

still affected by the unjust denial of concurrent receipt.

For me, this is a simple matter of fairness. There is no reason to deny a veteran who has served his country honorably the right to the full value of their retirement pay simply because his service also caused him to become disabled. Unfortunately, that is exactly what the current law does. This legislation will put an end to it.

It is not a partisan issue. Our nation has been at war for almost a decade, and our soldiers have performed with unmatched honor and courage in difficult theatres of war. Our utmost duty as lawmakers should be to ensure that the brave men and women in the United States Armed Forces receive the benefits they have earned.

Today I reintroduce this legislation which will eliminate all restrictions to concurrent receipt. We must take action now, and support our veterans who have given so much to this grateful nation. This is the right thing to do.

I hope my Senate colleagues will join me in supporting this bill. These veterans have faced arbitrary discrimination long enough.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 344

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Retired Pay Restoration Act of 2011".

#### SEC. 2. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.

(a) EXTENSION OF CONCURRENT RECEIPT AUTHORITY TO RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT.—

(1) REPEAL OF 50 PERCENT REQUIREMENT.—Section 1414 of title 10, United States Code, is amended by striking paragraph (2) of subsection (a).

(2) COMPUTATION.—Paragraph (1) of subsection (c) of such section is amended by adding at the end the following new subparagraph:

"(G) For a month for which the retiree receives veterans' disability compensation for a disability rated as 40 percent or less or has a service-connected disability rated as zero percent, \$0."

(b) CLERICAL AMENDMENTS.—

(1) The heading of section 1414 of such title is amended to read as follows:

**"§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation".**

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

"1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation."

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

January 1, 2012, and shall apply to payments for months beginning on or after that date.

#### SEC. 3. COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) AMENDMENTS TO STANDARDIZE SIMILAR PROVISIONS.—

(1) QUALIFIED RETIREES.—Subsection (a) of section 1414 of title 10, United States Code, as amended by section 2(a), is amended—

(A) by striking "a member or" and all that follows through "retiree)" and inserting "a qualified retiree"; and

(B) by adding at the end the following new paragraph:

"(2) QUALIFIED RETIREES.—For purposes of this section, a qualified retiree, with respect to any month, is a member or former member of the uniformed services who—

"(A) is entitled to retired pay (other by reason of section 12731b of this title); and

"(B) is also entitled for that month to veterans' disability compensation."

(2) DISABILITY RETIREES.—Paragraph (2) of subsection (b) of section 1414 of such title is amended to read as follows:

"(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

"(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

"(B) the amount (if any) by which the amount of the member's retired pay under such chapter exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2012, and shall apply to payments for months beginning on or after that date.

#### SEC. 4. CLARIFICATION OF COMPUTATION OF COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.

(a) IN GENERAL.—Section 1413a(b)(3) of title 10, United States Code, is amended by striking "shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds" both places it appears and inserting "may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2012, and shall apply to payments for months beginning on or after that date.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 49—CELEBRATING BLACK HISTORY MONTH

Mrs. GILLIBRAND (for herself, Mr. LUGAR, Mr. COCHRAN, Mr. MENENDEZ, Ms. MIKULSKI, Ms. SNOWE, Mr. KERRY, Mrs. FEINSTEIN, Mr. NELSON of Florida, Ms. LANDRIEU, Mr. MERKLEY, Mr. JOHNSON of South Dakota, Mr. DURBIN, Mr. LAUTENBERG, Mr. UDALL of Colorado, Mr. WICKER, Mr. FRANKEN, Ms. STABENOW, Mr. PRYOR, Mr. WHITEHOUSE, Mrs. BOXER, Mr. CARDIN, Mr. SCHUMER, Mrs. MURRAY, Mr.

CASEY, Mr. BEGICH, Mr. BROWN of Ohio, Mr. BENNET, Mr. KIRK, Mr. BLUMENTHAL, Mrs. MCCASKILL, Mrs. HAGAN, Mrs. HUTCHISON, and Mr. COONS) submitted the following resolution; which was considered and agreed to:

S. RES. 49

Whereas in 1776, the United States of America was imagined, as stated in the Declaration of Independence, as a new Nation dedicated to the proposition that "all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness";

Whereas on November 19, 1863, President Abraham Lincoln, in reference to the Declaration of Independence, stated, "[f]our score and seven years ago our fathers brought forth, upon this continent, a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal";

Whereas the history of this Nation includes injustices and the denial of basic, fundamental rights at odds with the words of the Founders of the Nation and the sacrifices commemorated at Gettysburg, and these injustices include nearly 250 years of slavery, 100 years of lynchings, denial of both fundamental human and civil rights, and withholding of the basic rights of citizenship;

Whereas the vestiges of slavery still exist in the systemic inequalities and injustices in our society;

Whereas for every Shirley Chisholm, Dorothy Height, Constance Baker Motley, Charles Hamilton Houston, Thurgood Marshall, Lena Horne, James Baldwin, W.E.B. Du Bois, Harriet Tubman, Frederick Douglass, Sojourner Truth, Jackie Robinson, or Ralph Bunche, each of whom lived a life of incandescent greatness, many African Americans lived, toiled, and died in obscurity, never achieving the recognition they deserved;

Whereas on November 4, 2008, the people of the United States elected an African American man, Barack Obama, as President of the United States, and African-Americans continue to serve our country at the highest levels of our government and military; and

Whereas William H. Hastie, the first African American to be appointed as a Federal judge, stated, "[h]istory informs us of past mistakes from which we can learn without repeating them. It also inspires us and gives confidence and hope bred of victories already won": Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the importance of Black History Month as an opportunity to reflect on our Nation's complex history, while remaining hopeful and confident for the path that lies ahead;

(2) acknowledges the significance of Black History Month as an important opportunity to recognize the tremendous contributions of African Americans to the Nation's history;

(3) encourages the celebration of Black History Month to provide a continuing opportunity for all people in the United States to learn from our past and to understand the experiences that have shaped our Nation; and

(4) calls on citizens to remember that, while this Nation began in division, it must now move forward with purpose, united tirelessly as one Nation, indivisible, with liberty and justice for all, and to honor the contribution of all American pioneers who help ensure the legacy of these great United States.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 74. Mrs. SHAHEEN 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.

SA 75. Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. KERRY, Mr. WYDEN, Ms. CANTWELL, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 223, supra.

SA 76. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 77. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 78. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 79. Mr. REID of Nevada submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 80. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 81. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 82. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 83. Mrs. MURRAY (for herself, Ms. CANTWELL, Mr. BEGICH, Mr. DURBIN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 84. Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 85. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 58 proposed by Mr. NELSON of Nebraska (for himself, Mr. SCHUMER, Mr. AKAKA, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. TESTER) to the bill S. 223, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 74.** Mrs. SHAHEEN 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:

On page 230, between lines 7 and 8, insert the following:

**SEC. 565. VALIDATION OF PASSENGER BOARDING PASSES.**

Section 44901 is amended by adding at the end the following:

“(1) **VALIDATION OF BOARDING PASSES.**—Not later than 1 year after the date of the enact-

ment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator of the Transportation Security Administration shall develop and implement a mechanism that can be used at an airport security checkpoint to verify that—

“(1) a boarding pass of an individual has not been tampered with; and

“(2) the boarding pass accurately reflects the name of the person who purchased the boarding pass.”.

**SA 75.** Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. KERRY, Mr. WYDEN, Ms. CANTWELL, and Mr. CARPER) 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 title VIII and insert the following:

**TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES****SEC. 800. AMENDMENT OF 1986 CODE.**

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

**SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.**

(a) **FUEL TAXES.**—Subparagraph (B) of section 4081(d)(2) is amended by striking “March 31, 2010” and inserting “September 30, 2013”.

(b) **TICKET TAXES.**—

(1) **PERSONS.**—Clause (ii) of section 4261(j)(1)(A) is amended by striking “March 31, 2010” and inserting “September 30, 2013”.

(2) **PROPERTY.**—Clause (ii) of section 4271(d)(1)(A) is amended by striking “March 31, 2010” and inserting “September 30, 2013”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on April 1, 2010.

**SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.**

(a) **IN GENERAL.**—Paragraph (1) of section 9502(d) is amended—

(1) by striking “April 1, 2010” in the matter preceding subparagraph (A) and inserting “October 1, 2013”, and

(2) by striking the semicolon at the end of subparagraph (A) and inserting “or the FAA Air Transportation Modernization and Safety Improvement Act;”.

(b) **CONFORMING AMENDMENT.**—Paragraph (2) of section 9502(e) is amended by striking “April 1, 2010” and inserting “October 1, 2013”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on April 1, 2010.

**SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE USED IN AVIATION.**

(a) **RATE OF TAX ON AVIATION-GRADE KEROSENE.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 4081(a)(2) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and”, and by adding at the end the following new clause:

“(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.”.

(2) **FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.**—Subparagraph (C) of section 4081(a)(2) is amended to read as follows:

“(C) **TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.**—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.”.

(3) **EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.**—Subsection (e) of section 4082 is amended—

(A) by striking “kerosene” and inserting “aviation-grade kerosene”,

(B) by striking “section 4081(a)(2)(A)(iii)” and inserting “section 4081(a)(2)(A)(iv)”, and

(C) by striking “KEROSENE” in the heading and inserting “AVIATION-GRADE KEROSENE”.

(4) **CONFORMING AMENDMENTS.**—

(A) Clause (iii) of section 4081(a)(2)(A) is amended by inserting “other than aviation-grade kerosene” after “kerosene”.

(B) The following provisions are each amended by striking “kerosene” and inserting “aviation-grade kerosene”:

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Subparagraph (D) of section 4081(a)(3) is amended—

(i) by striking “paragraph (2)(C)(i)” in clause (i) and inserting “paragraph (2)(C)”, and

(ii) by striking “paragraph (2)(C)(ii)” in clause (ii) and inserting “paragraph (2)(A)(iv)”.

(D) Paragraph (4) of section 4081(a) is amended—

(i) by striking “KEROSENE” in the heading and inserting “AVIATION-GRADE KEROSENE”, and

(ii) by striking “paragraph (2)(C)(i)” and inserting “paragraph (2)(C)”.

(E) Paragraph (2) of section 4081(d) is amended by striking “(a)(2)(C)(ii)” and inserting “(a)(2)(A)(iv)”.

(b) **RETAIL TAX ON AVIATION FUEL.**—

(1) **EXEMPTION FOR PREVIOUSLY TAXED FUEL.**—Paragraph (2) of section 4041(c) is amended by inserting “at the rate specified in subsection (a)(2)(A)(iv) thereof” after “section 4081”.

(2) **RATE OF TAX.**—Paragraph (3) of section 4041(c) is amended to read as follows:

“(3) **RATE OF TAX.**—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).”.

(c) **REFUNDS RELATING TO AVIATION-GRADE KEROSENE.**—

(1) **AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION.**—Clause (ii) of section 6427(l)(4)(A) is amended by striking “specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be,” and inserting “so imposed”.

(2) **KEROSENE USED IN AVIATION.**—Paragraph (4) of section 6427(l) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

“(B) **PAYMENTS TO ULTIMATE, REGISTERED VENDOR.**—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

“(i) is registered under section 4101, and