

Take the story of Donna McGrath from Wilmington, Massachusetts. Donna has two daughters with phenylketonuria, PKU, and she speaks eloquently about the frustration she experienced after her employer switched insurance plans. Because medical foods are not listed along with other necessary medicines, Donna was forced to navigate a long list mostly made up of durable medical equipment providers unequipped to help her. Even when she finally found a pharmacy that could order the formula, she was told that they required an upfront payment because they were wary of not being reimbursed by insurance companies. In Donna's own words, she was dismayed at "having that feeling like you're being held hostage every time a change may occur in your insurance or carrier." Medical treatment for inborn error of metabolism disorders is just as necessary as treatment for other conditions—like insulin for a diabetic or chemotherapy for a cancer patient.

As newborn screening and medical advances continue to improve the ability of those born with an inborn error of metabolism to lead full, healthy lives, we must make sure that the necessary treatments are available. That is why Senator CASEY and I are introducing the Medical Foods Equity Act. Our legislation would require medically necessary foods and supplements to be included in the definition of essential health benefits for qualified health plans, covered by federal health programs, Medicare, Medicaid, CHIP, TRICARE, and by the private health insurance market, fully insured group health plans, self-insured group health plans, and non-group health plans. The legislation requires the Secretary of Health and Human Services to make a determination of minimum coverage levels for medically necessary foods and supplements for certain rare metabolic conditions.

I would like to thank a number of organizations who have been integral to the development of the Medical Foods Equity Act and who have endorsed it today, including the National PKU Alliance, the Save Babies Through Screening Foundation, the National Organization for Rare Disorders, NORD, Genetic Alliance, and the American Dietetic Association.

The Medical Foods Equity Act will close existing loopholes in coverage and provide the parity in coverage these families deserve. It is my hope that we can move forward with this bill in a bipartisan manner. I ask all of my colleagues to support this important legislation.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 46—REQUIRING THAT LEGISLATION CONSIDERED BY THE SENATE TO BE CONFINED TO A SINGLE ISSUE

Mr. ENZI (for himself and Mr. BARRASSO) submitted the following res-

olution; which was referred to the Committee on Rules and Administration:

S. RES. 46

*Resolved,*

#### SECTION 1. SINGLE ISSUE REQUIREMENT.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider a bill or resolution that is not confined to a single subject.

(b) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 30 minutes, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. ENZI. Mr. President, I rise today to discuss the legislative climate the United States Senate has found itself operating in. Like many of my colleagues, I began my political career in local government. I was mayor in my hometown and then served as a legislator in the Wyoming State Legislature. It was during this time I learned that the most effective legislation comes from a process that is transparent and focused. For example, the Wyoming State Legislature requires that all bills must be focused on one issue. They cannot be loaded up with random provisions, riders, and add-ons that have nothing to do with the overall legislation. In Congress, we often use omnibus bills to pass multiple legislative items that should be considered on their own merit. Omnibus bills often create more problems in the long run than they solve.

Instead of focusing on one policy issue at a time, we have allowed legislative logjams to foul up the Senate's work and ill-considered legislation to be hastily pushed through this institution. These legislative practices, which have become the norm, are a gangrene that eats away at this institution.

Legislation that is fundamental to our country's well-being has become politicized and burdened with extraneous provisions that have not been fully vetted through the regular order. Most of the time Members have not had the opportunity to read the bills they are voting on, let alone the public which will have to live under and pay for whatever lurks in the unseen pages. By tolerating this behavior, the Senate is allowing legislation needed to address our Nation's most pressing challenges to go through unrefined and lousy with special interest provisions.

To help bring this institution back in line with its original purpose, today I reintroduce my Single Issue Legislation bill. I want this bill to be a starting point for changing the attitude the Senate has toward building bills. It will allow us to focus on getting individual issues addressed more effec-

tively. Specifically, this bill enacts a standing order that creates a point of order against a bill or resolution that is not confined to a single issue. This point of order can only be overruled by a supermajority.

My Single Issue Legislation gives the Senate the flexibility in the amendment process it has always enjoyed and allows the Senate as a legislative body to develop the structure and scope of the standing order through practice and precedent rather than through arbitrary rules. At the same time, we ensure that our legislative process is focused and productive. In short, we bring ourselves back to how the Founding Fathers intended and wanted our legislative process to operate.

Our job is not to score political points by stuffing as many pet projects and knee-jerk provisions as we can into bills, but rather to represent the needs of our constituents, our States, and our country by doing what is best for us as a nation. We must get back to a better process for crafting and considering legislation so that we can enact effective policies to meet the many challenges we face today. This is why we were elected to serve in the United States Senate. We owe it to the people we represent to work through a process that allows legislation to be properly and thoroughly considered and debated. My Single Issue Legislation bill helps us do just that.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 57. Mrs. HUTCHISON (for herself and Mr. CORNYN) 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.

SA 58. Mr. NELSON of Nebraska (for himself, Mr. SCHUMER, Mr. AKAKA, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. TESTER) proposed an amendment to the bill S. 223, *supra*.

SA 59. Mr. COCHRAN (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 223, *supra*; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 57. Mrs. HUTCHISON (for herself and Mr. CORNYN) 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 54, between lines 3 and 4, insert the following:

#### SEC. 224. USE OF MINERAL REVENUE AT CERTAIN AIRPORTS.

(a) DEFINITIONS.—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(2) **GENERAL AVIATION AIRPORT.**—The term “general aviation airport” means an airport that does not receive scheduled passenger aircraft service.

(b) **IN GENERAL.**—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration (referred to in this section as the “Administrator”) may declare certain revenue derived from or generated by mineral extraction, production, lease or other means at any general aviation airport to be revenue greater than the amount needed to carry out the 5-year projected maintenance needs of the airport in order to comply with the applicable design and safety standards of the Federal Aviation Administration.

(c) **USE OF REVENUE.**—An airport sponsor that is in compliance with the conditions under subsection (d) may allocate revenue identified by the Administrator under subsection (b) for Federal, State, or local transportation infrastructure projects carried out by the airport sponsor or by a governing body within the geographical limits of the airport sponsor’s jurisdiction.

(d) **CONDITIONS.**—An airport sponsor may not allocate revenue identified by the Administrator under subsection (b) unless the airport sponsor—

(1) enters into a written agreement with the Administrator that sets forth a 5-year capital improvement program for the airport, which—

(A) includes the projected costs for the operation, maintenance, and capacity needs of the airport in order to comply with applicable design and safety standards of the Federal Aviation Administration; and

(B) appropriately adjusts such costs to account for inflation;

(2) agrees in writing—

(A) to waive all rights to receive entitlement funds or discretionary funds to be used at the airport under section 47114 or 47115 of title 49, United States Code, during the 5-year period of the capital improvement plan described in paragraph (1);

(B) to perpetually comply with sections 47107(b) and 47133 of such title, unless granted specific exceptions by the Administrator in accordance with this section; and

(C) to operate the airport as a public-use airport, unless the Administrator specifically grants a request to allow the airport to close; and

(3) complies with all grant assurance obligations in effect as of the date of the enactment of this Act during the 20-year period beginning on the date of enactment of this Act;

(e) **COMPLETION OF DETERMINATION.**—Not later than 90 days after receiving an airport sponsor’s application and requisite supporting documentation to declare that certain mineral revenue is not needed to carry out the 5-year capital improvement program at such airport, the Administrator shall determine whether the airport sponsor’s request should be granted. The Administrator may not unreasonably deny an application under this subsection.

(f) **RULEMAKING.**—Not later than 90 days after the date of the enactment of this Act, the Administrator shall promulgate regulations to carry out this section.

**SA 58.** Mr. NELSON of Nebraska (for himself, Mr. SCHUMER, Mr. AKAKA, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. TESTER) proposed an amendment 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; as follows:

At the end of title VII, add the following:

**SEC. 733. CRIMINAL PENALTY FOR UNAUTHORIZED RECORDING OR DISTRIBUTION OF SECURITY SCREENING IMAGES.**

(a) **IN GENERAL.**—Part I of title 18, United States Code, is amended by adding at the end the following:

**“CHAPTER 124—UNAUTHORIZED RECORDING AND DISTRIBUTION OF SECURITY SCREENING IMAGES**

**“Sec.**

**“2731. Criminal penalty for unauthorized recording and distribution of security screening images.**

**“SEC. 2731. CRIMINAL PENALTY FOR UNAUTHORIZED RECORDING AND DISTRIBUTION OF SECURITY SCREENING IMAGES.**

**“(a) IN GENERAL.**—Except as specifically provided in subsection (b), it shall be unlawful for an individual—

**“(1) to photograph or otherwise record an image produced using advanced imaging technology during the screening of an individual at an airport, or upon entry into any building owned or operated by the Federal Government, without express authorization pursuant to a Federal law or regulation; or**

**“(2) to knowingly distribute any such image to any individual who is not authorized pursuant to a Federal law or regulation to receive the image.**

**“(b) EXCEPTIONS.**—The prohibition under subsection (a) shall not apply to an individual who, during the course and within the scope of the individual’s employment, records or distributes an image described in subsection (a) solely to be used in a criminal investigation or prosecution or in an investigation relating to foreign intelligence or a threat to the national security.

**“(c) PENALTY.**—An individual who violates the prohibition in subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

**“(d) DEFINITIONS.**—In this section:

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

**“(A) means a device that creates a visual image of an individual showing the surface of the skin and revealing other objects on the body; and**

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

**“(2) FOREIGN INTELLIGENCE; THREAT TO THE NATIONAL SECURITY.**—The terms ‘foreign intelligence’ and ‘threat to the national security’ have the meanings given those term in part VII of the guidelines entitled ‘The Attorney General’s Guidelines for Domestic FBI Operations’, dated September 29, 2008, or any successor thereto.”

**(b) TECHNICAL AND CONFORMING AMENDMENT.**—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 123 the following:

**“124. Unauthorized recording and distribution of security screening images ..... 2731”.**

**SA 59.** Mr. COCHRAN (for himself and Mr. WICKER) 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:

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

**SEC. 523. USE OF EXPLOSIVE PEST CONTROL DEVICES.**

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report that—

(1) describes the use throughout the United States of explosive pest control devices in mitigating bird strikes in flight operations;

(2) evaluates the utility, cost-effectiveness, and safety of using explosive pest control devices in wildlife management; and

(3) evaluates the potential impact on flight safety and operations if explosive pest control devices were made unavailable or more costly during subsequent calendar years.

**PRIVILEGES OF THE FLOOR**

Mr. REID. Madam President, I ask unanimous consent that Jeremy Parsons, a NASA detailee of Senator BILL NELSON, be granted privilege of the floor during the Senate’s consideration of S. 223, the FAA reauthorization bill.

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

**ORDERS FOR THURSDAY,  
FEBRUARY 10, 2011**

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 4 p.m. on Thursday, February 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

**PROGRAM**

Mr. REID. Mr. President, there will be no rollcall votes during Thursday’s session of the Senate. We hope to clear the trade assistance adjustment legislation on Thursday. Senators should expect the next rollcall votes to occur at 5:30 p.m. on Monday. We will have more than one vote on that evening, February 14, Valentine’s Day. That vote could be on a judicial nomination. We will also have some amendments to vote on on the FAA authorization bill.

**ADJOURNMENT UNTIL THURSDAY,  
FEBRUARY 10, 2011, AT 4 P.M.**

Mr. REID. 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 11:17 a.m., adjourned until Thursday, February 10, 2011, at 4 p.m.