

Take Rick Larson of Potter, NE. He grows wheat and corn. He has a small livestock operation. Unfortunately, the market share of American farmers is declining rapidly in Colombia. When we signed the agreement, American farmers such as Rick Larson in Potter supplied 76 percent of the wheat to Colombia. Today they sell 22 percent. For Rick that means he has lost 15 cents per bushel of wheat. That impacts a real family.

It is a similar story with corn. He has lost 4 cents per bushel. In a place where we throw around the idea of trillions, that may not sound like much, but it means Rick's wheat and corn revenues were down \$7,600 last year just because the administration had not submitted those trade agreements for our approval. Farmers such as Rick cannot believe we are sitting on our hands while our market share is evaporating right before our eyes. He shudders to think what will happen to his sales prices once Canada beats us to a free-trade agreement, even though it was signed 2 years after ours.

It is not easy to regain lost market share once it is gone. It worries exporters when they see their government standing between them and a promising marketplace. Nebraska farmers and ranchers and those across the country can compete with anyone. All they are asking for is a level playing field and a fair shot.

We have been giving exporters from Colombia more than a fair shot through the Andean Trade Preferences Act, which is set to expire on February 12. Under the agreement, a whopping 90 percent of goods and services coming into our country to compete with our citizens enters absolutely duty free.

I think we should extend the Andean Trade Preferences, but we should also knock down the barriers for our own exporters and level the playing field. We must give our workers that level playing field by approving the Colombia Free Trade Agreement.

American exporters have waited too long to realize the benefits of this trade agreement. Isn't it time to get serious about beating our global competitors in the Colombian market? Don't we all realize U.S. jobs depend upon this?

You see, we all represent people such as Valmont and farmers such as Rick. Let's pay tribute to their entrepreneurial spirit by tearing down Colombian trade barriers that inhibit economic growth in this great Nation.

I urge the President to transmit the signed U.S.-Colombia trade agreement to Congress immediately. This is one Senator who is going to stand behind the President and do everything I can to try to get that agreement ratified in the Senate. It is time for Speaker BOEHNER and Leader REID to call it up for consideration as soon as it reaches their desks. But, most important, it is time for the President to lay it on their desks.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORPHANED EARMARKS ACT

Mr. BEGICH. Mr. President, I rise to join my friend from Oklahoma to talk about a commonsense piece of legislation. I come to the floor pretty often to talk about the deficit, and I wish to talk about something very specific we can do to address this matter. The Orphaned Earmarks Act would rescind earmarks that remain 90 percent or more unused 9 years after being appropriated.

In early January, USA Today published an article examining 20 years of earmarks that have not been spent. According to the analysis: "In at least 3,649 of those earmarks, not a single dollar had gone toward its intended purpose" and "Many of the orphan earmarks also count against a state's share of federal highway funds and have taken billions of dollars away from state transportation departments across the nation."

During the past 20 years, orphan earmarks reduced the amount of money States would have received in Federal highway funding by almost \$7.5 billion. That is \$7.5 billion that States could have used to replace obsolete bridges, repair aging roads, and bring jobs to rural areas.

As all of us know, when lawmakers earmark money, even if it is never spent for pet highway projects, that money still reduces what States receive from the Federal Government. In my own State of Alaska, \$187 million in funding was lost out in the past 20 years because of orphaned earmarks.

I know some of my colleagues are concerned about States losing out on money we all could use, especially these days, but let's not worry. I don't want to take away your earmarks that help communities in need and help create jobs. We are talking about earmarks that have been abandoned for more than 10 years and are just sitting there like uncashed checks. Dr. COBURN and I have addressed this in our legislation. We have built in a 12-month period—I repeat, a 12-month period—for agency heads to make sure earmarks can be used before rescinding.

On that note, I wish to make something else clear. I do not personally support an earmark moratorium. I know my friend from Oklahoma and I disagree on this earmark funding, but I believe it is vital to my home State of Alaska. We have unique needs and have relied on this critical funding from day one to support health, safety, and jobs. What I have a problem with is wasteful spending that could have otherwise

been used for a project or to cut the deficit.

Our legislation requires the Director of OMB to submit to Congress and publicly post on the OMB Web site an annual report that includes a listing and accounting for earmarks with unobligated balances summarized by agencies, including the amount of the original earmark, the amount of the unobligated balances, and the year the funding expires; the number of rescissions resulting from this section and the annual savings resulting from this section for the previous fiscal year; finally, a listing and an accounting for earmarks provided to Federal agencies scheduled to be rescinded at the end of the current fiscal year.

Senator Feingold offered an amendment last March to the FAA bill to rescind any DOT earmarks that remained 90 percent or more unobligated for 9 years after being appropriated, with the possibility of holding funds 1 more year for earmarks the agency head believed would be funded within 12 months. Because Senator Feingold had modified the legislation to reflect concerns by Senator BOXER and Senator MURRAY, the Senate voted 87 to 11 to pass this amendment. However, as we all know, the FAA bill did not pass last year.

The Coburn-Begich bill is modeled after a Bush administration proposal from 2008 and would have rescinded any highway and bridge earmark funds from the 1998 highway bill, TEA-21, that had less than 10 percent of the funds spent or obligated. That proposal would have saved about \$626 million, including \$389 million in 152 earmarks that had no funding obligated a decade after passing. The Coburn-Begich bill targets all orphaned earmarks, not just those in the highway bill.

Let me conclude. I know my friend from Oklahoma is here to speak as well. I will tell my colleagues that when I became mayor in 2003 in Anchorage, AK, we looked at what all of our bonds voters had voted on year-in and year-out, and we looked at all the projects. What we found was that sizable amounts were being spent on projects where they were intended, but there was another percentage that for years had just been lying there for a variety of reasons. Maybe the project didn't pan out, maybe they didn't get enough money from another source or the project just vanished from the books because of public opposition to it. But what we found was we were passing bonds for projects that never went forward. So we cleaned the bonds up when I was mayor.

Then we did one other thing which I think this legislation now on the Federal level really focuses on, not only to make sure we clean up the books but also, when you have money, to make it very clear that we need to spend the money on the project for which it was identified. We made sure those projects that were on that bond, that voters voted for, that they put their taxpayer

money toward, that 75 percent or more of those projects would be completed or substantially underway by the end of the year. That was important to make sure taxpayers knew their dollars were being used—not just forwarded or put away in an account somewhere and not having a project that they thought was happening.

So I think this is a good piece of legislation. It brings fiscal responsibility to the money that is out there. When we think about it, if we have a piece of legislation, an earmark, that has not been utilized—90 percent of it not utilized for 10 years or more—there is no reason we should have that money in some bank account in some agency somewhere hidden away. It should come back and go toward the deficit.

So I yield the floor at this time for my colleague from Oklahoma. I am honored to be able to join him in this effort to bring—I will use my words—fiscal sanity to this effort of trying to figure out how to manage this Federal Government's budget in a better way.

The ACTING PRESIDENT pro tempore, The Senator from Oklahoma.

Mr. COBURN. First of all, let me thank my colleague from Alaska. As somebody who has been working on areas of fiscal management in our Federal Government for the last 6-plus years, this is one small step. Whether it saves \$500 million or whether it saves \$1 billion, it is important that America knows we need to do this 1,500 more times.

We hear a lot in the press now from the Republican appropriators, the Republican budgeteers, about the battle of how much to cut. It is the wrong language. The deficit is \$1.5 trillion this year. It was \$1.4 trillion last year. We have tons of areas, as my colleague knows full well, as does our former colleague, the Senator from Wisconsin, Russ Feingold, where we don't effectively utilize the money that has been given to us or that we are borrowing against our kids' future.

So this is a great start. We need to do this every day on every bill that comes before us. We can find it. We have identified 50 sets of duplication within the Federal Government, and they are not small duplications. There are 49 job-training programs across 9 different agencies. There are 105 science, technology, engineering, and math programs—something the President, in his State of the Union Address, said he wanted to enhance. We don't have a metric on any of them. We already have 105 programs. We are spending \$18 billion on job training, and we don't know if it is working, and we don't know if the people we have trained have gotten jobs in the areas in which they were trained. So I am excited about my colleague joining with me. The hope is that we can set a trend so that with every bill that comes out, we will start looking.

By the way, we do have coming from the Government Accountability Office the first third of all of the government

programs. When we inquired 2 years ago to the Congressional Research Service and to the Office of Management and Budget and the GAO, we said: Give us a list of all the programs. Do my colleagues realize that nowhere in the Federal Government do we have a list of all of the programs where we spend money? We are highly critical of the Defense Department because it can't pass an audit, and we rightly should be, but we can't pass an audit because we don't even know what we are doing.

So this should not be controversial at all. It should save us close to \$1 billion when it is all said and done, and that is \$1 billion we won't borrow from the Chinese. All we have to do is do that 1,500 more times. The fact is, we can. We are like that little engine. We can. We can get up that hill. But what it is going to take is reaching across the aisle, as the Senator from Alaska and I have done, and saying: Here is an area of common ground, it is based in common sense, and it is something that should be done and should be done now.

Just to show how silly this is, the data shows that in Atlanta there is still money for the 1996 Olympics. Fourteen years ago, there was \$2.7 million sitting in a bank account. They can't spend it because the Olympics has already occurred, but we still have that money out there. That is the kind of silly stuff that happens when the Federal Government reaches into areas where it shouldn't be reaching.

What we can do—not to lay blame, not to say it is about earmarks or not about earmarks, but here is a common-sense solution that says: Here is a way to free up \$1 billion or \$500 million. If it is \$500 million, great, but here is a way to do that.

I wish to also take some time on the floor now to elucidate that the President's fiscal commission outlined \$4 trillion over the next 10 years we could eliminate that would go a long way toward starting to solve some of our problems.

So my hope is that with this amendment, we will start a trend where we can grab hold of and capture the things that make sense, that most Americans will never miss, and if they do miss it, it is because they are going to get something better instead and more efficient instead, and we start down this road. This is a great start.

I congratulate my colleague for his initiative in bringing this back up. What we need to do now is get on the phone and get our colleagues in the House to do the same thing and make sure, when this bill goes through and this amendment is adopted, it actually happens. Don't forget that the Bush administration wanted this to happen, and so does the Obama administration. Think about the amount of labor we are spending taking care of details on things that can't get spent or won't be spent and the amount of man-hours that goes into that.

I just thought I would finish with one of the recommendations of the fiscal

commission, which is on the Federal workforce. There is a wonderful article that was published by Iain Murray on February 3 about how many Federal employees we have. It is easy for us to think about the fact that when we count true—just true—Federal employees, it is 2.8 million. But that doesn't come close to the actual number of employees the Federal Government has. When you add up what is actually there and you add in postal employees, you add in military, you add in contractors, we are at 11 million Federal employees.

We have a great Federal workforce. There are a lot of areas where we can be efficient and downsize. We don't have to lay anybody off; we can just not add. What we can do is, through attrition, markedly decrease the number of Federal employees we have, which will be that second, third, and fourth billion dollars.

The other thing the Commission recommended, which the Obama administration embraced, was a freeze on salaries, but most of us don't recognize that we have \$3 billion owed right now to the IRS in back taxes by Federal employees that has already been adjudicated.

So there are all sorts of things we can do. We have lots of ideas. My pledge is to work across the aisle with our colleagues to try to find one of these every day or one of these every other day. If we do that together, we don't have to borrow 40 cents out of every dollar we spend in this country. We can take it down to 20 or 15 or down to zero so that we can, in fact, ensure the future for our children.

Again, I thank my colleague, and I yield the floor.

Mr. BEGICH. Mr. President, I wish to thank the Senator from Oklahoma for joining me. I will tell my colleague, whether you look at—you are right, this should not be controversial. It should be easy. I mean, it is like if you receive a check and it sits there for 10 years, I can guarantee my colleagues, if you are in private business, as I have been, you have written that off already. It is gone. In this situation, what we are saying is that there is \$500 million—I think you are right; when it is all tallied up, it is probably closer to \$1 billion—sitting out there. We did this once before. We had great support on a much more narrow focus. If we did this on a regular basis, the opportunity is unlimited.

I wish to thank the Senator. I have sat in the Presiding Officer's chair many times and listened to the presentations of the Senator from Oklahoma regarding the budget. We may not always agree, but when we find agreements, here is an opportunity. This is an easy one, by the way. There are others, as the Senator knows and I know, regarding surplus property the Federal Government has that is under incredible disrepair, not being realized. From my real estate experience, I have seen this, and there is an enormous amount

of resources there that could be turned back to the private sector for future development. That could actually grow this economy.

Mr. COBURN. Mr. President, the Federal Government has \$950 billion worth of property it is not using right now. We are spending \$9 billion a year taking care of it, and we have a budget gimmick that says an agency that needs a new building, because we are going to account for the cost of that building in the year in which they buy it and charge it all to the agency—what are we doing? We are leasing buildings. I guarantee we could own them much more cheaply than we could lease them. What we should be doing is changing that and getting rid of the excess property, lowering our cost to maintain it—there is 9 out of the 1,500 we have to do, right there, if we would just do that—and then change the way we purchase buildings for the Federal Government so the agency can own it instead of leasing it because it costs, over the life of the building, about twice the lease.

Mr. BEGICH. Mr. President, if the Senator will yield, as someone who has been in the real estate business for almost 30 years, there is enormous opportunity. I know that when I was mayor, we put more of the lands—we are not talking parks; we are talking about just surplus old buildings and sites that are no longer in use—we put them back into operation because not only will it save the Federal Government money in the sense of getting that surplus property off the books, but what we end up doing is turning that into economic development companies for those communities. The private sector will come in and revitalize it and use it. There are many ideas out there.

I thank the Senator for the opportunity to sponsor this with him. As the Senator said, \$500 million is the minimum. I think it is close to \$1 billion just on this one idea.

I yield the floor.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is closed.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will resume consideration of S. 223, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 223) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

Pending:

Wicker amendment No. 14, to exclude employees of the Transportation Security Administration from the collective bargaining rights of Federal employees.

Blunt amendment No. 5, to require the Under Secretary of Transportation for Security to approve applications from airports to authorize passenger and property screening to be carried out by a qualified private screening company.

Nelson (F1) amendment No. 34, to strike section 605.

Paul amendment No. 21, to reduce the total amount authorized to be appropriated for the Federal Aviation Administration for fiscal year 2011 to the total amount authorized to be appropriated for the Administration for fiscal year 2008.

Rockefeller (for Wyden) amendment No. 27, to increase the number of test sites in the National Airspace System used for unmanned aerial vehicles and to require one of those test sites to include a significant portion of public lands.

Inhofe amendment No. 6, to provide liability protection to volunteer pilot nonprofit organizations that fly for public benefit and to the pilots and staff of such nonprofit organizations.

Inhofe amendment No. 7, to require the Administrator of the Federal Aviation Administration to initiate a new rulemaking proceeding with respect to the flight time limitations and rest requirements for supplemental operations before any of such limitations or requirements be altered.

Rockefeller (for Ensign) amendment No. 32, to improve provisions relating to certification and flight standards for military remotely piloted aerial systems in the National Airspace System.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I have comments of my own, but I will yield to the Senator from Maryland. He has been down here waiting. He is interesting, provocative, thoughtful, and always right. I yield to him such time as he may feel comfortable with, provided it doesn't go past 5 o'clock.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I thank my colleague and congratulate him on the reauthorization of the Federal Aviation Administration. It is a bill that we can all be proud of. I thank him for his good work.

Mr. President, I rise to speak today on the legislation to reauthorize the Federal Aviation Administration.

Our Nation's economy is recovering from the worst economic recession in decades. Critical to getting our economy moving forward and getting Americans back to work is building an efficient and modern intermodal transpor-

tation system built to handle growing commerce in the 21st century.

I am pleased to see that this legislation, which is estimated to create 280,000 jobs in airports around the country, is one of the first orders of business for the Senate in the 112th Congress. It demonstrates this body's focus on job creation and helping get Americans back to work while updating the Nation's aviation infrastructure to ensure that America is ready for business.

The airline industry accounts for nearly 11 million U.S. jobs and \$1.2 trillion in annual economic activity. This bill provides the airline industry the essential infrastructure it needs to succeed and remain strong and competitive in the global airline industry.

Every day, the Federal Aviation Administration faces the daunting task of marshalling thousands of airliners, and the air travelers on those planes, across the country from airports and airfields both large and small located in nearly every corner of the United States. These members of the Federal workforce safely guide thousands of airplanes, serving tens of thousands of air travelers, across America's skies every day.

I applaud Senator ROCKEFELLER'S dedication to getting this much needed legislation to the floor of the Senate. I greatly appreciate his willingness in the last Congress to incorporate a provision of mine that is important to keeping small rural airports in Maryland and in other parts of the country in operation. I look forward to continue working to build upon the great work he has done to get this important bill moving forward.

This bill is not just important to our big airports; it's important to all airports in this country. There are many challenges facing the FAA and air travelers. This bill sets a clear path towards addressing these challenges, not the least of which is working to reduce the number of flight cancellations and the frequency of flight delays that can range anywhere from 10 minutes to 9 or more hours that air travelers experience.

This bill will reduce delays by more than 20 percent—save passenger time, money and reduce airline fuel consumption, making our country more energy secure and reducing harmful greenhouse gas emissions.

While air travel remains a safe and fast way to travel between distant destinations, the technology is readily available to make essential improvements to our Nation's aviation infrastructure to make it even safer and faster.

The bill's authorization of facility and equipment funding reinforces the FAA's commitment to overhauling the guidance systems used to direct flights across the country. The deployment of NextGen flight systems will cut travel times and save energy by directing flights to take shorter routes that use less fuel.