

I am very proud of the bipartisan bill we have produced and the advancements it will make for all stakeholders in the aviation industry—from manufacturers to airline workers, to passengers. I thank the ranking member, Senator NELSON, and our counterparts on the Transportation Committee and the Homeland Security Committee in the House of Representatives, as well as other Senate committees that contributed to this bipartisan legislation. The members of our committees and their staffs put in a lot of hard work on this bill, and our Nation's aviation and air transportation system will be safer as a result.

I look forward to casting a vote for this bill and getting this legislation on the President's desk and signed into law. I encourage all of my colleagues here in the Senate to support this legislation when we have the opportunity to vote on it, hopefully, later today.

I yield the floor.

### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

### EXECUTIVE SESSION—Continued

The PRESIDING OFFICER. The Senate will come to order.

The Senator from Minnesota.

#### FAA REAUTHORIZATION ACT

Ms. KLOBUCHAR. Mr. President, I rise today to speak in support of the Federal Aviation Administration, or the FAA, Reauthorization Act of 2018. This bill provides needed certainty in aviation and gives the FAA authority to enhance consumer protections and passenger safety. It also maintains critical investments that will help to modernize and maintain our aviation infrastructure.

This agreement is the product of bipartisan negotiations over the last several months. I am proud to serve on the Commerce Committee, which played a major role here. I thank Senator THUNE and Senator NELSON for their work on this bill, and I urge my colleagues to support it.

Minnesota has a long aviation tradition, from Charles Lindbergh to our Minneapolis-St. Paul International Airport. Two years in a row, it was ranked as the best airport in America. We manufacture jets in Duluth at Cirrus. We manufacture parachutes that go with those jets in our State. We have first-rate military training bases for aviation in Bloomington and in Duluth. We have very strong regional airports, including Duluth and Rochester, which has recently expanded its airport. It matters in our State.

For too long, the aviation sector of our economy has had to rely on a series

of short-term extensions. It is not good for workers, and it is not good for businesses. That is not good for travelers who use our services. For airports looking to expand or airlines looking to test new routes, these short-term bills created uncertainty that hampered growth and prevented new investments.

This 5-year reauthorization bill will provide the long-term stability needed to encourage investments and help maintain American leadership in the global aviation marketplace. We know a lot about that in our State, being a major Delta hub, as well as the home of Sun Country Airlines. We know the kind of global competition that we are up against all the time. That is a very important reason for America to be a leader in aviation and not a follower.

Changes in the airline industry in recent years have drastically altered the way consumers travel. New fees and complicated itineraries can make even routine travel confusing and expensive. Thankfully, this FAA bill builds on important work we have done in past reauthorizations to strengthen protections for consumers while shopping, booking, and traveling.

Most people know what it is like to show up to the airport and be shocked to find out that you have to pay extra for your seat or that checking a bag is going to cost you an arm and a leg. When consumers don't have this information up front, they can be left paying hundreds of dollars in fees they didn't budget for, which can mean the difference between a family trip being affordable or not.

It isn't just fees. In some instances, online travel websites have sold unnecessarily complicated passenger itineraries, provided outdated or incorrect travel information on their websites, and failed to provide appropriate disclosures for passengers. That is why I worked to include an amendment to provide a consistent level of consumer protections, regardless of where the airfares are purchased. This part of the bill will ensure that, whether a consumer books tickets directly with an airline or from a third party, the consumer will receive the same level of price disclosures and customer service.

This was a provision strongly supported by consumer groups because it is such a problem that there were different types of price disclosures and customer service, depending on how a consumer booked the flight. It doesn't matter where you book the flight or how you book the flight, you should have consumer protection. This bill includes that provision.

This bill will also make important improvements to the passenger experience on the plane. By directing the FAA to set standards for the size of airline seats, we will make sure passengers can travel safely and these seats will not get even smaller than they already are.

The agreement also includes a provision to make clear that once a pas-

senger has boarded a plane, they can't be involuntarily bumped by an airline. Passengers deserve to be treated with respect throughout their entire journey, and this will end the practice of removing paying customers to accommodate airline employees.

The bill sets new requirements for airlines to promptly return fees for services, such as seat assignments or early boarding, when these services are purchased and not received by a customer.

In addition to the strong consumer protections, this bill makes new infrastructure investments that will help to ensure passengers have a safe and efficient travel experience.

Smaller regional airports provide a vital link to the rest of the world for many rural communities. In my State, both residents and businesses located near these rural airports rely on them to connect to the Twin Cities and beyond.

The Essential Air Service Program is a critical tool that supports rural air service. This bill boosts EAS funding to help maintain the operations of smaller, regional airports across Minnesota and across our country. Of course, funding alone isn't enough to improve aviation infrastructure. We need policies that support the unique infrastructure needs in different regions of the country.

In the 2012 FAA reauthorization, I included a provision to require that the Department of Transportation give priority review to construction projects in cold weather States with shorter construction seasons. For those of us who live in States that happen to have cold weather and snow, our construction seasons are shorter, and that means we have less time to work on these projects than maybe they do in Miami or in California. What we did here was to make sure that the FAA realized that in how they did grants and how they got these construction permits approved.

Anyone who has ever been to Northern Minnesota in April or October understands that our construction season is shorter. There is a reason we have cold weather testing facilities on the Canadian border in our State, because that is the coldest conditions you can possibly have for cars. That makes for this short construction season.

This provision was included again in the current bill, and it will help to ensure that cold weather States like Minnesota can make the most out of our limited construction seasons.

The investments made by this bill are an important down payment that will help to address the growing demand for air transportation. I look forward to building on the progress made by this bill with bipartisan infrastructure legislation to support 21st century aviation infrastructure that is prepared to meet the demands of the 21st century economy.

I wish to thank my colleagues again for their work on this bill. It makes

important advances in security, consumer protections, and infrastructure development. I was proud to be a part of this, and I also am glad these provisions I worked hard on are included in the bill. The aviation industry and American air passengers will be safer because of this bill. I urge my colleagues to support this bipartisan agreement so we can pass, finally, a long-term extension into law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Thank you, Mr. President.

It is Congress's obligation to protect the public from abusive practices that harm consumers and dull the competitive process. Regrettably, Congress has failed to fulfill that obligation with the FAA reauthorization bill.

With this bill, Congress has missed a historic, once-in-a-generation opportunity to stop gargantuan airlines from gouging Americans with exorbitant fees. Last year, Senator ROGER WICKER, a Republican from Mississippi, and I secured a provision in the Senate FAA reauthorization bill that would protect passengers from ridiculous, sky-high airline fees. Our FAIR Fees—Forbidding Airlines from Imposing Ridiculous Fees—provision directed the Department of Transportation to, No. 1, assess whether change and cancellation, baggage, and other fees are reasonable and proportional to the costs of the services which are being provided, and secondly, to ensure that change and cancellation fees are reasonable.

Airline fees would be fair and reasonable—that is all the provision did. The reason we need that is simple. In a truly competitive industry, an airline would be unable to charge unreasonable fees because their competitors would undercut their prices. Darwinian, paranoia-inducing competition would drive down fees to reflect the actual costs of the services provided—the cost to check a bag, the cost to change a flight reservation, the cost of booking a passenger on standby for an earlier flight. Fair and reasonable. But the airline industry is far from competitive. In the past 10 years, we have gone from 10 major airlines down to 4. Four airlines now control 85 percent of traffic in the skies. An analysis from the U.S. Travel Association found that 74 airports are served by only 1 airline, while 155 airports are dominated by 1 carrier controlling over 50 percent of seat capacity. Here is the result: sky-high airline fees and a growing frustration with the modern flying experience.

To the surprise of no one, the airline industry launched a ferocious lobbying blitz against our bipartisan FAIR Fees provision, making its elimination from the bill their top priority. The airline industry lobbied all sorts of false accusations against these commonsense protections—profitability of the airlines would go down, passengers would no longer be able to change or cancel

their flights—but not once did the industry actually defend the price of all of these fees to cancel or to change a flight. Not once did the industry actually demonstrate that their fees are reasonable and proportional to the cost of the services provided. That is because those costs are not proportional to the services being provided to the customer by the airlines.

The independent Government Accountability Office, GAO, recently released a report confirming what countless passengers across the country already know to be true: Airlines are gouging captive passengers to line their pockets, not to cover the actual costs of the services being provided. During a hearing last year, representatives from United Airlines and American Airlines testified that their change and cancellation fees bear no resemblance to the costs borne by the airline for actually canceling a ticket or changing a flight reservation.

Even in the past few weeks, as we worked in Congress to include important consumer protection measures in this final FAA legislation, the airlines continued to raise fees. That is how confident the airlines were that their powerful industry lobbyists would remove my provision and Senator WICKER's provision from the bill. Despite bipartisan support, despite the provisions included in the Senate bill, and despite the public outcry, the airline lobby knew that they could count on Congress to do their bidding, so they raised their fees anyway.

Last month, JetBlue Airways changed its cancellation fees from \$150 to \$200 for certain flights. JetBlue also raised fees for a passenger's first checked bag from \$25 to \$30 and increased the fees for a second checked bag from \$35 to \$40. That is \$140 to check two bags roundtrip. Not surprisingly, almost immediately after, United Airlines, Delta Airlines, and American Airlines followed suit, raising their bag fees to match JetBlue's.

When I sent letters to the 11 major airlines inquiring as to why airline fees are on the rise even though there appears to be no appreciable increase in the cost of services provided, the airlines' response was predictable.

Eight airlines had refused to respond to my inquiry by last Thursday's deadline—a deadline I set to ensure that this body would have this critical information in hand when considering the FAA bill. There has been no response from United, American, and Delta. That is unacceptable. Of the three airlines that did respond, two could not explain whether their fees were reasonable to the costs of the services provided. The other refused to address the matter altogether, claiming that this information is "proprietary," claiming that the flying public does not have the right to know if they are being gouged. That is the airline industry's position.

If it is not to cover the cost of the services provided—checking a bag,

changing a flight reservation, canceling a ticket—why are the airlines charging these fees? The answer is, because they can. Last year, the airlines raked in \$2.9 billion in change and cancellation fees. That is equivalent to the cost of 11 million flights from Washington to Boston. The airlines collected over \$4.5 billion in checked bag fees, which is enough to buy 55 jumbo jets. The airlines have turned this nickel-and-diming into a multibillion-dollar industry—a \$7.4 billion industry last year. Passengers think they are buying low-cost airfare, only to be gouged by proliferating airline fees.

The American public wants Congress to stop these abusive practices, and here in the Senate, we answered their call. We secured a bipartisan provision in the Senate FAA bill that would have stopped this fee epidemic once and for all. But through an opaque process and after months of lobbying against my bipartisan FAIR Fees provision, the airlines won and airline passengers lost.

What exactly are the airlines so afraid of? Why won't they even respond to my letters? The FAIR Fees provision doesn't set fees; it only directs the Department of Transportation to set up a public process to assess those fees. But that is exactly what the airlines oppose. They don't want to have to explain this, to be transparent about what they are doing, because if they did, the American people would know the truth—this is price-gouging in its purest form.

On behalf of the American flying public, the millions of Americans who are subjected to ridiculous airline fees, I will vote no on the FAA bill. And I vow to the public that this fight will not die with this bill. As the fees rise, pressure will mount on Congress to address this consumer protection, competition issue. We know the problem. FAIR Fees would have been the solution, but this bill does not include that solution, and this fight must go on.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, I rise today in support of the bipartisan Federal Aviation Administration Reauthorization Act of 2018.

After six short-term extensions ranging from 1 week to just over a year, the Senate will finally pass comprehensive legislation that will set FAA policy until 2023. These short-term extensions keep the lights on, but they deny us the opportunity to make meaningful changes and better serve the American people.

I am a member of the Senate Committee on Commerce, Science, and Transportation, and I am proud of our committee's work that made this long-term reauthorization possible, but I am especially thankful to our committee chairman, JOHN THUNE, and ranking member, BILL NELSON, for their leadership throughout this process.

This bill makes critical investments in airport infrastructure. It promotes

competition and leadership in aviation, increases safety in the National Airspace System, and strengthens customer service practices across the commercial aviation sector.

The legislation delivers very strong support to our rural communities in Michigan and across the Nation by continuing the Essential Air Service, or EAS, Program. This program drives economic development and tourism while also connecting local residents to world-class healthcare. I will never stop fighting to ensure that Michigan's EAS airports—from Muskegon, to Houghton/Hancock, to Alpena—get the funding they need to continue to serve their communities.

In addition to driving sustained investment in rural communities, I support this long-term reauthorization because it gave me an opportunity to address a number of critical challenges that are facing our country. This bill includes provisions I authored that will help prepare our students for the high-tech jobs of today and tomorrow, secure public spaces in our airports, and remove the outdated Federal requirement that airports use firefighting foams containing fluorinated chemicals that contaminate groundwater and are causing disastrous human health effects across the country.

The FAA Reauthorization Act of 2018 will improve the competitiveness of our Nation's workforce by clearing the way for our students and educators to use unmanned aircraft systems, or UAS, for research, education, and job training. Whether this technology is used for critical infrastructure or boosting crop yields at our farms, UAS technology will create tens of thousands of new jobs in the coming years, and we need American students and workers ready to take advantage of that. That is why I worked across the aisle with Senator MORAN to introduce the Higher Education Unmanned Air Systems Modernization Act and include it in this long-term FAA bill.

This provision has the support of the Association of Public and Land-grant Universities, the Association of American Universities, and dozens of other colleges and universities all across our Nation.

Our brightest minds will have the ability to design, refine, and fly UAS to prepare our country for the safe integration of UAS into our National Airspace System.

In my home State of Michigan, Alpena Community College has created a UAS pilot training program that complements existing certificate programs, like the utility technology certificate, making their graduates even more competitive.

This will support job creation across the income spectrum, as our Nation's workforce will be able to get the training they need to operate these systems both safely and efficiently.

Ultimately, whether we are talking about UAS, passenger planes in the air, or travelers making their way through

the airport, this is all about safety. In recent years, we have seen high-profile attacks at airports around the world but also in places like Flint, MI. These attacks have demonstrated the vulnerabilities of heavily trafficked public areas outside of security screening, such as baggage claim and pickup and dropoff areas.

I heard from our international airport in Detroit and others across the country that current airport funding streams often cannot be used for security projects in these public spaces. Their need for greater flexibility for airport infrastructure improvements led me and my colleague Senator GARDNER to introduce the bipartisan Secure Airport Public Spaces Act. This legislation would increase safety and security for airport passengers and visitors outside of the TSA screening areas. A critical provision of our bill was incorporated into this reauthorization bill that will now allow airports to use Airport Improvement Program funds on state-of-the-art surveillance cameras in these public areas, which will help monitor, prevent, and respond to potential attacks at airports across our Nation.

Finally, I would like to discuss what could be our Nation's defining public health challenge for generations—a group of harmful chemicals known as PFAS. The PFAS class is a group of over 4,700 manmade chemicals that have been used nationwide and internationally. These chemicals do not break down in the human body or in the environment, and they can accumulate over time and cause a great deal of harm. We already know that there are several health effects associated with exposure to certain PFAS. A few examples include compromised immune system function, cancers, endocrine disruption, and cognitive effects.

I have listened to families exposed to PFAS in Michigan, but PFAS are not just a Michigan issue. We know that there are over 170 sites in 40 States that are contaminated with PFAS. PFAS are so pervasive that it is estimated that up to 110 million Americans could have these chemicals in their water.

PFAS chemicals have been used for decades in a wide range of consumer products, including textiles, paper products, and cookware. In addition to all of these uses, they have also been used in firefighting foams for decades. These foams have been used on military bases and in our commercial airports. They have been used near businesses and neighborhoods, near ground water and surface water, near lakes and streams.

Last week, I worked with Senator RAND PAUL to convene a hearing in our Federal Spending Oversight Subcommittee that addressed the Federal Government's role in PFAS. We heard firsthand about the impact of this public health crisis on community members, firefighters, and veterans. Not only have these foams containing

PFAS been used for decades, we are still requiring their use at American airports even as safe alternatives are now being developed and deployed abroad.

While there is a lot of work to be done related to remediation, human health research, filter technology, and more, we must stop making this problem worse. This is why I worked with Senators SULLIVAN, STABENOW, RUBIO, SHAHEEN, GILLIBRAND, and HASSAN to lead a commonsense addition to this FAA bill.

Our bipartisan provision gives airports the option to use fluorine-free foams. I also appreciate Congressman KILDEE for leading this effort in the House of Representatives.

Using fluorine-free foams is not a novel idea, but it is an idea whose time has come. Over 70 airports around the world are already using fluorine-free foams that have passed the most challenging of tests, and they have seen real success in combating fires. These airports include major international hubs such as Dubai, London Heathrow, Manchester, and Copenhagen. Every major airport in Australia has already made this transition.

It is past time that we catch up, and I am happy too that this important legislation will finally allow American airports to embrace safe, innovative firefighting technologies and stop using fluorinated foams.

I want to thank Chairman THUNE and Ranking Member NELSON, as well as Leader MCCONNELL and Leader SCHUMER, for their work to pass this important bipartisan legislation.

I urge my colleagues to support this critical long-term FAA reauthorization that will help keep PFAS out of our water. It will help drive investment in our Nation's workforce, and it will help ensure that our airports and skies are safe.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

TRIBUTE TO SSG RONALD J. SHURER

Ms. CANTWELL. Mr. President, I come to the floor to talk about the FAA reauthorization bill. Before I do that, I would like to take a moment to recognize a graduate of Rogers High School in Puyallup, WA. SSG Ronald J. Shurer II, who received the Medal of Honor yesterday for his selfless heroism in Afghanistan.

When he heard wounded members of his team were trapped on a hill, he didn't hesitate. In the face of heavy enemy fire, Staff Sergeant Shurer shielded three wounded teammates with his own body and helped them reach safety.

I congratulate Staff Sergeant Shurer for his heroism and bravery and his sacrifice, and I would like to congratulate him and his family on his receiving this honor. We in Washington are very proud of Staff Sergeant Shurer.

FAA REAUTHORIZATION BILL

Mr. President, turning to the FAA bill, which I hope we are going to be