

(ii) 3 district courts that each have fewer than 10 district judges authorized to be appointed by the President, whether under section 133(a) of title 28, United States Code, or on a temporary basis under any other provision of law, and at least 2 judges of the court have made the request under subsection (a)(1)(A).

(c) DURATION.—The program established under subsection (a) shall terminate 10 years after the end of the 6-month period described in subsection (b).

(d) APPLICABILITY.—The program established under subsection (a) shall apply in a district court designated under subsection (b) only to cases commenced on or after the date of such designation.

(e) REPORTS TO CONGRESS.—

(1) IN GENERAL.—At the times specified in paragraph (2), the Director of the Administrative Office of the United States Courts, in consultation with the chief judge of each of the district courts designated under subsection (b) and the Director of the Federal Judicial Center, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the pilot program established under subsection (a). The report shall include—

(A) an analysis of the extent to which the program has succeeded in developing expertise in patent and plant variety protection cases among the district judges of the district courts so designated;

(B) an analysis of the extent to which the program has improved the efficiency of the courts involved by reason of such expertise;

(C) with respect to patent cases handled by the judges designated pursuant to subsection (a)(1)(A) and judges not so designated, a comparison between the 2 groups of judges with respect to—

(i) the rate of reversal by the Court of Appeals for the Federal Circuit, of such cases on the issues of claim construction and substantive patent law; and

(ii) the period of time elapsed from the date on which a case is filed to the date on which trial begins or summary judgment is entered;

(D) a discussion of any evidence indicating that litigants select certain of the judicial districts designated under subsection (b) in an attempt to ensure a given outcome; and

(E) an analysis of whether the pilot program should be extended to other district courts, or should be made permanent and apply to all district courts.

(2) TIMETABLE FOR REPORTS.—The times referred to in paragraph (1) are—

(A) not later than the date that is 5 years and 3 months after the end of the 6-month period described in subsection (b); and

(B) not later than 5 years after the date described in subparagraph (A).

(3) PERIODIC REPORTS.—The Director of the Administrative Office of the United States Courts, in consultation with the chief judge of each of the district courts designated under subsection (b) and the Director of the Federal Judicial Center, shall keep the committees referred to in paragraph (1) informed, on a periodic basis while the pilot program is in effect, with respect to the matters referred to in subparagraphs (A) through (E) of paragraph (1).

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 628), as amended, was read the third time and passed.

## FEDERAL ACQUISITION INSTITUTE IMPROVEMENT ACT OF 2009

Mr. DURBIN. I ask unanimous consent that the Senate proceed to Calendar No. 679, S. 2902.

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

The legislative clerk read as follows:

A bill (S. 2902) to improve the Federal Acquisition Institute.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, 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 “Federal Acquisition Institute Act of 2010”.*

### SEC. 2. ACQUISITION WORKFORCE IMPROVEMENTS.

#### (a) WORKFORCE IMPROVEMENTS.—

(1) IN GENERAL.—Section 855 of the National Defense Authorization Act for Fiscal Year 2008 (41 U.S.C. 433a) is transferred so as to appear after section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433), redesignated as section 37A of the Office of Federal Procurement Policy Act, and amended—

#### (A) in subsection (a)—

(i) by inserting after the first sentence the following: “The Associate Administrator shall be chosen on the basis of demonstrated knowledge and expertise in acquisition, human capital, and management.”;

(ii) by striking “The Associate Administrator for Acquisition Workforce Programs shall be located in the Federal Acquisition Institute (or its successor).” and inserting “The Associate Administrator shall be located in the Office of Federal Procurement Policy.”;

(iii) by redesignating paragraph (5) as subparagraph (6);

(iv) in paragraph (4), by striking “; and” and inserting a semicolon; and

(v) by inserting after paragraph (4) the following new paragraph:

“(5) implementing workforce programs under subsections (f) through (i) of section 37; and”;

and

(B) by striking subsection (h) and inserting the following new subsections:

#### “(h) FEDERAL ACQUISITION INSTITUTE.—

“(1) IN GENERAL.—There is established a Federal Acquisition Institute (FAI) in order to—

“(A) foster and promote the development of a professional acquisition workforce Government-wide;

“(B) promote and coordinate Government-wide research and studies to improve the procurement process and the laws, policies, methods, regulations, procedures, and forms relating to acquisition by the executive agencies;

“(C) collect data and analyze acquisition workforce data from the Office of Personnel Management, the heads of executive agencies, and, through periodic surveys, from individual employees;

“(D) periodically analyze acquisition career fields to identify critical competencies, duties, tasks, and related academic prerequisites, skills, and knowledge;

“(E) coordinate and assist agencies in identifying and recruiting highly qualified candidates for acquisition fields;

“(F) develop instructional materials for acquisition personnel in coordination with private and public acquisition colleges and training facilities;

“(G) evaluate the effectiveness of training and career development programs for acquisition personnel;

“(H) promote the establishment and utilization of academic programs by colleges and universities in acquisition fields;

“(I) facilitate, to the extent requested by agencies, interagency intern and training programs; and

“(J) perform other career management or research functions as directed by the Administrator.

#### “(2) BUDGET RESOURCES AND AUTHORITY.—

“(A) IN GENERAL.—The Director of the Office of Management and Budget and the Administrator of General Services shall provide the Federal Acquisition Institute with the necessary budget resources and authority to support government-wide training standards and certification requirements necessary to enhance the mobility and career opportunities of the Federal acquisition workforce.

“(B) ACQUISITION WORKFORCE TRAINING FUND.—Subject to the availability of funds, the Administrator of General Services shall provide the Federal Acquisition Institute with amounts from the acquisition workforce training fund established under section 37(h)(3) sufficient to meet the annual budget for the Federal Acquisition Institute requested by the Administrator for Federal Procurement Policy.

#### “(3) FEDERAL ACQUISITION INSTITUTE BOARD OF DIRECTORS.—

“(A) REPORTING TO ADMINISTRATOR.—The Federal Acquisition Institute shall report through its Board of Directors directly to the Administrator for Federal Procurement Policy.

“(B) COMPOSITION.—The Board shall be composed of not more than 8 individuals from the Federal Government representing a mix of acquisition functional areas, all of whom shall be appointed by the Administrator.

“(C) DUTIES.—The Board shall provide general direction to the Federal Acquisition Institute to ensure that the Institute—

“(i) meets its statutory requirements;

“(ii) meets the needs of the Federal acquisition workforce;

“(iii) implements appropriate programs;

“(iv) coordinates with appropriate organizations and groups that have an impact on the Federal acquisition workforce;

“(v) develops and implements plans to meet future challenges of the Federal acquisition workforce; and

“(vi) works closely with the Defense Acquisition University.

“(D) RECOMMENDATIONS.—The Board shall make recommendations to the Administrator regarding the development and execution of the annual budget of the Federal Acquisition Institute.

“(4) DIRECTOR.—The Director of the Federal Acquisition Institute shall be appointed by, and report directly to, the Administrator.

“(i) GOVERNMENT-WIDE TRAINING STANDARDS AND CERTIFICATION.—The Administrator for Federal Procurement Policy, acting through the Federal Acquisition Institute, shall provide and update government-wide training standards and certification requirements, including—

“(1) developing and modifying acquisition certification programs;

“(2) ensuring quality assurance for agency implementation of government-wide training and certification standards;

“(3) analyzing the acquisition training curriculum to ascertain if all certification competencies are covered or if adjustments are necessary;

“(4) developing career path information for certified professionals to encourage retention in government positions;

“(5) coordinating with the Office of Personnel Management for human capital efforts; and

“(6) managing rotation assignments to support opportunities to apply skills included in certification.

“(j) ACQUISITION INTERNSHIP AND TRAINING PROGRAMS.—All Federal civilian agency acquisition internship or acquisition training programs shall follow guidelines provided by the Office of Federal Procurement Policy to ensure consistent training standards necessary to develop uniform core competencies throughout the Federal Government.

“(k) ANNUAL REPORT.—The Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives an annual report on the projected budget needs and expense plans of the FAI to fulfill its mandate.

“(l) CHIEF ACQUISITION OFFICER DEFINED.—In this section, the term ‘Chief Acquisition Officer’ means a Chief Acquisition Officer for an executive agency appointed pursuant to section 16.”.

(2) EXPANDED SCOPE OF ACQUISITION WORKFORCE TRAINING FUND.—Section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)) is amended—

(A) in subparagraph (A), by striking “to support the training of the acquisition workforce of the executive agencies” and inserting “to support the activities set forth in section 37A(h)(1)”;

(B) in subparagraph (E), by striking “ensure that funds collected for training under this section are not used for any purpose other than the purpose specified in subparagraph (A)” and inserting “ensure that funds collected under this section are not used for any purpose other than the activities set forth in section 37A(h)(1)”.

(b) CONFORMING AMENDMENT.—Section 6(d)(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(5)) is amended to read as follows:

“(5) providing for and directing the activities of the Federal Acquisition Institute established under section 37A, including recommending to the Administrator of General Services a sufficient budget for such activities;”.

(c) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to preclude the Secretary of Defense from establishing acquisition workforce policies, procedures, training standards, and certification requirements for acquisition positions in the Department of Defense, as provided in chapter 87 of title 10, United States Code.

Mr. DURBIN. Madam 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, and any statements 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. 2902), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### POST-9/11 VETERANS EDUCATIONAL ASSISTANCE IMPROVEMENTS ACT OF 2010

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 638, S. 3447.

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

The legislative clerk read as follows:

A bill (S. 3447) to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

The Senate proceeded to consider the bill (S. 3447) to amend title 38, United States Code, to improve educational

assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

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

(a) SHORT TITLE.—This Act may be cited as the “Post-9/11 Veterans Educational Assistance Improvements Act of 2010”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Reference to title 38, United States Code.

#### TITLE I—POST-9/11 VETERANS EDUCATIONAL ASSISTANCE

Sec. 101. Modification of entitlement to educational assistance.

Sec. 102. Amounts of assistance for programs of education leading to a degree pursued at public, non-public, and foreign institutions of higher learning.

Sec. 103. Amounts of assistance for programs of education leading to a degree pursued on active duty.

Sec. 104. Educational assistance for programs of education pursued on half-time basis or less.

Sec. 105. Educational assistance for programs of education other than programs of education leading to a degree.

Sec. 106. Determination of monthly housing stipend payments for academic years.

Sec. 107. Availability of assistance for licensure and certification tests.

Sec. 108. National tests.

Sec. 109. Continuation of entitlement to additional educational assistance for critical skills or specialty.

Sec. 110. Transfer of unused education benefits.

Sec. 111. Bar to duplication of certain educational assistance benefits.

Sec. 112. Technical amendments.

#### TITLE II—OTHER EDUCATIONAL ASSISTANCE MATTERS

Sec. 201. Extension of delimiting dates for use of educational assistance by primary caregivers of seriously injured veterans and members of the Armed Forces.

Sec. 202. Limitations on receipt of educational assistance under National Call to Service and other programs of educational assistance.

Sec. 203. Approval of courses.

Sec. 204. Reporting fees.

Sec. 205. Election for receipt of alternate subsistence allowance for certain veterans with service-connected disabilities undergoing training and rehabilitation.

Sec. 206. Modification of authority to make certain interval payments.

#### SEC. 2. REFERENCE TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act 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 title 38, United States Code.

#### TITLE I—POST-9/11 VETERANS EDUCATIONAL ASSISTANCE

##### SEC. 101. MODIFICATION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) MODIFICATION OF DEFINITIONS ON ELIGIBILITY FOR EDUCATIONAL ASSISTANCE.—

(1) EXPANSION OF DEFINITION OF ACTIVE DUTY TO INCLUDE SERVICE IN NATIONAL GUARD FOR CERTAIN PURPOSES.—Paragraph (1) of section 3301 is amended by adding at the end the following new subparagraph:

“(C) In the case of a member of the Army National Guard of the United States or Air National Guard of the United States, in addition to service described in subparagraph (B), full-time service—

“(i) in the National Guard of a State for the purpose of organizing, administering, recruiting, instructing, or training the National Guard; or

“(ii) in the National Guard under section 502(f) of title 32 when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.”.

(2) EXPANSION OF DEFINITION OF ARMY ENTRY LEVEL AND SKILL TRAINING TO INCLUDE ONE STATION UNIT TRAINING.—Paragraph (2)(A) of such section is amended by inserting “or One Station Unit Training” before the period at the end.

(3) CLARIFICATION OF DEFINITION OF ENTRY LEVEL AND SKILL TRAINING FOR THE COAST GUARD.—Paragraph (2)(E) of such section is amended by inserting “and Skill Training (or so-called ‘A’ School)” before the period at the end.

(b) CLARIFICATION OF APPLICABILITY OF HONORABLE SERVICE REQUIREMENT FOR CERTAIN DISCHARGES AND RELEASES FROM THE ARMED FORCES AS BASIS FOR ENTITLEMENT TO EDUCATIONAL ASSISTANCE.—Section 3311(c)(4) is amended in the matter preceding subparagraph (A) by striking “A discharge or release from active duty in the Armed Forces” and inserting “A discharge or release from active duty in the Armed Forces after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service”.

(c) EXCLUSION FROM PERIOD OF SERVICE ON ACTIVE DUTY OF PERIODS OF SERVICE IN CONNECTION WITH ATTENDANCE AT COAST GUARD ACADEMY.—Section 3311(d)(2) is amended by inserting “or section 182 of title 14” before the period at the end.

(d) EFFECTIVE DATES.—

(1) SERVICE IN NATIONAL GUARD AS ACTIVE DUTY.—The amendment made by subsection (a)(1) shall take effect on August 1, 2009, as if included in the enactment of chapter 33 of title 38, United States Code, pursuant to the Post-9/11 Veterans Educational Assistance Act of 2008 (title V of Public Law 110-252).

(2) ONE STATION UNIT TRAINING.—The amendment made by subsection (a)(2) shall take effect on the date of the enactment of this Act.

(3) ENTRY LEVEL AND SKILL TRAINING FOR THE COAST GUARD.—The amendment made by subsection (a)(3) shall take effect on the date of the enactment of this Act, and shall apply with respect to individuals entering service on or after that date.

(4) HONORABLE SERVICE REQUIREMENT.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act, and shall apply with respect to discharges and releases from the Armed Forces that occur on or after that date.

(5) SERVICE IN CONNECTION WITH ATTENDANCE AT COAST GUARD ACADEMY.—The amendment made by subsection (c) shall take effect on the date of the enactment of this Act, and shall apply with respect to individuals entering into agreements on service in the Coast Guard on or after that date.

##### SEC. 102. AMOUNTS OF ASSISTANCE FOR PROGRAMS OF EDUCATION LEADING TO A DEGREE PURSUED AT PUBLIC, NON-PUBLIC, AND FOREIGN INSTITUTIONS OF HIGHER LEARNING.

(a) AMOUNTS OF EDUCATIONAL ASSISTANCE.—

(1) IN GENERAL.—Section 3313(c) is amended—

(A) in the matter preceding paragraph (1), by inserting “leading to a degree at an institution of higher learning (as that term is defined in section 3452(f))” after “program of education”; and

(B) in paragraph (1), by striking subparagraph (A) and inserting the following new subparagraph (A):