

The assistant legislative clerk read as follows:

A bill (H.R. 714) to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

H.R. 714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CANEEL BAY LEASE AUTHORIZATION.

(1) DEFINITIONS.—In this section:

(1) PARK.—The term “Park” means the Virgin Islands National Park.

(2) RESORT.—The term “resort” means the Caneel Bay resort on the island of St. John in the Park.

(3) RETAINED USE ESTATE.—The term “retained use estate” means the retained use estate for the Caneel Bay property on the island of St. John entered into between the Jackson Hole Preserve and the United States on September 30, 1983 (as amended, assigned, and assumed).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) LEASE AUTHORIZATION.—

(1) IN GENERAL.—If the Secretary determines that the long-term benefit to the Park would be greater by entering into a lease with the owner of the retained use estate than by authorizing a concession contract upon the termination of the retained use estate, the Secretary may enter into a lease with the owner of the retained use estate for the operation and management of the resort.

(2) ACQUISITIONS.—The Secretary may—

(A) acquire associated property from the owner of the retained use estate; and

(B) on the acquisition of property under subparagraph (A), administer the property as part of the Park.

(3) AUTHORITY.—Except as otherwise provided by this section, a lease shall be in accordance with subsection (k) of section 3 of Public Law 91-383 (16 U.S.C. 1a-2(k)), notwithstanding paragraph (2) of that subsection.

(4) TERMS AND CONDITIONS.—A lease authorized under this section shall—

(A) be for the minimum number of years practicable, taking into consideration the need for the lessee to secure financing for necessary capital improvements to the resort, but in no event shall the term of the lease exceed 40 years;

(B) prohibit any transfer, assignment, or sale of the lease or otherwise convey or pledge any interest in the lease [with] without prior written notification to, and approval by the Secretary;

(C) ensure that the general character of the resort property remains unchanged, including a prohibition against—

(i) any increase in the overall size of the resort; or

(ii) any increase in the number of guest accommodations available at the resort;

(D) prohibit the sale of partial ownership shares or timeshares in the resort; [and]

(E) include provisions to ensure the protection of the natural, cultural, and historic features of the resort and associated property, consistent with the laws and policies applicable to property managed by the National Park Service; and

[(E)](F) include any other provisions determined by the Secretary to be necessary to protect the Park and the public interest.

(5) RENTAL AMOUNTS.—In determining the fair market value rental of the lease required under section 3(k)(4) of Public Law 91-383 (16 U.S.C. 1a-2(k)(4)), the Secretary shall take into consideration—

(A) the value of any associated property conveyed to the United States; and

(B) the value, if any, of the relinquished term of the retained use estate.

(6) USE OF PROCEEDS.—Rental amounts paid to the United States under a lease shall be available to the Secretary, without further appropriation, for visitor services and resource protection within the Park.

(7) CONGRESSIONAL NOTIFICATION.—The Secretary shall submit a proposed lease under this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives at least 60 days before the [effective date] award of the lease.

(8) RENEWAL.—A lease entered into under this section may not be extended or renewed.

(9) TERMINATION.—Upon the termination of a lease entered into under this section, if the Secretary determines the continuation of commercial services at the resort to be appropriate, the services shall be provided in accordance with the National Park Service Concessions Management Improvement Act of 1998 (16 U.S.C. 5951 et seq.).

(c) RETAINED USE ESTATE.—

(1) IN GENERAL.—As a condition of the lease, the owner of the retained use estate shall terminate, extinguish, and relinquish to the Secretary all rights under the retained use estate and shall transfer, without consideration, ownership of improvements on the retained use estate to the National Park Service.

(2) APPRAISAL.—

(A) IN GENERAL.—The Secretary shall require an appraisal by an independent, qualified appraiser [that] who is agreed to by the Secretary and the owner of the retained use estate to determine the value, if any, of the relinquished term of the retained use estate.

(B) REQUIREMENTS.—An appraisal under paragraph (1) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

Mr. DODD. Mr. President, I ask unanimous consent that the committee-reported amendments be considered and agreed to, the bill, as amended, be read three times, passed, and the motions to reconsider be laid upon the table en bloc; and that any statements relating to the bill be printed in the RECORD.

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

The committee amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 714), as amended, was read the third time and passed.

LAW ENFORCEMENT OFFICERS SAFETY ACT IMPROVEMENTS ACT OF 2010

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 315, S. 1132.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1132) to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Law Enforcement Officers Safety Act Improvements Act of 2010”.

SEC. 2. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.

(a) IN GENERAL.—Section 926B of title 18, United States Code, is amended—

(1) in subsection (c)(3), by inserting “which could result in suspension or loss of police powers” after “agency”; and

(2) by adding at the end the following:

“(f) For the purposes of this section, a law enforcement officer of the Amtrak Police Department, a law enforcement officer of the Federal Reserve, or a law enforcement or police officer of the executive branch of the Federal Government qualifies as an employee of a governmental agency who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest.”.

(b) ACTIVE LAW ENFORCEMENT OFFICERS.—Section 926B of title 18, United States Code is amended by striking subsection (e) and inserting the following:

“(e) As used in this section, the term ‘firearm’—

“(1) except as provided in this subsection, has the same meaning as in section 921 of this title;

“(2) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and

“(3) does not include—

“(A) any machinegun (as defined in section 5845 of the National Firearms Act);

“(B) any firearm silencer (as defined in section 921 of this title); and

“(C) any destructive device (as defined in section 921 of this title).”.

(c) RETIRED LAW ENFORCEMENT OFFICERS.—Section 926C of title 18, United States Code is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “retired” and inserting “separated from service”; and

(ii) by striking “, other than for reasons of mental instability”;.

(B) in paragraph (2), by striking “retirement” and inserting “separation”;.

(C) in paragraph (3)—

(i) in subparagraph (A), by striking “retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more” and inserting “separation, served as a law enforcement officer for an aggregate of 10 years or more”; and

(ii) in subparagraph (B), by striking “retired” and inserting “separated”;.

(D) by striking paragraph (4) and inserting the following:

“(4) during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the former agency of the individual, the State in which the individual resides or, if the State has not established such standards, either a law enforcement agency within the State in which the individual resides or the standards

used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State;"; and

(E) by striking paragraph (5) and replacing it with the following:

"(5)(A) has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification as described in subsection (d)(1); or

"(B) has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept the photographic identification as described in subsection (d)(1);";

(2) in subsection (d)—

(A) paragraph (1)—

(i) by striking "retired" and inserting "separated"; and

(ii) by striking "to meet the standards" and all that follows through "concealed firearm" and inserting "to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm";

(B) paragraph (2)—

(i) in subparagraph (A), by striking "retired" and inserting "separated"; and

(ii) in subparagraph (B), by striking "that indicates" and all that follows through the period and inserting "or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met—

"(I) the active duty standards for qualification in firearms training, as established by the State, to carry a firearm of the same type as the concealed firearm; or

"(II) if the State has not established such standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm."; and

(3) by striking subsection (e) and inserting the following:

"(e) As used in this section—

"(1) the term 'firearm'—

"(A) except as provided in this paragraph, has the same meaning as in section 921 of this title;

"(B) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and

"(C) does not include—

"(i) any machinegun (as defined in section 5845 of the National Firearms Act);

"(ii) any firearm silencer (as defined in section 921 of this title); and

"(iii) any destructive device (as defined in section 921 of this title); and

"(2) the term 'service with a public agency as a law enforcement officer' includes service as a law enforcement officer of the Amtrak Police Department, service as a law enforcement officer of the Federal Reserve, or service as a law enforcement or police officer of the executive branch of the Federal Government."

Mr. LEAHY. Mr. President, I thank all Senators for joining me in support of the Law Enforcement Officers Safety Act Improvements Act of 2010. Passage of this legislation demonstrates the Senate's strong bipartisan support of all the men and women who serve in law enforcement roles in the United States. I thank the Judiciary Commit-

tee's Ranking Member Senator SESSIONS, Senator KYL, and Senator CONRAD for joining me as cosponsors of this legislation.

In March, for the third time since 2007, the Senate Judiciary Committee favorably reported legislation making needed improvements to the Law Enforcement Officers Safety Act of 2004, which allows qualified active and retired law enforcement officers to obtain certification to carry firearms across State lines. I am very pleased the Senate has at last given its approval to these important improvements to the original law.

In 2004, Congress passed the Law Enforcement Officers Safety Act. I worked with Senator Ben Nighthorse Campbell and 68 other Senators to show our strong support for the Nation's law enforcement community. Since enactment, however, many retired officers have experienced substantial difficulty in gaining the benefits the law was intended to confer. I listened carefully to the feedback and advice from those in the law enforcement community to make the existing law stronger and more workable in a responsible and measured way. I especially thank the Fraternal Order of Police, the Federal Law Enforcement Officers Association, and the National Association of Police Organizations for their strong support.

The amendments we pass today will make the original law's operation more efficient while maintaining the rigorous standards that apply to those who seek its benefits. It will ensure that law enforcement officers who have served honorably and who are now retired will have flexibility in achieving the law's benefits and privileges which Congress determined they deserve.

It is especially appropriate that we pass this legislation this week at a time when tens of thousands of law enforcement officers are in the Nation's Capital to honor and remember their fellow officers who have lost their lives in the line of duty. As I do each year, and in recognition of the ceremonies in Washington, I introduced a resolution to officially recognize May 15 as National Peace Officers Memorial Day. The Senate unanimously adopted that resolution. All of the men and women who serve and who are in Washington to remember and celebrate their fallen fellow officers should know that the Senate recognizes the extraordinary work they do on behalf of all Americans.

I thank all Senators who supported this measure and express my deep appreciation for the sacrifices and service of all of the men and women who give so much in the service of their fellow citizens.

Mr. DODD. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that

any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1132), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2009

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 273, S. 2768.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2768) to amend title 49, United States Code, authorizing appropriations for the National Transportation Safety Board for fiscal years 2010 through 2014, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Transportation Safety Board Reauthorization Act of 2009".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 1118(a) of title 49, United States Code, is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated for the purposes of this chapter \$100,000,000 for fiscal year 2010, \$105,000,000 for fiscal year 2011, \$112,000,000 for fiscal year 2012, \$118,000,000 for fiscal year 2013, and \$124,000,000 for fiscal year 2014. Such sums shall remain available until expended."

(b) FEES, REFUNDS, REIMBURSEMENTS, AND ADVANCES.—Section 1118(c) of such title is amended to read as follows:

"(c) FEES, REFUNDS, REIMBURSEMENTS, AND ADVANCES.—

"(1) IN GENERAL.—The Board may impose and collect such fees, refunds, reimbursements, and advances as it determines to be appropriate for activities, services, and facilities provided by or through the Board.

"(2) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any fee, refund, reimbursement, or advance collected under this subsection—

"(A) shall be credited as offsetting collections to the account that finances the activities, services, or facilities for which the fee, refund, reimbursement, or advance is associated;

"(B) shall be available for expenditure only to pay the costs of activities, services, or facilities for which the fee, refund, reimbursement, or advance is associated; and

"(C) shall remain available until expended.

"(3) RECORD.—The Board shall maintain an annual record of collections received under paragraph (2).

"(4) REFUNDS.—The Board may refund any fee or advance paid by mistake or any amount paid in excess of that required."

SEC. 3. TECHNICAL CORRECTIONS.

(a) DEFINITIONS.—Section 1101 of title 49, United States Code, is amended by striking