

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

Ms. KLOBUCHAR. I also commend these two great leaders, Senator KERRY and Senator MCCAIN, for coming together on this resolution. A lot of people try to bring us apart in this institution. But they were counted here today with one voice. I was in Vietnam with Senator MCCAIN. I couldn't get over all the people who came up to him and still talked about the work he and Senator KERRY had done together, with POWs and other issues, how they had gone to Vietnam together. Well, once again, they have come together at a time of great crisis to have the Senate tell the people of Egypt that we are there with them and we are behind them.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

AMENDMENT NO. 14

Mr. AKAKA. Mr. President, I rise today to strongly oppose Senator WICKER's amendment to prevent Transportation Security Administration employees from being able to collectively bargain.

There is no need for the Senate to use valuable time considering this issue right now. Congress gave the Administrator of TSA the authority to determine if and how collective bargaining should take place in the Air Transportation Security Act, which established TSA in the wake of the attacks of September 11.

Administrator Pistole, who has a strong national security background, is evaluating this issue in detail and I believe we should let him complete his review.

Although I believe Administrator Pistole should be given time to make the decision on granting collective bargaining rights to TSA employees, I want to address the arguments some are making in opposing TSA workers' rights.

I believe giving TSA employees a greater voice in the workplace would be good for security. TSA suffers from low morale, high attrition, and high injury rates.

National security is jeopardized when agencies charged with protecting our safety continually lose trained and talented employees due to workplace injuries and a lack of employee protections.

Moreover, the vast majority of Federal employees have collective bargaining rights. This includes other employees of the Department of Homeland Security performing similar security functions, such as Border Patrol agents, Federal Protective Service officers, and Immigration and Customs Enforcement officers.

In addition, there currently are some private airport screeners with full collective bargaining rights. Airport security is handled by contract screeners in a handful of airports, including some

large ones. These contract employees have full collective bargaining rights. Ironically, some have recently been arguing for contracting security at more airports, saying the security is better there. To be clear, I strongly support federalized airport security, but if there are any benefits where security is contracted, perhaps it is because the screeners are unionized, not because they are privatized.

Proponents of collective bargaining restrictions say they are necessary so that TSA has the flexibility to respond to emergencies. That is simply not true. Under Federal law, agencies are provided authority to take any actions they deem necessary to carry out their missions during an emergency. Granting collective bargaining rights would not in any way hinder TSA's flexibility to transfer employees in the event of a national emergency.

Moreover, under civil service laws, TSA employees, as other Federal employees, would be prohibited from striking if they are granted collective bargaining rights.

We all remember the heroic first responders who rushed into the World Trade Center and the Pentagon on September 11, 2001. I vividly recall the Capitol Police officers working frantically to protect our safety when it appeared the fourth plane could strike the Capitol. These were unionized workers. Like the heroes of 9/11, the brave men and women of TSA have dedicated themselves to protect our security. There is absolutely no basis for the Republicans to argue that TSA employees would invoke union contract restrictions rather than rise to the occasion in an emergency.

I urge all Senators to protect TSA employees' opportunity to have a voice in their workforce by opposing the Wicker amendment.

Mr. President, I yield back my time.

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

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

AMENDMENT NO. 32

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to set aside the pending amendment to call up, on behalf of Senator ENSIGN, Ensign amendment No. 32.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for Mr. ENSIGN, Mr. CONRAD, and Mr. HOEVEN, proposes an amendment numbered 32.

Mr. ROCKEFELLER. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To improve provisions relating to certification and flight standards for military remotely piloted aerial systems in the National Airspace System)

Beginning on page 96, strike line 9 and all that follows through page 97, line 8, and insert the following:

(3) establishes a process to develop—

(A) air traffic requirements for all unmanned aerial systems at the test sites; and
(B) certification and flight standards for nonmilitary unmanned aerial systems at the test sites;

(4) dedicates funding for unmanned aerial systems research and development relating to—

(A) air traffic requirements; and

(B) certification and flight standards for nonmilitary unmanned aerial systems in the National Airspace System;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) uniquely addresses the requirements of military and nonmilitary unmanned aerial system operations;

(7) ensures the unmanned aircraft systems integration plan is incorporated in the Administration's NextGen Air Transportation System implementation plan; and

(8) provides for integration into the National Airspace System of safety standards and navigation procedures validated—

(A) under the pilot project created pursuant to paragraph (1); or

(B) through other related research and development activities carried out pursuant to paragraph (4).

(b) TEST SITE CRITERIA.—The Administrator shall take into consideration geographical and climate diversity in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

(c) CERTIFICATION AND FLIGHT STANDARDS FOR MILITARY UNMANNED AERIAL SYSTEMS.—The Secretary of Defense shall establish a process to develop certification and flight standards for military unmanned aerial systems at the test sites referred to in subsection (a)(1).

VOTE EXPLANATION

Mr. WARNER. Mr. President, I was unable to vote today because of a family emergency. I want to be clear that if I were present in the Chamber, I would have voted in favor of Senator SHELDON WHITEHOUSE's amendment No. 8 to provide penalties for pointing laser pointers at airplanes. Instances of this dangerous practice doubled last year, and I believe we need to take the strong actions necessary to protect our flight crews and the flying public from dangers such as this.

I also would have voted in support of the motion to table Senator RAND PAUL's amendment No. 19 to prohibit any funds made available by the FAA Reauthorization Act to be used to administer or enforce wage-rate requirements with respect to any project or program funded under the bill. I will continue to work with my colleagues on both sides of the aisle to protect American workers, especially in these tough economic times.

Mr. WHITEHOUSE. Mr. President. I am in strong support of Senator LEVIN's effort to repeal the enhanced tax form 1099 reporting requirements enacted in the Patient Protection and Affordable Health Care Act. Since passage of the bill, I have heard from hundreds of Rhode Island small business owners about the paperwork and record-keeping costs of complying with the new 1099 standards. The provision, which was intended to cut down on fraud and generate revenue, has simply proven too burdensome on small businesses. I support the repeal of the new 1099 provision and am pleased to have voted in favor of the Levin amendment which would do so.

While I support the Levin approach to repealing the 1099 provision, I cannot lend my support to Senator STABENOW's amendment which would pay for the repeal by rescinding \$44 billion in appropriated funds. The rescission could endanger priorities for Rhode Island like funds appropriated for water infrastructure, housing assistance, and to help Rhode Island recover from the historic floods of March 2010. Senator REED and I fought hard to bring Federal help to Rhode Islanders struggling to rebuild after the worst flood in 200 years, and I simply am not willing jeopardize that relief.

Once again, I fully support the repeal of the enhanced 1099 reporting requirements, and I hope we can pass a measure to do that without endangering funding for critical programs like flood recovery.

Ms. SNOWE. Mr. President, I support Senator MCCONNELL's effort to fully repeal the Patient Protection and Affordable Act. I opposed the final passage of this new law because it was the product of a seriously flawed process that was rushed on a host of artificial timelines resulting in fundamentally defective policy that did not resolve the issue of affordability of health care in Maine and across the country. In addition, the preponderance of the beneficial reforms and subsidies do not kick in until 2014, so between now and then most Mainers will continue to experience what they know all too well—a continuation of premiums that have skyrocketed by 426 percent over the past decade and diminishing competition and plan choices in our markets.

Regrettably, what the Democratic majority rushed through the Senate floor last Congress was a 2,740-page bill, which we were forced to complete by Christmas day after a mere 21 days on the floor. As the result of this massive bill, we have a bloated and over-extended new law that dramatically augments the reach of the Federal Government in health care. According to the U.S. Chamber of Commerce, the new health reform law mandates 41 separate rulemakings, at least 100 additional regulatory guidance documents, and 129 reports. In addition, the new law is paid for with a job-killing \$210 billion increase in Medicare taxes on businesses and an estimated \$500 bil-

lion overall increase in taxes at this time of economic peril.

I happen to believe the details matter of what we do here in Congress. And I also believe the American people would agree. It is not irrational for them to expect that we actually know what is in this bill, how it will work, and whether we can reasonably expect it to be effective and bring down costs for the American people. And there is mounting evidence that it will not, as a recent study projects an 8.8-percent premium increase for employer-sponsored coverage in 2011—up from 6.9 percent in 2010 and 6 percent in 2009—and out-of-pocket premium costs for employees will rise 12.4 percent next year.

During consideration of the health reform bill, I had serious concerns about affordability—and whether an affordable coverage option would be available to all Americans in the private insurance market. That is why I requested an analysis from the non-partisan Congressional Budget Office, CBO, back in December 2009, with a State-specific analysis of premium affordability, but regrettably a complete analysis was never provided.

So I support efforts to fully repeal of the health care reform law. And because the majority has endorsed once again their misguided health law by defeating today's full repeal vote, I will also support targeted efforts to repeal other provisions—starting with the onerous 1099 mandate that we have just repealed that would have required millions of businesses to send billions of new information reporting forms to the IRS and other businesses. I want to commend Senator JOHANNIS for his recognition of this onerous burden and his tireless efforts to repeal it. Since last summer he has done a yeoman's job of leading on this issue.

If this amendment was not adopted here in the Senate, every business in America, starting in 2012, must report to the IRS on business purchases that exceed a threshold of only \$600 per vendor or supplier—for purchases of supplies and equipment and also services ranging from cell phone coverage to window washing to utilities.

This new mandate was imposed in the health reform law, yet it had absolutely nothing to do with health insurance reform. What it does is make the Federal Government a more intrusive and burdensome presence in every aspect of American business—which is the very last thing American business needs during these tumultuous economic times. What small firms are clamoring for is certainty and relief from these extreme regulatory nuisances. They need the Federal Government to help foster an entrepreneurial environment under which they can do what they do best—create new jobs—and not saddle them with an incessant and unnecessary paperwork burden such as this new 1099 filing requirement.

Missing from the amendment we just passed is the fact that rental real es-

tate would still be subject to this 1099 reporting requirement. Rental real estate was added to this paperwork morass as part of the Small Business Jobs Act last year at a time when the 1099 reporting quagmire was already known. Yet, remarkably, the majority forged ahead regardless and inexplicably expanded rather fixing this problem. For those parts of the country that have tourism as an economic foundation, rental real estate is a major factor, and for Maine, for which the State motto is "Vacationland" this is a major problem—and it is something we need to repeal this year.

We also need to strike the employer mandate from the bill, which is something of critical importance to me as ranking member of the Senate Small Business Committee. Under the new law, starting in 2014, firms with more than 50 workers would have to pay \$2,000 per employee with just the first 30 employees exempted. And if that is not enough, part-time workers will be counted in determining if the mandate would apply. That means countless more middle-sized firms such as restaurants and retailers would be subject to the mandate, which will raise \$52 billion in revenue.

Mr. President, exactly how is this going to help our Nation's greatest job generators—our small businesses—to lead us out of this recession, especially since we are also now going to hit them with increased Medicare taxes? And that is another tax increase we must repeal. That is right—starting in 2013, the new law includes \$87 billion in Medicare taxes that disproportionately harm small businesses because they apply to the income those businesses would normally reinvest. Plain and simple, this 0.9 percentage point increase in Medicare HI payroll taxes, coupled with a 3.8-percent Medicare tax that is unprecedented because it will impose a payroll tax on investment income, will result in a grand total of \$210 billion in new Medicare taxes—a job killer as it essentially takes away capital from the very small business owners who are the most likely to employ between 20 and 250 employees.

Furthermore, I am deeply troubled by the manner in which the Medicare tax increases in this bill are to be utilized. According to CBO—and these are their exact words—"To describe the full amount of HI trust fund savings as both improving the government's ability to pay future Medicare benefits and financing new spending outside of Medicare would essentially double count a large share of those savings and thus overstate the improvement in the government's fiscal position."

Speaking of double counting, we need to repeal the so-called CLASS Act. Now, while proponents point to estimates that this provision would raise \$72 billion over the first 10 years, that savings only occurs as a result of a fiscal shell game of using funds promised to beneficiaries later to lower the deficit today. As CBO says, "The program

would pay out far less in benefits than it would receive in premiums over the 10-year budget window," raising \$70 billion in premiums that will fund benefits outside the window. As a result, CBO further concluded that "in the decade following 2029, the CLASS program would begin to increase the deficit." Again, this is exactly the wrong direction for America.

We also need to repeal the administration's "grandfathering" regulations. Not even a year after the administration promised that if you like the coverage you have, you can keep it, we find out that buried in 121 pages of regulations, which resulted from just 2 pages of legislative text, I might add that, no, that is not exactly true—far from it. In fact, the administration itself projects that up to 69 percent of all businesses and 80 percent of small businesses will not be able to retain the coverage they currently provide and will be forced to offer more costly coverage as opposed to hiring new workers and growing their businesses. So we must repeal these regulations this year.

Finally, I also strongly oppose the individual mandate in the new law, which would require, starting in 2014, Americans to have maintain insurance coverage or be subject to a financial penalty that would ultimately be the greater of \$695 per uninsured individual or 2.5 percent of income. How can the Federal Government require its citizens to purchase health coverage without first guaranteeing that an affordable coverage option will be available to all Americans in the private insurance market?

Numerous court challenges are underway questioning the constitutionality of the individual mandate. Last November, I joined with Republican Leader McCONNELL with 30 other GOP Senators to file a friend-of-the-court brief in the lawsuit in a Florida Federal court brought by the National Federation of Independent Business and now 26 States, including Maine, and I am pleased that just this week, the Florida judge agreed with us and struck down not just the individual mandate but the entire bill.

In its ruling, the court held that the "individual mandate is outside Congress' Commerce Clause power" and that it is not constitutional. The court concluded that the new law has "450 separate pieces, but one essential piece (the individual mandate) is defective and must be removed. It cannot function as originally designed." In the courts view, and I agree, "that the individual mandate and the remaining provisions are inextricably bound together in purpose and must stand or fall as a single unit."

So moving forward, with serious questions about the constitutionality and workability of this new law, a top priority this Congress must be to repeal the health reform bill and replace it with workable alternatives that would result in more competitive

health insurance markets. That is why, first and foremost, we must expedite allowing individuals and small businesses to purchase health insurance across State lines, which, as I have long said, would interject unfettered competition and new coverage options into stagnant insurance markets like those in Maine, where we have just two carriers offering coverage in the individual insurance market. That is why in the Senate, I long championed association health plan, AHP, legislation—and developed regional compact proposals—that would have allowed small business and the self-employed to band together, across State lines, to secure quality coverage made affordable through administrative cost savings and greater bargaining power.

We must also develop a plan for affordability by maintaining certain widely agreed upon elements of reform, such as outlawing unconscionable insurance industry practices, banning preexisting condition limitations, and allowing parents to keep children on plans until age 26.

MORNING BUSINESS

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

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

REMEMBERING EDDIE ESCOBEDO

Mr. REID. Mr. President, I extend my condolences to the family of my good friend Mr. Eddie Escobedo, who passed away in Las Vegas, NV, on October 15, 2010. He was 77 years old.

Eddie left behind his loving wife of 50 years, Doña Maria Escobedo, his children, Eddie, Jr., Hilda, Nicolas, Victor, and nine grandchildren. His passing leaves an empty place in the lives of those who knew and loved him, but it also leaves an enormous void in the Las Vegas community.

Eddie was best known as the publisher of the Spanish-language *El Mundo* newspaper and a strong advocate for the Hispanic community. He arrived in southern Nevada when approximately 60,000 people lived in the Las Vegas Valley. His assertive leadership drew attention to the issues that pertain specifically to the Latino community, paving the way for hundreds of thousands of them who now reside in Nevada.

Eddie was born in Juarez, Mexico, in 1932, and as a teenager immigrated to the United States. He recognized early on that in America he would have the opportunity to accomplish his dreams. He enlisted in the Air Force and earned his citizenship after serving with distinction.

Several years ago I received a call from my friend Eddie to invite me to Christmas in the Barrio, where he

would help give toys to needy children. Seeing those little faces glow because they would have a little bit of Christmas even though their families were struggling is a memory that I keep very fondly. Eddie's actions that day crystallized who he was in this community, and it reinforced my commitment to public service.

Eddie spread democracy through his incisive columns published in his newspaper, which often became the voice of the Latino community in Las Vegas. His columns also inspired his 175,000 weekly readers to become active in the community and to exercise their right to vote.

Eddie Escobedo's dedication to Nevada changed the community that he loved and fought for. He will be missed. His legacy and big heart will live on through his publication—*El Mundo* Newspaper—as it continues to play a vital role in the lives of Hispanics throughout Nevada by conveying the challenges and experiences Latino families face on a daily basis.

SUPER BOWL XLV

Mr. LEVIN. Mr. President, when we tune in this Sunday night to watch Super Bowl XLV, we will cheer players from all across our Nation. But as a Michigander, I will take special pride in watching the several players from Michigan colleges. I will cheer Flozell Adams of Michigan State University; Charlie Batch and T.J. Lang of Eastern Michigan University; Larry Foote, LaMarr Woodley and Charles Woodson of the University of Michigan; Greg Jennings of Western Michigan University; and Nick McDonald of Grand Valley State University.

But what is perhaps most extraordinary is the fact that four of the players on the field this Sunday will come from a single Michigan institution, Central Michigan University. As reported by the *Morning Sun* of Mount Pleasant, CMU's hometown paper, only three other schools—Louisiana State, Ohio State and Tennessee—will have as many players on the field, and none will have more.

The four CMU players—Steelers receiver Antonio Brown and Packers cornerback Josh Gordy, linebacker Frank Zombo and defensive tackle Cullen Jenkins—each enjoyed stellar careers for the Chippewas. Brown, Gordy and Zombo all played on multiple Mid-American Conference championship teams. The presence of these four players shows that it's not the size or the fame of the football program, but the effort and determination of its people, that bring success.

That is true not just in athletics, but academics as well. CMU is ranked among the Nation's top 20 research institutions with 16 or fewer doctoral programs. It offers groundbreaking programs in fields such as athletic