

# REDUCING FLIGHT DELAYS ACT OF 2013

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to S. 853, introduced earlier today.

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

The bill clerk read as follows:

A bill (S. 853) to provide the Secretary of Transportation with the flexibility to transfer certain funds to prevent reduced operations and staffing of the Federal Aviation Administration, and for other purposes.

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

Mr. REID. Before we hear from my friend from Maine, I appreciate very much her tenacity, her diligence, and that of Senator ROCKEFELLER and others. This is something that has been difficult, but I think it is the right thing to do. Hopefully when we get back, we can have something broader in scope than just this.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I am delighted that the Senate will pass a bipartisan bill to resolve a serious problem confronting the American traveling public and our economy. I thank the majority leader, Senator REID, the minority leader, the Republican leader, Senator MCCONNELL, and all the staff who have worked so hard to make this happen.

I am very pleased to be joined in sponsoring this bill by many of our colleagues, including Senator ROCKEFELLER, Senator THUNE, Senator MARK UDALL, Senator RISCH, Senator ROBERTS, Senator ISAKSON, Senator MCCASKILL, Senator HAGAN, the Presiding Officer, Senator TOOMEY, Senator CHAMBLISS, Senator MURKOWSKI, Senator WARNER, Senator BEGICH, Senator NELSON, and Senator HELLER.

As the ranking member of the Appropriations Subcommittee, I have been very concerned about the serious delays that have been caused by the FAA furloughs of air traffic controllers. In fact, Secretary of Transportation LaHood and FAA Administrator Huerta met with me this morning to discuss this problem and our proposed solution.

The Collins-Rockefeller-Thune-Udall bill would restore the funding for these essential air traffic controller positions, and that should prevent the onerous delays that were occurring and were only going to get worse as the traveling season reached its peak this summer. That would have had a ripple effect throughout the hospitality industry in particular and caused job losses that we can ill afford.

I just wish to point out that there literally have been thousands of flights delayed since the furloughs went into effect, and I am so happy we were able to work together across the aisle in a bipartisan way to resolve this problem.

The FAA recently began furloughing 47,000 employees this past Sunday, which includes nearly 15,000 air traffic

controllers. This is essentially 10 percent of its workforce, which equates to one furlough day per bi-weekly pay period, for a maximum of 11 days through September 30th.

The challenges the FAA faces this fiscal year are daunting; not only is the agency operating under a continuing resolution but sequestration compounds the problem. It is important that sequestration is implemented in a way that ensures safety and minimizes the impact on the traveling public as well as jobs in the hospitality and airline industries. FAA recently announced its plans to achieve savings by implementing furloughs of air traffic controllers.

These cuts have already caused widespread delays to the air transportation system and were expected to get worse. It is estimated that as many as 6,700 flights would be delayed each day, more than double the worst day of flight delays last year. This reduction in staffing of air traffic controllers has been the primary cause of one out of every three delays since the furloughs began.

In fact, on Monday alone, there were 2,660 delays, of which 1,200 were due to the furloughs, and 2,000 delays on Tuesday, of which 1,025 due to the reduced staff. What was even more troubling is that soon we will be approaching the summer peak travel season. Some airports may experience delays of up to three hours during peak travel times.

The FAA acknowledges that these service reductions will adversely affect commercial, corporate, and general aviation operators. The FAA expects that as airlines estimate the potential impacts of these furloughs, they will be forced to change their schedules, cancel flights, and lay off employees.

Our bill, The Reducing Flight Delays Act of 2013, would provide the Secretary of Transportation the flexibility to transfer certain funds to prevent furloughs of essential employees at the FAA. It would give the Secretary the authority to transfer an amount not to exceed \$253 million to prevent essential employees at the FAA, such as air traffic controllers, from being furloughed in order to reduce flight delays while maintaining a safe and efficient national airspace system.

My bill would accomplish this goal by allowing a one-time shift of unused monies in the Airport Improvement Program to Operations. I first raised the idea of using AIP carryover balances as a solution at the policy lunch on Tuesday, and many of my colleagues indicated interest in this approach. Our bill has been vetted by the General Counsel offices at both the FAA and the Secretary's office. Secretary LaHood told me this morning that it is an effective, workable solution.

The transfer would come largely from carryover balances within the Airport Improvement Program (AIP). To be clear: this is the discretionary portion of the program and in no way

affects the entitlement funds airports are guaranteed to receive. The program has sufficient funding to support this effort. Historically, AIP carryover balances range between \$400–450 million and has not been below \$300 million in the last decade. In fact, last year there was approximately \$700 million of these carryover balances.

Over the past several years, the aviation industry has faced tough economic hardships. I recognize that aviation plays a critical role in driving economic growth, jobs and investment across the country. The Airport Improvement Program is a very important program which supports infrastructure at our nation's airports.

This bill should be recognized as a one-time solution in order to avert the serious national impacts that have resulted from the decisions made by the FAA.

I urge my colleagues to support this bill, and I am grateful to both the Majority and Minority Leaders.

I thank them for their cooperation in making this happen. It is nice to know that when we work together, we really can solve problems.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, we were able to accomplish two very important things this week. One is the final passage of the Internet tax issue, but that is because it was a bipartisan issue, and we were able to get this done.

Madam President, I ask unanimous consent that the bill be read three times and passed and that the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The bill (S. 853) was ordered to be engrossed for a third reading, was read a third time, and passed, as follows:

S. 853

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the “Reducing Flight Delays Act of 2013”.

## SEC. 2. AUTHORIZATION TO TRANSFER CERTAIN FUNDS TO PREVENT REDUCED OPERATIONS AND STAFFING OF THE FEDERAL AVIATION ADMINISTRATION.

(a) IN GENERAL.—Notwithstanding division G of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6), any other provision of law, or a sequestration order issued or to be issued by the President pursuant to section 251A(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(7)(A)), the Secretary of Transportation may transfer during fiscal year 2013 an amount equal to the amount specified in subsection (c) to the appropriations account providing for the operations of the Federal Aviation Administration, for any activity or activities funded by that account, from—

(1) the amount made available for obligation in that fiscal year as discretionary grants-in-aid for airports pursuant to section 47117(f) of title 49, United States Code; or

(2) any other program or account of the Federal Aviation Administration.

(b) AVAILABILITY AND OBLIGATION OF TRANSFERRED AMOUNTS.—An amount transferred under subsection (a)(1) shall—

(1) be available immediately for obligation and expenditure as directly appropriated budget authority; and

(2) be deemed as obligated for grants-in-aid for airports under part B of subtitle VII of title 49, United States Code, for purposes of complying with the limitation on incurring obligations during that fiscal year under the heading "GRANTS-IN-AID FOR AIRPORTS" under title I of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012 (division C of Public Law 112-55; 125 Stat. 647), and made applicable to fiscal year 2013 by division F of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113-6).

(c) AMOUNT SPECIFIED.—The amount specified in this subsection is the amount, not to exceed \$253,000,000, that the Secretary of Transportation determines to be necessary to prevent reduced operations and staffing of the Federal Aviation Administration during fiscal year 2013 to ensure a safe and efficient air transportation system; and Provided that none of the funds transferred under this subsection may be obligated unless the Secretary notifies the Committees on Appropriations of the House of Representatives and the Senate at least 5 days in advance of such transfer.

Mr. REID. Madam President, I ask unanimous consent that if the Senate receives a bill from the House and the text of that bill is identical to S. 853, the bill then be considered read three times and passed and the motion to reconsider be considered made and laid upon the table.

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

#### RESOLUTIONS SUBMITTED TODAY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 118, S. Res. 119, S. Res. 120, S. Res. 121, S. Res. 122, S. Res. 123, S. Res. 124, and S. Res. 125.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

S. RES. 124

Mr. REID. Mr. President, this resolution concerns a request for testimony in writing, documents, and representation in a pro se civil action pending in Connecticut federal district court. In this action, the plaintiff claims that a bar mitzvah was held in the Greenwich Town Hall, allegedly in violation of the Constitutions of the United States and the State of Connecticut.

The plaintiff has issued a subpoena to Senator BLUMENTHAL, who attended a Town Hall event preceding the alleged bar mitzvah, and to his office, requesting the production of a deposition by written questions from the Senator and documents. Senator BLUMENTHAL would like to cooperate by providing testimony in writing and relevant documents. The enclosed resolution would authorize the production of written testimony from the Senator and relevant office documents, where appro-

priate. It would also authorize the Senate Legal Counsel to represent the Senator, his office, and any employee of the Senator's office from whom evidence may be sought in this case.

S. RES. 122

Mr. UDALL of Colorado. Mr. President, I have submitted, with Senators CORNYN, REID, ENZI, MENENDEZ, UDALL of New Mexico, and CRUZ, a resolution commemorating Cinco de Mayo.

We all love Cinco de Mayo for the food and festivities that we have grown so accustomed to across our country. However, we commemorate Cinco de Mayo in order to celebrate the joint history and values that are shared by both Mexicans and Americans. Cinco de Mayo is a day that reminds us that the citizens of Mexico possess the same courage that we, as Americans, value in ourselves. For that reason, the commemoration of Cinco de Mayo has transcended from being a celebration of the victorious Battle of Puebla that Mexico won over France, to a celebration of courage and a recognition of all contributions that the Mexican-American community has had both in Colorado and in our great Nation. Celebrating Cinco de Mayo brings pride to both the Mexican-American community and all Americans.

The courage displayed by Mexican forces on May 5, 1862, parallels the courage that we as Americans have used to overcome adversity and thrive since our founding. The victory of the beleaguered force of Mexican troops at the Battle of Puebla weakened France's immense resources and limited its ability to meddle in America's Civil War. As Mexico sought to defend itself from European aggression, the Battle of Puebla reminds us that the foundation of the United States was also built through battles in which the United States often found itself as the underdog. Through courage, perseverance, and the willingness to fight and die for freedom, our Nation has become stronger. These contributions that the Mexican-American community has had in our Nation should be celebrated as part of our country's history.

While Cinco de Mayo remains a Mexican national holiday, the commemoration of this holiday has become imbedded in American culture. Both in Colorado and throughout our Nation, the contributions of the millions of Mexican-American families are seen throughout our communities. As in years past, I continue to encourage my fellow Coloradans to celebrate Cinco de Mayo by remembering and educating but also by coming together with friends and neighbors to enjoy food, music, and dancing.

Mr. REID. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid on the table en bloc, with no intervening action or debate.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public Law 101-509, the reappointment of Steve Zink, of Nevada, to the Advisory Committee on the Records of Congress.

The Chair announces, on behalf of the Republican leader, pursuant to the provisions of Section 3166 of Public Law 112-239, the appointment of the following individual to be a member of the Congressional Advisory Panel on the Governance of the Nuclear Security Enterprise: Michael R. Anastasio of New Mexico.

The Chair, on behalf of the Republican leader, pursuant to Public Law 111-5, appoints the following individual to the Health Information Technology Policy Committee: Dr. Scott Gottlieb of Connecticut.

#### APPOINTMENTS AUTHORITY

Mr. REID. I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

#### ORDERS FOR FRIDAY, APRIL 26, 2013 THROUGH MONDAY, MAY 6, 2013

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn and convene for pro forma sessions only, with no business conducted on the following dates and times, and that following each pro forma session the Senate adjourn until the next pro forma session: Friday, April 26 at 11:30 a.m., Tuesday, April 30 at 10 a.m., and Friday, May 3 at 2 p.m.; and that the Senate adjourn on Friday, May 3 until 2 p.m. on Monday, May 6, 2013; that on Monday, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 5:30 p.m. with Senators permitted to speak for up to 10 minutes each; further, I ask unanimous consent that the previous order with respect to S. 743 be modified to provide that at 5:30 p.m., the Senate resume consideration of S. 743, all postcloture time be considered expired, and all other provisions remain in effect.