something we also should discuss and describe in this bill. The legislation we have created has things that are so important to all of aviation—yes, commercial aviation, but to general aviation and to private pilots as well.

The investment, for example, in airport infrastructure, the building of and maintaining of runways in communities that don't have scheduled airline service but do have a lot of activity with private pilots flying in and out is very important. The general aviation portion is important. Six hundred general aviation airplanes have now brought fresh doctors, relief services, workers, equipment, and supplies to the country of Haiti. Six hundred private airplanes have flown in and landed at airports—in most cases, airstrips—other than the airstrip at Port-au-Prince. That is a story that needs to be told. I have great admiration for the pilots, particularly the older pilots who have been around and used to fly those airplanes when there weren't many rules. They kind of chafe at the rules. When you meet with pilots, the older they are, the more they chafe at the fact that there are now rules because in the old days you would jump in an airplane and run off, and you could do almost anything.

We do have rules and regulations and general aviation subscribes to them willingly and ably. It is an important part of our aviation system.

I wish to mention as well Senator ROCKEFELLER, chairman of the committee, is now in the Chamber, and I will chair the Commerce Committee hearing that is underway. I would like to take a couple minutes to retrace what I described yesterday. This legislation, the FAA Reauthorization Act, has been extended 11 times. Rather than passing the bill, we have extended it 11 times. Finally, at long last, with the leadership of Senator ROCKEFELLER and Senator HUTCHISON and the work that I and Senator DEMINT did on the Aviation Subcommittee, we have a bill on the floor, and we want to get it done. We want to get to conference and finally reauthorize FAA programs. We are talking about investment in infrastructure, jobs, aviation safety. All that is critically important. I have held a number of hearings now on the issue of aviation safety.

The skies, particularly with respect to the record of commercial airlines, are very safe. We have a great record with respect to aviation safety. There is no question about that. But we are learning as well along the way from the last accident that occurred in this country that tragically killed 50 people, landing on a winter evening in icy conditions going into Buffalo, NY. I have held hearings on that. I have studied it. I have read the transcript of the cockpit voice recorder. I know a fair amount about the crash. What I know is pretty disconcerting. Let me describe a few things.

That was a Dash 8 propeller airplane, flying in ice at night. The pilot had not slept in a bed for the two previous evenings. The copilot had not slept in a bed the previous evening. The copilot was a person earning somewhere between $20,000 and $23,000 a year, living in Seattle, and the work station was flying out of Newark.

That copilot flew all the way from Seattle, deadheaded on a FedEx jet that landed in Memphis, flew all night to go to work at Newark. The pilot flew up from Florida in order to fly on that Colgan route. But you had two people in the cockpit, according to testimony, the captain of which had not slept in a bed. There was no record of his sleeping in a bed. He was in the crew lounge, where there is no bed. The captain hadn't slept in a bed for 2 days and the copilot for 1 day. They had inadequate training, with respect to stick shakers and other related issues. The fact is, there are a series of things that have now led us to understand that fatigue is an issue. There is a rulemaking on fatigue going on right now.

Administrator Babbitt has now sent that to the Office of Management and Budget. That is important. Training is an issue, critically important.

Commuting is an issue. I wish to put up this chart. This shows where Colgan pilots commute in order to go to work. They commute from all over the country to Newark. There clearly is a fatigue factor. There has to be some action taken on a range of these issues—training, fatigue, sterile cockpits, which were violated on this flight, training in icing, a whole series of things such as those. There is a most wanted list at the NTSB that has said: Here is what you must do. That most wanted list, for 15 or 18 years, has had icing and fatigue on that list, and the FAA has not taken appropriate action. I will speak more about this, but I do have to go spell Senator KERRY, who is now chairing the Commerce Committee.

Senator ROCKEFELLER, chairman of the committee is here, as is the Senator from Texas.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. I ask unanimous consent that the order for the quorum call be rescinded.

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

CIAP FUNDS

Mr. VITTER. Madam President, I rise to speak about Vitter amendment No. 3458. I hope, by the time I wrap up, the Members leading the discussion on this bill will be prepared to make the bill pending so I may also make my amendment pending.

This amendment is real simple. It is about the Coastal Impact Assistance Program, CIAP, which was established in the Energy Policy Act of 2005. This program is very important for energy-producing States. It takes some revenue from that energy production and leaves it in those States to deal with the impacts of energy production. The problem is, that funding was supposed to be distributed to these States from 2007 to 2010. The entirety of it was supposed to be distributed by and through this year. But that has not been happening at all because MMS has added an additional bureaucratic layer to getting funding out beyond that which was talked about and established in the statute.

My amendment is simple. It would get rid of that bureaucratic layer. It would still retain oversight. It would still retain all the protections of the statute, but it would streamline the process so this funding actually gets out to the States as intended. It is way behind. Rather than 100 percent being distributed to the States by this year, they have only distributed 15 percent. Obviously, we are way behind the 8 ball. We would accelerate that. Because this funding has already been allocated, this amendment does not cost anything, does not score. This is the same money that was allocated through the CIAP in the Energy Policy Act of 2005.

This streamlines the process. This helps us get back on track in terms of distributing that vital money to coastal States. It doesn't cost anything because all that money was supposed to be distributed by this year anyway. This is important.

One of the crucial areas the Coastal Impact Assistance Program can help with in my State is related to hurricanes, all sorts of uses—mitigation, emergency preparedness, hurricane evacuation routes related to hurricanes.

Yesterday, hurricane forecasters predicted, unfortunately, that 2010 is going to be a very severe hurricane season. We are preparing for that in any way we can. The fact that this CIAP funding has been blocked, has not gone to the coastal States, is a real problem in that regard. We need to do better. This amendment streamlines the process so we can do better.

This amendment also retains the oversight mechanism in the underlying bill. As the plain language of CIAP in the bill says, if the Secretary determines that any expenditure made by a producing State is not consistent with the underlying plan, then the State may not be disbursed any further funds until repayment of the unauthorized use of already obligated funds. Clearly, there is that mechanism for complete accountability.

In addition, a State CIAP plan has to be approved to begin with by MMS, and that has already occurred. This gets back to the intent of the statute. It gets back to the timeline of the statute. It streamlines that process so we can get on with it. One hundred percent of these funds were supposed to be

distributed by 2010 and, instead, we are at the 15 percent mark. That is simply not good enough when important use of this money is planned on by vulnerable States such as Louisiana.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

TAX ON BONUSES RECEIVED FROM CERTAIN TARP RECIPIENTS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1586, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients.

Pending:

Rockefeller amendment No. 3452, in the nature of a substitute.

Sessions/McCaskill amendment No. 3452 (to amendment No. 3452), to reduce the deficit by establishing discretionary spending caps.

Lieberman amendment No. 3456 (to amendment No. 3452), to reauthorize the DC opportunity scholarship program.

AMENDMENT NO. 3458 TO AMENDMENT NO. 3452

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Madam President, I ask unanimous consent to set aside any pending business and to call up Vitter amendment No. 3458.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3458 to amendment No. 3452.

Mr. VITTER. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify application requirements relating to the coastal impact assistance program)

At the end of title VII, add the following:

SEC. 7___. COASTAL IMPACT ASSISTANCE PROGRAM AMENDMENTS.

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended—

(1) in subsection (c), by adding at the end the following:

''(5) APPLICATION REQUIREMENTS; AVAILABILITY OF FUNDING.—On approval of a plan by the Secretary under this section, the producing State shall—

''(A) not be subject to any additional application or other requirements (other than notifying the Secretary of which projects are being carried out under the plan) to receive the payments; and

''(B) be immediately eligible to receive payments under this section.''; and

(2) by adding at the end the following:

''(e) FUNDING.—

''(1) ENVIRONMENTAL REQUIREMENTS.—A project funded under this section that does not involve wetlands shall not be subject to environmental review requirements under Federal law.

''(2) COST-SHARING REQUIREMENTS.—Any amounts made available to producing States under this section may be used to meet the cost-sharing requirements of other Federal grant programs, including grant programs that support coastal wetland protection and restoration.''.

Mr. VITTER. I have already discussed my amendment.

I yield the floor.

AMENDMENT NO. 3454 TO AMENDMENT NO. 3452

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. DEMINT. Madam President, I ask unanimous consent to temporarily set aside the pending amendment so I may call up my amendment No. 3454, which is at the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 3454 to amendment No. 3452. Mr. DEMINT. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To establish an earmark moratorium for fiscal years 2010 and 2011)

At the appropriate place, insert the following:

SEC. _____. FISCAL YEARS 2010 AND 2011 EARMARK MORATORIUM.

(a) BILLS AND JOINT RESOLUTIONS.—

(1) POINT OF ORDER.—It shall not be in order to—

(A) consider a bill or joint resolution reported by any committee that includes an earmark, limited tax benefit, or limited tariff benefit; or

(B) a Senate bill or joint resolution not reported by committee that includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the bill or joint resolution shall be returned to the calendar until compliance with this subsection has been achieved.

(b) CONFERENCE REPORT.—

(1) POINT OF ORDER.—It shall not be in order to vote on the adoption of a report of a committee of conference if the report includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the conference report shall be returned to the calendar.

(c) FLOOR AMENDMENT.—It shall not be in order to consider an amendment to a bill or joint resolution if the amendment contains an earmark, limited tax benefit, or limited tariff benefit.

(d) AMENDMENT BETWEEN THE HOUSES.—

(1) IN GENERAL.—It shall not be in order to consider an amendment between the Houses if that amendment includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the amendment between the Houses shall be returned to the calendar until compliance with this subsection has been achieved.

(e) WAIVER.—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(f) DEFINITIONS.—For the purpose of this section—

(1) the term ''earmark'' means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(2) the term ''limited tax benefit'' means any revenue provision that—

(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; and

(3) the term ''limited tariff benefit'' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(g) FISCAL YEARS 2010 AND 2011.—The point of order under this section shall only apply to legislation providing or authorizing discretionary budget authority, credit authority or other spending authority, providing a federal tax deduction, credit, or exclusion, or modifying the Harmonized Tariff Schedule in fiscal years 2010 and 2011.

(h) APPLICATION.—This rule shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality or congressional district.

Mr. DEMINT. Madam President, my amendment is cosponsored by Senators MCCAIN, GRAHAM, COBURN, GRASSLEY, LEMIEUX, and FEINGOLD. An identical bill has 16 cosponsors, including Senators BURR, CHAMBLISS, CORNYN, CRAPO, ENSIGN, ISAKSON, JOHANNS, KYL, MCCASKILL, RISCH, SESSIONS, and a number of others.

This is an amendment for a 1-year moratorium on earmarks. The fact that we are even having this debate shows how out of touch Congress is with the American people. I have had a chance over the last week to speak to thousands of Americans in several States, and all you have to do to get them on their feet cheering is say: The time for excuses and explanations is over. It is time to end the practice of earmarking. And people will stand up, people of both parties. They understand earmarks are the most offensive form of government spending. They are wasteful porkbarrel projects delivered by lawmakers to curry favor with small constituencies back home and special interest groups. We have heard the excuses for years. But it is time to end this practice.

I have introduced this bill before. At the time President Obama was running for President of the United States, he flew back to Washington to vote on it. He cosponsored the bill with me. He essentially said: The era of earmarks is