

America Forward Act, based on similar legislation I offered last year, to drive innovation and advance vehicle manufacturing and to lower costs for consumers when they buy these great new cars and trucks of the future which, by the way, I would remind folks are being made in Michigan. So we want people to be buying those automobiles.

In his State of the Union Address, President Obama called on us to rise to the challenge of the 21st-century economy to outinnovate, outeducate, and outbuild the rest of the world. We can do that.

He also challenged us to put 1 million electric vehicles on the road by 2015. The bill I have introduced today will help us achieve that goal. By investing in electric vehicle innovation, we can create the jobs of the future in America. We are already creating those jobs in Michigan with these investments.

We all know new technologies are always the most expensive, which is why we passed a tax credit of up to \$7,500 on the purchase of a new electric vehicle. My bill makes that work even better for consumers. It turns that credit into a rebate that can be used at the time of purchase so that when you buy a car, you would get up to the \$7,500 off at the beginning, at the dealership, rather than waiting until you fill out your tax forms the next year.

Right now there is a cap on how many people can take advantage of these credits. My bill would double that so more people can get the savings from these particular credits and buy these new, great vehicles. Right now, when we see gas prices anticipated to rise like crazy into the summer, wouldn't it be great if you had an automobile that went 200 or 300 miles on a gallon of gas, or maybe didn't need any gas at all? That is what this is about.

The bill also increases investments in battery technology and innovation. We know that by supporting American innovation and manufacturing, we can bring jobs back. In fact, we are bringing jobs back from other countries because of what we have been doing through our investment efforts in the Recovery Act, and we can continue to create jobs in manufacturing in America.

We have invested \$2 billion in the Recovery Act toward advanced batteries—the kind of batteries that power these electric vehicles. Before we made that investment, the United States made 2 percent of the world's advanced batteries. In just 4 years, because of that investment, we will be making 40 percent of the world's advanced batteries. That is a big deal, an effective investment.

My bill calls for doubling this smart investment and building on these partnerships to create even more jobs. We want to make our country the undisputed leader in advanced battery technology, manufacturing, and development, and we are on the way to doing that. We need to keep focused and we will get there.

The Charging America Forward Act also extends a tax credit for businesses that purchase hybrid medium and heavy-duty trucks. This will help keep those technologies more affordable for our companies and job creators, in addition to the savings they will get from better fuel efficiency.

The bill extends an important tax credit to support charging stations, so we have the infrastructure needed in our homes or in our garages to be able to power the electric vehicles.

Innovation is the reason America has the strongest economy in the world, even with our challenges. We have always been the leader. To compete in the 21st century economy, we need a strong, vibrant investment strategy, an economy that looks to the future, not the past. That is what Charging America Forward is all about. With the right investments, we can create jobs today that will last for years and years to come.

We are in a race for the future. We need to outcompete our global competitors around the world. We can do that. We will do that if we outinnovate, outeducate, and outbuild. That is what this legislation is about—investing in the future to win that race, investing in advanced vehicles so we can get to that future we all want.

AMENDMENTS SUBMITTED AND PROPOSED

SA 51. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 52. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 53. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 54. Mr. REID of Nevada submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 55. Mr. REID of Nevada submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 56. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 51. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation

Administration, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 733. PRIVACY PROTECTIONS FOR AIRCRAFT PASSENGER SCREENING WITH ADVANCED IMAGING TECHNOLOGY.

(a) IN GENERAL.—Section 44901 is amended by adding at the end the following:

“(1) LIMITATIONS ON USE OF ADVANCED IMAGING TECHNOLOGY FOR SCREENING PASSENGERS.—

“(1) IN GENERAL.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall ensure that advanced imaging technology is used for the screening of passengers under this section only in accordance with this subsection.

“(2) IMPLEMENTATION OF AUTOMATED TARGET RECOGNITION SOFTWARE.—Beginning January 1, 2012, all advanced imaging technology used as a primary screening method for passengers shall be equipped with automatic target recognition software.

“(3) DEFINITIONS.—In this subsection:

“(A) ADVANCED IMAGING TECHNOLOGY.—The term ‘advanced imaging technology’—

“(i) means a device that creates a visual image of an individual's body and reveals other objects on the body as applicable, including narcotics, explosives, and other weapons components; and

“(ii) includes devices using backscatter x-rays or millimeter waves and devices referred to as ‘whole-body imaging technology’ or ‘body scanning’.

“(B) AUTOMATIC TARGET RECOGNITION SOFTWARE.—The term ‘automatic target recognition software’ means software installed on an advanced imaging technology machine that produces a generic image of the individual being screened that is the same as the images produced for all other screened individuals.

“(C) PRIMARY SCREENING.—The term ‘primary screening’ means the initial examination of any passenger at an airport checkpoint, including using available screening technologies to detect weapons, explosives, narcotics, or other indications of unlawful action, in order to determine whether to clear the passenger to board an aircraft or to further examine the passenger.”.

(b) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2012, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the appropriate congressional committees a report on the implementation of section 44901(1) of title 49, United States Code, as added by subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of all matters the Assistant Secretary considers relevant to the implementation of such section.

(B) The status of the compliance of the Transportation Security Administration with the provisions of such section.

(C) If the Administration is not in full compliance with such provisions—

(i) the reasons for such non-compliance; and

(ii) a timeline depicting when the Assistant Secretary expects the Administration to achieve full compliance.

(3) SECURITY CLASSIFICATION.—The report required by paragraph (1) shall be submitted, to the greatest extent practicable, in an unclassified format, with a classified annex, if necessary.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ‘appropriate congressional committees’ means—

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

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

SA 52. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, between lines 23 and 24, insert the following:

(c) QUALIFICATIONS BASED SELECTION.—Section 40117, as amended by subsection (a), is further amended by adding at the end the following:

“(o) QUALIFICATIONS BASED SELECTION.—

“(1) IN GENERAL.—Any contract or subcontract described in paragraph (2) that is funded in whole or in part from the proceeds from passenger facility charges imposed under this section shall be awarded in the same manner as a contract for architectural and engineering services is awarded under chapter 11 of title 40, United States Code, or an equivalent qualifications-based requirement prescribed for or by the eligible agency.

“(2) CONTRACT OR SUBCONTRACT DESCRIBED.—A contract or subcontract described in this paragraph is a contract or subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, or related services.”.

SA 53. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 208, between lines 19 and 20, insert the following:

(c) IMPLEMENTATION OF NTSB SAFETY RECOMMENDATIONS.—

(1) INSPECTION.—As part of the annual inspection of general aviation aircraft, the Administrator of the Federal Aviation Administration (referred to in this section as the “Administrator”) shall require a detailed inspection of each emergency locator transmitter (referred to in this section as “ELT”) installed in general aviation aircraft operating in the United States to ensure that each ELT is mounted and retained in accordance with the manufacturer’s specifications.

(2) MOUNTING AND RETENTION.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall determine if the ELT mounting requirements and retention tests specified by Technical Standard Orders C91a and C126 are adequate to assess retention capabilities in ELT designs.

(B) REVISION.—Based on the results of the determination conducted under subpara-

graph (A), the Administrator shall make any necessary revisions to the requirements and tests referred to in subparagraph (A) to ensure that emergency locator transmitters are properly retained in the event of an airplane accident.

(3) REPORT.—Upon the completion of the revisions required under paragraph (2)(B), the Administrator shall submit a report on the implementation of this subsection to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

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

SA 54. Mr. REID of Nevada submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, strike line 11 and all that follows through “or transfer” on line 23, and insert the following:

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i), by striking “purpose;” and inserting the following: “purpose, which includes serving as noise buffer land that may be—

“(I) undeveloped; or

“(II) developed in a way that is compatible with using the land for noise buffering purposes;” and

(ii) in subparagraph (B)(iii), by striking “paid to the Secretary for deposit in the Fund if another eligible project does not exist.” and inserting “reinvested in another project at the airport or transferred to another airport as the Secretary prescribes.”;

(B) by redesignating paragraph (3) as paragraph (5); and

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

“(3)(A) A lease by an airport owner or operator of land acquired for a noise compatibility purpose using a grant provided under this subchapter shall not be considered a disposal for purposes of paragraph (2).

“(B) The airport owner or operator may use revenues from a lease described in subparagraph (A) for ongoing airport operational and capital purposes.

“(C) The Administrator of the Federal Aviation Administration shall coordinate with each airport owner or operator to ensure that leases described in subparagraph (A) are consistent with noise buffering purposes.

“(D) The provisions of this paragraph apply to all land acquired before, on, or after the date of the enactment of this paragraph.

“(4) In approving the reinvestment or transfer

SA 55. Mr. REID of Nevada submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 7. CONVEYANCE OF LAND TO CITY OF MESQUITE, NEVADA.

(a) DEFINITIONS.—

(1) CITY.—The term “city” means the city of Mesquite, Nevada.

(2) MAP.—The term “map” means the map entitled “Mesquite Airport Conveyance” and dated February 6, 2011.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Land Management.

(b) CONVEYANCE OF LAND TO CITY.—

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

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of land managed by the Bureau of Land Management described on the map as “Remnant Parcel”.

(3) MAP AND LEGAL DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize the legal description of the parcel to be conveyed under this section.

(B) MINOR ERRORS.—The Secretary may correct any minor error in—

(i) the map; or

(ii) the legal description.

(C) AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(4) COSTS.—The Secretary shall require the city to pay all costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in paragraph (2).

(5) WITHDRAWAL.—Subject to valid existing rights, until the date of the conveyance under paragraph (1), the parcel of public land described in paragraph (2) is withdrawn from—

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

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

(6) REVERSION.—If the land conveyed under paragraph (1) ceases to be used by the city for the purposes described in section 3(f) of Public Law 99-548 (100 Stat. 3061), the land shall, at the discretion of the Secretary, revert to the United States.

SA 56. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 184, line 11, strike “system shall—” and insert “system—”.

On page 184, line 12, insert “shall” after “(1)”.

On page 184, line 16, insert “may” after “(2)”.

On page 184, line 22, insert “shall” after “(3)”.

On page 186, line 1, insert “and extent” after “quality”.

On page 186, line 21, strike “proposed” and insert “final”.

On page 186, line 22, strike “employees” and insert “personnel”.

On page 186, line 25, strike “determined acceptable by the Administrator and consistent with the applicable laws of the country in which the repair station is located.” and insert “consistent with the requirements of section 45102 of this title and approved by the Administrator.”.

PRIVILEGES OF THE FLOOR

Mr. CARDIN. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Scott J. Glick, a Department of Justice detailee to the Senate Judiciary Committee during today’s session.

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

Mr. CARDIN. Mr. President, Mr. Glick will be leaving us soon. He has been an invaluable resource, particularly for the subcommittee I chaired in the 111th Congress that dealt with terrorism and homeland security. I thank him for his dedicated work in the Senate. It was extremely important work that he did dealing with the espionage statute and terrorists, generally. I thank him for his service.

Mr. HARKIN. Mr. President, I ask unanimous consent that Ashley Waddell, David Kerem, and Brian Burroughs of my staff be granted the privileges of the floor during the duration of today’s proceedings.

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

DISCHARGE AND REFERRAL—S. 248

Mr. MANCHIN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 248 and that the bill be referred to the Committee on Finance.

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

ORDERS FOR TUESDAY, FEBRUARY 8, 2011

Mr. MANCHIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, February 8; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks the Senate resume consideration of S. 223, the Federal Aviation Administration authorization bill, as provided for under the previous order.

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

PROGRAM

Mr. MANCHIN. Mr. President, Senators should expect a rollcall vote at 10:30 a.m. tomorrow in relation to the Nelson of Florida amendment No. 34 to the FAA authorization bill. That will be the only vote of the day.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANCHIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:02 p.m., adjourned until Tuesday, February 8, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

SUZAN D. JOHNSON COOK, OF NEW YORK, TO BE AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM, VICE JOHN V. HANFORD III, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF STAFF, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3033:

To be general

GEN. MARTIN E. DEMPSEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. VINCENT K. BROOKS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. GINA D. SEILER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. MICHAEL A. CALHOUN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) MARK J. BELTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) GEORGE W. BALLANCE
REAR ADM. (LH) ROBIN R. BRAUN
REAR ADM. (LH) RUSSELL S. PENNIMAN IV
REAR ADM. (LH) GARY W. ROSHOLT

CONFIRMATIONS

Executive nominations confirmed by the Senate, Monday, February 7, 2011:

THE JUDICIARY

PAUL KINLOCH HOLMES III, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF ARKANSAS.

DIANA SALDANA, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.

MARCO A. HERNANDEZ, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON.