

(A) Paragraph (3) of section 3034(d) is amended to read as follows:

“(3) the flight school courses are approved by the Federal Aviation Administration and are offered by a certified pilot school that possesses a valid Federal Aviation Administration pilot school certificate.”.

(B) Section 3671(b)(2) is amended by striking “In the case” and inserting “Except as otherwise provided in this chapter, in the case”.

(C) Section 3689(a)(1) is amended by inserting after “unless” the following: “the test is deemed approved by section 3672(b)(2)(B) of this title or”.

(b) USE OF STATE APPROVING AGENCIES FOR COMPLIANCE AND OVERSIGHT ACTIVITIES.—Section 3673 is amended by adding at the end the following new subsection:

“(d) USE OF STATE APPROVING AGENCIES FOR COMPLIANCE AND OVERSIGHT ACTIVITIES.—The Secretary may utilize the services of a State approving agency for such compliance and oversight purposes as the Secretary considers appropriate without regard to whether the Secretary or the agency approved the courses offered in the State concerned.”.

(c) APPROVAL OF ACCREDITED COURSES.—

(1) IN GENERAL.—Subsection (a)(1) of section 3675 is amended by striking “A State approving agency may approve the courses offered by an educational institution” and inserting “The Secretary or a State approving agency may approve accredited programs (including non-degree accredited programs) offered by proprietary for-profit educational institutions”.

(2) CONDITION OF APPROVAL.—Subsection (b) of such section is amended—

(A) in the matter preceding paragraph (1), by inserting “the Secretary or” after “this section.”; and

(B) is amended by inserting “the Secretary or” after “as prescribed by”.

(d) DISAPPROVAL OF COURSES.—Section 3679(a) is amended by inserting “the Secretary or” after “disapproved by” both places it appears.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2011.

#### SEC. 204. REPORTING FEES.

(a) INCREASE IN AMOUNT OF FEES.—Section 3684(c) is amended—

(1) by striking “multiplying \$7” and inserting “multiplying \$12”; and

(2) by striking “or \$11” and inserting “or \$15”.

(b) USE OF FEES PAID.—Such section is further amended by inserting after the fourth sentence the following new sentence: “Any reporting fee paid an educational institution or joint apprenticeship training committee after the date of the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2011 shall be utilized by such institution or committee solely for the making of certifications required under this chapter or chapter 31, 34, or 35 of this title or for otherwise supporting programs for veterans.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

#### SEC. 205. ELECTION FOR RECEIPT OF ALTERNATE SUBSISTENCE ALLOWANCE FOR CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES UNDERGOING TRAINING AND REHABILITATION.

(a) ELECTION AUTHORIZED.—Section 3108(b) is amended by adding at the end the following new paragraph:

“(4) A veteran entitled to a subsistence allowance under this chapter and educational assistance under chapter 33 of this title may elect to receive payment from the Secretary

in lieu of an amount otherwise determined by the Secretary under this subsection in an amount equal to the applicable monthly amount of basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution providing rehabilitation program concerned.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on August 1, 2011.

#### SEC. 206. MODIFICATION OF AUTHORITY TO MAKE CERTAIN INTERVAL PAYMENTS.

(a) IN GENERAL.—The flush matter following clause (3)(B) of section 3680(a) is amended by striking “of this subsection—” and all that follows and inserting “of this subsection during periods when schools are temporarily closed under an established policy based on an Executive order of the President or due to an emergency situation. However, the total number of weeks for which allowances may continue to be so payable in any 12-month period may not exceed 4 weeks.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on August 1, 2011.

#### KINGMAN AND HERITAGE ISLANDS ACT OF 2010

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6278, which was received from the House and is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 6278) to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LIEBERMAN. Madam President, I rise today to speak about the Kingman and Heritage Islands Act of 2010, H.R. 6278. In particular, I wish to describe the legislative history and intent of this act. Earlier this year, essentially identical legislation, H.R. 2092, passed the House and the Senate but has not been enacted for reasons that I will address in this statement. Therefore, the House and Senate committee reports describing H.R. 2092 should be referenced as applicable legislative history for H.R. 6278.

D.C. Delegate ELEANOR HOLMES NORTON introduced H.R. 2092, The Kingman and Heritage Islands Act of 2009, on April 23, 2009. The bill was considered by the House Committee on Oversight and Government Reform on September 10, 2009, and ordered reported favorably with an amendment. On October 7, 2009, H.R. 2092 passed the House of Representatives under suspension of the rules and the subsequent day, H.R. 2092 was referred to the Senate Homeland Security and Governmental Affairs Committee. The committee considered the bill on May 17, 2010, and ordered the bill reported to the full Senate

with one amendment. On September 27, 2010, the Senate passed H.R. 2092 by unanimous consent. Due to a mistake, however, the version that the Senate passed on September 27 contained a few drafting errors and did not reflect all of the modifications that our committee had intended.

Rather than seek the enactment of the Senate-passed version of H.R. 2092, and in order to avoid any confusion among the government entities responsible for implementing the bill, Delegate NORTON subsequently introduced H.R. 6278 with the support of the chairman and ranking member of the House Committee on Oversight and Government Reform. H.R. 6278 consists of the text of H.R. 2092 as my committee had amended it and intended it to pass in the Senate. Delegate NORTON introduced H.R. 6278 on September 29, 2010, and it passed the House of Representatives on November 16, 2010, under suspension of the rules. After being received in the Senate, the bill was held at the desk and today it will pass the Senate by unanimous consent.

Because neither the relevant House nor Senate committee had the opportunity to file committee reports describing H.R. 6278, the committee reports describing H.R. 2092 should be considered as applicable legislative history for this bill. The report filed by the House Committee on Oversight and Government Reform report is House Report 111-275 and the report filed by the Senate Committee on Homeland Security and Governmental Affairs is Senate Report 111-300. In the remainder of my statement I further describe the background and intent of the legislation.

The Kingman and Heritage Islands Act of 2010 would allow the District of Columbia to use all of Heritage Island and portions of Kingman Island—the Islands—for recreational, environmental and educational uses. The U.S. Army Corps of Engineers created Kingman and Heritage Islands in the District of Columbia from sediment dredged from the Anacostia River.

Until the enactment in 1996 of the National Children's Island Act of 1995—the act—the National Park Service held administrative jurisdiction on both islands. The act required the Federal Government to transfer title of the islands to the District of Columbia for use as a children's recreational park. It also mandated that title to the islands would revert back to the Federal Government if the District did not use the land in a manner consistent with the purposes specified in the act. The Secretary of the Interior transferred title of the Islands to the District via quitclaim deed in January 1997. In 2000, the Secretary of Interior wrote the District a letter stating that the District had fully lived up to the letter and spirit of the act and that DC should retain title to the Islands.

DC has not developed a children's recreational park on the Islands, and since that time, it has re-evaluated its

needs and interests and no longer seeks to use the Islands for that purpose. In 2003, in accordance with a memorandum of understanding between DC and several Federal agencies, including the NPS, the District developed the Anacostia Waterfront Framework Plan—Waterfront Plan—to redevelop and revitalize the Anacostia waterfront. The Waterfront Plan envisions using the islands for nature-themed exhibitions and educational projects. The District also has developed a Comprehensive Plan to serve as a general policy document to provide overall guidance for future planning and development in DC.

Recently, the District has taken steps toward implementing the Waterfront Plan. In the summer of 2007, the Anacostia Waterfront Corporation, now part of the DC Office of the Deputy Mayor for Planning and Economic Development, partnered with a number of other organizations to begin using the Islands to host environmental programs and cleanup. Since May 2008, Living Classrooms, a nonprofit educational organization with a focus on experiential learning, has been managing the islands and running programs there, including educational programming and volunteer events aimed at restoring the Islands.

To ensure that the activities DC has authorized do not raise any questions about its title to the Islands, the District has asked Congress to amend the act to sanction the broader work now occurring on the Islands. H.R. 6278 would do just that, by amending the National Children's Island Act in order to allow the District to conduct recreational, environmental and educational activities on the Islands, consistent with the Waterfront Plan and the District's Comprehensive Plan. If any portion of the land is used for an activity that is not recreational, environmental or educational, the reversionary process as outlined in the bill could begin.

Mr. DURBIN. Madam President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 6278) was ordered to a third reading, was read the third time, and passed.

#### MEASURE PLACED ON THE CALENDAR—S. 4023

Mr. DURBIN. Madam President, I understand that S. 4023 is at the desk and is due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 4023) to provide for the repeal of the Department of Defense policy concerning homosexuality in the Armed Forces known as "Don't Ask, Don't Tell."

Mr. DURBIN. Madam President, I would object to any further proceedings with respect to the bill.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

#### ORDERS FOR TUESDAY, DECEMBER 14, 2010

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, December 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the motion to concur with respect to H.R. 4853, the vehicles for the tax compromise, postcloture; further, I ask that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus lunches, and that any time during any period of morning business, recess, or adjournment count postcloture.

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

#### PROGRAM

Mr. DURBIN. Madam President, the postcloture debate time will expire around midnight tomorrow night. Senators will be notified when any votes are scheduled tomorrow.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:36 p.m., adjourned until Tuesday, December 14, 2010, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF ENERGY

PETER BRUCE LYONS, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF ENERGY (NUCLEAR ENERGY), VICE WARREN F. MILLER, JR., RESIGNED.

##### DEPARTMENT OF STATE

DAVID BRUCE SHEAR, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOCIALIST REPUBLIC OF VIETNAM.

##### OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

STEPHANIE O'SULLIVAN, OF VIRGINIA, TO BE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE, VICE DAVID C. GOMPERT, RESIGNED.

##### DEPARTMENT OF JUSTICE

DENISE ELLEN O'DONNELL, OF NEW YORK, TO BE DIRECTOR OF THE BUREAU OF JUSTICE ASSISTANCE, VICE DOMINGO S. HERRAIZ, RESIGNED.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COL. TIMOTHY T. JEX

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COLONEL DONALD J. BACON  
COLONEL WARREN D. BERRY  
COLONEL CASEY D. BLAKE  
COLONEL MARK ANTHONY BROWN  
COLONEL STEPHEN A. CLARK  
COLONEL ANTHONY J. COTTON  
COLONEL THOMAS H. DEALE  
COLONEL STEPHEN T. DENKER  
COLONEL JOHN L. DOLAN  
COLONEL MICHAEL E. FORTNEY  
COLONEL PETER E. GERSTEN  
COLONEL ROBERT P. GIVENS  
COLONEL THOMAS F. GOULD  
COLONEL TIMOTHY S. GREEN  
COLONEL GINA M. GROSSO  
COLONEL JOSEPH T. GUASTELLA, JR.  
COLONEL DAVID A. HARRIS  
COLONEL DARYL J. HAUCK  
COLONEL JOHN M. HICKS  
COLONEL JOHN P. HORNER  
COLONEL CHARLES K. HYDE  
COLONEL PATRICK C. MALACKOWSKI  
COLONEL JAMES R. MARRS  
COLONEL LAWRENCE M. MARTIN, JR.  
COLONEL JEFFREY R. MCDANIELS  
COLONEL MARK M. MCLEOD  
COLONEL JOHN K. MCMULLEN  
COLONEL LINDA R. MEDLER  
COLONEL MATTHEW H. MOLLOY  
COLONEL MICHAEL T. PLEHN  
COLONEL MARGARET B. POORE  
COLONEL THOMAS J. SHARPY  
COLONEL BRADFORD J. SHWEDO  
COLONEL RICHARD S. STAPP  
COLONEL DAVID R. STILWELL  
COLONEL ROGER W. TEAGUE  
COLONEL DAVID C. UHRICH  
COLONEL ROGER H. WATKINS  
COLONEL MARK W. WESTERGREN  
COLONEL SCOTT J. ZOBRIST

##### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

MAJ. GEN. ROBERT E. MILSTEAD, JR.