

Whereas for more than 80 years, Congress has rejected repeated calls by the recording industry to impose a performance fee on local radio stations for simply playing music on the radio, as such fee would upset the mutually beneficial relationship between local radio and the recording industry;

Whereas local radio stations provide free publicity and promotion to the recording industry and performers of music in the form of radio air play, interviews with performers, introduction of new performers, concert promotions, and publicity that promotes the sale of music, concert tickets, ring tones, music videos, and associated merchandise;

Whereas committees in the Senate and House of Representatives have previously reported that “the sale of many sound recordings and the careers of many performers have benefitted considerably from airplay and other promotional activities provided by both noncommercial and advertiser-supported, free over-the-air broadcasting”;

Whereas local radio broadcasters provide tens of thousands of hours of essential local news and weather information during times of national emergencies and natural disasters, such as on September 11, 2001, and during Hurricanes Katrina and Rita, as well as public affairs programming, sports, and hundreds of millions of dollars of time for public service announcements and local fund raising efforts for worthy charitable causes, all of which are jeopardized if local radio stations are forced to divert revenues to pay for a new performance fee;

Whereas there are many thousands of local radio stations that will suffer severe economic hardship if any new performance fee is imposed, as will many other small businesses that play music including bars, restaurants, retail establishments, sports and other entertainment venues, shopping centers, and transportation facilities; and

Whereas the hardship that would result from a new performance fee would hurt businesses in the United States, and ultimately the consumers in the United States who rely on local radio for news, weather, and entertainment, and such a performance fee is not justified when the current system has produced the most prolific and innovative broadcasting, music, and sound recording industries in the world: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress should not impose any new performance fee, tax, royalty, or other charge relating to the public performance of sound recordings on a local radio station for broadcasting sound recordings over the air, or on any business for such public performance of sound recordings.

#### SENATE CONCURRENT RESOLUTION 8—RECOGNIZING WOMEN SERVING IN THE UNITED STATES ARMED FORCES

Mrs. BOXER (for herself, Mr. BURR, Mrs. HAGAN, Mrs. GILLIBRAND, Mr. SANDERS, Mrs. SHAHEEN, Mr. BENNET, and Mr. LAUTENBERG) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 8

Whereas women have served with distinction in the United States Armed Forces since the American Revolution and have made significant and lasting contributions to the security of the United States;

Whereas in 2011, women comprise nearly 16 percent of the United States Armed Forces and serve in positions of responsibility in the active and reserve components of the Army, Marine Corps, Navy, Air Force, and Coast

Guard, as compared with less than 5 percent in 1976 when women were first integrated into the service academies;

Whereas women serve at the highest levels in the Department of Defense and other governmental organizations contributing to the defense of the United States; and

Whereas the accomplishments of generations of women have contributed to the history of the United States Armed Forces and to the strength of the United States: Now, therefore, be it

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

(1) recognizes the importance of women to national defense throughout the history of the United States; and

(2) encourages the people of the United States to honor women who have served and who continue to serve the United States in the United States Armed Forces.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 112. Mr. TOOMEY (for himself and Mr. VITTER) proposed an amendment to the bill S. 23, to amend title 35, United States Code, to provide for patent reform.

SA 113. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 112 proposed by Mr. TOOMEY (for himself and Mr. VITTER) to the bill S. 23, supra; which was ordered to lie on the table.

SA 114. Mr. LEAHY proposed an amendment to the bill S. 23, supra.

SA 115. Mr. LEE proposed an amendment to the bill S. 23, supra.

SA 116. Mr. BENNET (for himself and Ms. AYOTTE) proposed an amendment to the bill S. 23, supra.

SA 117. Mr. BENNET (for himself and Mr. UDALL of Colorado) proposed an amendment to the bill S. 23, supra.

#### TEXT OF AMENDMENTS

SA 112. Mr. TOOMEY (for himself and Mr. VITTER) proposed an amendment to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; as follows:

At the appropriate place, insert the following:

##### SEC. \_\_\_\_ . FULL FAITH AND CREDIT ACT.

(a) SHORT TITLE.—This section may be cited as the “Full Faith and Credit Act”.

(b) PRIORITIZE OBLIGATIONS ON THE DEBT HELD BY THE PUBLIC.—In the event that the debt of the United States Government, as defined in section 3101 of title 31, United States Code, reaches the statutory limit, the authority of the Department of the Treasury provided in section 3123 of title 31, United States Code, to pay with legal tender the principal and interest on debt held by the public shall take priority over all other obligations incurred by the Government of the United States.

SA 113. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 112 proposed by Mr. TOOMEY (for himself and Mr. VITTER) to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

(c) PRIORITIZE PAYMENT OF SOCIAL SECURITY BENEFITS.—Notwithstanding subsection (b), in the event that the debt of the United States Government, as so defined, reaches

the statutory limit, the authority described in subsection (b) and the authority of the Commissioner of Social Security to pay monthly old-age, survivors’, and disability insurance benefits under title II of the Social Security Act shall be given equal priority over all other obligations incurred by the Government of the United States.

SA 114. Mr. LEAHY proposed an amendment to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; as follows:

On page 1, strike line 5, and insert the following: “‘America Invents Act’”.

On page 79, strike lines 1 through 17, and insert the following:

(1) IN GENERAL.—The Director shall have authority to set or adjust by rule any fee established, authorized, or charged under title 35, United States Code, and the Trademark Act of 1946 (15 U.S.C. 1051 et seq.), notwithstanding the fee amounts established, authorized, or charged thereunder, for all services performed by or materials furnished by, the Office, provided that patent and trademark fee amounts are in the aggregate set to recover the estimated cost to the Office for processing, activities, services, and materials relating to patents and trademarks, respectively, including proportionate shares of the administrative costs of the Office.

SA 115. Mr. LEE proposed an amendment to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; as follows:

At the appropriate place, insert the following:

##### SEC. \_\_\_\_ . SENSE OF THE SENATE.

It is the sense of the Senate that Congress should pass and the States should agree to an amendment to the Constitution requiring a Federal balanced budget.

SA 116. Mr. BENNET (for himself and Ms. AYOTTE) proposed an amendment to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; as follows:

On page 86, between lines 8 and 9, insert the following:

(i) REDUCTION IN FEES FOR SMALL ENTITY PATENTS.—The Director shall reduce fees for providing prioritized examination of utility and plant patent applications by 50 percent for small entities that qualify for reduced fees under section 41(h)(1) of title 35, United States Code, so long as the fees of the prioritized examination program are set to recover the estimated cost of the program.

On page 86, line 9, strike “(i)” and insert “(j)”.

SA 117. Mr. BENNET (for himself and Mr. UDALL or Colorado) proposed an amendment to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; as follows:

On page 104, between lines 22 and 23, insert the following:

##### SEC. 18. SATELLITE OFFICES.

(a) ESTABLISHMENT.—Subject to available resources, the Director shall establish 3 or more satellite offices in the United States to carry out the responsibilities of the Patent and Trademark Office.

(b) PURPOSE.—The purpose of the satellite offices established under subsection (a) are to—

(1) increase outreach activities to better connect patent filers and innovators with the Patent and Trademark Office;

(2) enhance patent examiner retention;

(3) improve recruitment of patent examiners; and

(4) decrease the number of patent applications waiting for examination and improve the quality of patent examination.

(c) **REQUIRED CONSIDERATIONS.**—In selecting the locale of each satellite office to be established under subsection (a), the Director shall—

(1) ensure geographic diversity among the offices, including by ensuring that such offices are established in different States and regions throughout the Nation; and

(2) rely upon any previous evaluations by the Patent and Trademark Office of potential locales for satellite offices, including any evaluations prepared as part of the Patent and Trademark Office's Nationwide Workforce Program that resulted in the 2010 selection of Detroit, Michigan as the first ever satellite office of the Patent and Trademark Office.

(d) **PHASE-IN.**—The Director shall satisfy the requirements of subsection (a) over the 3-year period beginning on the date of enactment of this Act.

(e) **REPORT TO CONGRESS.**—Not later than the end of the first fiscal year that occurs after the date of the enactment of this Act, and each fiscal year thereafter, the Director shall submit a report to Congress on—

(1) the rationale of the Director in selecting the locale of any satellite office required under subsection (a);

(2) the progress of the Director in establishing all such satellite offices; and

(3) whether the operation of existing satellite offices is achieving the purposes required under subsection (b).

(f) **DEFINITIONS.**—In this section, the following definitions shall apply:

(1) **DIRECTOR.**—The term “Director” means the Director of the United States Patent and Trademark Office.

(2) **PATENT AND TRADEMARK OFFICE.**—The term “Patent and Trademark Office” means the United States Patent and Trademark Office.

On page 104, line 23, strike “**SEC. 18.**” and insert “**SEC. 19.**”.

## 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 Tuesday, March 1, 2011, at 10 a.m., to conduct a markup of the Omnibus Budget for Senate Committees.

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 28, 2011, at 5:30 p.m.

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

## PRIVILEGES OF THE FLOOR

Mr. ISAKSON. Mr. President, I ask unanimous consent that my DOD fel-

low, Julius Spain, Francie Powers, and Michael McLaughlin, be allowed to have floor privileges during the reading of Washington's Farewell Address.

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

Mr. HATCH. Mr. President, I ask unanimous consent that Remy Yucel, a detailee in my office from the U.S. Patent and Trademark Office; Ron Rowe, a detailee in my office from the U.S. Secret Service; Ryika Hooshangi, a foreign affairs detailee in my office from the Department of State; LTC Jason Bartolomei, a military fellow in my office from the U.S. Air Force; Paul Williams, a detailee in my office from the Food and Drug Administration; Maureen McLaughlin, a detailee to the Senate Finance Committee from the Federal Communications Commission; and Jesse Baker, a detailee to the Senate Finance Committee from the U.S. Secret Service all be granted the privilege of the floor for the remainder of the first session of the 112th Congress.

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

## FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

On Thursday, February 17, 2011, the Senate passed S. 223, as amended, as follows:

S. 223

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

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “FAA Air Transportation Modernization and Safety Improvement Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Amendments to title 49, United States Code.  
Sec. 3. Effective date.

### TITLE I—AUTHORIZATIONS

Sec. 101. Operations.  
Sec. 102. Air navigation facilities and equipment.  
Sec. 103. Research and development.  
Sec. 104. Airport planning and development and noise compatibility planning and programs.  
Sec. 105. Other aviation programs.  
Sec. 106. Delineation of Next Generation Air Transportation System projects.  
Sec. 107. Funding for administrative expenses for airport programs.

### TITLE II—AIRPORT IMPROVEMENTS

Sec. 201. Reform of passenger facility charge authority.  
Sec. 202. Passenger facility charge pilot program.  
Sec. 203. Amendments to grant assurances.  
Sec. 204. Government share of project costs.  
Sec. 205. Amendments to allowable costs.  
Sec. 206. Sale of private airport to public sponsor.  
Sec. 207. Government share of certain air project costs.  
Sec. 207(b). Prohibition on use of passenger facility charges to construct bicycle storage facilities.  
Sec. 208. Miscellaneous amendments.

Sec. 209. State block grant program.  
Sec. 210. Airport funding of special studies or reviews.  
Sec. 211. Grant eligibility for assessment of flight procedures.  
Sec. 212. Safety-critical airports.  
Sec. 213. Environmental mitigation demonstration pilot program.  
Sec. 214. Allowable project costs.  
Sec. 215. Glycol recovery vehicles.  
Sec. 216. Research improvement for aircraft.  
Sec. 217. United States Territory minimum guarantee.  
Sec. 218. Merrill Field Airport, Anchorage, Alaska.  
Sec. 219. Release from restrictions.  
Sec. 220. Designation of former military airports.  
Sec. 221. Airport sustainability planning working group.  
Sec. 222. Inclusion of measures to improve the efficiency of airport buildings in airport improvement projects.  
Sec. 223. Study on apportioning amounts for airport improvement in proportion to amounts of air traffic.  
Sec. 224. Use of mineral revenue at certain airports.

### TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM

Sec. 301. Air Traffic Control Modernization Oversight Board.  
Sec. 302. NextGen management.  
Sec. 303. Facilitation of next generation air traffic services.  
Sec. 304. Clarification of authority to enter into reimbursable agreements.  
Sec. 305. Clarification to acquisition reform authority.  
Sec. 306. Assistance to other aviation authorities.  
Sec. 307. Presidential rank award program.  
Sec. 308. Next generation facilities needs assessment.  
Sec. 309. Next generation air transportation system implementation office.  
Sec. 310. Definition of air navigation facility.  
Sec. 311. Improved management of property inventory.  
Sec. 312. Educational requirements.  
Sec. 313. FAA personnel management system.  
Sec. 314. Acceleration of NextGen technologies.  
Sec. 315. ADS-B development and implementation.  
Sec. 316. Equipage incentives.  
Sec. 317. Performance metrics.  
Sec. 318. Certification standards and resources.  
Sec. 319. Report on funding for NextGen technology.  
Sec. 320. Unmanned aerial systems.  
Sec. 321. Surface Systems Program Office.  
Sec. 322. Stakeholder coordination.  
Sec. 323. FAA task force on air traffic control facility conditions.  
Sec. 324. State ADS-B equipage bank pilot program.  
Sec. 325. Implementation of Inspector General ATC recommendations.  
Sec. 326. Semiannual report on status of Greener Skies project.  
Sec. 327. Definitions.  
Sec. 328. Financial incentives for Nextgen Equipage.  
**TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS**  
**SUBTITLE A—CONSUMER PROTECTION**  
Sec. 401. Airline customer service commitment.  
Sec. 402. Publication of customer service data and flight delay history.