

“(D) resulted in meaningful loss of service to small and medium markets within the perimeter described in section 49109.

“(7) ADDITIONAL EXEMPTIONS.—

“(A) DETERMINATION.—The Secretary shall determine, on the basis of the study required by paragraph (6), whether—

“(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington Thurgood Marshall International Airport; and

“(ii) the granting of additional exemptions under this paragraph may, or may not, reasonably be expected to have a substantial negative effect on any of those airports.

“(B) AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.—Beginning 6 months after the date on which the impact study is concluded, the Secretary may grant up to 8 slot exemptions, in addition to those granted under paragraph (1) of this subsection, if the Secretary determines that—

“(i) the additional exemptions authorized by paragraph (1) have not had a substantial negative effect on any of those airports; and

“(ii) the granting of additional exemptions under this subparagraph may not reasonably be expected to have a negative effect on any of those airports.

“(C) NEW ENTRANTS AND LIMITED INCUMBENTS.—

“(i) DISTRIBUTION.—Of the exemptions made available under subparagraph (B), the Secretary shall make 2 available to limited incumbent air carriers or new entrant air carriers and 6 available to other incumbent air carriers.

“(ii) USE.—Only a limited incumbent air carrier or new entrant air carrier may use an additional exemption granted under subparagraph (B) to provide service between Ronald Reagan Washington National Airport and an airport located within the perimeter described in section 49109.

“(D) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under subparagraph (B), it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

“(E) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under subparagraph (B) shall be subject to the following conditions:

“(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

“(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

“(F) ADDITIONAL EXEMPTIONS NOT PERMITTED.—The Secretary may not grant exemptions in addition to those authorized by paragraph (1) if the Secretary determines that—

“(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on any of those airports; or

“(ii) the granting of additional exemptions under subparagraph (B) of this paragraph may reasonably be expected to have a sub-

stantial negative effect on 1 or more of those airports.

“(h) SCHEDULING PRIORITY.—In administering this section, the Secretary shall afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations conducted by other air carriers granted additional slot exemptions under subsection (g) for service to airports located beyond the perimeter described in section 49109.”

(b) HOURLY LIMITATION.—Section 41718(c)(2) is amended—

(1) by striking “3 operations” and inserting “4 operations”; and

(2) by striking “subsections (a) and (b)” and inserting “under this section”.

(c) LIMITED INCUMBENT DEFINITION.—Section 41714(h)(5) is amended—

(1) by inserting “not” after “shall” in subparagraph (B);

(2) by striking “and” after the semicolon in subparagraph (B);

(3) by striking “Administration.” in subparagraph (C) and inserting “Administration; and”; and

(4) by adding at the end the following: “(D) for purposes of section 41718, an air carrier that holds only slot exemptions”.

(d) REVENUES AND FEES AT THE METROPOLITAN WASHINGTON AIRPORTS.—Section 49104(a) is amended by striking paragraph (9) and inserting the following:

“(9) Notwithstanding any other provision of law, revenues derived at either of the Metropolitan Washington Airports, regardless of source, may be used for operating and capital expenses (including debt service, depreciation and amortization) at the other airport.”

**SA 85.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 58 proposed by Mr. NELSON of Nebraska (for himself, Mr. SCHUMER, Mr. AKAKA, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. TESTER) 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:

Beginning on page 2 of the amendment, strike line 18 and all that follows through page 3, line 21, and insert the following:

“(b) EXCEPTION.—The prohibition under subsection (a) shall not apply to an individual who, while engaged in or on account of the performance of official duties, distributes, photographs, or otherwise records an image described in subsection (a) during the course of authorized intelligence activities, a Federal, State, or local criminal investigation or prosecution, or other lawful activities by Federal, State, or local authorities, including training for intelligence or law enforcement purposes.

“(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) ADVANCED IMAGING TECHNOLOGY DEFINED.—In this section, the term ‘advanced imaging technology’—

“(1) means a device that creates a visual image of an individual showing the surface of the skin beneath clothing and revealing other objects on the body that are covered by clothing; and

“(2) may include devices using backscatter x-rays or millimeter waves and devices re-

ferred to as ‘whole-body imaging technology’ or ‘body scanning’.”

## NOTICES OF INTENT TO OBJECT

I, Senator JON KYL intend to object to H.R. 359, a bill to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions, dated February 14, 2011.

I, Senator JIM DEMINT intend to object to H.R. 359, a bill to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions, dated February 14, 2011.

I, Senator RAND PAUL intend to object to H.R. 359, a bill to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions, dated February 14, 2011.

## NOTICE OF HEARING

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN, Mr. President, this is to advise you that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Monday, February 21, 2011, at 10 a.m., at the Vincent E. Griego Chambers, Albuquerque/Bernalillo County Government Center, Concourse Level B, One Civic Plaza, 400 Marquette NW, in Albuquerque, New Mexico.

The purpose of the hearing will be to receive testimony regarding recent natural gas service disruptions in New Mexico and the reliability of regional energy infrastructure.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Meagan\_Gins@energy.senate.gov.

For further information, please contact Kevin Huyler at (202) 224-6689, Deborah Estes at (202) 224-5360 or Meagan Gins at (202) 224-0883.

## PRIVILEGES OF THE FLOOR

Ms. MURKOWSKI, Mr. President, I ask unanimous consent that a Coast Guard fellow in my office, Charles Banks, be granted floor privileges for the duration of the consideration of the FAA reauthorization bill.

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

## BLACK HISTORY MONTH

Mr. REID, Mr. President, I ask unanimous consent that the Senate proceed

to the immediate consideration of S. Res. 49, submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 49) celebrating Black History Month.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 49) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 49

Whereas in 1776, the United States of America was imagined, as stated in the Declaration of Independence, as a new Nation dedicated to the proposition that "all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness";

Whereas on November 19, 1863, President Abraham Lincoln, in reference to the Declaration of Independence, stated, "[f]our score and seven years ago our fathers brought forth, upon this continent, a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal";

Whereas the history of this Nation includes injustices and the denial of basic, fundamental rights at odds with the words of the Founders of the Nation and the sacrifices commemorated at Gettysburg, and these injustices include nearly 250 years of slavery, 100 years of lynchings, denial of both fundamental human and civil rights, and withholding of the basic rights of citizenship;

Whereas the vestiges of slavery still exist in the systemic inequalities and injustices in our society;

Whereas for every Shirley Chisholm, Dorothy Height, Constance Baker Motley, Charles Hamilton Houston, Thurgood Marshall, Lena Horne, James Baldwin, W.E.B. Du Bois, Harriet Tubman, Frederick Douglass, Sojourner Truth, Jackie Robinson, or Ralph Bunche, each of whom lived a life of incandescent greatness, many African Americans lived, toiled, and died in obscurity, never achieving the recognition they deserved;

Whereas on November 4, 2008, the people of the United States elected an African American man, Barack Obama, as President of the United States, and African-Americans continue to serve our country at the highest levels of our government and military; and

Whereas William H. Hastie, the first African American to be appointed as a Federal judge, stated, "[h]istory informs us of past mistakes from which we can learn without repeating them. It also inspires us and gives confidence and hope bred of victories already won": Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the importance of Black History Month as an opportunity to reflect on our Nation's complex history, while remaining hopeful and confident for the path that lies ahead;

(2) acknowledges the significance of Black History Month as an important opportunity to recognize the tremendous contributions of African Americans to the Nation's history;

(3) encourages the celebration of Black History Month to provide a continuing opportunity for all people in the United States to learn from our past and to understand the experiences that have shaped our Nation; and

(4) calls on citizens to remember that, while this Nation began in division, it must now move forward with purpose, united tirelessly as one Nation, indivisible, with liberty and justice for all, and to honor the contribution of all American pioneers who help ensure the legacy of these great United States.

#### MEASURE READ THE FIRST TIME—H.R. 359

Mr. REID. Mr. President, I understand H.R. 359 has been received from the House. Is that true?

The PRESIDING OFFICER. That is correct.

Mr. REID. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 359) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions.

Mr. REID. I ask for a second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

#### WASHINGTON'S FAREWELL ADDRESS

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the resolution of the Senate of January 24, 1901, the traditional reading of Washington's Farewell Address take place on Monday, February 28, at a time to be determined by the majority leader in consultation with the Republican leader.

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

#### ORDERS FOR TUESDAY, FEBRUARY 15, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until tomorrow, Tuesday, February 15, at 10 a.m.; 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; that following any leader remarks, the Senate proceed to a period of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; further, that at 11 a.m.

the Senate resume consideration of S. 223, the FAA bill, as provided for under the previous order; and finally, the Senate recess from 12:30 until 2:15 p.m. for the weekly caucus meetings.

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

#### PROGRAM

Mr. REID. Mr. President, the first vote of the day will occur at approximately noon tomorrow. That vote will be in relation to the Nelson of Nebraska amendment, as amended, regarding the distribution of airport screening x rays. Senators should expect rollcall votes in relation to amendments to the FAA bill to occur throughout the day tomorrow.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:04 p.m., adjourned until Tuesday, February 15, 2011, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### NATIONAL SECURITY EDUCATION BOARD

MICHAEL E. GUEST, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE JAMES WILLIAM CARR, TERM EXPIRED.

ANA MARGARITA GUZMAN, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE GEORGE M. DENNISON, TERM EXPIRED.

##### SOCIAL SECURITY ADMINISTRATION

HENRY J. AARON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2014, VICE JEFFREY ROBERT BROWN, TERM EXPIRED.

##### DEPARTMENT OF STATE

JONATHAN SCOTT GRATION, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KENYA.

##### EXECUTIVE OFFICE OF THE PRESIDENT

MAJOR GENERAL MARILYN A. QUAGLIOTTI, USAF (RET.), OF VIRGINIA, TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY, VICE JAMES F.X. O'GARA.

##### IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

##### *To be lieutenant commander*

GARRY W. LAMBERT  
BRYAN P. RASMUSSEN

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

##### *To be commander*

KARIN E. THOMAS

##### *To be lieutenant commander*

MARK T. ANDRES  
RODOLFO J. CANOS  
JUSTIN J. DEGRADO  
JULIE E. DIEKSHHEIDE  
JAMES J. EPPERLY  
SAFIR R. FARUQUI  
TREVOR R. GASKILL  
BRIAN M. GILLEN  
MELANIE D. JOHANSSON  
HYUNG W. KIM  
TAMEEKA L. LAW  
JOE MILLER