendment by the Senator from Kentucky would basically eliminate our development of this new technology. The amendment moves us back to the past and it does not save money. The Paul amendment, in fact, would basically deny us this new technology. The FAA Administrator under President Bush, Marion Blakey, was recently asked what she thought about the movement to roll back funding to the fiscal year 2008 levels—the Paul amendment—when she was Administrator. She said: "It's false savings because in the long run it'll cost us much more."

She knows and we know we have to move to GPS from radar to make it safer and more up to date. Senator PAUL of Kentucky says: Let's stop talking about the future. Let's focus on the past.

Can we afford that when it comes to the aviation industry, where every single day we entrust our lives and the lives of the people we love on these airplanes?

Ms. Blakey said that rolling out the NextGen system by 2018—which is the goal of this bill—would save \$22 billion, mostly because fewer delays would mean less fuel burned.

But reducing FAA spending to the fiscal year 2008 levels, as Senator PAUL suggests in this amendment, would amount, as Marion Blakey said, to a cut of \$1.3 billion—the amount being spent this next year on NextGen. It would roll back and stop NextGen, this new technology, before we can move forward.

This amendment is not about saving money. This amendment is about cutting corners in an area where we should never cut corners. When it comes to the safety of the American public boarding airplanes every day, you do not cut corners. You make sure you have the very best professionals working for the agency and the best technology being used by airports and airliners as well.

I am afraid Senator PAUL's approach may have some appeal to those who would cut blindly, but if you open your eyes and take a look at it, this is a bad move—a move that invites some terrible consequences, which none of us want to envision. We need to keep America investing in modern technology. We need to expand our national airspace safely and efficiently.

I urge my colleagues, this afternoon or early this evening, to vote against the Paul amendment. I know his goal is to save money. This is money that needs to be spent for the safety of the American flying public.

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.

Ms. CANTWELL. Madam 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.

Ms. CANTWELL. Madam President, we are out here talking about the FAA bill, a bill to improve the transportation system in America dealing with our airways. There are a lot of great things about this legislation, everything from the passengers' bill of rights to improvement in airport infrastructure that many of my colleagues have been out here on the floor talking about. Even the Acting President pro tempore articulated why it is so important to make improvements in our ground-based system.

Practically every elected official in America knows that airports are a cornerstone of economic development. No business is going to locate in a community without knowing what the air transportation system is. If it is falling behind, if it is dilapidated, people are going to go somewhere else for their economic development. So improving the ground transportation system as part of the airport infrastructure is critically important for improving jobs in America.

So I know my colleagues are out here offering amendments, and the pending amendment is the Paul amendment, which is a very concerning amendment from the prospects of what it would do to cut the innovation we are about to implement in this FAA bill—the long-standing improvements to the Federal aviation system that have to do with taking our airways from a 1950s technology to a 21st century technology that improves both the situation for

the pilots in the sky and the efficiency of our system and it improves and coordinates the communication system on the ground.

All that also increases jobs in America, high-wage jobs. It puts America back in the driver's seat in the development of key technology. Those are the kinds of jobs in manufacturing we want to be creating in America.

So when my colleague from Kentucky comes out and offers a proposal to basically slow down the implementation by the FAA on key employees in these areas that are part of the technology and infrastructure, what you are going to do is slow down high-wage manufacturing jobs in the United States as well.

With this legislation—with both the improvements to the airport infrastructure and what is, with the NextGen system, going to take place with new technology—we are talking about thousands of new jobs in America. We certainly want those manufacturing jobs to be here in the United States and to get the benefits of this NextGen system.

So I wish to take a moment to talk about that NextGen transportation system and why it is so important to us in creating jobs. Because my colleague from Kentucky may not realize, when you actually cut people and you cut the number of programs that are geared toward this, such as in the NextGen system, you are talking about that the R&D programs could be reduced by as much as \$25 million and then funding for areas such as how to do self-separation, weather technology in the cockpit, weight turbulence.

I do not know about the Acting President pro tempore, but I fly a lot, back and forth across the country almost every week. Some of the pilots I have been flying with have said this has been the most turbulent weather this winter that they have seen. So I know personally. I want to know as much about this and the latest technology that can help us. But under this proposal, the estimated loss of jobs and cutbacks in grant programs and targeted areas again could mean the loss of expertise in R&D that is critical for us in our flying transportation system and safety.

So what are we talking about when we are talking about the NextGen system? We are talking about improvements in flight performance and improvements in the passenger experience and improvements in basically even how we use fuel.

What I like about the NextGen system most is that it reduces total flight delays by 21 percent. That is not the day we pass the bill or when the President signs it. But over time, the implementation of this system—which, again, we have a very old 1950s system, so it is basically radar. It is taking a picture in the sky and saying: Here is where planes are and having air traffic controllers talk to those planes and control, even in pass-off movements, where those flights are going.

In fact, I would say to the Acting President pro tempore, I do not know if she or anybody in her family has ever played Flight Simulator. There is probably more certainty and predictability in the movement in a flight simulator than in that radar system we have today. But we are going to change that.

What this does, by allowing for more accurate tracking and interface and information, is give us the ability to have flights fly on a more direct path, to be able to coordinate better with flights in transportation, and to have that system totally integrated on the ground.

So even those kinds of flight delays that happen on the ground at airports, where you are waiting and taxiing at the airport—oh, this flight is here and that flight is there—all that will be more improved. In fact, that improvement, estimates are, will reduce carbon dioxide emissions from the air transportation system by 12 percent. So that is a very positive aspect of moving forward on Next Generation.

Obviously, if you are improving flight delays by 21 percent, I guarantee you, you are going to be improving the passenger experience. When they know we are trying to get them where they need to go on time, in a better coordinated fashion, with savings, it helps us.

But it also is going to improve the ground transportation system. If you think about that, our ground transportation system is always in need of coordination. We have actually had some accidents on runways. People have heard those in the news over the last several years.

So what this does—when you, again, have a GPS system, the GPS system is coordinating that, so you have better coordination of the taxiing of planes and airport vehicles and the entire ground transportation system. That should not be minimized. The fact that we can imagine how a GPS system can give us better data in the sky is important, but there is a lot that is lost on the ground with flights and the coordination of flights.

If you can imagine—just one of my personal pet peeves—you fly all the way across the country and you end up at your destination after 5½ hours, and no one is there to meet the plane or it takes an extra 10 minutes because somehow somebody did not know the plane was actually at the gate.

All that changes with the system. You know exactly where the plane is, and you know when they are going to be at that gate after they have landed. You know exactly how long it is going to take for them to taxi and how long it is going to take to get there. So that is a great improvement in this system and something that should not be underestimated.

But the issue of safety is also of critical importance—the fact that safety, in any kind of improvement to our system, has to be the paramount issue. To me, that is what NextGen delivers. It

delivers better air traffic controller information. It means there is no routing pass-offs, as we do now when you are flying in between cities. At some point in time, Seattle is tracking you. When you leave Seattle, at some point in time, it is handed over to another sector and then to another sector and then to another sector. This situation is going to have accurate information all the way across, including no pass-offs or challenges with pass-offs, and it is going to give the pilots themselves better situational awareness. It is giving them more information about how they fly and about the information on the runway. So that is critically important for this system. We want safety. We want advancement.

In a lot of ways my colleague may be well intentioned in trying to reduce our budget, but when we look at these numbers and we look at what the Next Generation system is going to deliver, we don't want to cut that out of the government system. These are things that are going to give us efficiencies, they are going to help our economy, they are going to create jobs, and they are going to improve the safety of air transportation travel. I can tell my colleagues I certainly want to improve the safety and the situational awareness of pilots.

I mentioned fuel efficiency. I wish to talk about fuel efficiency for a second because I know fuel efficiency is an important issue. The flying public may think, Well, why do we want planes to be more efficient? The more the transportation system uses fuel, obviously, the more we have seen gas prices go up. It means our transportation tickets and travel costs are more expensive. With this Next Generation system, if we can start driving more fuel efficiency in our air flights by 5 or 6 percent, then we are going to help keep the efficiency in the transportation system.

A program with something like Next Generation was done by Southwest Airlines in a pilot project in Texas, and it actually demonstrated a 6-percent fuel savings for flights between Dallas and Houston. By that I mean it showed that by giving pilots more information, being allowed because of a satellite system-like approach to transportation instead of radar, they are able to fly a more direct route from takeoff to destination. That efficiency translates into savings in fuel costs. It alone is a very important aspect of the system.

The net-net of this is high-wage jobs for us in this particular sector. When we think about this, it means high-wage jobs in engineering, in software development, and for other high-tech workers who are part of developing this system, as well as jobs for the flight crews and maintenance and basically everybody who benefits from the fact that we have a traveling public and tourism in our economy.

I hope my colleagues will vote down the amendment by the Senator from Kentucky. All of these things are very

positive aspects of the Next Generation system and the improvements to our air transportation. This amendment would cut the viability of many of these programs within the NextGen system and the jobs that can be created from this particular legislation. It is definitely long overdue and something the public is expecting from us.

I mentioned there is a passenger bill of rights here which in and of itself is a very positive aspect of the legislation in terms of access. Any time there is a delay on the runway, we have to make sure there is access to food and water and necessary medical treatment. Basically, the Department of Transportation can issue fines for noncompliance of airlines. I know many of the traveling public will love this particular aspect of this important FAA legislation.

I hope we can dispose of this amendment by my colleague from Kentucky and move on to passing this important legislation. It is about jobs. It is about safety. It is about fuel efficiency. It is about ontime arrival. It is about not gutting this legislation when it is needed most to be passed by this body.

I thank the Presiding Officer. I see my colleague from Washington is also here to speak so I will yield the floor for her.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent to take 10 minutes of the Republican time unless a Republican Senator comes to the floor.

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

Mrs. MURRAY. Madam President, we are here on the floor debating an amendment by the Senator from Kentucky. It is very important for the American public to understand. Everyone agrees we have to take some smart steps to cut waste and reduce our debt and deficit, but cutting back doesn't mean cutting blindly. It doesn't mean indiscriminately cutting programs that not only create jobs but, importantly, keep our country and people safe. Make no mistake about it: The Paul amendment we are considering and that we will be voting on shortly directly impacts the safety of air travel in this country.

We all know the FAA has a very specific mission. It is responsible for keeping air travel safe. It oversees the safety of our airline operations. It certifies the equipment they use to meet safety standards. It is responsible for the air traffic controllers who guide our planes, and to make sure the pilots who are responsible for our safety are fit to fly. That is what the FAA does. But under the amendment we are considering this afternoon, the FAA's ability to do that job would be dramatically hampered because under that amendment, the FAA would lose hundreds of its safety inspectors and would have to use furloughs to reduce the work hours of its entire safety inspector workforce.

The FAA controls air traffic every hour of every day. Under the Paul amendment, the FAA would have to furlough its air traffic controllers for significant periods of time because we wouldn't be able to afford to pay for the controller workforce to make sure we have safety in the skies. That doesn't make any sense. It would mean stretching a thinner workforce that bears the burden of keeping millions of air travelers safe every day.

The Paul amendment would force the FAA to continue controlling air traffic with outdated equipment. That is not what we should be doing today. We all know the FAA is currently in the midst of a long-term initiative called NextGen to modernize our air traffic control system which the Senator from Washington just spoke about—a system that will increase the capacity of our aviation system. It will reduce delays and cancellations that everybody knows are hampering our air traffic right now. It saves fuel, and it lowers emissions. It is a modernization effort that is long overdue.

Right now, our air transportation system still relies on radar technology that was developed during World War II. That is right. If you are flying today, you are relying on radar technology that was developed during World War II. The cell phones in everybody's pockets make use of satellite positioning, but we still haven't moved the FAA to a satellite-based system that could guide our planes with increased efficiency. Every one of us uses computer networks every day in our lives, but we are still making the investments to move the FAA to network-enabled operations that will help the agency coordinate more effectively with Homeland Security and the Defense Department.

We all rely on our BlackBerries to communicate with each other through e-mail and text messages, but we are still making the investments necessary to help the FAA rely less heavily on voice communication between pilots and air traffic controllers. If you are on a flight and if you listen on your headphones when the pilot is talking to the air traffic controllers, and you know they step on each other, we know the system is not efficient. Under the Paul amendment being offered today, that entire modernization effort would face significant delays. With goals for reduced delays and fuel savings in sight, we would be stepping on the brakes. Ironically, that would increase the cost of these NextGen investments over the long term, forcing all of us as taxpayers to put in more money to reach those necessary goals.

This amendment would not only impact the safety of our travelers in this country, it would create a major impact on our efforts to create jobs and boost the economy. I told my colleagues this amendment would furlough or eliminate the jobs of workers across the country, and they are not nameless, faceless bureaucrats. These

are people who are air traffic controllers who are right now controlling the planes in the sky as we speak. These are the safety workers who are responsible for keeping watch over our airlines and certifying our pilots to make sure that plane they are flying and any repair that is made is done correctly. They are the researchers who are working to find cleaner and quieter aircraft technology and alternative aviation fuels.

But this amendment wouldn't just impact those workers we all rely on, and that is because when we are forced to continue flying with fewer air traffic controllers in the tower under older technology, we are going to face huge delays and inefficiencies that will lead to billions of dollars in lost revenue. Ask anybody in the hotel business or restaurant business or tourist business what happened after 9/11 when our air traffic was shut down. The impact on our economy is huge.

We need to make sure when we make cuts to our budget, we do it wisely. The Paul amendment that is before us affects our economy, affects jobs, and critically affects the safety of the American public. That is not wise or responsible.

The most recent statistics show that civil aviation accounts for about \$1.3 trillion in economic activity in this country. Even more importantly, aviation provides jobs for hard-working Americans. A few years ago, 11 million Americans were employed in an aviation-related field. They earned about \$400 billion. This is not the time to put this vital job sector at risk by cutting back on our effort to modernize and innovate, and we should never be willing to put the safety of our skies and our airports and Americans at risk.

This amendment is a misguided attempt at providing savings that comes at too high a cost. We all know and we all agree we need to be prudent about our spending, but we can't undermine the FAA as our first attempt out here and put the American public at risk. That is not wise; that is not prudent; it is not what we should be doing.

I urge the Senate to consider the very real danger this amendment poses to our safety and our economy and oppose this amendment.

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

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

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Madam 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. NELSON of Florida. Madam President, I ask unanimous consent to take 1 minute of the time remaining allocated to the other side of the aisle.

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

Mr. NELSON of Florida. Madam President, I can say it in 1 minute. Why do we not want to savage the FAA budget, cutting millions and millions, to go back to the 2008 level? Simply this: It is the safety of the flying public.

The airways are getting more crowded. The delays on the ground, in the airports, are getting longer. That is the whole idea of creating a new system of air traffic control—in order to handle more traffic safely by having instruments in the cockpit that operate off our constellation of satellites that can keep the separation between airliners, can fly more efficient direct routes, and it all be coordinated instead of through radar from the ground. That is the whole purpose of the updating of the FAA air traffic control, called the Next Generation of air traffic control.

If this amendment is adopted, all of that is savaged. That is not where America should be going.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Madam President, I commend Senator PAUL for his diligent work to try to bring spending in line with our Nation's fiscal realities.

His amendment reduces the overall authorization level for the Federal Aviation Administration to \$14.719 billion. That is the authorized level for fiscal year 2008. That is down from \$17.526 billion, which is proposed under the 2011 bill. To put this in perspective, it is a 19-percent increase in just 3 years. If we continue to have those kinds of increases, it is not going to be sustainable given our large and growing debt.

Holding spending to 2008 levels is not so outrageous or unworkable as has been portrayed. By reducing the top line amount, the amendment provides the Secretary of Transportation with the necessary discretion to make the appropriate reductions to the related FAA accounts. Not all of them, for example, are safety accounts. So priority could be given to those matters.

There is an argument that could be made that since this is an authorizing bill rather than an appropriations bill, the overall funding levels do not matter. But authorization bills do establish guideposts for the Appropriations Committee. In this case, the spending reductions reflect limits on how much will be appropriated out of the airport and airway trust fund.

Additionally, a portion of FAA's funding comes from the general fund of the U.S. Treasury. Imposing spending cuts to this authorization bill also provides a tiny but still necessary signal to other Members of the body, the administration, and the financial markets that the United States is prepared to begin dealing with our pending budgetary catastrophe.

The simple fact is that the United States is \$14 trillion in debt and running an annual deficit of \$1.6 trillion. Our record level of debt is equal to

\$45,500 per American citizen and \$127,500 if we just count the taxpayers in America. Each day the United States pays another \$1.273 billion in interest alone on this debt.

To be clear, the amendment could result in a reduction of some FAA services. This is a reality that setting the tough spending priorities will cause some services potentially to be trimmed and certainly unnecessary functions to be eliminated.

But I do not think the debate over this amendment can occur outside the context of the difficult spending decisions that we are going to need to consider in the next several weeks. We literally have to start somewhere, and almost everywhere is going to require some sacrifice.

The House of Representatives will consider cuts to the FAA funding levels this week and, likewise, this body will be required to do the same.

I appreciate the work that Senator PAUL has done and hope that my colleagues will strongly consider supporting his amendment.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, I ask unanimous consent that when the disposition of the Paul amendment occurs, the Senate proceed to the consideration of H.R. 514, which was received from the House and is at the desk; that the Reid-McConnell substitute amendment, which is at the desk, be agreed to; that there be up to 30 minutes of debate equally divided between the two leaders or their designees prior to the vote on passage of the bill, as amended; that there be no further amendments or motions in order to the bill prior to the vote, and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I express my appreciation to everyone involved. It has been a difficult issue, but I will put on the record what I have told a number of Senators personally, and that is that we will, prior to this expiration occurring, bring up the PATRIOT Act and have an opportunity for an extended period of time—a week at least—to offer amendments and do whatever people feel is appropriate on this bill.

I have talked to a couple of Senators who have told me specifically that they want to offer amendments. Although I didn't agree I would support their amendments—one was a Democrat and one was a Republican—I said that is what we should be able to do, to set

this up so they can offer their amendments. And I will do whatever I can to make sure we move forward on this legislation in ample time so that we can pass this PATRIOT Act for a more extended period of time, which is so important to the security of this country. I know people have problems with it, and that is why we are going to have the amendment process.

The PRESIDING OFFICER. All time is expired on the amendment.

Mr. REID. Mr. President, I move to table amendment No. 21 offered by the Senator from Kentucky, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

THE PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—51

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Reed
Bingaman	Johnson (SD)	Reid
Blumenthal	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NAYS—47

Alexander	Ensign	McConnell
Ayotte	Enzi	Moran
Barrasso	Graham	Murkowski
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Brown (MA)	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker
DeMint	McCain	

NOT VOTING—2

Kerry Pryor

The motion was agreed to.

VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the vote in relation to Paul amendment No. 21 to the FAA reauthorization bill. If I had attended today's session, I would have voted in opposition to that amendment and would have supported any motion to table that amendment. •

FISA SUNSETS EXTENSION ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following measure, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 514) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011.

The PRESIDING OFFICER. Under the previous order, the substitute amendment is agreed to, and there will be 30 minutes equally divided for debate prior to a vote.

The amendment (No. 90) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "FISA Sunsets Extension Act of 2011".

SEC. 2. EXTENSION OF SUNSETS OF PROVISIONS RELATING TO ACCESS TO BUSINESS RECORDS, INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS, AND ROVING WIRETAPS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking "February 28, 2011" and inserting "May 27, 2011".

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended by striking "February 28, 2011" and inserting "May 27, 2011".

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, in a few minutes we are going to vote on a 3-month extension of the expiring provisions of the PATRIOT Act. I will support this extension because it gives the Senate time to properly consider this critically important legislation. But before I support any additional extensions of the PATRIOT Act, I believe we should have an honest discussion about changes and reforms that are necessary to protect the constitutional rights of innocent Americans. It is worth taking a moment to reflect on the history of the PATRIOT Act.

The PATRIOT Act was passed almost 10 years ago after the 9/11 terrorist attack. Ground Zero was still burning when President Bush asked Congress to give him new authority to fight terrorism. Congress responded, passing the PATRIOT Act by an overwhelming bipartisan vote, including my own. It was a unique moment in our history.

But even then, many were concerned that the PATRIOT Act might go too far when it came to our constitutional rights and freedoms. As a result, we