So the point is this: These are the only three provisions that are sunsetted and that we have to reauthorize. If people have objections to other parts of the act, such as has been expressed here, then their argument is not with the reauthorization of these three provisions but with the underlying law. In any event, I suppose they will have plenty of time to raise those questions when we debate this further in the next couple of months.

I urge my colleagues to support this short-term extension. In the meantime, prior to the rest of the debate we will have to check with the folks at the Intelligence Committee who can answer any questions colleagues may have about how this act is intended to operate and then check with the FBI and other law enforcement officials to see how it works in its operation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I ask unanimous consent to speak for 3 minutes.

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

Mr. TESTER. Mr. President, Montanans sent me to the U.S. Senate to bring accountability to this body, to make responsible decisions, and to protect America and the freedoms we all enjoy. I took the oath of office to defend the Constitution.

That is why I am going to vote against the PATRIOT Act. I encourage others to follow suit. I have never liked the PATRIOT Act. I still don't.

Like REAL ID, the PATRIOT Act invades the privacy of law-abiding citizens. And it tramples on our Constitutional rights.

We need to find a balance—making our country more secure and giving our troops, law enforcement and intelligence agents the tools necessary to get the job done. But we have to do it without invading the privacy of law-abiding Americans.

This extension doesn't address any of those concerns. It simply puts off the debate we need to have for another day.

There are some really troubling aspects that are not addressed by the extension of this law: Roving wiretaps which allow surveillance of a ''type of person,'' instead of a particular person, over multiple phone lines. That is a slippery slope to eroding our constitutional protection against government searches; Using the reasonable grounds of suspicion standard to require libraries and businesses to report to the government about what American citizens buy or borrow.

We don't have to sacrifice our privacy and lose control of our personal information in order to be secure. And we should never give up our constitutional rights.

Voting for the PATRIOT Act is the wrong way to go. We have got a lot of smart people in this body. We can develop the policies we need to fight terrorists without compromising our constitutional civil liberties. I ask my colleagues to join me in voting against extending this law today and in the future.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEVIN. Mr. President, I think all time has either been yielded back or all time is up, so I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

The result was announced—yeas 86, nays 12, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS — 86

Akaka	Enzi	Menendez
Alexander	Feinstein	Mikulski
Ayotte	Franken	Moran
Barrasso	Gillibrand	Murkowski
Bennet	Graham	Nelson (NE)
Bingaman	Grassley	Nelson (FL)
Blumenthal	Hagan	Portman
Blunt	Hatch	Reed
Boozman	Hoeven	Reid
Boxer	Hutchison	Risch
Brown (MA)	Inhofe	Roberts
Burr	Inouye	Rockefeller
Cantwell	Isakson	Rubio
Cardin	Johanns	Schumer
Carper	Johnson (SD)	Sessions
Casey	Johnson (WI)	Shaheen
Chambliss	Kirk	Shelby
Coats	Klobuchar	Snowe
Coburn	Kohl	Stabenow
Cochran	Kyl	Thune
Collins	Landrieu	Toomey
Conrad	Leahy	Udall (CO)
Coons	Levin	Vitter
Corker	Lieberman	Warner
Cornyn	Lugar	Webb
Crapo	Manchin	Whitehouse
DeMint	McCain	Wicker
Durbin	McCaskill	Wyden
Ensign	McConnell	

NAYS—12

Baucus	Brown (OH)	Lautenberg
Begich	Harkin	Lee
Merkley	Paul	Tester
Murray	Sanders	Udall (NM)

NOT VOTING—2

Kerry	Pryor

The bill (H.R. 514), as amended, was passed.

VOTE EXPLANATION

● Mr. KERRY. Mr. President, I am necessarily absent for the vote today on legislation to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004, H.R. 514. If I were able to attend these vote sessions, I would have supported the bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004, H.R. 514.●

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

AMENDMENTS NOS. 49 AND 51, AS MODIFIED

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that my pending amendments, Nos. 49 and 51, be modified with the changes that I have at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments are so modified.

The amendments, as modified, are as follows:

AMENDMENT NO. 49, AS MODIFIED

On page 48, between lines 22 and 23, insert the following:

(c) ADDITIONAL RELEASE FROM RESTRICTIONS.—

(1) IN GENERAL.—In addition to any release granted under subsection (a), the Secretary of Transportation may, subject to paragraph (2), grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance numbered 30–82–0048 and dated August 4, 1982, under which the United States conveyed certain land to Doña Ana County, New Mexico, for airport purposes.

(2) CONDITIONS.—Any release granted by the Secretary under paragraph (1) shall be subject to the following conditions:

(A) The County shall agree that in conveying any interest in the land that the United States conveyed to the County by the deed described in paragraph (1), the County shall receive an amount for the interest that is equal to the fair market value.

(B) Any amount received by the County for the conveyance shall be used by the County for the development, improvement, operation, or maintenance of the airport.

AMENDMENT NO. 51, AS MODIFIED

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

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

Section 44901 is amended by adding at the end the following:

''(l) LIMITATIONS ON USE OF ADVANCED IMAGING TECHNOLOGY FOR SCREENING PASSENGERS.—

''(1) 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) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The term 'appropriate congressional committees' means—

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

''(ii) the Committee on Homeland Security of the House of Representatives.

''(C) 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.

''(2) USE OF ADVANCED IMAGING TECHNOLOGY.—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.

''(3) IMPLEMENTATION OF AUTOMATED TARGET RECOGNITION SOFTWARE.—Except as provided in paragraph (4), beginning January 1, 2012, all advanced imaging technology used as a screening method for passengers shall be equipped with automatic target recognition software.

''(4) EXTENSION.—The Assistant Secretary may extend the date described in paragraph (3) by 1 or more periods as the Assistant Secretary considers appropriate but each period may not be for a duration of more than by 1 year, if the Assistant Secretary determines that—

''(A) advanced imaging technology equipped with automatic target recognition software is not substantially as effective at screening passengers as advanced imaging technology without such software; or

''(B) additional testing of such software is necessary.

''(5) REPORTS.—

''(A) IN GENERAL.—Not later than 60 days after the date described in paragraph (3) and, if the Assistant Secretary extends the date pursuant to paragraph (4) by 1 or more periods, not later than 60 days after each period, the Assistant Secretary shall submit to the appropriate congressional committees a report on the implementation of this subsection.

''(B) ELEMENTS.—Each report required by subparagraph (A) shall include the following:

''(i) A description of all matters the Assistant Secretary considers relevant to the implementation of this subsection.

''(ii) The status of the compliance of the Transportation Security Administration with the provisions of this subsection.

''(iii) 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.

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

Mr. UDALL of New Mexico. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 7, AS MODIFIED

Mr. INHOFE. Mr. President, I have the same request. I call for regular order with respect to my amendment No. 7, and I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of the bill insert the following:

SEC. ___. RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

''(g) ADDITIONAL SLOTS.—

''(1) INITIAL INCREASE IN EXEMPTIONS.—Within 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(C), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

''(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

''(B) increase competition in multiple markets;

''(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

''(D) not result in meaningfully increased travel delays;

''(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

''(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

''(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

''(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—

''(A) DISTRIBUTION.—Of the exemptions made available under paragraph (1), the Secretary shall make 10 available to limited incumbent air carriers or new entrant air carriers and 14 available to other incumbent air carriers.

''(B) NETWORK CONNECTIVITY.—In allocating exemptions to incumbent air carriers under this paragraph, the Secretary shall afford a preference to carriers offering significant domestic network benefits within the perimeter described in section 49109.

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

''(3) 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 this subsection, 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.

''(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection 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.

''(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this subsection shall commence operations using that slot within 60 days after the date on which the exemption was granted.

''(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

''(A) caused congestion problems at the airport;

''(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority;

''(C) affected the environment in the area surrounding the airport; and

''(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 to incumbent air carriers, 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) NETWORK CONNECTIVITY.—In allocating exemptions to incumbent air carriers under

subparagraph (B), the Secretary shall afford a preference to carriers offering significant domestic network benefits 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:

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

''(ii) 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 substantial 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.''.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 93 TO AMENDMENT NO. 7, AS MODIFIED

Mrs. HUTCHISON. Mr. President, I have a second-degree amendment to the Inhofe amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 93 to Inhofe amendment No. 7, as modified.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for an increase in the number of slots available at Ronald Reagan Washington National Airport, and for other purposes)

Strike all after the word ''sec'' and add the following:

___. RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

''(g) ADDITIONAL SLOTS.—

''(1) INITIAL INCREASE IN EXEMPTIONS.—Within 5 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(C), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

''(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

''(B) increase competition in multiple markets;

''(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

''(D) not result in meaningfully increased travel delays;

''(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

''(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

''(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

''(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—

''(A) DISTRIBUTION.—Of the exemptions made available under paragraph (1), the Secretary shall make 10 available to limited incumbent air carriers or new entrant air carriers and 14 available to other incumbent air carriers.

''(B) NETWORK CONNECTIVITY.—In allocating exemptions to incumbent air carriers under this paragraph, the Secretary shall afford a preference to carriers offering significant domestic network benefits within the perimeter described in section 49109.

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

''(3) 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 this subsection, 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.

''(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection 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.

''(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this subsection shall commence operations using that slot within 60 days after the date on which the exemption was granted.

''(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

''(A) caused congestion problems at the airport;

''(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority;

''(C) affected the environment in the area surrounding the airport; and

''(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 to incumbent air carriers, 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) NETWORK CONNECTIVITY.—In allocating exemptions to incumbent air carriers under

subparagraph (B), the Secretary shall afford a preference to carriers offering significant domestic network benefits 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:

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

''(ii) 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 substantial 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.''.

This section shall become effective 1 day after enactment.

CLOTURE MOTION

Mrs. HUTCHISON. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 7, as modified, to S. 223, the FAA authorization bill.

Kay Bailey Hutchison, Jon Kyl, John Ensign, John Cornyn, Kelly Ayotte, John Thune, Saxby Chambliss, Richard Burr, Johnny Isakson, Jerry Moran, James E. Risch, Richard C. Shelby, Rand Paul, John Hoeven, John McCain, Lindsey Graham, Mike Lee.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 93, AS MODIFIED, TO AMENDMENT NO. 7, AS MODIFIED

Mrs. HUTCHISON. Mr. President, I send a modification to my second-degree amendment to the desk and ask that the amendment be so modified.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

Strike all after the word ''**SEC**'' and add the following:

___. RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

''(g) ADDITIONAL SLOTS.—

''(1) INITIAL INCREASE IN EXEMPTIONS.—Within 95 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(C), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

''(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

''(B) increase competition in multiple markets;

''(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

''(D) not result in meaningfully increased travel delays;

''(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

''(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

''(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

''(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—

''(A) DISTRIBUTION.—Of the exemptions made available under paragraph (1), the Secretary shall make 10 available to limited incumbent air carriers or new entrant air carriers and 14 available to other incumbent air carriers.

''(B) NETWORK CONNECTIVITY.—In allocating exemptions to incumbent air carriers under this paragraph, the Secretary shall afford a preference to carriers offering significant domestic network benefits within the perimeter described in section 49109.

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

''(3) 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 this subsection, 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.

''(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection 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.

''(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this subsection shall commence operations using that slot within 60 days after the date on which the exemption was granted.

''(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

''(A) caused congestion problems at the airport;

''(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority;

''(C) affected the environment in the area surrounding the airport; and

''(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 to incumbent air carriers, 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) NETWORK CONNECTIVITY.—In allocating exemptions to incumbent air carriers under subparagraph (B), the Secretary shall afford a preference to carriers offering significant domestic network benefits 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:

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

''(ii) 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 substantial 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 and debt service costs at either of the Metropolitan Washington Airports, regardless of source, may be shared at the other airport.''

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, the amendment that is now pending, for which we have a cloture motion, is what we are going to try to continue to work on and hope that we can come to a consensus on the issue of the perimeter rule that has caused so much of this bill to be held up. This is a good bill. This is a bill that is going to give America the opportunity to start the next generation of air traffic control systems. It is a bill that we must begin now if we are going to go to a satellite-based system which will free airspace and make our air system work more efficiently for aircraft in the air.

It has safety provisions. It has consumer protection provisions. It is so important that we also accommodate the needs of all of our country, the constituents we have, to have an airport system that works—especially in the Washington area.

We will be able to debate this amendment as we go through the next few days. We are waiting for other amendments to also be debated on the floor. But I have stood very firm in saying we need a bipartisan solution to access to the Nation's airport in Washington, DC. It is located in Virginia, but it is the Washington, DC-near airport, and all of the airports in this area now have a robust business. It is time for us to deal with this in a rational, bipartisan, and responsible way. That is what Senator ROCKEFELLER and I have attempted to do, and we will continue to do so.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak as in morning business.

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

HEALTH REFORM

Mr. FRANKEN. Mr. President, I rise today to talk about health reform. I would like to start by telling you the story of a little boy named Isaac. From the day his parents brought him home as a newborn to Isanti, MN, he was sick all the time. He had everything from the flu to bronchitis to ear infections. But unlike most little boys, Isaac never seemed to get better. His parents, as any parents would, did everything they could to help him. They brought him to every medical specialist they could think of but no one could figure out what was wrong.

Finally, Isaac was diagnosed with a rare disease called common variable immunodeficiency. This means every 2 weeks a nurse has to visit his home to give him the medicine that lets his body fight off germs. Without this medicine, Isaac's body cannot fight off even a common cold. The home visits and IV medications Isaac needs are expensive. But Isaac's parents had health insurance, so Isaac was able to have a normal childhood.

Today, Isaac is a 19-year-old college student in Minnesota with dreams of becoming an English teacher. Here is a picture of him. He is the one on the right. That is Isaac.

Because of the toll his illness takes, his family decided that Isaac should go to school part-time. Unfortunately, before the health reform law was passed, young adults over 18 years of age generally had to be in school full time to stay on their parents' health insurance. If Isaac had not been able to stay on his parents' health plan, he would have been in a tremendous bind. His disease is the definition of a preexisting condition, and it would have been nearly impossible for him to find affordable individual coverage. But because of the health reform law that we passed last year, Isaac can now stay on his parents' health insurance, regardless of his school status, through his 26th birthday. He and his family were able to make the choices that made sense for their family without having to worry about Isaac's health insurance. In fact, in a few years, when he turns 26, a key provision of health reform will have kicked in and insurers will no longer be able to discriminate against him or any American because of a preexisting condition.

Isaac's parents may not be doctors, but they are experts when it comes to the needs of their family. They know the truth about what the health reform law has already done for their family. Just like Isaac's family, Minnesotans may not know every word of the health reform law, but they are experts on what they need for their own families.

Let me tell you about another Minnesota family who learned about the benefits of the new law. Maya, whom you can see right here, is one of 3 million Americans with epilepsy. She had her first seizure when she was just 3 years old. Modern medicine has not yet been able to find a way to stop her seizures, but by taking five medications per day she can control them.

Recently, Maya's father was laid off and the family lost his health insurance. Maya's family suddenly had to confront the possibility that they would no longer be able to give Maya the medication she needs to fight her daily seizures. Without insurance, Maya's medications cost more than $1,500 a month, which would quickly bankrupt her family. Losing a job is stressful enough, but before the health reform law Maya's parents would have

had to worry about buying health insurance on the individual market. Because of Maya's preexisting condition that would have been almost impossible.

Fortunately, the health reform law has banned insurance companies from discriminating against children with preexisting conditions. So her family was able to get on to another insurance plan without being denied.

The diagnosis of a chronic illness can happen to anyone at any time. Often, like Maya, it doesn't happen because of a lifestyle choice or genetic predisposition. It just happens. Maya was 3 years old when she was diagnosed. Paying for essential medications and health care services that can help control chronic conditions like Maya's can easily put a hard-working family into bankruptcy.

Medical costs are the cause, wholly or in part, of 62 percent of all bankruptcies in this country. That will change dramatically because of this law. Americans will no longer be discriminated against because of preexisting conditions, and insurance companies can no longer impose lifetime limits on the dollar amount of care they will provide. This is an enormous, almost incalculable, benefit to Americans and their peace of mind.

The truth is, Congress listened to people across this country, people such as Isaac and Maya and their families. By allowing kids to stay on their parents' insurance longer, we listened by ending insurance companies' discrimination against women and people with preexisting conditions, and we listened when the American people said lifetime caps on insurance benefits were forcing millions of chronically ill Americans into bankruptcy.

The people of Minnesota believe, as I do, that a family who works hard should not be financially ruined if their kid gets sick. When I was campaigning I heard this again and again from families across Minnesota—and I was listening. The people asked this Congress to find a way to make health care affordable for everyone, and we did.

Now the insurance companies and their political allies want you to believe the only way to keep your premiums low is to cap the amount of benefits you can receive in your lifetime. But this is just not true. In the health reform law, we worked hard to slow the growth of health care costs without abandoning the over one-third of American adults who struggle with chronic disease.

The truth is, last year we passed a bill that will save the lives of countless Americans and will save billions of taxpayer dollars. That is right. According to the Congressional Budget Office, the referee that everyone here in Congress agrees to abide by whether we like their decisions or not—according to CBO the law saves us money, lots of money; in fact, hundreds of billions of dollars.

Now, let me say a word about CBO to my colleagues. You cannot use CBO's numbers when you like them and then totally dismiss them when you do not. CBO is directed to provide unbiased and independent analysis and estimates. Their analysts use the best research available for their scores and projections. In fact, they established an independent review panel of expert health care economists to advise them in their analysis of the health reform bill. Not only are the experts' names published on CBO's Web site, but their analysis of the law is public as well. CBO is nothing if not transparent and independent.

Of late, we have heard Members of this body frankly mischaracterize the process by which CBO does its job. They have said that CBO must rely solely on information and data fed to them by the majority—''garbage in, garbage out.'' ''Garbage in, garbage out'' is how they describe it here on the floor. This could not be further from the truth. Frankly, I find some of my colleagues' new refrain about CBO disturbing and not a little disingenuous.

One of the things we tried to do in health reform was to take steps that would lower the costs of health care in this country. Take for example our efforts to reduce administrative costs by streamlining the way health care providers bill for their services. This is something I pushed for because we recently did it in Minnesota, and it saved $56 million in the first year alone. Nationwide, that should translate to around $25 to $30 billion over 10 years. Actually, the health reform law went well beyond what Minnesota did. So it is not surprising that outside experts such as those at the Commonwealth Fund, Rand, and others estimate much greater savings from administrative simplification, in the range of $162 to $187 billion over 10 years. So when CBO made their analysis and estimated savings of less than $20 billion in the same period, I admit I was a little miffed. But I did not attack CBO. I accepted their results. And we are all duty bound to do the same, even when CBO projects that the law as a whole will save over $100 billion in the first 10 years and over $1 trillion in the following decade.

We accomplished the savings with a number of commonsense solutions, such as stopping insurance companies from padding their bank accounts with profits from sky-high premiums. As part of health reform, we require insurance companies to spend at least 80 to 85 percent of the money they receive in premiums on actual health care, actual health care services—85 percent for large group plans, 80 percent for small group or individual plans. This is a provision I championed. The other 15 or 20 percent can be spent on administrative costs or marketing, on CEO bonuses, and on profits. This provision kicked in this year, and it will hold insurance companies accountable for costs and help contain health care costs in this country.

We also changed the way health care is paid for in this country by starting to reward quality of care, not quantity—value not volume in Medicare. I was proud to fight alongside Senator CANTWELL and Senator KLOBUCHAR for the inclusion of the value-based payment modifier in the Medicare reimbursement formulas.

Perhaps the most commonsense thing we did to control costs was making sure everyone has access to preventive care. In Minnesota alone, the law will give millions of people access to free preventive care. Women will be able to get mammograms without any out-of-pocket costs. Starting this year, seniors now have access to free preventive checkups each year without cost. This is completely contrary to claims I have heard on this floor.

A large part of the cuts in Medicare spending—not cuts in benefits, a large part of the cuts in Medicare spending—is cuts to wasteful subsidies for insurance companies.

One of my colleagues has taken to the floor and said this law will ''cut the funding, so people on Medicare Advantage who like it, who like the preventive medicine activities of it, are going to lose those opportunities.'' He goes on to say about the seniors in his State that ''once they lose this, they are going to lose preventive services.'' This is simply not the case. Thanks to this law, everyone on Medicare will enjoy preventive services, so their doctors will catch problems early. Seniors know that an ounce of prevention is worth a pound of cure. That is why preventive services under this law will be covered for everyone without copays, contrary to what my friend on the other side says.

This is what has bothered me about this debate—the constant stream of misinformation.

This same colleague said this on the floor about the law: ''It doesn't solve America's doctor shortage. It does not even address it.'' It does not even address it. Now, no one is claiming this bill solves the doctor shortages we have in this country, but does not even address it? There is a whole title in the law that lays out a number of programs—over 96 pages—that make significant investments in the health care workforce, especially in primary care physicians. Most notably, it created a public health workforce loan repayment program that helps recruit and place more doctors, nurses, and other health care providers in medically underserved areas. That is important for States such as Minnesota. And this was an integral and vital part of health reform. Anyone who states that this law did nothing to address the shortfall of health care providers just has not read the law.

We have seen misrepresentations from opponents right from the beginning with the so-called death panels, and it continues to this day: Medicare recipients are going to be denied preventive care; the law doesn't even address the doctor shortage; CBO is just

fed garbage by the majority and is not allowed to look at anything else.

In November, one of my colleagues cited an oft-discredited assertion originally made by some Republicans on the House Ways and Means Committee. According to one analysis, my colleague said here on the floor, the Internal Revenue Service will need to hire 16,000 new IRS employees to enforce the individual mandate. Well, that is just not true. Some new IRS employees will be needed but nowhere near that number, and overwhelmingly they will be there to administer the tax breaks to small businesses for insuring their employees.

What my colleagues said on the floor is simply not true. No matter how many times it is repeated, it will not become true.

There was a colloquy from June of last year between two of my colleagues. The first Senator said that doctors are leaving Medicare. And that is true. Some are.

He said: The president of the State of New York Medical Society is not taking new Medicare patients.

Then the second Senator said: As well as the Mayo Clinic.

The first Senator answered by responding: Mayo Clinic said, we cannot afford to keep our doors open if we are taking Medicare patients.

Then he moved on.

So is it true that the Mayo Clinic really is not taking new Medicare patients? Well, I called up Mayo, which happens to be in my State, to find out, and they gave me the facts. Do you know what. Of course it is not true. The Mayo Clinic has 3,700 staff physicians and scientists and treats 526,000 patients a year. There is one Mayo Clinic, Arizona Family Practice—one—that isn't accepting Medicare payment for primary care services. Yet this is just part of a time-limited trial for this one clinic with just five physicians on staff. That is it. But this becomes, to quote my colleague: Mayo Clinic said, we cannot afford to keep our doors open if we are taking Medicare patients. Well, the Mayo Clinic is the largest private employer in Minnesota and, believe me, their doors are still open to new Medicare patients.

Medicare reimbursements are low, and Mayo has actually lost hundreds of millions of dollars in the last year alone because of this. Mayo, like the rest of Minnesota, delivers higher value care at a lower cost than clinics and hospitals in other States. That is because Mayo provides coordinated integrated care. Mayo's outstanding doctors are on salaries, so they are not incentivized to order and perform unnecessary and expensive tests and procedures. And Mayo's outcomes are second to none. Yet Mayo is punished for all of this by receiving lower reimbursements for Medicare. That is why I pushed, with other colleagues, for the value index. That is why we need to pass the so-called doc fix that cancels scheduled cuts to reimbursement rates every year.

By the way, the doc fix is something we would have to do whether or not we pass health reform.

Yet, despite all of this, the Mayo Clinic is keeping its doors open to new Medicare patients and should be commended for that. It should not be accused of closing its doors to Medicare patients when it is not. Mayo should not be used as a political football.

Look, I could go on and on with these, but the fact is, if we want to have a debate about the health care law, we really should make an effort to present a case based on what is really in the law and what is really happening on the ground. This is what the American people want from us. Health care is far too important to the lives of our constituents for us to indulge in gross distortion, obvious omission, and absurd extrapolations. The American people do not want that, not for something this important, not for something that affects their lives and the lives of people they love. The American people have given us all tremendous responsibilities.

Minnesotans worry that the floor could drop from under them at any time and that no one will be there to catch them when it does. They worry about their families. They worry about their friends and their community. We owe it to them to be honest with them and with each other, to be responsible, to be real. So let's get real.

As I mentioned in my story about Maya, the little girl with epilepsy, thanks to the new law, she can get health care because insurance companies now cannot discriminate against children with preexisting conditions. In 2014, insurance companies will not be able to discriminate against any American child or adult with a preexisting condition. And in 2014, that is when the mandate kicks in.

Here is what one of my colleagues says about the provision in the law that now allows little 3-year-old Maya to be treated for her epilepsy:

> The health care law allows parents to wait until their child is sick before buying a policy. When only sick people buy health insurance, premiums have to go up. As the rate increases, more people drop their coverage.

That is why we have the mandate. The mandate is crucial if you want to do things such as getting rid of denials for preexisting conditions. And, by the way, the mandate has been a Republican idea. The mandate was a Republican idea in their 1993 health reform bill. Let me tell you why. The health care law is like a three-legged stool. The first leg is accessibility. Everyone needs to be able to buy insurance so that when they get sick or hurt, they can access the care they need.

So we banned insurance companies from discriminating against people with preexisting conditions. Banning discrimination against people with preexisting conditions is something that both parties say they like. In fact, in its Pledge to America, the document that Republicans ran on in 2010, in the health care section there is the heading ''Ensure Access for Patients with Preexisting Conditions.''

It goes on to say that they will ban insurance companies from discriminating against patients with preexisting conditions. That is their pledge.

That makes sense. Over one-third of all Americans have a preexisting condition. Actually, at the Minnesota State fair, a woman in her early 70s came up to me and said: You know, at my age, everything is preexisting. She was enrolled in Medicare, but Maya was not. And Maya's family should not have to choose between going without the care they need and going into bankruptcy.

But as my colleague indicated, there is a risk that this provision would incentivize people to buy health insurance only after they get sick or hurt which would drive everyone's costs up. So because of this, this second leg of the stool is personal responsibility. We have an individual mandate to make sure that people don't wait until they get sick to go get insurance and to create a pool of insured people that is large enough to support all the folks who had previously been unable to get insurance. If everyone has health insurance, everyone will be able to access care when they need it.

By the way, the rest of us who have insurance will benefit because today we are paying almost $1,000 a year per family in premiums to cover the emergency room visits of people who don't have insurance.

But for some people, buying health insurance is too expensive. So the third leg of the stool is affordability. We provide assistance to those families who need to buy health coverage on a sliding scale, all the way up to 400 percent of the Federal poverty level.

So that is our three-legged stool: accessibility, accountability, and affordability. We don't discriminate against people with preexisting conditions, and so we have a mandate so people don't wait until they get sick or hurt to get insurance. Because you are mandated to get health insurance, we make sure everyone can afford it. A three-legged stool. If you take any leg out, the stool collapses.

When I have explained it this way to Minnesotans, I find they are no longer confused about the law. They know how important it is to have access to health insurance regardless of preexisting conditions, to take responsibility for themselves and their families, and to have health care they can afford. But some of my colleagues have been advocating that we cut off a leg or even two legs of the stool. But a two-legged stool collapses. And a one-legged stool? Maybe at best it is a spinning plate.

The arguments for repealing this law remind me of an old Shalom Aleichem story I heard from my dad when I was growing up. You don't hear much about Shalom Aleichem on the Senate floor. I will tell you a little bit about it.

Shalom Aleichem was a beloved 20th century writer who wrote stories, novels, and plays in Yiddish. The Broadway hit ''Fiddler on the Roof'' was based on his writings. In the story my dad told me, a man borrows a plate from his neighbor. The man takes the plate home and drops it accidentally and breaks it. He sneaks back into his neighbor's house and replaces the broken plate. The neighbor comes home, finds the broken plate, and goes over to the guy's house. He basically says: What is the deal with the broken plate?

The guy says: Well, in the first place, I didn't borrow it. In the second place, when I borrowed it, it was already broken. And in the third place, when I returned it, it was in one piece.

That is what I am hearing from the opponents of this bill who want to repeal it. In the first place, we are for banning discrimination against people with preexisting conditions. In the second place, we are against banning discrimination against people with preexisting conditions because then no one would buy health insurance until they get sick or hurt. That would drive up the cost of health insurance. And in the third place, we want to repeal the law because it makes healthy people buy health insurance or pay a fine in order to keep the cost of health insurance down. This is what I hear every day from the opponents of the health care bill.

Opponents of the bill, my colleagues on the other side, pledge that they won't discriminate against people with preexisting conditions but then they say they don't want to ban discrimination because they don't want to encourage people to wait until they are sick to buy insurance. But they don't want to mandate that people take personal responsibility by buying health insurance. Then they stand up and say the American people are, to quote a colleague, ''sick of spin.''

I would like my colleagues to stand and admit that they broke the plate. We owe it to the people who elected us to this body to tell the truth about the health reform law. We owe it to the millions of Americans whose lives will be changed by the provisions in this law, such as Isaac, such as Maya.

Already we have seen the positive changes that such reform can bring. Look no further than the State of Massachusetts which, in 2006, passed its own set of health reforms. Its reforms were similar to what the Affordable Care Act is doing at the national level, including an individual mandate, subsidies, and even an exchange. The result has been a huge increase in the number of people with health insurance, including an increase in the number of people who get insurance through their jobs. Let me put that another way: Because of the State's health care reform, more people have health insurance from their employer.

At the same time Massachusetts has seen a decrease in the rate at which premiums are going up when compared to the rest of the country. As the rest of the country saw insurance premiums go up by 6.1 percent from 2007 to 2008, premiums in Massachusetts only went up by 5.0 percent. That is more than 20 percent less than the rest of the country just a year after its health care reform was passed. That is not a silver bullet, but it is certainly a step in the right direction for small business owners and for families. More than 98 percent of Massachusetts residents have health insurance, as compared to less than 84 percent nationally.

The effects of health reform in that State are pretty clear. More people are insured. Premiums are not going up as quickly as around the country. More people are getting their insurance through their employer.

The health reform law is not a silver bullet but hopefully a series of steps in the right direction. You have to question the claims of my colleagues who say that health reform will cause the sky to fall, because there is good evidence to believe they are crying wolf. Yes, you heard me right, Chicken Little is crying wolf.

Ask the people of Massachusetts. In a recent poll, nearly 80 percent of Massachusetts residents said they wanted to keep the health reform law they passed in 2006; nearly 80 percent.

Here is another one. I have heard a colleague urging repeal of this law say:

> We need to allow small businesses to join together, to pool together, in order to offer affordable health insurance to their workers, get better deals with insurance costs.

He said this as if it weren't in the law. In fact, he has said these exact words repeatedly here on the floor, each time creating the clear implication that the health reform law does not allow small businesses to pool together to get better deals on health insurance. But in fact this is exactly why we passed a health reform law that includes health insurance exchanges.

We owe it to the American people to tell the truth about this. The truth is that health reform created State insurance exchanges so that health care will be available to the 43 million workers employed by the 5.9 million small businesses around the country. The exchanges will also make affordable health insurance available to 22 million self-employed Americans. Within these exchanges, insurance companies will compete and offer multiple plans so that everyone can choose a plan that works best for their family. And in all cases, they will be negotiated on behalf of the combined pools of all participating businesses with fewer than 100 employees in the State. This will give unprecedented negotiating power and competition that will directly benefit workers at small businesses. And not just the workers but especially the owners of those businesses who, by the way, are already receiving tax credits to help them pay for their employees' insurance.

The fact is, the majority of Americans are supportive of what this law is trying to do, and they don't want to go back to the broken system we had before it passed. They know it is crucial that American families have health care when they need it. They know this law will give millions more American families access to this care while creating jobs and saving money.

The truth is, the people have spoken on health care. Unfortunately, some of my colleagues have not been listening.

When you are talking about legislation, it is easy to fall into the trap of either promising the world or warning that it will cause the sky to fall. Neither is right, and the reality is far more complex. The truth is, the Affordable Care Act will change millions of lives but will not fix a very broken health care system overnight. It was the result of a lot of negotiation and compromise.

The truth is, the American people want us to move forward and implement this law. They know some parts of it will work better than other parts. They want us to change what does not work and build on what does. They know provisions like the ban on discrimination against children with preexisting conditions are already helping families across this country, including Isaac, including Maya.

I challenge my colleagues to talk to families with children like Isaac and Maya. Americans are experts on the health care needs of their own families. I have talked to families all over Minnesota, and they tell me they need accessible health care, they need affordable health care, and they want to take personal responsibility to insure their families. But the truth is, they need our help. They need us to make sure the stool keeps standing.

Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk, and I ask it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 5, S. 223, FAA Air Transportation Modernization and Safety Improvement Act:

Harry Reid, Jay D. Rockefeller IV, Kent Conrad, Bernard Sanders, Benjamin L. Cardin, Sheldon Whitehouse, Patrick J. Leahy, John F. Kerry, Amy Klobuchar, Jeff Bingaman, Jack Reed, Tom Harkin, Carl Levin, Kirsten E. Gillibrand,

Christopher A. Coons, Claire McCaskill, Richard J. Durbin.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorums with respect to the cloture motions be waived.

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

Mr. REID. Mr. President, I am told the managers of this bill have some business they still need to transact on this matter tonight.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENTS NOS. 5, AS MODIFIED, AND 55, EN BLOC

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Blunt amendment No. 5 be modified with the changes that are at the desk; further, that the Blunt amendment No. 5, as modified, and the Reid amendment No. 55 be considered and agreed to en bloc and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The amendment (No. 5), as modified, was agreed to, as follows:

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

SEC. 733. APPROVAL OF APPLICATIONS FOR THE SECURITY SCREENING OPT-OUT PROGRAM.

Section 44920(b) of title 49, United States Code, is amended to read as follows:

''(b) APPROVAL OF APPLICATIONS.—

''(1) IN GENERAL.—Not later than 30 days after receiving an application submitted under subsection (a), the Under Secretary may approve the application.

''(2) RECONSIDERATION OF REJECTED APPLICATIONS.—Not later than 30 days after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Under Secretary shall reconsider and approve any application to have the screening of passengers and property at an airport carried out by the screening personnel of a qualified private screening company that was submitted under subsection (a) and was pending on any day between January 1, 2011, and February 3, 2011, if Under Secretary determines that the application demonstrates that having the screening of passengers and property carried out by such screening personnel will provide security that is equal to or greater than the level that would be provided by Federal Government personnel.

''(3) REPORT.—If the Under Secretary denies an application submitted under subsection (a), the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the reason for the denial of the application.''.

The amendment (No. 55) was agreed to.

MORNING BUSINESS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with each Senator permitted to speak for up to 10 minutes each.

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

REMEMBERING RONALD REAGAN

Mr. KYL. Mr. President, last week we were all celebrating what would have been the 100th anniversary of Ronald Reagan. There was a piece in the Wall Street Journal by one of the economists who advised Ronald Reagan, Arthur Laffer, which I think recounts and discusses probably as good as any other summary I have ever seen the contribution Reagan and his administration made to the economy of the United States.

Therefore, I ask unanimous consent to have printed in the RECORD the article from the Wall Street Journal dated February 10, 2011.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 10, 2011]

REAGANOMICS: WHAT WE LEARNED

(By Arthur B. Laffer)

For 16 years prior to Ronald Reagan's presidency, the U.S. economy was in a tailspin—a result of bipartisan ignorance that resulted in tax increases, dollar devaluations, wage and price controls, minimum-wage hikes, misguided spending, pandering to unions, protectionist measures and other policy mistakes.

In the late 1970s and early '80s, 10-year bond yields and inflation both were in the low double digits. The ''misery index''—the sum of consumer price inflation plus the unemployment rate—peaked at well over 20%. The real value of the S&P 500 stock price index had declined at an average annual rate of 6% from early 1966 to August 1982.

For anyone old enough today, memories of the Arab oil embargo and price shocks—followed by price controls and rationing and long lines at gas stations—are traumatic. The U.S. share of world output was on a steady course downward.

Then Reagan entered center stage. His first tax bill was enacted in August 1981. It included a sweeping cut in marginal income tax rates, reducing the top rate to 50% from 70% and the lowest rate to 11% from 14%. The House vote was 238 to 195, with 48 Democrats on the winning side and only one Republican with the losers. The Senate vote was 89 to 11, with 37 Democrats voting aye and only one Republican voting nay. Reaganomics had officially begun.

President Reagan was not alone in changing America's domestic economic agenda. Federal Reserve Chairman Paul Volcker, first appointed by Jimmy Carter, deserves enormous credit for bringing inflation down to 3.2% in 1983 from 13.5% in 1981 with a tight-money policy. There were other heroes of the tax-cutting movement, such as Wisconsin Republican Rep. Bill Steiger and Wyoming Republican Sen. Clifford Hansen, the two main sponsors of an important capital gains tax cut in 1978.

What the Reagan Revolution did was to move America toward lower, flatter tax rates, sound money, freer trade and less regulation. The key to Reaganomics was to change people's behavior with respect to working, investing and producing. To do this, personal income tax rates not only decreased significantly, but they were also indexed for inflation in 1985. The highest tax rate on ''unearned'' (i.e., non-wage) income dropped to 28% from 70%. The corporate tax rate also fell to 34% from 46%. And tax brackets were pushed out, so that taxpayers wouldn't cross the threshold until their incomes were far higher.

Changing tax rates changed behavior, and changed behavior affected tax revenues. Reagan understood that lowering tax rates led to static revenue losses. But he also understood that lowering tax rates also increased taxable income, whether by increasing output or by causing less use of tax shelters and less tax cheating.

Moreover, Reagan knew from personal experience in making movies that once he was in the highest tax bracket, he'd stop making movies for the rest of the year. In other words, a lower tax rate could increase revenues. And so it was with his tax cuts. The highest 1% of income earners paid more in taxes as a share of GDP in 1988 at lower tax rates than they had in 1980 at higher tax rates. To Reagan, what's been called the ''Laffer Curve'' (a concept that originated centuries ago and which I had been using without the name in my classes at the University of Chicago) was pure common sense.

There was also, in Reagan's first year, his response to an illegal strike by federal air traffic controllers. The president fired and replaced them with military personnel until permanent replacements could be found. Given union power in the economy, this was a dramatic act—especially considering the well-known fact that the air traffic controllers union, Patco, had' backed Reagan in the 1980 presidential election.

On the regulatory front, the number of pages in the Federal Register dropped to less than 48,000 in 1986 from over 80,000 in 1980. With no increase in the minimum wage over his full eight years in office, the negative impact of this price floor on employment was lessened.

And, of course, there was the decontrol of oil markets. Price controls at gas stations were lifted in January 1981, as were wellhead price controls for domestic oil producers. Domestic output increased and prices fell. President Carter's excess profits tax on oil companies was repealed in 1988.

The results of the Reagan era? From December 1982 to June 1990, Reaganomics created over 21 million jobs—more jobs than have been added since. Union membership and man-hours lost due to strikes tumbled. The stock market went through the roof. From July 1982 through August 2000, the S&P 500 stock price index grew at an average annual real rate of over 12%. The unfunded liabilities of the Social Security system declined as a share of GDP, and the ''misery index'' fell to under 10%.

Even Reagan's first Democratic successor, Bill Clinton, followed in his footsteps. The negotiations for what would become the North American Free Trade Agreement began in Reagan's second term, but it was President Clinton who pushed the agreement through Congress in 1993 over the objections of the unions and many in his own party.

President Clinton also signed into law the biggest capital gains tax cut in our nation's history in 1997. It effectively eliminated any capital gains tax on owner-occupied homes. Mr. Clinton reduced government spending as a share of GDP by 3.5 percentage points, more than the next four best presidents combined. Where Presidents George H.W. Bush and Bill Clinton slipped up was on personal income tax rates—allowing the highest personal income tax rate to eventually rise to 39.6% from 28%.