

# Daily Digest

## HIGHLIGHTS

Senate passed S. 223, FAA Air Transportation Modernization and Safety Improvement Act, as amended.

Senate agreed to H. Con. Res. 17, Adjournment Resolution.

## Senate

### Chamber Action

*Routine Proceedings, pages S807–S927*

**Measures Introduced:** Forty-two bills and eighteen resolutions were introduced, as follows: S. 374–415, and S. Res. 59–76. **Pages S870–71**

#### Measures Reported:

S. Res. 59, authorizing expenditures by the Committee on Armed Services.

S. Res. 61, authorizing expenditures by the Committee on the Judiciary.

S. Res. 62, authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

S. Res. 64, authorizing expenditures by the Committee on Commerce, Science, and Transportation.

S. Res. 66, authorizing expenditures by the Committee on Small Business and Entrepreneurship.

S. Res. 67, authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry.

S. Res. 68, authorizing expenditures by the Senate Committee on Indian Affairs.

S. Res. 69, authorizing expenditures by the Committee on Finance.

S. Res. 70, authorizing expenditures by the Committee on Rules and Administration.

S. Res. 71, authorizing expenditures by the Committee on Veterans' Affairs. **Page S868**

#### Measures Passed:

*Real Estate Investment Trusts 50th Anniversary:* Senate agreed to S. Res. 60, recognizing the 50th anniversary of the date of enactment of the law that created real estate investment trusts (REITs) and gave millions of Americans new investment opportunities that helped them build a solid foundation for retirement and has contributed to the overall strength of the economy of the United States. **Page S809**

*FAA Air Transportation Modernization and Safety Improvement Act:* By 87 yeas to 8 nays (Vote No. 25), Senate passed S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, after taking action on the following amendments proposed thereto: **Pages S809–35**  
Adopted:

Hutchison Further Modified Amendment No. 93 (to Modified Amendment No. 7), of a perfecting nature. **Pages S809, S814**

Inhofe Modified Amendment No. 7, to provide for an increase in the number of slots available at Ronald Reagan Washington National Airport. **Pages S809, S814**

Coburn/Begich Amendment No. 64, to rescind unused earmarks. **Pages S825–26**

Rockefeller (for Brown (OH)/Portman) Amendment No. 105 (to Amendment No. 32), to improve the provisions relating to integrating unmanned aerial systems into the National Airspace System. **Pages S827–28**

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. **Pages S809, S828**

Reid Modified Amendment No. 54, to allow airports that receive airport improvement grants for the purchase of land to lease the land and develop the land in a manner compatible with noise buffering purposes. **Pages S809, S825**

Udall (NM) Modified Amendment No. 49, to authorize Dona Ana County, New Mexico, to exchange certain land conveyed to the County for airport purposes. **Pages S809, S828**

Udall (NM) Further Modified Amendment No. 51, to require that all advanced imaging technology

used as a primary screening method for passengers be equipped with automatic target recognition software. **Pages S809, S828**

Coburn Modified Amendment No. 80, to limit essential air service to locations that are 100 or more miles away from the nearest medium or large hub airport. (By 34 yeas to 65 nays (Vote No. 23), Senate earlier failed to table the amendment.) **Pages S826, S828**

Coburn Amendment No. 81, to limit essential air service to locations that average 10 or more enplanements per day. **Pages S826, S828**

Schumer Amendment No. 71, to control helicopter noise pollution in residential areas. **Page S828**

Rockefeller (for Leahy) Amendment No. 50, to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits, and to clarify the liability protection for volunteer pilots that fly for public benefit. **Pages S809, S828**

Rockefeller (for Lautenberg) Modified Amendment No. 10, to change the effective date for certain noise level amendments. **Page S830**

Rockefeller (for Pryor/Boozman) Amendment No. 22, to cap the local cost share under the contract air traffic control tower program at 20 percent. **Page S830**

Rockefeller (for Klobuchar) Modified Amendment No. 37, to clarify the allowable costs standards for public-use airport projects. **Page S830**

Rockefeller (for Cantwell) Modified Amendment No. 46, to allow the IRA rollover of amounts received in airline carrier bankruptcy. **Pages S830–31**

Hutchison (for Murkowski/Begich) Amendment No. 53, to require the Administrator of the Federal Aviation Administration to improve the inspection, mounting, and retention of emergency locator transmitters. **Page S831**

Hutchison/Cornyn Amendment No. 57, to authorize the Administrator of the Federal Aviation Administration to authorize general aviation airport sponsors to allocate mineral revenues not needed to carry out 5-year projected airport maintenance needs for other transportation infrastructure projects. **Pages S831–32**

Hutchison (for Cochran/Wicker) Amendment No. 59, to require a report on the use of explosive pest control devices. **Page S832**

Rockefeller (for Cantwell) Amendment No. 65, to accelerate the implementation of required navigation performance procedures. **Page S832**

Hutchison (for Inhofe) Amendment No. 86, to provide for use of model aircraft for recreational and other purposes. **Page S832**

Rockefeller (for Boxer/Snowe) Amendment No. 94, to require the disclosure of the dimensions of seats on aircraft to enable parents to determine if their child safety seats will fit in those seats. **Pages S832–34**

Rejected:

McCain Amendment No. 4, to repeal the essential air service program. (By 61 yeas to 38 nays (Vote No. 21), Senate tabled the amendment.) **Pages S809, S823**

Paul Amendment No. 18, to strike the provisions relating to clarifying a memorandum of understanding between the Federal Aviation Administration and the Occupational Safety and Health Administration. (By 52 yeas to 47 nays (Vote No. 22), Senate tabled the amendment.) **Pages S809, S823–24**

Coburn Amendment No. 91, to decrease the Federal share of project costs under the airport improvement program for non-primary airports. (By 59 yeas to 40 nays (Vote No. 24), Senate tabled the amendment.) **Pages S826–27, S828**

Withdrawn:

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. **Page S809**

A unanimous-consent agreement was reached providing that the vote on the motion to invoke cloture on Inhofe Modified Amendment No. 7 (listed above), be vitiated. **Page S819**

During consideration of this measure today, Senate also took the following action:

By 96 yeas to 2 nays (Vote No. 20), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Page S819**

A unanimous-consent agreement was reached providing that the bill be held at the desk, when the Senate receives the House companion to S. 223, as determined by the two Leaders, it be in order for the Majority Leader to proceed to its immediate consideration; strike all after the enacting clause and insert the text of S. 223, as passed by the Senate, in lieu thereof; that the companion bill, as amended, be read a third time, the statutory PAYGO statement be read and the bill be passed; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses; and the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 5–4; all with no intervening action or debate. **Page S824**

*Education Sciences Reform Act:* Senate passed S. 365, to make a technical amendment to the Education Sciences Reform Act of 2002. **Page S924**

**W. Craig Broadwater Federal Building and United States Courthouse:** Committee on Environment and Public Works was discharged from further consideration of S. 307, to designate the Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the “W. Craig Broadwater Federal Building and United States Courthouse”, and the bill was then passed. **Page S924**

**Sam D. Hamilton Noxubee National Wildlife Refuge:** Committee on Environment and Public Works was discharged from further consideration of S. 266, to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge, and the bill was then passed. **Page S924**

**Alvin Ailey American Dance Theater:** Senate agreed to S. Res. 72, recognizing the artistic and cultural contributions of the Alvin Ailey American Dance Theater and the 50th Anniversary of the first performance of Alvin Ailey’s masterwork, “Revelations”. **Page S924**

**Supporting Iranian Democracy:** Senate agreed to S. Res. 73, supporting democracy, universal rights, and the Iranian people in their peaceful call for a representative and responsive democratic government. **Page S925**

**Rare Disease Day:** Senate agreed to S. Res. 74, designating February 28, 2011, as “Rare Disease Day”. **Page S925**

**National Cerebral Palsy Awareness Day:** Senate agreed to S. Res. 75, designating March 25, 2011, as “National Cerebral Palsy Awareness Day”. **Page S925**

**Soldiers of the 14th Quartermaster Detachment of the Army Reserve:** Senate agreed to S. Res. 76, recognizing the soldiers of the 14th Quartermaster Detachment of the United States Army Reserve who were killed or wounded during Operation Desert Shield and Operation Desert Storm. **Pages S925–26**

**Adjournment Resolution:** Senate agreed to H. Con. Res. 17, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. **Page S926**

**Authorizing Leadership To Make Appointments—Agreement:** A unanimous-consent agreement was reached providing that, notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President Pro Tempore and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamen-

tary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

**Page S927**

**Signing Authority—Agreement:** A unanimous-consent agreement was reached providing that during the adjournment of the Senate, the Majority Leader, Senator Rockefeller and Senator Webb be authorized to sign duly enrolled bills or joint resolutions. **Page S927**

**Washington’s Farewell Address—Agreement:** A unanimous-consent agreement was reached providing that at approximately 2:00 p.m., on Monday, February 28, 2011, Senator Isakson will deliver Washington’s Farewell Address to the Senate; that following the address, there be a period of morning business until 3:30 p.m., with Senators permitted to speak therein for up to 10 minutes each. **Page S927**

**Patent Reform Act—Agreement:** A unanimous-consent agreement was reached providing that at 3:30 p.m., on Monday, February 28, 2011, Senate begin consideration of S. 23, to amend title 35, United States Code, to provide for patent reform. **Page S927**

**Page S927**

**Totenberg and Jones Nominations—Agreement:** A unanimous-consent-time agreement was reached providing that at 4:30 p.m., on Monday, February 28, 2011, Senate begin consideration of the nominations of Amy Totenberg, of Georgia, to be United States District Judge for the Northern District of Georgia, and Steve C. Jones, of Georgia, to be United States District Judge for the Northern District of Georgia; that there be one hour for debate equally divided and controlled in the usual form; that upon the use or yielding back of time, the nomination of Amy Totenberg, of Georgia, to be United States District Judge for the Northern District of Georgia, be confirmed, and Senate vote without intervening action or debate on confirmation of the nomination of Steve C. Jones, of Georgia, to be United States District Judge for the Northern District of Georgia. **Page S927**

**Nomination Confirmed:** Senate confirmed the following nomination:

Stephanie O’Sullivan, of Virginia, to be Principal Deputy Director of National Intelligence.

**Pages S926–27**

**Nominations Received:** Senate received the following nominations:

Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador.

Thomas M. Countryman, of Washington, to be an Assistant Secretary of State (International Security and Non-Proliferation).

Michelle D. Gavin, of the District of Columbia, to be Ambassador to the Republic of Botswana.

Mara E. Rudman, of Massachusetts, to be an Assistant Administrator of the United States Agency for International Development.

Ryan C. Crocker, of Washington, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2012.

Sim Farar, of California, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2012.

William J. Hybl, of Colorado, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2012.

Anne Terman Wedner, of Illinois, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2013.

Thomas M. Harrigan, of New York, to be Deputy Administrator of Drug Enforcement.

1 Marine Corps nomination in the rank of general.

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Messages from the House: Page S865

Measures Held at the Desk: Page S865

Executive Communications: Pages S865–68

Executive Reports of Committees: Pages S868–69

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Statements on Introduced Bills/Resolutions: Pages S872–S919

Additional Statements: Pages S863–65

Amendments Submitted: Pages S919–22

Authorities for Committees to Meet: Pages S922–23

Record Votes: Six record votes were taken today. (Total—25) Pages S819, S823–24, S828, S834

**Adjournment:** Senate convened at 9:30 a.m. and adjourned, pursuant to the provisions of H. Con. Res. 17, at 9:19 p.m., until 2 p.m. on Monday, February 28, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S927.)

## Committee Meetings

(Committees not listed did not meet)

### AGRICULTURE AND GROWING AMERICA'S ECONOMY

*Committee on Agriculture, Nutrition, and Forestry:* Committee concluded a hearing to examine agriculture and growing America's economy, after receiving testimony from Thomas Vilsack, Secretary of Agriculture; Keith Creagh, Michigan Department of Ag-

riculture and Rural Development, Lansing; Fred Yoder, Ohio Corn and Wheat Growers Association, Plain City; Joe L. Outlaw, Texas A&M University Agricultural and Food Policy Center, College Station; and Thomas M. Hoenig, Federal Reserve Bank of Kansas City, Kansas City, Kansas.

### BUSINESS MEETING

*Committee on Agriculture, Nutrition, and Forestry:* Committee ordered favorably reported an original resolution authorizing expenditures by the committee.

Also, committee adopted its rules of procedure for the 112th Congress.

### DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

*Committee on Armed Services:* Committee concluded a hearing to examine the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program, after receiving testimony from Robert M. Gates, Secretary, Admiral Michael G. McMullen, USN, Chairman, Joint Chiefs of Staff, and Robert S. Hale, Under Secretary, Comptroller, all of the Department of Defense.

### BUSINESS MEETING

*Committee on Armed Services:* Committee ordered favorably reported an original resolution authorizing expenditures by the committee, and 670 nominations in the Army, Navy, Air Force, and Marine Corps.

### BUSINESS MEETING

*Committee on Banking, Housing, and Urban Affairs:* Committee ordered favorably reported an original resolution authorizing expenditures by the committee.

Also, committee adopted its rules of procedure for the 112th Congress and announced the following subcommittee assignments:

*Subcommittee on Financial Institutions and Consumer Protection:* Senators Brown (OH) (Chair), Reed, Schumer, Menendez, Akaka, Tester, Kohl, Merkley, Hagan, Corker, Moran, Crapo, Johanns, Toomey, DeMint, and Vitter.

*Subcommittee on Housing, Transportation, and Community Development:* Senators Menendez (Chair), Reed, Schumer, Akaka, Brown (OH), Tester, Kohl, Merkley, Bennet, DeMint, Crapo, Corker, Toomey, Kirk, Moran, and Wicker.

*Subcommittee on Securities, Insurance, and Investment:* Senators Reed (Chair), Schumer, Menendez, Akaka, Kohl, Warner, Merkley, Bennet, Hagan, Johnson (SD), Crapo, Toomey, Kirk, Corker, DeMint, Vitter, Moran, and Wicker.

*Subcommittee on Economic Policy:* Senators Tester (Chair), Warner, Hagan, Johnson (SD), Vitter, Wicker, and Johanns.