

course, beginning with the appointment of the youngest President and Chief Executive Officer in the history of the organization, Benjamin Todd Jealous, and its youngest female Board Chair, Roslyn M. Brock;

Whereas under the leadership of Benjamin Todd Jealous and Roslyn M. Brock, the NAACP has outlined a strategic plan to confront 21st century challenges in the critical areas of health, education, housing, criminal justice, and the environment;

Whereas on July 16, 2009, the NAACP celebrated its centennial anniversary in New York City, highlighting an extraordinary century of “Bold Dreams, Big Victories” with a historic address from the first African-American President of the United States, Barack Obama; and

Whereas as an advocate for sentencing reform, the NAACP applauded the enactment of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372), a landmark piece of legislation that reduces the quantity of crack cocaine that triggers a mandatory minimum sentence for a Federal conviction of crack cocaine distribution from 100 times that of people convicted of distributing the drug in powdered form to 18 times that sentence; Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) recognizes the 102nd anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) commends the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all people.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 95. Mr. BROWN of Ohio (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the 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 modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 96. Ms. SNOWE (for herself, Ms. COLLINS, Mr. COBURN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 97. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 98. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 99. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 100. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 101. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 102. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 51 proposed by Mr. UDALL of New Mexico to the bill S. 223, supra; which was ordered to lie on the table.

SA 103. Mr. BROWN of Ohio (for himself and Mr. PORTMAN) submitted an amendment

intended to be proposed to amendment SA 32 proposed by Mr. ENSIGN (for himself, Mr. CONRAD, and Mr. HOEVEN) to the bill S. 223, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 95.** Mr. BROWN of Ohio (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the 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 modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 320 and insert the following:  
**SEC. 320. UNMANNED AERIAL SYSTEMS.**

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a plan to accelerate the integration of unmanned aerial systems into the National Airspace System that—

(1) creates a pilot project to integrate such systems into the National Airspace System at 6 test sites in the National Airspace System by December 31, 2012;

(2) creates a safe, non-exclusionary airspace designation for cooperative manned and unmanned flight operations in the National Airspace System;

(3) establishes a process to develop—

(A) air traffic requirements for all unmanned aerial systems at the test sites; and  
(B) certification and flight standards for nonmilitary unmanned aerial systems at the test sites;

(4) dedicates funding for unmanned aerial systems research and development relating to—

(A) air traffic requirements; and  
(B) certification and flight standards for nonmilitary unmanned aerial systems in the National Airspace System;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) addresses both military and nonmilitary unmanned aerial system operations;

(7) ensures that the unmanned aircraft systems integration plan is incorporated in the Administration’s NextGen Air Transportation System implementation plan; and

(8) provides for integration into the National Airspace System of safety standards and navigation procedures validated—

(A) under the pilot project created pursuant to paragraph (1); or

(B) through other related research and development activities carried out pursuant to paragraph (4).

(b) **TEST SITE CRITERIA.**—The Administrator of the Federal Aviation Administration shall take into consideration geographical and climate diversity and appropriate facilities in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

(c) **CERTIFICATION PROCESS.**—The Administrator of the Federal Aviation Administration shall expedite the approval process for requests for certificates of authorization at test sites referred to in subsection (a)(1).

(d) **REPORT ON SYSTEMS AND DETECTION TECHNIQUES.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Ad-

ministration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing and assessing the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense to develop detection techniques for small unmanned aerial vehicles and to validate sensor integration and operation of unmanned aerial systems.

**SA 96.** Ms. SNOWE (for herself, Ms. COLLINS, Mr. COBURN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the 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 modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 289, strike line 23 and all that follows through page 291, line 4, and insert the following:

(e) **BONDING REQUIREMENTS.**—Section 47113 is amended by adding at the end the following:

“(e) **PROHIBITION ON EXCESSIVE OR DISCRIMINATORY BONDING REQUIREMENTS.**—

**SA 97.** Mr. WYDEN submitted an amendment intended to be proposed by him to the 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 modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, strike lines 1 through 14.

**SA 98.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the 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 modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 128, strike line 5 and all that follows through page 141, line 9.

**SA 99.** Mr. BEGICH submitted an amendment intended to be proposed by him to the 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 modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 11 and 12, insert the following:

**SEC. 733. AUTHORITY TO EXTEND THE EMPLOYMENT OF CERTAIN REEMPLOYED ANNUITANTS OTHERWISE SUBJECT TO MANDATORY SEPARATION.**

(a) **COVERED REEMPLOYED ANNUITANT DEFINED.**—In this section, the term “covered reemployed annuitant” means any individual who—

(1) was involuntarily separated as a result of the reorganization of the Flight Services Unit following the outsourcing of flight service duties to a contractor after completing at least 15 years of service as an air traffic controller (as defined in section 8401 of title 5, United States Code);

(2) is in receipt of an annuity awarded under the provisions of section 8414(b)(1)(A) of such title based on such involuntary separation;

(3) was reemployed as an air traffic controller subject to the provisions of section 8468 of such title; and

(4) who has completed or can complete 20 years of service as an air traffic controller within 5 years after becoming reemployed as described by paragraph (3).

(b) **EXTENSION OF EMPLOYMENT.**—Notwithstanding any other provision of law, during the 5-year period of reemployment required for a recomputation of an annuity under section 8468 of title 5, United States Code, a covered reemployed annuitant shall not serve at the will of the appointing officer.

(c) **CONSTRUCTION.**—

(1) **SEPARATION FOR CAUSE OR LACK OF FUNDS.**—Nothing in this section shall be construed to prohibit the involuntary separation of a covered reemployed annuitant for cause or lack of funds.

(2) **REASSIGNMENT.**—Nothing in the section shall be construed to prohibit a covered reemployed annuitant from being reassigned to a position other than as an air traffic controller after completing 20 years of service as an air traffic controller if the covered reemployed annuitant's rate of pay is not reduced.

**SA 100.** Mr. PRYOR submitted an amendment intended to be proposed by him to the 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 modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

**SEC. 733. IMPLEMENTATION BY THE TRANSPORTATION SECURITY ADMINISTRATION OF CERTAIN RECOMMENDATIONS RELATING TO CONTRACTS FOR SUPPORT SERVICES; ASSESSMENT OF CERTAIN PROCUREMENT POLICIES.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall implement the recommendations set forth in the report of the Office of the Inspector General of the Department of Homeland Security entitled “Transportation Security Administration’s Acquisition of Support Services Contracts” (No. OIG-10-72), dated March 2010.

(b) **MONITORING BY INSPECTOR GENERAL.**—The Inspector General of the Department of Homeland Security shall—

(1) monitor the implementation of the recommendations described in subsection (a); and

(2) conduct an assessment of the process of the Transportation Security Administration for procuring technology and equipment for screening passengers at airports that includes an assessment of—

(A) the effectiveness of procurement procedures used by the Administration to obtain airport screening technology and equipment, including—

(i) the cost-benefit analysis utilized by the Administration; and

(ii) the resulting cost-effectiveness of technologies and equipment acquired by the Administration since 2007;

(B) the human health and personal privacy protection considerations that are taken into account in acquiring each type of screening technology and equipment;

(C) the efforts being made to improve procurement policies and reduce expenditures on screening technologies and equipment;

(D) the extent to which trends or patterns in procurement activity, and how those trends or patterns are impacted by evolving security breaches or threats, are being analyzed and considered;

(E) which events and circumstances prompt the procurement of new screening technology or equipment and how frequently such events or circumstances occur; and

(F) the process by which screening technology and equipment is assessed after being deployed, including the frequency of assessments and the metrics used during those assessments.

(c) **REPORT BY INSPECTOR GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to Congress a report that—

(1) assesses the progress made by the Transportation Security Administration in implementing the recommendations described in subsection (a); and

(2) contains the results of the assessments required by subsection (b)(2); and

(3) makes recommendations with respect to how the Transportation Security Administration can better address the issues assessed under subsection (b)(2).

**SA 101.** Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the 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 modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . . SUBSISTENCE CLAIMS.**

(a) **DEFINITIONS.**—In this section:

(1) **BARTER.**—The term “barter” means the exchange of natural resources taken for subsistence uses for—

(A) other natural resources; or

(B) other food or for nonedible items other than money, if the exchange is of a limited and noncommercial nature.

(2) **COMMUNITY USE.**—The term “community use” means the sharing of natural resources with or among individuals (including among members of a family) who, collectively, are substantially dependent on, or substantially engaged in, the taking of natural resources for subsistence or to meet economic or social needs.

(3) **FAMILY.**—The term “family” means all individuals who—

(A) are related by blood, marriage, or adoption; and

(B) live within the same household on a permanent basis.

(4) **NATURAL RESOURCES.**—The term “natural resources” includes crustaceans, mollusks, fish, game, and wildlife, and parts of those species.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Homeland Security, acting through the National Pollution Funds Center.

(6) **SUBSISTENCE USE.**—The term “subsistence use” means the customary and tradi-

tional use of any natural resource by an individual for—

(A) personal, family, or community consumption as food; or

(B) barter or sharing for personal, family, or community use.

(b) **DAMAGES.**—

(1) **IN GENERAL.**—In adjudicating a claim for loss of subsistence use of a natural resource that has been injured, destroyed, or lost in connection with the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon*, the Secretary shall fix the amount of damages available for the claim at an amount equal to the reasonable wholesale value of the quantity of the natural resource that would have been taken by the claimant for subsistence use at a place where such natural resources are sold to a retailer for resale, as of the date on which the natural resource would have been taken, as determined by the Secretary.

(2) **ADDITIONAL AWARD.**—Damages awarded for the loss of subsistence use of a natural resource may be in addition to damages awarded for any other economic loss that a claimant sustains.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that the Administrator of the Gulf Coast Claims Facility, in adjudicating a claim for loss of subsistence use of natural resources that have been injured, destroyed, or lost in connection with the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon*, should calculate the value of damages in the same manner as described in subsection (b).

(d) **REPORT.**—Not later than 30 days after the date of enactment of this Act and every 90 days thereafter, the Secretary shall submit to the Committees on Homeland Security and Governmental Affairs and Environment and Public Works of the Senate and the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives a report that describes—

(1) the number of claims filed for loss of subsistence use of natural resources that have been injured, destroyed, or lost in connection with the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon*;

(2) the number of those claims that have been adjudicated during the preceding period; and

(3) the amount of damages claimed and awarded for each claim adjudicated.

**SA 102.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 51 proposed by Mr. UDALL of New Mexico to the 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 modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 12 through 22 and insert the following:

“(A) **ADVANCED IMAGING TECHNOLOGY.**—The term ‘advanced imaging technology’—

“(i) means a device that creates a visual image of an individual showing the surface of the skin and revealing other objects on the body; and

“(ii) may include devices using backscatter x-rays or millimeter waves and devices referred to as ‘whole-body imaging technology’ or ‘body scanning’.

**SA 103.** Mr. BROWN of Ohio (for himself and Mr. PORTMAN) submitted an

amendment intended to be proposed to amendment SA 32 proposed by Mr. ENSIGN (for himself, Mr. CONRAD, and Mr. HOEVEN) to the 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 modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2 of the amendment, strike line 11 and all that follows through page 3, line 10, and insert the following:

(6) addresses both military and non-military unmanned aerial system operations;

(7) ensures that the unmanned aircraft systems integration plan is incorporated in the Administration's NextGen Air Transportation System implementation plan; and

(8) provides for integration into the National Airspace System of safety standards and navigation procedures validated—

(A) under the pilot project created pursuant to paragraph (1); or

(B) through other related research and development activities carried out pursuant to paragraph (4).

(b) SELECTION OF TEST SITES.—

(1) INCREASED NUMBER OF TEST SITES; DEADLINE FOR PILOT PROJECT.—Notwithstanding subsection (a)(1), the plan developed under subsection (a) shall include a pilot project to integrate unmanned aerial systems into the National Airspace System at 6 test sites in the National Airspace System by December 31, 2012.

(2) TEST SITE CRITERIA.—The Administrator of the Federal Aviation Administration shall take into consideration geographical and climate diversity and appropriate facilities in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

(c) CERTIFICATION PROCESS.—The Administrator of the Federal Aviation Administration shall expedite the approval process for requests for certificates of authorization at test sites referred to in subsection (a)(1).

(d) REPORT ON SYSTEMS AND DETECTION TECHNIQUES.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing and assessing the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense to develop detection techniques for small unmanned aerial vehicles and to validate sensor integration and operation of unmanned aerial systems.

#### NOTICES OF INTENT TO SUSPEND THE RULES

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering the following amendment no. 64 on S. 223.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing

Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering the following amendment no. 80 on S. 223.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering the following amendment no. 81 on S. 223.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering the following amendment no. 82 on S. 223.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering the following amendment no. 91 on S. 223.

#### NOTICE OF HEARING

##### COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, February 17, 2011, at 3:30 p.m., to conduct its organization meeting for the 112th Congress.

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee on (202) 224-6352.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 16, 2011, at 10 a.m., in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, "Safeguarding Our Future: Building a Nationwide Network for First Responders."

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

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on February

16, 2011, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on February 16, 2011, at 10 a.m., in Dirksen 406 to hold a hearing entitled, "National Leaders' Call to Action on Transportation."

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

##### COMMITTEE ON FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 16, 2011, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled, "The President's Budget for Fiscal Year 2012."

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

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on February 16, 2011, at 10:30 a.m., in SD-430.

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

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 16, 2011, at 9:15 a.m. to conduct a hearing entitled "The Value of Education Choices: Saving the D.C. Opportunity Scholarship Program."

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

##### COMMITTEE ON INDIAN AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on February 16, 2011, at 11:30 a.m. in Room 628 of the Dirksen Senate Office Building.

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

##### COMMITTEE ON THE JUDICIARY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 16, 2011, at 10 a.m. in Room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Targeting Websites Dedicated To Stealing American Intellectual Property."

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

##### COMMITTEE ON THE JUDICIARY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized